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Faith in Science

To make its research readily available to a broad audience, the Center for Philosophy and Public Policy publishes a quarterly newsletter: *QQ—Report from the Center for Philosophy and Public Policy*. Named after the abbreviation for “questions,” *QQ* summarizes and supplements Center books and working papers and features other selected work on public policy questions. Articles in *QQ* are intended to advance philosophically informed debate on current policy choices; the views presented are not necessarily those of the Center or its sponsors.

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America is in love with scientists. The personal prestige of research scientists is high, and science consistently ranks toward the top of the list in polls surveying the esteem in which we hold various institutions (with government consistently trailing behind). The Apollo space program remains, for many, the crowning American achievement, the standard of success against which other aspects of American life are judged—and found wanting. (As in: “If they can put a man on the moon, why can’t they fix the potholes on my street?”)

We tend not to blame scientists and engineers for the social and environmental problems that are the by-products of new technologies. Instead, we rely on the scientific community to tell us what the problems are and what can be done to remedy or prevent them. Increasingly the most pressing contemporary problems seem irreducibly technical and scientific. What should we do about acid rain? The answer depends on what combination of pollutants can be pinpointed as its cause. What technological advance can prevent future industrial disasters like the one in Bhopal or future famines like the one in Ethiopia? Even the most urgent question of all, how to avoid nuclear war, is seen to be scientific at its core. Are strategic defenses technologically feasible? How bad would nuclear winter be? What do the weapons do, and what will be left after they have done it?—technical questions all.

We have an extraordinary faith that science can provide the needed answers, due, perhaps, to a picture

of scientists as detached from the world of conflicting values and competing interests. Science seems a touchstone of objectivity; whereas politicians are accountable to their constituents, and often to powerful interest groups, scientists are accountable only to the truth. Small wonder that opinion polls show that on technically intensive policy issues, most people believe that the final say should be left to the experts.

Many of the thorniest controversies arise where there is scientific uncertainty, however, and it is not difficult to find scientists who will defend claims that lend support to opposing positions. Scientists and policymakers, often hoping that scientific progress will in the end dissolve the disputes, are concerned in the meantime that our faith in the objectivity of science and the ultimate emergence of truth remain unshaken. Their goal is to separate facts from values in these debates as much as possible, to isolate the scientific elements from the value questions, which are then left to the political process to resolve.

According to this understanding of the issues, technically intensive policy problems can be broken down into two distinct components: an "objective" technical component and a "subjective" policy component. The scientific component is the province of the scientific experts, who lay out the facts: the nature of the problem and how it might be solved. The policy component is where we weigh and assess rival interests and struggle to formulate common values.

This faith in scientists might be unwarranted, however, and the model of science it presupposes—science as the detached quest for truth—has itself been challenged. Perhaps scientists are more like the rest of us than we have been willing to admit, and science more kin to the rest of human intellectual endeavor. If this is so, perhaps scientists should play a different role in helping to resolve policy controversies—different, but no less essential.

Overconfidence

A large body of literature in the psychology of judgment and decision making shows that people are strikingly overconfident in their judgments. Over 95 per-

cent of us, for instance, think we are better than average drivers. While the same literature shows that scientists and engineers, particularly those skilled in dealing with risk and probability, are somewhat more likely than the rest of us to realize these mistakes and correct for them, scientific experts by and large tend to be subject to the same biases as the rest of us.

In one study on dam safety, a group of seven engineering experts was asked to estimate how high the water level would have to rise for a given dam before the dam would fail. They were asked to give a range of estimates such that they were 90 percent confident that the true failure height fell within that range. The surprising result was not only that the seven estimates did not agree, but that when the dam later failed, not one of the experts' ranges of estimates included the actual failure point. Such studies exhibit dramatically how the confidence of experts—and our confidence in experts—can be exaggerated and misplaced.

It is perhaps natural that technical experts should be especially prone to overconfidence in the area of their expertise, and in their own faith in science. Harvey Brooks, Professor of Technology and Public Policy at Harvard University, argues that scientists, of all people, can hardly be expected to be objective about the implications of their own research: "In practice, if an expert has any qualifications to deal with an issue at all, he or she cannot really have a completely open mind. . . . An engineer who has chosen to devote his or her career to the perfection of a particular technology is more likely to be skeptical of any evidence of possible adverse effects of this technology than somebody less expert in that particular field."

The Intrusion of Values

Scientists are like the rest of us in other important respects as well. Unavoidably they filter their scientific judgments through their other attitudes, beliefs, and values. Brooks points out that even when experts agree on the facts, they can disagree on what the facts can be taken to prove. Some experts view a single finding of possible danger as sufficient to trigger alarm; others defend new technology as safe until

Public Attitudes Toward Science and Technology

General reactions to science and technology

Reaction	Percent
Excitement or wonder	23
Satisfaction or hope	55
Fear or alarm	6
Indifference or lack of interest	9
No opinion	7

When science and technology cause problems, who is most at fault?

Response	Percent citing
Scientists	5
Technologists and engineers	7
Government decision-makers	60
Business decision-makers	14
Some other group	5
No opinion	9

Source: Opinion Research Corporation, Princeton, N.J.

proven otherwise. Where the burden of proof is lodged often depends on a submerged policy agenda. Brooks observes: "Experts have their own political preferences, and if experiments or analyses point to conclusions or policies different from those with which the experts entered the discussion, they tend to demand a higher standard of proof than they would have if the available new evidence supported their starting position."

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William D. Ruckelshaus, former administrator of the Environmental Protection Agency, agrees that "values appear as important influences on the outcomes of risk assessment." He cites as an example a National Academy of Science report which estimated that over the next 70 years the number of cases of bladder cancer caused by saccharin would be somewhere between 0.22 and 1,144,000! Since, as Ruckelshaus comments wryly, "This sort of range is of limited use to the policymaker," scientists are under pressure to opt for some narrower point on the spectrum. "Such choices," according to Ruckelshaus, "are influenced by values, which may be affected by professional training, or by ideas about what constitutes 'good science,' and, of course, by the same complex of experience and individual traits that gives rise to personal values in all of us."

A different and more troubling problem is that "the facts" cannot be lifted directly from the scientific journals and plugged into the policy debate. They must first be expressed in a way that the public can understand, and how they are expressed can affect—and distort—the policy outcome. No matter how "neutral" the scientific work is, there may be no neutral description of it that can be incorporated into policy discussions. The psychological literature on decision making shows that people's preferences are often determined by the way a choice is described to them and can change under different descriptions that appear to be equivalent. For example, lung cancer patients face the option of treatment by surgery or radiation. In one recent study, statistics about the effects of these two treatments were presented to different groups of people, including lung cancer patients, students, and physicians. In all groups, the choices changed markedly according to whether the expected results of the treatments were described in terms of the chances of living or the chances of dying. (And the most significant preference reversals were recorded among the physicians!) The seemingly trivial choice of terminology significantly influences the life-and-death choice of treatment.

