



THE ETHICS OF WAR AND NUCLEAR DETERRENCE

James P. Sterba

MX • Nuclear Freeze • MAD (Mutually Assured Destruction) • SALT • ABM • Just-War Theory • Doctrine of Double Effect • Su-59 (Carter's Directive) • Nuclear Arms Race • Doomsday Clock • Pershing 2 • Proliferation Treaty • Arms

The Ethics of War and Nuclear Deterrence

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Wadsworth Publishing Company
Belmont, California
A Division of Wadsworth, Inc.

Editor: Kenneth King

Production: Stacey C. Sawyer, San Francisco

Copy Editor: William Waller

Cover: John Edeen

Typesetting: Omegatype, Champaign, Illinois

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Printed in the United States of America

4 5 6 7 8 9 10—89 88

ISBN 0-534-3951-0

Library of Congress Cataloging in Publication Data

Main entry under title:

The Ethics of war and nuclear deterrence

Bibliography: p.

1. War—Moral and ethical aspects—Addresses, essays, lectures. 2. Just war doctrine—Addresses, essays, lectures. 3. Deterrence (Strategy)—Moral and ethical aspects—Addresses, essays, lectures. I. Sterba, James P.
U21.2.E86 1984 172'.42 84-11911

ISBN 0-534-03951-0

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Part I: Introduction

The doomsday clock of the *Bulletin of the Atomic Scientists* was moved forward in 1984 to 3 minutes to midnight. In 1972, following the signing of a treaty between the United States and the Soviet Union banning the building of antiballistic missiles (ABMs), the clock stood at 12 minutes to midnight. In 1974, after the failure of the Strategic Arms Limitation Talks (SALT) to make any progress and the spread of nuclear weapons to India, the clock was moved to 9 minutes to midnight. In 1980 the inability of the international community to contain political crises, especially in Cambodia and Lebanon, prompted the moving of the clock to 7 minutes to midnight. In 1981 the rejection of SALT II by the U.S. Senate and the apparent commitment of both superpowers to nuclear war-fighting strategies caused the clock to be moved forward to 4 minutes to midnight. Most recently, the growing momentum in the arms race and the discontinuing of both the Intermediate-range Nuclear Forces (INF) negotiations and the Strategic Arms Reduction Talks (START) prompted another 1-minute advance.

Various other national groups like the Union of Concerned Scientists, the Physicians for Social Responsibility, Ground Zero, the Freeze Coalition, and Concerned Philosophers for Peace have also drawn attention to the seriousness of the situation. In particular, these groups have cast doubt upon the ability of current policies to prevent a nuclear exchange between the superpowers. Such groups have attracted widespread public support, and public interest in both the possibility of nuclear war and new approaches for avoiding it continues to grow. For example, 100 million Americans viewed ABC's television program *The Day After*, and 85 percent of Americans polled recently supported an immediate bilateral nuclear freeze.

As one would expect, the possibility of nuclear war and the pursuit of nuclear deterrence raise important ethical questions: Can nuclear weapons ever be legitimately used, either in a limited or a massive strike? Is threatening the use of nuclear weapons only morally justified when the use of such weapons is morally justified?

This anthology has been designed to help students answer these and related questions. The book is divided into five parts. The readings in Part II discuss

the basic ethical issues and principles that are relevant to a moral assessment of nuclear war and nuclear deterrence. Part III provides the background information on the effects of nuclear war, deterrence strategies, and arms negotiations that is necessary to make an informed judgment in this area. Part IV brings these theoretical and factual considerations to bear on a moral assessment of nuclear war and nuclear deterrence. Finally, Part V focuses upon two prominent, divergent proposals that both purport to be founded on just such a moral assessment of nuclear war and nuclear deterrence.

