

If the Present United States Nuclear Deterrent Is Evil, it's Maintenance Pending Mutual Disarmament Cannot Be Justified

by
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Many people who take a position on the morality of nuclear deterrence think that the present United States deterrent is evil but its maintenance pending mutual disarmament somehow can be justified. This position goes beyond what every thinking person says — that the present U.S. deterrent policy is risky and its abandonment also would be risky — to some sort of moral criticism of this policy which tries to stop short of demanding unilateral disarmament.

I do not think that a position of this sort is compatible with the Catholic moral tradition. What the American bishops say about nuclear deterrence ought to be faithful to this tradition. Hence, I do not see how they can say that the deterrent is evil but somehow justifiable. Here I try to show this by doing two things. First, I articulate the case which can be made within the Catholic moral tradition against the present United States deterrent policy. Second, I show the rational indefensibility of calling the deterrent tolerable or justifiable as a lesser evil in an effort to avoid the implications of admitting it to be evil.

The Case of Traditional Catholic Morality against the Deterrent

The problem about the nuclear deterrent is not that it involves death-dealing weapons, nor that these are nuclear, nor that they are used to deter. The problem, rather, is the precise intent to kill included in the present U.S. deterrent threat.

It is clear that two or more parties can be using or threatening violence without any of them having a moral justification for its actions. In such a case, it is plain that all the contending parties are under a common moral obligation to stop their wrongdoing and disarm. Thus all agree with the sentiments expressed by saying: "No more war." and: "Let all involved in this madness lay down their arms!" But such sentiments do nothing to clarify the moral issue central to deterrence. I now turn to this issue, and first state and defend the relevant moral norm.

To choose to kill the innocent is always wrong. The reason for this is that human life is an intrinsic good of persons, and a choice to kill persons is a will closed to this good. But a morally good will

must be open to the full-being of persons. Thus, the antilife will present in the choice to kill an innocent person cannot be morally upright.

Why do I limit the norm to choices to kill the innocent, and what is meant by "innocent" here? Most Jews and Christians have thought that certain choices to kill are divinely authorized and hence justified. Among these are choices to execute certain types of criminals and to kill enemy soldiers in a justifiable war. For my present purpose, it is unnecessary to deal with these types of killing. Therefore, I set them aside by limiting the norm I state to the choice to kill the innocent.

"Innocent" here does not refer to the personal moral condition of those whose killing is excluded. Rather, it refers to those who are harmless, in contrast to the criminals and enemy soldiers who are involved in socially harmful, objectively unjust, violent behavior. Thus, the norm means that it is wrong to choose to kill anyone who neither has been or is engaged in such behavior.

Limited to the innocent, the norm which forbids the choice to kill persons has the support of the entire Christian moral tradition. It is the bare minimum which Christian teaching demands by way of reverence for human life.

The will to kill under conditions not in one's own power has the same moral quality as the will to kill unconditionally, even though one might never carry out one's murderous intent. For example, a robber armed with a gun and prepared to kill with it if necessary is morally a murderer, even though he or she hopes to do the robbery under cover of the threat of murder without actually killing. Of course, in maintaining the deterrent we wish that it not be used. We will execute the threat only very reluctantly and only if we are forced to do so. Yet this condition does not limit our willingness to kill. It only limits our execution of this willingness.

The threat which constitutes our nuclear deterrent has been expressed in various ways. During World War II, the U.S. engaged in terroristic obliteration bombing of both Germany and Japan, culminating in the atomic bombing of Hiroshima and Nagasaki. The early form of the deterrent threat was that we would retaliate massively

against an enemy aggressor at a time and place of our own choosing, to do again what we had done to Japan. Later, as the U.S.S.R. acquired nuclear capability of its own, our threat was reformulated.

But the constant feature in U.S. nuclear deterrent policy has been the threat that no matter what damage an aggressor might inflict upon us, we are ready, willing, and able to respond by inflicting unacceptable damage — for example, the destruction of twenty million Soviet citizens or the destruction of twenty-five percent of the population of the U.S.S.R. and fifty percent of its industrial capacity. The official *United States Military Posture* statement, prepared by the Organization of the Joint Chiefs of Staff for FY [fiscal year] 1983, p. 19, issue the threat which constitutes the deterrent in the following terms:

The prime objective of US strategic forces and supporting C³ [command, control, and communications] is deterrence of Soviet nuclear attack on the US and its allies. Deterrence depends on the assured capability and manifest will to inflict damage on the Soviet Union disproportionate to any goals that rational Soviet leaders might hope to achieve. Any US strategic retaliation must be controlled by and responsive to the NCA [National Command Authority(ies)], tailored to the nature of the Soviet attack, focused on Soviet values, and inevitably effective.