In policy debates, how the experts present the facts often has a good deal to do with what they want the policy outcome to be. Brooks gives a classic example: "the debate, just prior to the atmospheric test ban treaty of 1963, over the effects of nuclear bomb testing fallout. Those who favored testing expressed health damage estimates in terms of the increased chances of cancer for an individual exposed to fallout. Expressed as a fraction, such increases were minimal. The critics of testing, however, often expressed the identical facts in terms of the extra deaths that would occur worldwide within a period of fifty years . . . as a result of current fallout. Such figures were very high and could be especially intimidating when quoted without comparison to other types of fatalities that occur randomly in large populations. How commentators presented the same objective hazard often depended on how they valued the societal benefits of the activity causing it."

There might also be situations in which any description of the facts is value-laden, and in such situations the bias might come in the very detachment that is sometimes associated with the model of science described above. Douglas MacLean, Director of the Center for Philosophy and Public Policy, points out that simply knowing that some action or policy will result in the deaths of some people who would not otherwise have died does not tell us whether the act is murder, killing, allowing some people to die, or even saving lives. Many factors enter into the proper description of "the facts," and so the language, say, of physics might be an utterly inappropriate way to describe the choice between two policy options. Thus MacLean cautions that "Some redescriptions of a choice situation . . . although equivalent in the sense of not altering the probabilities or outcomes, will nevertheless be rejected for social or even psycholog-

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ical reasons, because they are inappropriate and distort the problem." The two-stage model—first the "objective" facts, then the "subjective" policy context—cannot deal with cases in which our understanding of the facts cannot be separated from the policy context in which they are embedded.

The Objectivity of Science

The deepest objection to this model, however, chal-

lenges not the ability to separate the two stages of scientific input and policy output, but rather the objectivity imputed to the first stage. What is it that scientists do, it is asked, that is so much more objective than what the rest of us do, as social "scientists," humanists, ordinary citizens?

The standard answer, so frequently assumed that it is seldom explicitly stated, is that scientists are in the business of discovering truth—in the words of philosopher Richard Rorty, "truth as correspondence to reality, the only sort of truth worthy of the name." The idea is that there is a way that the world is, "out there," independent of human thought and desire, and this provides an objective standard against which scientific progress can be measured. Scholars in "softer" fields, and policymakers in the midst of the political fray, have no such clear and unbending standard against which to measure themselves. In ethics, politics, literature, there is no independent "way the world is." We make the ethical rules, work out the social contract by which we enforce them, create the works of art that illuminate them.

Rorty, an influential critic of this view, suggests that, in our secular culture, science understood in this way acquires a religious dimension. "The scientist replaces the priest. The scientist is now seen as the person who keeps humanity in touch with something beyond itself. . . . truth is now thought of as the only point at which human beings are responsible to something non-human."

But this attitude, and the underlying view that inspires it, are, according to Rorty, both mistaken. There is no "way the world is," independent of our investigations into it, and by which we measure their success—or at least it is not helpful to talk as if there

were. For we have no way of ever getting beyond our own constructed system of theories and beliefs to check the correspondence. We have no way of standing back from our view of the world and matching it against how the world "really" is. All we can do is to compare certain portions of our world view with other portions, and compare our world view with possible alternatives. The triumph of science, on Rorty's account, is not that it agrees with reality, but that scientists have managed to agree with one another: "the presence of unforced agreement . . . gives us everything in the way of 'objective truth' which one could possibly want: namely, intersubjective agreement." But on this view, "'truth' applies equally to the judgments of lawyers, anthropologists, physicists, philologists, and literary critics." There is, then, no special objectivity that the scientist alone can boast.

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The Role of the Scientist

What follows from our defrocking of the scientist as priest? Where will the scientist now fit into the policymaking process? One promising answer is that we should rely less on scientists to work alone dredging up and neatly packaging the facts—and rely more on scientists to work together with the rest of us formulating and articulating our shared values.

Barton J. Bernstein, professor of history at Stanford University, has looked at early research into the feasibility of the artificial heart as an example of misplaced reliance on unaided and untempered technological expertise. Scientific and medical consultants speculating in the mid-1960s reached extraordinarily optimistic conclusions about the prospects for developing a totally implantable artificial heart. Twenty years later the most conspicuous success of the \$200 million research expenditure is the artificial heart implanted, with great media fanfare, in Barney Clark. Clark, Bernstein reports, "struggled through 112 painful days linked up to [a 350-pound] console before he died—hardly a testament to technology triumphant."

The experts' speculations were noteworthy for ignoring the possible psychological and social effects of the artificial heart on the recipient, the family, and the community, and the economic strain on the nation's health care system. More surprisingly, they also "did not adequately explain four serious technological problems: those of developing appropriate biomaterials, a pump, and a power source, and of stimulating the autonomic nervous system."

In 1972 a second committee appointed by the federal government considered the same set of problems—



"The scientist replaces the priest. The scientist is now seen as the person who keeps humanity in touch with something beyond itself . . ."

from: The Book of Lambspring

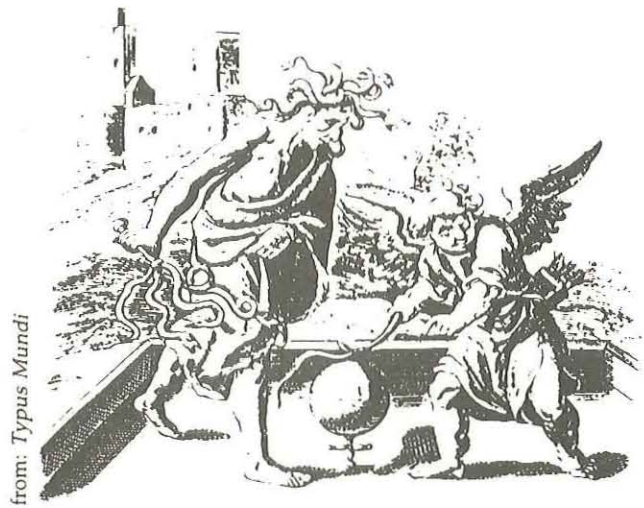
and came to very different conclusions. "This committee," Bernstein argues, "composed of people in fields such as law, sociology, ethics, and political science, proved more realistic, more probing, and less optimistic about the artificial heart." It defined "the profound ethical, economic, personal, and social problems" the first committee sidestepped; moreover, it showed greater sensitivity to the technical problems as well. Bernstein concludes: "The contrast suggests the danger of allowing medical experts almost exclusively to shape policy."