Ethical Theory and the Morality of War

The most basic ethical issue involved in justifying nuclear war and nuclear deterrence is whether the rightness or wrongness of human actions is ultimately determined simply by their consequences. Some philosophers maintain that only consequences are relevant to a moral assessment of human actions. Other philosophers contend that other factors, such as an agent's intentions, are also relevant. Specifically, some would say that it is the intentions that underlie a policy of nuclear deterrence, rather than its consequences, that render the policy morally illegitimate.

In selection 1, Thomas Nagel argues for the view that there is more to morality than an assessment of consequences, or, put in his own terms, that there are agent-relative values recognized by morality that are not reducible to agent-neutral values.

According to Nagel, agent-neutral values are those that there is reason for *anyone* to want or not to want. By contrast, agent-relative values are those that there is reason only for *particular agents* to want or not to want. For example, the elimination of severe hunger from the world is an agent-neutral value, whereas your or my developing of our jogging skills is at best an agent-relative value. Nagel further divides agent-relative values into autonomous reasons—which derive from the desires, projects, and special relationships of each agent—and deontological reasons—which are reasons for agents not to maltreat others themselves.

To indicate the importance of deontological reasons, Nagel appeals to an example in which twisting a small child's arm would prevent a greater evil. In this example the agent has a deontological reason not to harm the child and an agent-neutral reason to prevent a greater evil. For such cases, Nagel seems to think that deontological reasons generally override agent-neutral reasons—that is, that it is morally wrong to *intentionally* do evil even when we can *foresee* that we will thereby prevent a greater evil.

This position commits Nagel to endorsing some version of the Doctrine of Double Effect. As traditionally conceived, the Doctrine of Double Effect places four restrictions on the permissibility of acting when some of the consequences of one's action are evil. These restrictions are the following:

1. The act is good in itself or at least indifferent.
2. Only the good consequences of the act are intended.
3. The good consequences are not the effect of the evil.
4. The good consequences are commensurate with the evil consequences.

Applying the Doctrine of Double Effect to Nagel's example, it seems clear that the act of twisting a small child's arm to prevent a greater evil would at least violate restrictions 2 and 3 and, hence, would not be permissible.

In selection 2, Jonathan Bennett challenges just such a conclusion. He argues that the distinction between what is intended and what is foreseen, a distinction central to the Doctrine of Double Effect, is not a morally relevant one. Bennett asks us to compare the case of a terror bomber who intends to kill ten thousand civilians as a means of lowering enemy morale with that of a tactical bomber who intends to destroy a factory and expects the raid to have the side-effect of killing ten thousand civilians. Are these cases morally different? Bennett argues that they are not. He maintains that if the terror bomber and the tactical bomber were to suppose that the civilian deaths would not result from their actions and were then to consider what logically follows from that supposition alone, neither would call off her attack. This is because it does not follow from this supposition alone that the mission of either bomber would fail. Hence, on the basis of what follows from the supposition alone, neither bomber would have reason to call off her attack. Likewise, Bennett argues, if both bombers were to suppose that the civilian deaths would not result from their actions and were then to consider what logically follows from that supposition together with their relevant causal beliefs, both would call off their attacks. This is because it does follow from this supposition together with their relevant causal beliefs that both would fail to reach their objectives. Hence, on the basis of what follows from the supposition together with their relevant causal beliefs, both bombers would have reason to call off their attacks. Consequently, because on either construal of the supposition both bombers would have acted in exactly the same way, Bennett concludes that the cases are not morally different.

Actually, the only difference Bennett can find between the two cases is that the terror bomber's objective comes after the civilian deaths, or as Bennett puts it, is "causally downstream" from those deaths, whereas the tactical bomber's objective precedes the civilian deaths, or as Bennett puts it, is "causally upstream" from those deaths. But Bennett denies that this difference constitutes a moral difference between the two cases. Nevertheless, because the civilian deaths occur causally upstream from the terror bomber's objective, she does have to view those deaths as a means to her objective. By contrast, because the civilian deaths occur causally downstream for the tactical bomber, they are only a consequence of her action and hence not a part of her objective or her means for attaining that objective. Of course, this difference may not be enough to morally justify the action of the tactical bomber, given the large number of civilian deaths involved, but is the difference not morally relevant?