The word “values” here is used in a technical sense, familiar to readers of works on nuclear deterrence, to refer to persons and property as distinct from military forces. This official document and others like it constitute national policy by virtue of Congress’ reliance upon them in enacting the legislation which authorizes and funds the activities of the Department of Defense. Thus, in this and similar documents the U.S. issues the threat, which includes the choice, to kill persons innocent in the relevant sense under conditions not in our control. Hence, our choice of this policy is morally unjustifiable. The intent — that is, the manifest will — essential to the nuclear deterrent is murderous.

Someone might object that present U.S. policy does not include a clear and unambiguous threat to target cities. It seems to me that the phrase, “focused on Soviet values,” is a clear threat to target cities as such. But even if all our nuclear weapons were targeted on military objectives, it would not follow that the intent included in the deterrent does not encompass the death of millions of innocents. The object of our policy choice is deterrence, and the deaths of the millions of innocents are an essential part of the threatened harm. Hence, these deaths are included in what we choose; they are not merely an accepted

side-effect. When destruction which is a side-effect of one’s outward behavior is essential to the attainment of one’s purpose, such destruction is included in what one morally does. Hence, targeting is not the issue. The issue is the will to kill the innocent which is included in any real threat to bring about their deaths.

Some have tried to argue that the millions whose lives we threaten with our deterrent are not really innocent. They are part of a totalitarian society which is engaging in total war against us. Thus, the argument goes, those threatened somehow are participants in the unjust activities of their nation. This argument fails. In its traditional sense, as I have explained, “innocent” refers to those who have not been and are not involved in criminal or military action. The deterrent threatens many small children, elderly persons, and others who by no stretch of the imagination can be considered participants in any unjust harm.

What is even more important, the deterrent threat does not bear upon anyone insofar as he or she is engaged in unjust, harmful action. It bears upon a mass of persons indiscriminately just insofar as their lives are values — that is, are of some importance to their leaders — and their deaths disproportionate to any goals which these leaders, if they are rational, might hope to achieve. Even those who might have been justly killed in a battle will be unjustly killed if the deterrent is carried out, for they will be killed, not as agents of unjust violence, but as victims of an unjustifiable exchange of hostages.

If the deterrent fails and the time comes to carry out the threat we have been making, perhaps those in authority will not do so. Indeed, perhaps even now President Reagan and a few of those close to him have made up their minds that under no circumstances would they ever give the order to carry out the threat of the deterrent. Such a decision would make sense, for if the time ever comes to execute the deterrent, there will be nothing to gain by doing so.

If our leaders have made such a secret decision, their making it is to their personal moral credit. However, the deterrent effect of nuclear weapons is only as credible as the apparent resolve to carry out the threat if deterrence fails. Deterrence requires not only assured capability but manifest will. Therefore, our public policy must remain a firm commitment to kill millions of innocent persons if the deterrent fails. Even if most of us were to reject and morally dissociate ourselves from this policy, as we can and should do, the public act of deterrence and the personal acts of those who sustain the public act will continue to

include the murderous intent which alone makes the deterrent effective.

One sometimes hears the suggestion that even if our present deterrent includes murderous intent, one can conceive a deterrent without such intent. A nation might have nuclear weapons, neither intend nor threaten to make any immoral use of them, yet by their potential alone frighten an unprincipled adversary who would assume that no other nation would respect any moral boundary.

This suggestion might have been helpful had it been offered before the present deterrent policy was adopted. But we are at present committed to an explicit deterrent including murderous intent. If the suggestion that some other, morally justifiable deterrent might be possible is to be anything more than idle speculation about what might of been, those who make this suggestion must explain how the United States can exchange its present deterrent for one free of murderous intent. If their explanation is to square with the Catholic moral tradition, they will have to project a deterrent whose threat could be carried out in a just war. Such a deterrent would be part of a capability to fight and win a large-scale nuclear war. Personally, I do not think the United States can acquire such a capacity. It could acquire the capacity, if at all, only through an all-out arms race. Both the war it would make possible and the arms race would need to be justified.