But if we give a less free hand to scientific experts in "objectively" defining our policy options, at the same time we may be meting out a greater freedom. The scientist's priestly garb doubles as a straitjacket, and traditional notions of the scientist's role may limit the contribution the scientist can make in the policy process.

An instructive example is drawn from the relatively youthful science of ecology. Mark Sagoff, Research Associate at the Center for Philosophy and Public Policy, presents a dilemma ecologists face as consultants on environmental policy. Most ecologists believe that they have an important role to play in shaping policy by providing arguments and reasons for why we should respect and protect the integrity and health of functioning ecosystems. But they feel that as ecologists they can promote environmental goals only by dredging up "hard," "objective" findings that show why these goals make good policy (i.e., economic) sense.

Thus ecologists have felt driven to marshal every available scientific hypothesis that uncovers quantifiable benefits to be derived from preservationist policies. Two that Sagoff cites as having been particularly influential in mobilizing public support are the "outwelling" hypothesis—that salt marshes support an abundance of marine life by pumping a rich supply of nutrients into coastal waters—and the diversity/stability hypothesis—that a diverse collection of species contributes to community stability, and, conversely, that a loss of any individual species increases the risk of ecosystem collapse. Unfortunately, both hypotheses are highly dubious and counterexamples to both abound. But ecologists have been reluctant to disavow these hallowed creeds for fear of forfeiting all leverage in lobbying for environmental protection.

A way out of the dilemma is available, however, which Sagoff endorses. It is to realize that the task of ecologists is not just to draw up scientific-sounding arguments for the economic benefits ecosystems can produce. As ecologists, as scientists, their task is also to find "a vocabulary or conceptual framework . . . that helps us to *evaluate* not simply to *control*, to *appreciate* not simply to *manipulate*, to *protect* not just to *manage*." Our society recognizes—and has codified into law—ethical, cultural, and aesthetic reasons for protecting the natural environment, and Sagoff's point is that the scientist—as scientist—has something to say about these as well. The ecologist's professional expertise gives him a special vantage



from: Typus Mundi

point for making sense of notions such as the "health" and "integrity" of ecosystems, and he can participate in the policy process by helping us to define and interpret these goals. This task is just as objective, and just as properly scientific, as the task of collecting data and making predictions.

Conclusion

Our goal, then, is to both retrench and enhance the scientist's role in policymaking and to make room for the fuller participation of social scientists, humanists, and the lay public at all stages in the policy process. Brooks concludes, "Perhaps the principal lesson from our experience with the interaction of experts and laymen in public policy decisions of high technical or scientific content is the need for greater introspection into the nontechnical values and preferences that affect both the selection of evidence and its interpretation by all the participants, both laypersons and experts." We need a frank, open, public discussion of these values and preferences, in which both experts and the public can participate. We will be better citizens for such a debate, and the policies that emerge from it will be better policies.

The sources used in preparing this article are: Harvey Brooks, "The Resolution of Technically Intensive Public Policy Disputes," *Science, Technology, & Human Values*, vol. 9, issue 1 (Winter 1984); M. Hynes and E. Van Marcke, "Reliability of Embankment Performance Prediction," in *Proceedings of the ASCE Engineering Mechanics Division Specialty Conference* (Waterloo, Ontario: University of Waterloo Press, 1976); William D. Ruckelshaus, "Risk in a Free Society," *Risk Analysis*, vol. 4, no. 3 (1984); Barbara J. MacNeil et al., "On the Elicitation of Preferences for Alternative Therapies," *New England Journal of Medicine*, vol. 306 (May 27, 1982); Douglas MacLean, "Rationality and Equivalent Redefinitions," unpublished paper; Richard Rorty, "Science as Solidarity," unpublished paper; Barton J. Bernstein, "The Misguided Quest for the Artificial Heart," *Technology Review* (November/December 1984); and Mark Sagoff, "Environmental Science and Environmental Law," Center for Philosophy and Public Policy Working Paper FE-2 (1985).

Are Nuclear Defenses Morally Superior?

When President Reagan launched his Strategic Defense Initiative two years ago, he asked the simple rhetorical question: "Wouldn't it be better to save lives than avenge them?" SDI, which proposes to destroy Soviet missiles in flight, packs a powerful *moral* appeal, compared to our traditional policies of deterrence through the threat of assured destruction. For what is more moral than self-defense, less moral than massive retaliation against civilians? I want to argue, however, that enthusiasm for the moral superiority of nuclear defenses is unwarranted. But first I want to take note of three more obviously flawed arguments that have been offered of late on their behalf.

Three Bad Arguments

The first bad argument proceeds by equating the right to bear arms with the right to wear armor. Lewis Lehrman, chairman of Citizens for America, includes in his moral case for SDI the argument that since the American president takes an oath to "preserve, protect, and defend" and individual Americans have a "natural right of self-defense," the pursuit of the Strategic Defense Initiative "would satisfy both the requirements of our Constitution and our consciences." This is merely semantic conjuring, which confuses means with ends. The right to self-defense is the right to take measures toward the end of defending yourself. It in no way follows that defensive measures are the only or the most appropriate means to the end of self-defense. If the right to self-defense had meant the right to adopt strictly defensive measures, we would probably not have the National Rifle Association but the National Bulletproof Vest Association. Obviously, an offensive weapon can be used for defensive purposes, and many of the technologies being developed under SDI can be used in attacking satellites. The real debate, then, is about the relation of means to ends: what purposes is SDI technology intended to serve and what purposes would it in fact serve?

The second bad argument takes the form of a rhetorical question: if SDI is such a bad idea, how come the Soviets are so much against it? There are quite a few difficulties with the general rule of always doing the opposite of what the Soviets say they want. One is that they are well aware of knee-jerk anti-Soviet tendencies and may try to use them. Some Reagan administration officials have defended the current U.S. offensive build-up partly as a good way to cause the Soviets to spend their economy into the ground while

trying to keep ahead of us in offensive systems. Maybe some clever Soviets are hoping we will spend our economy into the ground on defensive systems (plus offensive systems). In any case, we should probably think for ourselves. As President Eisenhower said, "We need only what we need."

The final argument to be set aside is that, after all, the Strategic Defense Initiative is just research—and who can be against research? For a start, we should be clear that the issue is not: research or no research. The choices are: research at public expense now, research at private expense now, or no research now. And the research part of SDI, which is projected to surpass the Apollo program, is research on a vast scale indeed.

Two further considerations seem to me to be decisive. One is momentum. William Burrows commented in *Foreign Affairs* that the program manager is yet to be born who can walk into a room and say, "General, the \$30 billion is all gone now, and we have decided that this initiative was a bad idea, sir." Much more important, the Soviet response will come to the R&D—they are not going to wait and see how the field testing turns out. A major research commitment is a major political act in American/Soviet relations.