It seems obvious that the inability of supporters and opponents of the Doctrine of Double Effect to reach agreement on this issue is rooted in the uncompromising way in which they state their views. Thus, supporters of Double Effect tend to regard the restriction against intentionally doing evil as unconditional, whereas opponents of Double Effect tend to deny that intentions have any moral relevance whatsoever. But there is a defensible compromise view available here. For, on the one hand, what defenders of Double Effect have failed to recognize is that there are a significant number of cases in which the evil an agent would intentionally do is either trivial (e.g., as in the case of stepping on someone's foot to get out of a crowded subway), easily reparable (e.g., as in the case of lying to a temporarily depressed friend to keep her from committing suicide), or sufficiently outweighed by the consequences of the action (e.g., as in the case of shooting one of two hundred civilian hostages to prevent in the only way possible the execution of all two hundred). On the other hand, opponents of Double Effect have failed to recognize that there are also a significant number of cases in which the evil an agent would intentionally do is *not* sufficiently outweighed by the prevention of a greater evil (e.g., as in the case of twisting an innocent child's arm to prevent an assailant from breaking the arm of a close friend). Thus, according to this compromise view, both intentions and consequences count in the moral assessment of human actions. But they count in such a way that sometimes the value of not intentionally doing evil takes precedence over considerations of consequences, and sometimes considerations of consequences take precedence over the value of not intentionally doing evil.

It turns out that the stance we take with regard to the Doctrine of Double Effect is crucial, because the doctrine figures importantly in just-war theory. As William V. O'Brien indicates in selection 3, just-war theory has two components—first, a set of criteria that establishes a right to go to war (*jus ad bellum*) and second, a set of criteria that determines legitimate conduct in war (*jus in bello*). According to O'Brien's account, the criteria of *jus ad bellum* are competent authority, just cause, and right intention. The criteria of *jus in bello* are the principle of proportion and the principle of discrimination. As O'Brien notes, the Doctrine of Double Effect is specifically incorporated into the *jus in bello* criteria: the principle of discrimination rules out direct intentional attacks on noncombatants and nonmilitary targets, and the principle of proportion requires that the benefits derived from fighting for a just cause be commensurate with the harms that result.

O'Brien permits no exceptions to the principle of proportion, but he allows for some exceptions to the principle of discrimination, particularly given the exigencies of modern warfare. O'Brien's view here bears some similarity to the compromise view proposed earlier. It differs in that it specifies exceptions to the principle of discrimination in terms of military necessity (i.e., whatever is needed to effectively defend a just cause) and the practice of belligerents, whereas the compromise view specifies exceptions to the principles of discrimination in terms of the triviality and reparability of the evil intended and the magnitude of the evil to be prevented. The practical effect of this difference is that O'Brien's view permits many more exceptions to the principle of discrimination than does the compromise view.

Commenting on what constitutes a just cause, O'Brien suggests that the fundamental issue in modern times is whether to be "Red or dead." However, we might formulate the issue more generally as whether to be dominated by some other nation or group (whether communist or noncommunist) or to be dead. In any case, political leaders who say that they would rather be dead than Red usually don't expect to be either. At worst, they expect that they will have to accept a certain risk of death (or serious harm) themselves and to impose a certain risk of death (or serious harm) upon others to avoid being Red. Furthermore, if in declaring that they would rather be dead than Red, political leaders did expect that their preferences would lead to death for themselves and the majority of their citizens, then the attractiveness of such preferences would presumably begin to fade.

As one might expect, the criteria of just-war theory have been challenged in various ways. A basic challenge to the *jus ad bellum* criteria is presented by pacifism. Pacifism contends that there are no just causes, because all aggression is best dealt with by nonbelligerent means or, at least, by means that do not involve the killing of other human beings.