Some will argue that our persistence in the deterrent, even though it includes murderous intent, somehow is justified by the equally murderous intent of our adversaries. But this line of argument is mere rationalization. Two wrongs do not make a right. Rather, in the willingness to be as murderous as our adversaries, we abandon any claim to moral justification in our struggle against them.

Marxism, despite its rejection of the title, is a utopianism. If we were to dismantle our strategic deterrent, I do not doubt that the U.S.S.R. would reduce us and other Western nations to puppet status. The U.S.S.R. surely would take the steps necessary, even including wars of terrible destruction, to dominate both present and potential competitors, such as China. But what then? The Soviet leadership would be confronted with an unprecedented management problem. Without its antithesis, the inadequacy of Marxism would become apparent; it no longer would have any excuse for its inability to create heaven on earth. The U.S. and other powerful opponents provide the U.S.S.R. with the excuses without which its promises and aims for the world would be totally implausible.

Notice that I am not arguing: "Better red than dead." In the first place, the disvalues in the alternatives are noncommensurable; there is no common scale on which to weigh being red against being dead. In the second place, I believe that domination of the world by the U.S.S.R. and its Marxist ideology would be a frightful evil, and that to prevent it some persons — those able to help in the common defense — ought to be prepared to suffer death. But, in the third place, the issue is not our readiness to suffer evil, but rather our willingness to do it. The murderous intent of the deterrent is a moral evil which simply is unjustifiable. Not: "Better red than dead," but: "Better anything than mortal sin."

Many people find it hard to accept such a position. They are convinced that every problem one encounters in this world must have some acceptable solution, and that if one cannot solve a problem without doing evil, then one somehow becomes entitled to do it. However, the Christian injunction that we not answer evil with evil but rather with good is not an arbitrary and idealistic divine demand. Rather, it is wise and realistic advice for salvaging the human good possible in our fallen world.

If we use the evil of our adversaries as an excuse for our own murderous intent, we continue to expand and aggravate evil, mutilating ourselves first of all. For this reason, Plato also recognized that it is better to suffer evil than to do it. Thus, the injunction to respond to evil with good is neither a mere counsel for especially holy individuals nor other worldly advice for the private lives of Christians. The refusal to match others in evil is the only way for fallen humankind, individuals and societies alike, to stop compounding human misery and begin emerging into the light of decent human life and communion.

Why the Evil of the Deterrent Cannot Be Justified Pending Disarmament

Some who have made thoughtful statements, otherwise clearly formed in the light of traditional Catholic moral teaching, suggest that although the threat which constitutes the deterrent cannot be justified in principle, it can be tolerated, perhaps as a lesser evil, provided the deterrent framework is used to make progress on arms limitation, reduction, and eventual elimination. However, once one agrees that the intent to kill millions of innocent persons, which constitutes the deterrent, is immoral, one ought to say, not that it cannot be justified in principle, but rather that it cannot be justified at all. In the next paragraph I state in

summary form why this is so, and then proceed to argue the point more fully.

To say that maintaining the deterrent is a lesser evil is either to hold that a moral evil may be done to avoid some other evil or to make a proportionalist claim that the intent to kill included in the deterrent is morally acceptable. This claim would be that the will to kill millions of innocent persons is not immoral in this case, since its evil is outweighed by something else. But there is no scale on which to do the supposed weighing; those who use this approach first choose and then call what they have chosen "the lesser evil."

"Toleration" in ordinary language often means something different than it did in traditional moral theology. The two meanings must be distinguished.

In classical moral theology, "toleration" means permitting the moral wrongdoing of another without oneself choosing the other's action as a means or intending it as an end. According to this conception, an authority tolerated evil-doing within its jurisdiction when it permitted such evil-doing as a side-effect of its self-limitation – for example, a government might tolerate false religions as a side-effect of its protection of religious liberty.

In current language, not that of Catholic moral theology, "toleration" often means the reluctant willing of another's moral evil, not as an end but as a means to some good the evil-doing brings about. For example, many who support public funding of abortion say it is deplorable but must be tolerated; public funding, they argue, is necessary to make abortion available to the poor and to help ease the burden of public welfare payments. Here toleration is not merely permitting another's evil-doing, but choosing, however reluctantly, that evil be done.