The Moral Argument

Let me turn now to the argument that SDI will be morally superior to alternative policies regarding nuclear war. The moral problem to which SDI is proposed as the solution is, quite simply, the unprecedented and literally unimaginable destruction that offensive missiles used in retaliation do themselves and invite in return. The two most obvious ways of avoiding this barbaric devastation are the direct route of the elimination of the offensive missiles themselves and the indirect route of the construction of defenses so effective that they would be the technological equivalent of disarmament.

It is not surprising that the same people who, in the debate over offensive weapons systems, have been proponents of "war-fighting" counterforce weapons and critics of assured destruction are also proponents of SDI. The moral thread in the argument is perfectly consistent: in both cases, the point is to minimize the risk of destruction. The counterforce offensive weapons are supposed to diminish the risk of nuclear war by a reduction in the *magnitude* of destruction through increased accuracy and (allegedly) reduced yields, if deterrence fails, and by a

The Moral Case for Strategic Defense

Colin Gray, President of the National Institute for Public Policy and a leading advocate of strategic defenses, gives the following morally relevant arguments for SDI.

The SDI

- should strengthen deterrence and make war less likely (the SDI attacks Soviet strategy).
- offers the only practical path to very large-scale nuclear disarmament (nuclear offensive forces could be reduced because they will no longer work as reliable instruments of war).
- will be needed to police a disarmament regime.
- should make a truly dramatic difference to the damage that would be suffered should deterrence fail or simply not apply (we should worry more than we do about our "rational actor" model that explains how stable deterrence is).
- should reduce heroically the risk to the environment of a nuclear war (nuclear winter).
- and, finally, has no good alternatives.

reduction in the *probability* that deterrence will fail through their increased effectiveness as deterrents. The first goal, then, is to produce the most moral (or least immoral) possible offensive nuclear weapons. SDI then would simply finish the job and take us completely away from offensive weapons—or anyhow, as far away as we can get.

Now, the difference between "completely away from offensive weapons" and "as far away as we can get" highlights the chief difficulty facing those who want to provide a moral defense for strategic defense. The hope that seems to be winning whatever public support SDI is garnering is that we can move beyond retaliatory deterrence and make offensive weapons impotent and obsolete. The trouble seems to be that SDI would not begin with population defense. The "intermediate deployment" of SDI would be missile defense, designed to enhance, not eliminate, retaliatory deterrence. But as long as SDI enhances the invulnerability of U.S. retaliatory forces, it seems utterly unresponsive to the moral arguments against retaliation. We are keeping the offensive missiles, which are what the moral argument condemns.

However, a rationale for the temporary continuation of reliance on retaliation as a decisive step toward the elimination of retaliation has been given by Keith Payne and Colin Gray in *Foreign Affairs*, as follows. Even if the technology for a population defense were available, we might not want to move directly to it. The construction of a highly effective population defense for the United States would tend to eliminate the Soviet capacity for retaliation (and first strike), which could result in instability as we moved out of the situation in which the Soviet Union could still

retaliate (strike first) into the situation in which it cannot. The Soviet Union, that is, would have an incentive to go ahead and take what might be its very last opportunity for all time to attack. The strongest deterrent to that last-chance attack, until the invulnerable defenses are completed, is the same old deterrent as always: a survivable retaliatory force.

The purpose of missile defenses, then, is, in the persuasive phrase of Payne and Gray, "to guard the transition" to population defenses. The moral position implicit here is this: during the intermediate deployment of missile defenses, SDI will rely no less (and no more) on retaliatory offensive weapons than we do now and so will be no less (and no more) immoral than it is now; however, intermediate deployment is the best means to full deployment, at which point we can satisfy the requirements of morality by eliminating the offensive missiles altogether.

A Skeptic's Reply

Although the rationale of guarding the transition seems the best justification available for continued reliance on offensive missiles, it has its weaknesses. What is to be said about the fact that the means to the end of the elimination of retaliation is the enhancement of retaliation (for an indefinitely long transition period)? A first answer would be, in effect: the end justifies the means. Here we fight fire with fire—we cross beyond retaliation on a bridge of retaliation. But as a defense of the moral superiority of SDI (over alternatives like assured destruction), the argument that this end (eliminating retaliation) justifies the means (enhancing retaliation) faces a dilemma: if it works, it works just as well for assured destruction as for strategic defense; and if it does not work, it does not work.

For both SDI and assured destruction, the fundamental question remains: are there any circumstances under which we intend to retaliate? In both cases, the answer is: yes, if deterrence fails. The defender of SDI can add: yes, if deterrence fails before we have eliminated our offensive missiles, to which we think this is the best means. But the defender of old-fashioned retaliation can add the same vague qualification: advocates of both forms of deterrence quite sincerely hope to get beyond retaliation somehow someday. The simple fact of having a worthy ultimate goal does not, however, deal with the moral problem of what retaliation would entail if it were to be unleashed.

To rid himself of this unwanted parallel with justifications of assured destruction, the advocate of the moral superiority of SDI needs to argue not that the end is so noble or urgent that it justifies the means, but that the connection between the end and *this* means is much tighter than the connection, if any, between the end and alternative means.

Can the advocate of SDI make good on this claim? The thesis that offensive missiles will guard the transition to the defensive revolution raises worries endemic to all transitions: they have a nasty way of

never ending. We need to be given strong grounds for confidence that the offensive missiles will, if not "fade away," somehow or other be negotiated away or go away. Otherwise the moral argument does not work. It is planning to retaliate, not being retaliated against, that just-war morality requires us to eliminate.

The thesis that offensive missiles will guard the transition to the defensive revolution raises worries endemic to all transitions: they have a nasty way of never ending.

Proponents of SDI have not yet spelled out a convincing account of how or why the transition is going to occur. The contention, for example, that our construction of population defenses will give the Soviets an incentive to switch from offensive missiles to defenses of their own is unpersuasive. Why should they respond to our defenses with defenses rather than with enhanced offenses, which would almost surely be cheaper? In response to Soviet work on defenses, the U.S. Air Force has stepped up work in the Advanced Strategic Missile Systems program and other secret programs to develop penetration aids, highly maneuverable warheads, and other defense-defeating technology. We have no reason to expect that the Soviet Air Force would simply give up on offensive innovations because on a given day our defenses seemed to swing the advantage to us.

We have more positive grounds, however, for doubting that enhanced retaliatory offensive missiles will ever be the bridge beyond retaliation. Here I want to distinguish my argument from the argument that on technological grounds an adequate population defense can simply never be built. According to that argument, the SDI would not be worth building even if (a big if) we thought we had solved all the individual technical problems, because all the different aspects of all the different layers must work well together in an extremely hostile environment (direct attack) the first time that it is used. The first and only test of the extraordinarily complex system will be the one and only time it is used in battle.