In selection 4 Cheyney C. Ryan defends a form of pacifism that prohibits only the killing of other human beings. Ryan begins by defending this form of pacifism against Jan Narveson's well-known critique. Narveson argued that a form of pacifism that recognizes a right to life yet rules out any use of force in defense of that right is self-contradictory. Ryan contends that Narveson's argument fails to work against the form of pacifism he wishes to defend, because that form of pacifism prohibits only the use of deadly force in defense of people's rights. In response, Narveson would probably say that his "logic of rights" argument was never intended to work against the particular form of pacifism Ryan defends but only against forms of pacifism that rule out any use of force.

Ryan goes on to argue that there is a substantial issue between the pacifist and the nonpacifist concerning whether we can or should create the necessary distance between ourselves and other human beings in order to make the act of killing possible. To illustrate, Ryan cites George Orwell's reluctance to shoot at any enemy soldier who jumped out of a trench and ran along the top of a parapet half-dressed and holding up his trousers with both hands. Ryan contends that what kept Orwell from shooting was that he couldn't put the necessary distance between himself and the soldier. Put another way, he couldn't think of the soldier as a thing rather than a fellow human being.

But do we have to objectify other human beings in order to kill them? If we do, this would seem to tell in favor of the form of pacifism Ryan defends. However, it is not clear that Orwell's encounter supports such a view. For it may be that what kept Orwell from shooting the enemy soldier was not his inability to think of the soldier as a thing rather than a fellow human being but rather his inability to think of the soldier who was holding up his trousers with both hands as a threat, or a combatant. Under this interpretation, Orwell's decision not to shoot would accord well with the criteria of just-war theory.

In addition to the pacifist challenge directed at the criteria of *jus ad bellum*, other challenges have been directed against the criteria of *jus in bello*. In selection 5 George I. Mavrodes challenges the view that the principle of

discrimination can be justified independently of the existence of a convention to abide by it. According to Mavrodes, the standard attempts to justify this view have been totally unsuccessful. All such attempts, Mavrodes maintains, are based on identification of innocents with noncombatants. But by any plausible standard of guilt and innocence that has moral content, Mavrodes contends, noncombatants can be guilty and combatants innocent. For example, noncombatants who are doing everything in their power to financially support an unjust war would be morally guilty, and combatants who were forced into military service and intended never to fire their weapons at anyone would be morally innocent. Consequently, the guilt/innocence distinction will not support the combatant/noncombatant distinction.

Hoping to still support the combatant/noncombatant distinction, Mavrodes suggests that the distinction might be grounded on a convention to observe it. This would mean that our obligation to morally abide by the principle of discrimination would be a convention-dependent obligation. Nevertheless, Mavrodes does not deny that we have some convention-independent obligations. Our obligation to refrain from wantonly murdering our neighbors is given as an example of a convention-independent obligation, as is our obligation to reduce the pain and death involved in combat. But to refrain from harming noncombatants when harming them would be the most effective way of pursuing a just cause is not included among our convention-independent obligations.

Yet Mavrodes does not contend that our obligation to refrain from harming noncombatants is purely convention-dependent. He allows that, in circumstances in which the convention of refraining from harming noncombatants does not exist, we may still have an obligation to unilaterally refrain from harming noncombatants provided that our action will help give rise to a convention prohibiting such harm, with its associated good consequences. According to Mavrodes, our primary obligation is to maximize good consequences, and this obligation requires that we refrain from harming noncombatants when that will help bring about a convention prohibiting such harm. By contrast, someone who held that our obligation to refrain from harming noncombatants was purely convention-dependent would never recognize an obligation to unilaterally refrain from harming noncombatants. On a purely convention-dependent account, obligations can be derived only from existing conventions: the expected consequences from establishing a particular convention could never ground a purely convention-dependent obligation.

But although Mavrodes does not argue that our obligation to refrain from harming noncombatants is purely convention-dependent, he does argue that this obligation generally arises only when there exists a convention prohibiting such harm. According to Mavrodes, the reason for this is that generally only when there exists a convention prohibiting harm to noncombatants will our refraining from harming them, while pursuing a just cause, actually maximize good consequences.