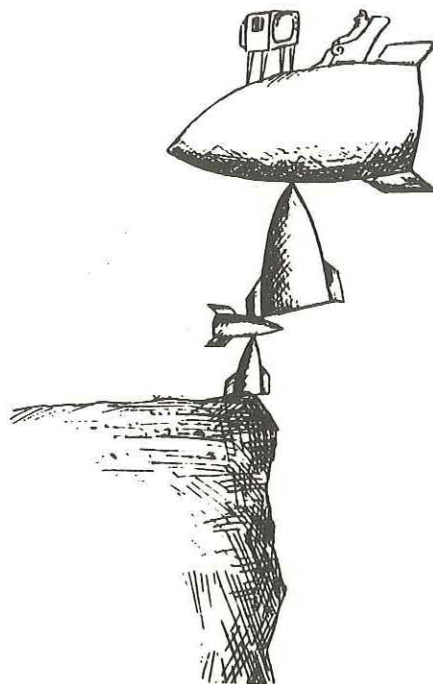
I, however, do not want to say that it cannot be done. What I do want to suggest is this: never in a million years would we develop such certainty and confidence in an untested defense that we would dismantle the retaliatory deterrent, which would otherwise be our only back-up. If this is correct, the moral defense of enhanced deterrence as guarding the transition to the elimination of deterrence fails.

The Air Force's manual on *Military Space Doctrine* begins with the sentence, "Space is the ultimate high ground." With the Strategic Defense Initiative the president has tried to seize the moral high ground

within space. I have suggested, however, that we are still in the swamps we have inhabited for some time. Defensive weapons are not inherently more moral than offensive weapons—it is purposes, not weapons, that count. The president's purpose is lofty, but it is the same goal shared by defenders of assured destruction, advocates of the freeze, and lots of others who disagree about the means. The moral case for SDI will not have been made until it has been shown why it will lead to the elimination of retaliation rather than to a spiral of offensive/defensive arms races, and will lead to the elimination of retaliation more surely than all the alternative routes, like the build-down. If not, SDI will fail to alter the moral scene, and it will fail at phenomenal expense. Its cost, given the uncertainty of its promise, may be the ultimate moral argument against SDI. At the level of budgeting it competes with all the other good we could certainly do, not least of which would be to recapture control over wild budget deficits. Actually to accomplish a few good things seems morally better than to attempt something so grand and revolutionary, but so uncertain of good effect.

—Henry Shue

Paul Valery, *West Germany/Bulletin of the Atomic Scientist*



This article is condensed and adapted from "The Moral Defense of Strategic Defense," a talk given by Henry Shue on Capitol Hill as the first in this year's series of Maryland Colloquia in Public Philosophy. Sources cited in the article are: Lewis Lehrman, "A Moral Case for 'Star Wars,'" *New York Times*, February 19, 1985, p. A23; William Burrows, "Ballistic Missile Defense: The Illusion of Security," *Foreign Affairs* (Spring 1984); and Keith B. Payne and Colin S. Gray, "Nuclear Policy and the Defensive Transition," *Foreign Affairs* (Spring 1984).

The New Patriotism

Our country! In her intercourse with foreign nations may she always be right, but our country, right or wrong. — Stephen Decatur, 1816

Anyone who says patriotism is 'my country right or wrong' ought to have his head examined. — Jane Fonda, 1970

Patriotism is in fashion again. Public expressions of national pride are more abundant, participation in patriotic rituals more common than a few years ago. There is renewed interest among educators, political leaders, and the public at large in the meaning of citizenship. There is more talk of "civic responsibility."

Likewise, political campaigns rely more heavily than in the recent past on patriotic themes and on direct appeals to patriotism itself. A leading motif of the Republican presidential campaign of 1984 was that Ronald Reagan had made us once more "feel good about being Americans"; and Senator Gary Hart, a leading Democratic aspirant for the presidency, has hinted at 1988's campaign rhetoric in his February 1985 Boston speech on "true patriotism."

Of course, talk about patriotism is not the same thing as patriotism itself, and we might more accurately say that the rhetoric of patriotism is back in fashion. It is doubtful that people are more or less patriotic from one decade to another, but it is evident that the popularity of public appeals to patriotism waxes and wanes over time. The cyclical nature of this popularity reflects in part an enduring ambivalence about the nature and meaning of patriotism. Some have been unreserved about their rejection or embrace of patriotism. Alexander Pope declared the patriot a fool in any age; Samuel Johnson derided patriotism as a refuge for scoundrels. On the other side, Rousseau recommended that the citizen's love for the fatherland "make up his entire existence." Most of us, however, feel uncomfortable endorsing either extreme. Patriotism seems to have a good face and a bad face; and we puzzle to understand what role, if any, it can play in a moral and valuable life.

Patriotism vs. Morality

Ralph Barton Perry gave this account of the double aspect of patriotism: "The evil of patriotism, as well as its good, is embodied in the utterance 'my country, right or wrong.' Here is devotion and fidelity, but also disregard of principle. . . ." Devotion and fidelity

are admirable, but if the object of the devotion is unworthy, then fidelity to its cause may require supporting wrong. If the patriot must stand with his country against the morally right, then we must wonder at the price patriotism exacts.

Many seek to avoid the moral tension here by denying that patriotism and morality conflict. One argument occasionally offered is that patriotism cannot conflict with morality because the standard of right is the state and its ends. This line of argument is not open to anyone who holds a cosmopolitan morality, that is, to anyone—Kantian, Platonist, utilitarian, intuitionist, libertarian, Christian, Muslim, Jew—who holds universal moral principles or appeals to a moral authority beyond the state.

A more common argument is that "blind" patriotism may be morally dangerous but "enlightened" patriotism is not; enlightened patriotism does not mean our country, right or wrong. However, if "enlightened" means always conforming to the requirements of a universal morality, then the problem about patriotism seems evaded rather than avoided. Patriotism means "love of country," and to love something means to be partial toward it. To be devoted and faithful to something means to cleave to it, to stick by it, to maintain support for it through good times and bad. Morality, on the other hand, requires us to take up an impartial standpoint of judgment, to judge our country with the detachment with which we would judge any other. How could patriotism and morality *not* potentially conflict?

There seems no escaping the problematic character of patriotism. Stephen Decatur seems right about patriotism, at least in so far as "my country, right or wrong" expresses the point that patriotism cannot be detached and impartial. Nevertheless, patriotism may also be much less morally dangerous than supposed. Standing by the country, even when it is wrong, seldom will require the patriot to act against principle. Jane Fonda may be right, too. To see how this is so, we need to explore more deeply the meaning of love of country.