But is there no other way to support our obligation to refrain from harming noncombatants? Mavrodes would deny that there is. Consider, however, Mavrodes's own example of the convention-independent obligation not to wantonly kill our neighbors. There are at least two ways to understand how this obligation is supported. Some would say that we ought not to wantonly kill our

neighbors because this would not maximize good consequences. This appears to be Mavrodes's view. Others would say that we ought not to wantonly kill our neighbors, even if doing so would maximize good consequences, simply because it is not reasonable to believe that our neighbors are engaged in an attempt upon our lives. Both these ways of understanding how the obligation is supported account for the convention-independent character of the obligation, but the second approach can also be used to show how our obligation to refrain from harming noncombatants is convention-independent. In selection 6 Jeffrie G. Murphy indicates how this can be done. Murphy argues that, because it is not reasonable to believe that noncombatants are engaged in an attempt upon our lives, we have an obligation to refrain from harming them. So interpreted, our obligation to refrain from harming noncombatants is itself convention-independent, although it will certainly give rise to conventions.

Of course, some may argue that, whenever it is not reasonable to believe that persons are engaged in an attempt upon our lives, an obligation to refrain from harming such persons will also be supported by the maximization of good consequences. Yet even if this were true, which seems doubtful, all it would show is that there exists a consequentialist justification for a convention-dependent obligation to refrain from harming noncombatants; it would not show that such an obligation is a convention-dependent obligation, as Mavrodes maintains.

Nuclear War, Deterrence Strategies, and Arms Negotiations

Once we are clear about what ethical criteria are relevant to a moral assessment of nuclear war and nuclear deterrence, we need to determine what are the effects of nuclear war and what are the strategic and political means that have been used to avoid such a war, before we can be sure how these criteria are to practically apply.

In selection 7 Harold Freeman gives an account of the major effects of the use of nuclear weapons on particular cities and their use in a massive attack. Earlier accounts of nuclear weapons focused exclusively on the immediate deaths that would result. For example, the U.S. Office of Technology Assessment estimated that a massive counterforce exchange between the superpowers would result in the immediate death of as many as 20 million Americans and 28 million Russians and that a massive nuclear countercity exchange would result in the immediate death of as many as 165 million Americans and 100 million Russians. By contrast, Freeman's account goes further to include a discussion of the very serious medical and logistical problems that would accompany a nuclear strike. According to Freeman, a large-scale attack would overwhelm a nation's surviving medical facilities with patients suffering from injuries, serious burns, and radiation sickness, reducing treatment to the most primitive level. A recent study by Carl Sagan and others has also estimated that the fire storms

generated by a large-scale nuclear strike would cover much of the earth with sooty smoke for months, thereby threatening the very survival of the human species.¹

Solly Zuckerman, in selection 8, surveys the development of nuclear weapons and nuclear strategy from 1945 to the present. Zuckerman recounts the transitions from John Foster Dulles's doctrine of massive retaliation to Robert McNamara's mutually assured destruction (MAD) to Jimmy Carter's PD 59. Zuckerman, however, does not attempt to evaluate these strategies in terms of whether they involve intentionally targeting populations as such and, hence, violate the principle of discrimination. However, this question is explicitly taken up in several of the readings in Part IV of the anthology.

In selection 9 Herbert F. York reviews the negotiating positions of the United States and the Soviet Union through a range of arms-control talks and thus provides considerable information that is relevant to assessing the availability of political means for preventing nuclear war. Of particular interest is York's account of the important concessions that the Russians have made in the course of these negotiations. Such an account is certainly not easy to reconcile with an ideological picture of the Soviet Union as the "focus of evil." Nevertheless, the conclusion that York draws from his account is less than optimistic. According to him, the two-thirds vote required for ratification of treaties by the U.S. Senate and the Soviet penchant for secrecy along with their tightly controlled political system seriously limit the possibility of agreement between the superpowers.

Moral Assessments of Nuclear War and Nuclear Deterrence

Given that, by all accounts, nuclear war would be a catastrophe unparalleled in human history, the most important question, obviously, is how we can best prevent it. Douglas Lackey, in selection 10, approaches this question from a utilitarian, or consequentialist, standpoint. He compares the expected value of following either the Superiority Strategy, the Equivalence Strategy, or the Nuclear Disarmament Strategy and concludes that the Nuclear Disarmament Strategy is morally and prudentially preferable. In the original article from which this selection is taken, Lackey estimates that, if the United States were to unilaterally dismantle its nuclear forces, a massive nuclear first strike by the Soviet Union would lead to ten million casualties, whereas a mutual exchange under present conditions would lead to fifty-three million casualties. He admits, however, that the chance of a massive Soviet first strike would be greater if the United States were to unilaterally dismantle its nuclear forces. Nevertheless, he

¹Carl Sagan, "Nuclear War and Climatic Catastrophe," *Foreign Affairs*, Vol. 62 (1984): pp. 257-292.

admits that the chance of such a strike would still be small. In any case, he argues, it would not be more than five times more likely than the chance of a Soviet or U.S. first strike assuming that the United States were not to unilaterally disarm, as would have to be the case in order for a policy of nuclear deterrence to be preferred on consequentialist grounds to one of unilateral disarmament.

What is most distinctive about Lackey's defense of the Nuclear Disarmament Strategy is that it proceeds on consequentialist grounds. Most previous attempts to defend this strategy over the Equivalence or Superiority strategies have focused on the immorality of threatening nuclear destruction, irrespective of what good consequences might derive therefrom. Thus, Lackey's view is novel in that it challenges the Equivalence and Superiority strategies on the very ground that was thought to favor the choice of those strategies.

The basic difficulty with Lackey's view, however, is that his analysis of the disadvantages of unilateral nuclear disarmament focuses exclusively on the chance of a massive Soviet nuclear strike if the United States unilaterally dismantled its nuclear forces. As I argue in selection 16, what Lackey fails to consider is the greater chance that the Soviet Union would employ a limited nuclear first strike (causing just a few million casualties) against a nuclearly disarmed United States, with the threat of more such strikes to come if its demands were not met. Given that such limited nuclear strikes could be militarily destructive without destroying the farm land and other resources in the United States that the Soviet Union might want to exploit, such strikes or the threat of them could force the United States to make significant political concessions. Moreover, the chance of such a limited nuclear strike's occurring, given that the United States had unilaterally dismantled its nuclear forces, could easily be twenty times greater than the chance of either a U.S. or Soviet first strike under present conditions. For this reason, a consequentialist assessment of advantages and disadvantages would not seem to favor a policy of unilateral nuclear disarmament.

In selection 11 Caspar W. Weinberger maintains that the basic rationale behind the current U.S. military policy is deterrence: to make the cost of starting nuclear war much higher than any possible benefit to an aggressor. Weinberger rejects a "no first use" policy with respect to nuclear weapons on the ground that it might imply that the first use of conventional forces was somehow acceptable. Citing figures to indicate a buildup of Soviet nuclear forces, Weinberger argues that the United States must match this buildup while seeking to promote meaningful arms reductions.

George F. Kennan, in selection 12, challenges current U.S. military defense policy on two counts. First, Kennan maintains that any use of nuclear weapons would be objectionable in that it would involve the killing of large numbers of innocent people and could conceivably put an end to all human life. Second, Kennan argues that even the threat to use such weapons is objectionable, because it involves holding innocent people hostage.

Now it might seem unfair for Kennan to characterize U.S. military defense policy in terms of a commitment to use nuclear weapons when Weinberger has characterized that policy in terms of a commitment to nuclear deterrence. But it is standard to connect the ideas of *use* and *deterrence* in this context. In the

first place, the effectiveness of a policy of nuclear deterrence is thought to depend upon a commitment to use nuclear weapons. Secondly, the justification for a policy of nuclear deterrence is thought to depend upon the possibility of a justified use of nuclear weapons. Consequently, Kennan's moral condemnation of the use of nuclear weapons, if accepted, raises serious questions about the effectiveness and justification of U.S. military defense policy characterized as a policy of nuclear deterrence.