Love of Country

To describe patriotism as "love of country" doesn't advance our understanding very far because love itself is not a single, simple thing. We don't esteem or encourage everything called love; some emotional dependencies we need to overcome or outgrow on our way to greater maturity. We value those loves that

make the lover a better person and the object of love better off.

Kant defined love as "good-will, affection, promoting the happiness of others and finding joy in their happiness." Following Kant's lead, we can define love of country as affection for and commitment to the good of the country. The patriot identifies his own fulfillment, to some extent, with the fate of his country. He is happy at its good fortune and its triumphs, disappointed at its failures. He is downcast when it is harmed and indignant when it is wronged. He is diminished when it is diminished.

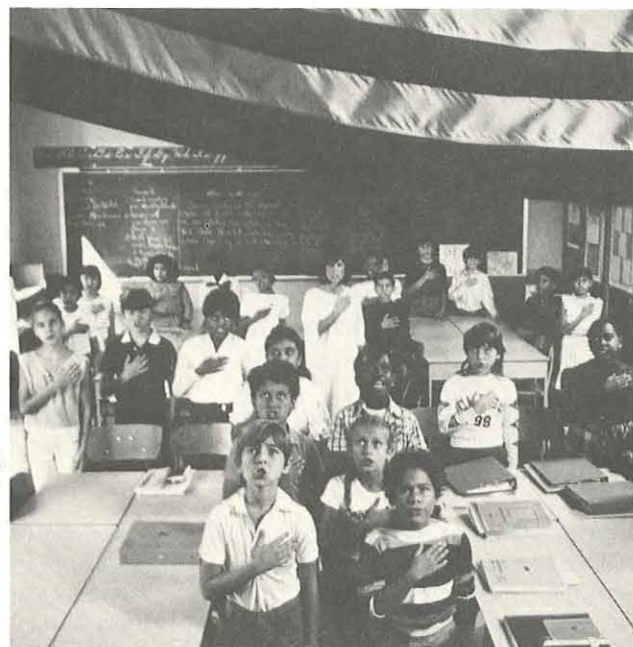
Love expresses a desire for and identification with the good of particular individuals or groups. Love, whether patriotic or any other kind, can thus prompt us to disregard universal moral principle. But this threat is genuine only when the welfare of the loved one is truly at odds with morality.

The patriot must "stand by" his country, right or wrong. But this cannot mean the patriot must always support, condone, participate in, or refuse to criticize the wrongful actions and policies of his country. Where such wrongful actions and policies harm the country, to support and participate in them would be to act against, not for, the good of the country.

This point is clear enough in the parallel case of parental love. Suppose a parent, upon discovering her child is involved in a theft, insists that the child confess to the authorities and return the stolen goods. We do not see this as the parent's failing to "stand by" her child. On the contrary, the parent is acting in what she sees as the child's best interest, since she has a conception of the child's good that gives central place to honesty and acceptance of responsibility.

The patriot, likewise, must act on his conception of the good of the country. This means that quite opposed views and behavior can be equally patriotic. Since citizens may reasonably and vigorously disagree over how particular actions and policies affect the nation's welfare, patriotism cannot be identified with some "correct" or majority position on specific, contestable policies of government. A patriot may espouse courses of action as painful to his nation as the parent's strict discipline was to her child, and like the parent be acting for the ultimate good of what he loves.

The indeterminacy that inheres in patriotism is compounded by a further fact. Citizens can not only disagree about how to advance the country's good; they can disagree about the nature of that good itself. The true patriot, according to Woodrow Wilson, has a "deep ardor for what his country stands for, what its existence means, what its purpose is declared to be in its history and its policy." But the country's ideals, the meaning of its history, and the nature of its purposes are matters of considerable disagreement. If commitment to the good of the country means commitment to the flourishing of certain ideals and purposes embodied in the nation's existence, then equally



Ted Thai/Time Magazine

good patriots can part ways on even the deepest matters.

Patriotism in Action

How should patriotism translate into action? The good patriot will be careful not to injure his country. He will respect constituted authority and give weight to authoritative justifications of national policy. He will be informed of his country's history and attentive to its ideals.

But consider what these dispositions mean. Avoiding injuring the country does not mean avoiding causing it pain. Giving weight to authoritative justifications does not mean being credulous or uncritical. Being attentive to national ideals does not mean endorsing the status quo or supporting some narrow "American way of life."

The good patriot will want to avoid two corruptions of love. First, affection can blind us to the faults of what we love. Such blindness cannot be a merit in love since it can seldom be in the interest of what we love to indulge or encourage its worst behavior.

Intense identification with what we love can also corrupt the commitment to its good by inverting the direction of identification. "Living through another" can lead us not to identify our desires with his fortune but his fortune with our desires. Instead of shaping our desires to realize his good, we conceive of his good in a way that realizes our desires.

A good patriot will be wary of these corruptions of love and will want to avoid such lack of detachment as to be blinded to his country's faults or to be incapable of conceiving its good independently of his own.

A fault, but not a corruption, of love is that its partiality can exclude "outsiders" from our concern.

An intense commitment to the good of some can crowd out attention to the good of others. A love can become so dominant that all other considerations get swept aside, including consideration of right or wrong. This brings us back to our original worry about patriotism and raises a question about its appropriate place. Where should love of country enter into a good life?

Patriotism—as love of country—stands uneasily between cosmopolitanism and localism. Cosmopolitanism says there are associations and causes broader than the state that deserve our loyalty; localism says there are groups and causes smaller than the state in which we should invest our love.

We naturally begin life with local attachments—to other individuals, to family, neighborhood, and community. Patriotism says: we must transcend local points of view; we must submerge parochial commitments and take up a larger point of view, the point of view of the good of the nation as a whole. Patriotism wants to dominate our other loves, so that if we have to choose between love of a friend and love of country, we will choose the latter. But why should patriotism dominate? Why is love of country a more valuable love than love of friend or family or neighborhood? E.M. Forster once wrote: “If I had to choose between betraying my country and betraying a friend, I hope I should have the guts to betray my country.” This is resistance to the domination of patriotism on behalf of local attachments.

Patriotism is also pressed from the other side. Demanding as it does the enlargement of one’s point of view and commitments to encompass the state, it lies in turn exposed to similar demands of enlargement. Why stop with the nation-state? Why not adopt a point of view in which the nation is but one more locality submerged in a broader community of interest? George Santayana claimed that if a man “has

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insight and depth of feeling he will perceive that what deserves his loyalty is the entire civilization to which he owes his spiritual life.” Here is resistance to the domination of patriotism on behalf of transnational attachments.

There are many jealous gods who demand that we love them above all others. Do any secular gods merit such love? More important, can the nation be such a god? Rousseau wanted an identification with the fatherland so intense it excluded all other loyalties.

Others find such an identification repellent.