In selection 13 Gregory S. Kavka sets out to defend two principles that are relevant to the justification of a policy of nuclear deterrence. These principles are:

1. *The Revised Threat Principle.* It is impermissible to disproportionately threaten and impose risks of death upon large numbers of innocent people.

2. *The Revised National Defense Principle.* It is permissible for a nation to do whatever it reasonably believes is necessary for national self-defense, provided such measures do not impose disproportionate risk or harms on other parties.

In defending the first principle, Kavka considers whether a strong prohibition against threats might be based on the *Wrongful Intention Principle*: if an act is wrong, intending to perform it is also wrong. Kavka argues that a stronger prohibition against threats cannot be justified in this fashion, because the Wrongful Intention Principle fails when applied to a conditional intention adopted solely to prevent the occurrence of the circumstances in which the intention would be acted upon. For Kavka, U.S. policy of threatening massive nuclear retaliation is justified, provided that the United States adopts a conditional intention to retaliate with a massive use of nuclear weapons only to prevent the occurrence of those circumstances in which it would so retaliate. Unfortunately, this line of argument would also serve to justify the threats commonly employed by armed robbers! For robbers, in threatening "Hand over your money, or I'll shoot," usually hope to avoid just those circumstances in which you don't hand over your money, and they do shoot. However, it is clear from an earlier article² that Kavka is primarily concerned with situations in which people adopt a conditional intention *in order to prevent an unjust offense*, and certainly such motivation would typically be lacking in cases of armed robbery. Nevertheless, when Kavka comments upon what is distinctive about those situations in which he thinks the adoption of conditional intentions is justified, he only refers to the effects such intentions have that are independent of the intended acts actually being performed—that is, to their "autonomous effects." But threats by armed robbers have just the same autonomous effects. Consequently, if a policy of nuclear deterrence is to avoid condemnation on the basis of the Wrongful Intention Principle, it must be for reasons other than those Kavka provides.

²Gregory S. Kavka, "The Paradoxes of Deterrence," *The Journal of Philosophy*, Vol. 76, No. 6, p. 291.

In defending the Revised National Defense Principle, Kavka considers whether there might be a stronger defense principle that rules out a policy of nuclear deterrence because it imposes an unacceptable risk on innocent civilians. Kavka argues against such a possibility on the ground that we can justify imposing risks on people who are "morally innocent" if they happen to be a threat to our lives. Kavka further contends that, even if people are not a threat to our lives, we can still justify imposing risks on them if they belong to a group that is imposing a threat to our lives. To justify this further claim Kavka compares Russian civilians to a mad attacker, claiming that both are "partially responsible." But this is simply not the case. For what justifies our defending ourselves against a mad attacker is not that such an attacker is partially responsible, because almost by definition a "mad attacker" is not responsible at all for her attack. Rather what allows us to defend ourselves against such an attacker is that she is a threat to our lives. It is just this feature that is absent in the case of the Russian civilians, and its absence seems to undercut any possible justification for threats of retaliation directed specifically against them.

In selection 14, the U.S. Catholic bishops strongly condemn the use of nuclear weapons, but then, like Kavka, they sanction a conditional moral acceptance of nuclear deterrence. The bishops maintain that their moral acceptance is conditional upon (1) rejecting any nuclear war-fighting strategy, (2) rejecting the quest for nuclear superiority, and (3) the use of nuclear deterrence as a step toward progressive disarmament.

One aspect of the bishops' position that requires clarification is how they can justify nuclear deterrence, which involves an intention to use nuclear weapons, when they also condemn the use of nuclear weapons. The answer seems to be that the bishops do not absolutely condemn all uses of nuclear weapons but that they allow that a case might be made for a limited counterforce retaliatory strike. Accordingly, the bishops can justify securing nuclear deterrence by threatening at least that form of nuclear retaliation.