The good patriot cannot be oblivious to the tension between national patriotism, local attachments, and cosmopolitan commitments. Does he fail to be a good patriot if he fails to accord love of country domination over every other love and commitment? Do we fail to be good parents, good spouses, good neighbors if we

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do not subordinate all other considerations and concerns to the claims of child, spouse, neighborhood? The answer to this question is quite evidently no. By the same token, I suggest the answer to the first question is likewise no. Love of country must be able to coexist with other loves without dominating them.

Conclusion

How do we create good patriots? How do we inculcate patriotism without creating chauvinism, false pride, and blind obedience? How do we create citizens with the sensibility, traits of character, and habits of mind to feel love, honor its demands, avoid its corruptions, and understand its place?

Part of the new patriotism is just the return to fashion of the rhetoric of patriotism, a fashion likely to be as unedifying as past such fashions. Framing political issues as matters of patriotism is almost always a shabby affair since it converts honest disagreements about policies and ideals into defamation of character and imputation of disloyalty.

But part of the new patriotism represents a renewed interest in the questions just asked about instilling patriotism and understanding citizenship. Careful reflection on these hard questions is much needed and all to the good.

—Robert K. Fullinwider

The motto by Stephen Decatur is well known, that by Jane Fonda less so. Both are quoted at the front of John J. Pullen, *Patriotism in America: A Study of Changing Devotions* (New York: American Heritage Press, 1971). The Ralph Barton Perry quote is from *The Citizen Decides* (Bloomington, Ind.: Indiana University Press, 1951), p. 15; the Santayana quote is from *The Life of Reason*, rev. ed. (New York: Scribner, 1953), p. 162; the Rousseau quote is from *The Government of Poland*, trans. by Willmoore Kendall (Indianapolis: Bobbs-Merrill, 1972), p. 19. An informative history of patriotism in America is *The Roots of American Loyalty* by Merle Curti (New York: Columbia University Press, 1946); the quote above from Woodrow Wilson comes from p. 231.

The Failure of Radical Feminism

The following essay by Rachel Flick responds to some of the ideas of Catharine MacKinnon, a leading feminist theorist and activist. MacKinnon's book *Sexual Harassment of Working Women* (Yale University Press, 1979) was a major contributor in the development of the law of sexual harassment. In recent months she has co-authored with Andrea Dworkin the ordinance against pornography passed by the Minneapolis and Indianapolis city councils.

Her central ideas are developed in *"Feminism, Marxism, Method, and the State: An Agenda for Theory,"*

Signs 7 (1982); *"Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence,"* *Signs* 8 (1983); and *"Toward Feminist Jurisprudence,"* *Stanford Law Review* 34 (1982).

Rachel Flick is a reporter in the Washington Bureau of the New York Post. Previously she served in the Office of Planning and Evaluation in the Reagan White House. This essay emerged from a talk she presented at the Center's conference on *"The Moral Foundations of Civil Rights Policy,"* held in October 1984, at which MacKinnon also spoke.

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Catharine MacKinnon is a celebrated writer on feminism and the law. She explicates a kind of feminism that she designates as "radical." Much of her work is toward the development of what she calls "a feminist jurisprudence," which is a jurisprudence that accepts her radicalism as truth and responds to the injustices it purports to identify.

Two things are wrong with "feminist jurisprudence," as MacKinnon understands it. First, it is a contradiction in terms. If MacKinnon succeeded in changing our jurisprudential standards as she wants to, she would not have reformed the law, she would have ended the rule of law as we know it. Second, the jurisprudential change MacKinnon proposes is as fundamental as it is because the kind of feminism that directs it is totalitarian. Radical feminism is based on the dictum "the personal is the political," which is a totalitarian concept. You really have only to hear this dictum to understand why this is so—it clearly repudiates individuality in favor of collectivity—but I will try to demonstrate how this dictum becomes totalitarian when it takes hold of the law.

I will begin, though, by describing radical feminism as MacKinnon represents it.

The Personal as Political

MacKinnon thinks that what is called the objective truth about things is not objective but is in fact the point of view of men. So great and pervasive is male control over the way we speak, what we think, and the way we live, that the very notion of objectivity is chimerical.

Although she believes that men have defined everything, she is especially concerned that they have defined the two sexes—what men are and what women are and what should be the relations between them.

MacKinnon thinks that gender as we know it is not natural but social in origin; it is a made thing and it was made, as was everything else, by men. Moreover, men have defined the sexes in men's own interests. Gender is "a division of power." And the way it divides power is to give it to men.

In her scheme, then, women are utterly, essentially oppressed. From the most profound level—that is, from their very definition as women—women are the creatures of men and the servants of male power. They are true slaves, enslaved not only materially, but also in spirit. Most women do not even know that they are not free. Women are not subjects; they are objects. They have been objectified.

So to the question, "What is woman, in our world?" MacKinnon answers that woman is what man has determined that she will be. And what he has determined is that she is "rapable." "To be rapable," says MacKinnon, "a position which is social, not biological," defines what a woman is.

MacKinnon's feminism explains and justifies itself by declaring that the personal is political. This dictum is absolutely central to her point of view. It is the notion that one's political stature is so much a part of what one is that it defines one's personal stature, too. And ultimately, "the personal is political" is a justification for political intervention in the personal, because the political is thought to determine the personal anyway, already.

To say that the personal is political, MacKinnon explains, means that you can discover and verify that gender is in fact a division of power through, as she puts it, "women's intimate experience of sexual objectification, which is definitive of and synonymous with women's lives as gender female." Sexual objectification defines and is life as a woman. These are her

own words. That is what "the personal is political" means. And that is what defines and directs her feminism.

Radical Feminism and the Law

At this point the reader should ask himself: Do I agree with that: Does sexual objectification define femininity? Is that really all that men think of women? And is my personal life really all that political? Very few people will answer that these things are true, a fact which is in itself revealing and important.

It is equally important, though, to look at where these theses take the law, when MacKinnon tries to apply them. MacKinnon believes that the law suffers from the same basic problems as the rest of the establishment. She writes: "The law sees and treats women the way men see and treat women." Just as what is called objectivity in the rest of our lives is really the point of view of men, what is called objectivity in law, too, is the point of view of men.

What legal objectivity is supposed to mean is that the law judges any situation on the basis of what happened, and not of who was involved. The objective law applies the same rules and precedents equally to all people, no matter who they are. MacKinnon believes, though, that while this legal objectivity is supposed to protect everyone, in fact it institutionalizes the rule of men. This is because our construction of the rules and our perception of "the facts" is dictated by the male perspective. Therefore, the legal objectivity to which we now aspire must be modified to accommodate the perspective of women. The law must be replaced by a tool that "recognizes women's voice."