Charles Krauthammer, in selection 15, attacks the bishops' position on nuclear deterrence. Krauthammer argues that the bishops' condemnation of the use of nuclear weapons undermines the pursuit of nuclear deterrence. He contends that without a commitment to use nuclear weapons deterrence would cease to exist. But here he fails to note that the bishops leave open the possibility that a limited counterforce retaliatory strike is morally justified and thereby provide a basis for securing nuclear deterrence by the threat of such a strike. Moreover, as I argue in selection 16, even if most uses of nuclear weapons are morally condemned, the mere deployment of a survivable nuclear force will still suffice to deter a nation's adversaries. This is because the adversaries can never be sure whether in response to a nuclear first strike the nation will actually follow its moral principles or its national interest.

Krauthammer also rejects a nuclear freeze on the ground that survivable nuclear forces require modernization, and he rejects a "no first use" pledge on the ground that it would make conventional war thinkable and, hence, nuclear war more likely. But surely defenders of the freeze could allow for replacing and modernizing nuclear weapon systems provided that such changes did not affect the balance between the superpowers. And surely defenders of "no first

use” would want balanced conventional forces between the superpowers so as to make both a conventional war and nuclear war less likely.

In selection 16, I propose that we achieve nuclear deterrence without threatening nuclear destruction. I argue that, although advocates of deterrence by threatening are correct in affirming the moral legitimacy of the pursuit of nuclear deterrence, advocates of unilateral disarmament are also correct in rejecting the use of threats of nuclear destruction to achieve that deterrence. I contend that what is morally justified under present conditions is that we achieve nuclear deterrence without threatening nuclear destruction. To show how this is possible, I appeal to the example of a hunter who, by keeping hunting guns at home, succeeds in deterring would-be intruders without threatening them with harmful consequences. I contend that, in order for a nation to similarly achieve nuclear deterrence without threatening, there must be a use for nuclear weapons that is analogous to the independent and legitimate use for the hunter’s guns. I argue that there is such a use at present, and that use is to retain nuclear weapons to be able to quickly threaten nuclear retaliation should one’s adversaries become so belligerent that only such a threat would deter them from a first use of nuclear weapons. Thus, we are justified in having nuclear weapons now in order to be able to quickly threaten later if conditions should change for the worse. I contend that this legitimate and independent use of nuclear weapons would also serve to presently deter any would-be aggressors in the same way that the hunter’s legitimate and independent use for guns would serve to deter would-be intruders. In this way, I maintain, we can achieve nuclear deterrence without threatening nuclear destruction.

Now there are two fundamental objections that could be raised to my defense of deterrence without threatening. First of all, it could be argued that having guns for hunting is more like a legitimate and independent use than is having nuclear weapons so as to be able to quickly threaten to use them should conditions change for the worse. Secondly, it could be argued that a consequentialist justification for nuclear deterrence would be morally preferable to the justification for nuclear deterrence I provide.

With respect to the first objection, it might help to modify my hunter example so that it even more closely resembles my scenario for achieving nuclear deterrence. Thus, suppose that the hunter must keep the guns loaded and ready to use so that he or she can quickly join hunting trips whenever openings become available at the last minute. And suppose as well that the hunter knows that keeping hunting guns at home serves to deter would-be intruders and is pleased with that outcome. With the example so modified, would we now regard the hunter as, in fact, threatening to would-be intruders? I think not. And if we did not view the hunter as threatening to would-be intruders, would we not have to reach a similar conclusion about my scenario for achieving nuclear deterrence?

With respect to the second objection the problem with endorsing a consequentialist justification of nuclear deterrence is that it completely ignores the relevance of intentions to the moral assessment of human actions. By contrast, my justification of nuclear deterrence resembles the “compromise view” discussed earlier, in that it recognizes the importance of both intentions and consequences to the moral assessment of human actions. Thus, in my view