As MacKinnon must know, though, such a replacement is antithetical to the rule of law itself. There is arguably no such thing as a law that rejects objectivity and is still law. Objectivity is the essence of law. Moreover, the alternative to law is either anarchy or (which is more relevant here) tyranny. For either guilt and innocence are determined by detached standards or they are determined by somebody's subjective opinion of truth and falsity, of right and wrong. That somebody who is making a decision of that magnitude is a tyrant.

But what tyrant, if any, emerges from MacKinnon's new jurisprudence? She wants to replace objectivity with "the feminine experience," but the feminine experience as understood by whom? She says "women," but what women? Two legal examples begin to expose her meaning.

The first of these examples is the law against rape. MacKinnon tells us that the legal definition of rape now hinges on two points: the use of force by the rapist, and the lack of consent by the victim. She rejects this because force and consent are meaningless concepts, things between men and women being what they are. The feminist definition of rape, she offers, "lies instead in the meaning of the act from the woman's point of view."

What is interesting about this change is that the existing law does account for the point of view of at least some women, insofar as it assumes women have a worthwhile opinion concerning whether they were forced and whether they consented. On some level, then, MacKinnon rejects the point of view of women who claim such opinions. By "the meaning of the act from the woman's point of view" she does not mean "the meaning of the act" according to these women.

The second example is a case called *Wanrow v. Washington*. MacKinnon does not unequivocally endorse the feminist perspective in *Wanrow*, but she takes its novel premises seriously and her discussion of it is revealing.

Wanrow was the trial of a woman who shot a man who had threatened her and abused and threatened her children. The disputed point was whether the shooting was in self-defense. Self-defense was claimed on unusual grounds. It was argued that the defendant was entitled to have her actions considered "in the light of her own perceptions of the situation, including those perceptions that were the products of our nation's long and unfortunate history of sex discrimination."

Radical feminism is based on the dictum "the personal is the political," which is a totalitarian concept. You really have only to hear this dictum to understand why this is so—it clearly repudiates individuality in favor of collectivity . . .

Thus the feminine perspective that is relevant to this case is drawn from someone's assumptions about our nation's history and the effect that history has had upon a woman's perceptions and capabilities. The premise is that what some people have determined to be the lifetime experience of all women, in general, should be a factor in the defense of one woman's actions in a particular case. It is a peculiar basis for a determination of guilt or innocence in a criminal case distinguished—as are all criminal cases—by particular people and events.

We see much the same thing in *Wanrow*, then, that we saw in the proposed rape law. In both cases, we see an interest in codifying the "woman's point of view." In both cases, too, the "woman's point of view" espoused by the new feminist jurisprudence does not necessarily mean the point of view of the individual women involved. It is, rather, more likely to mean a "woman's point of view"—an allegedly collective perspective, intended to apply to all women. And like all points of view that call themselves collectivist, this one is really the perspective of the collectivity according to some one person or group of people who will claim to speak for it.

MacKinnon's remarks about the collectivity with respect to *Wanrow* are here revealing. The *Wanrow* decision, she writes, moves toward "a single standard from women's point of view." The defendant's subjectivity "is equated with the point of view from women's experience. What she actually perceived as an individual in that moment of threat is important, but without a collective context in which to interpret its meaning it is unintelligible and non-dispositive. Here subjectivity does not mean personal except in the sense in which the personal is political."

Catharine MacKinnon is dissatisfied with the law because the unit the law works with is the individual. And her creed is that the personal—which means something individual—is in fact political, which is not individual, but collective. MacKinnon's true agenda involves the replacement of the individual by the collectivity, which will be, inevitably, in the hands of the few who claim to speak for it. Like most collectivities, this one is a tyrant.

The Personal as Personal

To say, though, that "the personal is political" is a totalitarian premise yielding totalitarian law does not address the matter of whether the premise is true, and if it is false, of where exactly it goes wrong. The falsity of "the personal is political" is not discoverable as much by argument as it is by experience. And the precise point at which this dictum errs is discoverable only by the sort of reflection on the human lot to which—happily—many wise observers have already opened the door.



By looking at Eastern Europe—and by looking at our own lives, as well—we know that although the personal is in some ways touched by the political, it is not only political, or even mainly political. Most of the personal is not political at all, which is why it is called "the personal." It is totalitarianism which tries to politicize the personal. Yet even totalitarianism must fight the personal's trenchant, sometimes even involuntary resistance to politicization.

By looking at our own lives, too, we know that MacKinnon vastly oversimplifies power (at least, as it prevails in a free nation like the United States). While there is considerable truth in her idea that politics have to do with power, power encompasses a great deal more than just politics. Power relations between men and women, in particular, encompass more than politics. And even to the extent that male-female relations are divisions of political power—to the extent, in other words, that the power we have or lack in our public lives does filter through to our personal lives and sexual relationships—that power is far more complex than the brute exploitation she assumes.

Catharine MacKinnon's mistake, in short, is in assuming that men are just beasts and women just victims. In fact, we are all a lot more and a lot better than that. A short illustrative passage from Henry James's *Portrait of a Lady* wonderfully illustrates our true complexity. Isabel Archer, a young American, and Ralph Touchett, her English cousin, are in a London square at dusk. Isabel tells her cousin, who is in love with her, that soon she will return to her hotel and have a simple dinner. Ralph asks if he may join her, and she answers him, "No, you'll dine at your club." James writes:

They had wandered back to their chairs in the center of the square again, and Ralph had lighted his cigarette. It would have given him extreme pleasure to be present at the modest little feast she had sketched; but in default of this he liked even being forbidden. For the moment, however, he liked immensely being alone with her, in the thickening dusk, in the multitudinous town; it made her seem to depend upon him and to be in his power. This power he could exert but vaguely; the best exercise of it was to accept her decisions submissively—which indeed there was already an emotion in doing.

This paragraph throws the failings of radical feminism into sharp, clear relief. For what James understands, that radical feminists do not, is that people are complex, and the bonds between people are complex. Most of all, he knows that power is complex. James understands, as radical feminists do not, the various and beautiful shifts of power from protector to protected and back again, among decent, civilized men and women.

—Rachel Flick

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Food Policy: The Responsibility of the United States in the Life and Death Choices, edited by Peter G. Brown and Henry Shue (New York: The Free Press, 1977 - hdbk, \$14.95; 1979 - paper, \$9.95).

Human Rights and U.S. Foreign Policy: Principles and Applications, edited by Peter G. Brown and Douglas MacLean (Lexington, Mass.: Lexington Books, 1979 - hdbk, \$23.95; 1980 - paper, \$11.00).

The Reverse Discrimination Controversy: A Moral and Legal Analysis, by Robert K. Fullinwider (Totowa, N.J.: Rowman and Littlefield, 1980 - hdbk, \$27.50; paper, \$9.95).

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