The suggestion that the murderous intent which constitutes the deterrent is tolerable as a framework for disarmament efforts does not use the concept of tolerance found in the Catholic tradition. The traditional concept of toleration never was extended to excuse an authority's own immoral activity. It is impossible to put up with one's own wrongdoing, for an immoral will is active, not passive, with respect to what it wills. In the case of U.S. deterrence policy, the identity between the tolerator and doer of evil is clear. The policy is our own nation's; we the people share in it, unless we really reject and dissociate ourselves from it. Therefore, any suggestion that American Catholics might tolerate the deterrent pending mutual disarmament is senseless. It is a suggestion that we tolerate the evil we ourselves continue to choose.

At this point, those who have suggested that

the deterrent might be tolerated are likely to say: "We didn't mean that cooperation with this policy is a sin but that Catholics should commit this sin. Rather, our point is that the deterrent is very bad but not morally evil. Its admitted badness is outweighed by its good effects: it prevents the even greater evils which almost certainly would follow on unilateral disarmament. Thus, we only maintain that the (nonmoral) evil of the deterrent is a lesser (nonmoral) evil, and so the choice to maintain the deterrent is morally good." Probably, those who argue in this way also will claim that this position is nothing more than an extension of the principle of proportionality, which is part of the traditional theology's theory of just war.

This line of reasoning is unacceptable. A choice to maintain the deterrent is a choice to kill noncombatants. As explained above, the entire Christian tradition has held that it always is wrong to choose to kill the innocent. Thus, the choice to maintain the deterrent is intrinsically morally evil. The entire Catholic tradition held that such evil cannot be outweighed by anything whatsoever. Hence, it will not do to avoid saying that maintaining the deterrent is a sin one should commit by saying it is not a sin because it is a lesser evil. That would be to say that a choice to kill the innocent – condemned as sinful by the entire Christian tradition – is morally acceptable in this case.

Moreover, the principle of proportionality as it was traditionally understood was only one condition required for justice in warfare. Any Catholic author who stated this principle assumed that the requirement of noncombatant immunity also would be met. Hence, any claim that the traditional principle of proportionality might be extended to justify the choice to kill the innocent would be fallacious. If the principle of proportionality were "extended" in this way, one would be taking a step without any basis in the Catholic theological tradition.

Furthermore, the traditional principle of proportionality did not simply ask under what conditions going to war can rationally be considered a lesser evil than not doing so. In his article on war (*Summa theologiae*, 2-2, q.40, a.1) St. Thomas does not so much as mention a principle of proportionality. Some theologians include proportionality under just cause, suggesting that a war-maker has not just cause if the destruction involved in making war is pointless. Pius XII suggests that judgment of the proportion of good to bad effects might be made, but only in the light of moral principles. (On this point, see the

article, "War, Morality of," by Richard A. McCormick, S.J., *New Catholic Encyclopedia*, vol. 14, p. 804).

The fact is that during the past twenty years some theologians, unfortunately including McCormick, have adopted the position that there are no intrinsically evil acts in the sense the Catholic tradition teaches there are. They maintain that acts traditionally considered intrinsically evil are sometimes justifiable, if they are the lesser evil. Plainly, this position requires that one be able to weigh (supposedly "nonmoral") evils, such as choosing to kill the innocent and accepting the consequences of unilateral disarmament against one another, and that this weighing can determine that one evil is less than the other. This view was advanced in connection with the contraception controversy. It was criticized, and its proponents tried to defend it. Their attempt failed. This recent history is worth reviewing.

The theologians Charles E. Curran led in dissent from *Humanae Vitae's* reaffirmation of the received teaching on contraception subscribed to a statement saying that "spouses may responsibly decide according to their conscience that artificial contraception in some circumstances is permissible and indeed necessary to preserve and foster the values and sacredness of marriage." Generalized, the position is: Christians may responsibly decide according to their conscience that any sort of act, although formerly excluded by Christian teaching as intrinsically evil, in some circumstances is permissible and indeed necessary to preserve and foster important human values on which it bears.

This generalization is a form of proportionalism — the theory that in conflict situations it is right to choose the lesser evil. Proportionalism has been discussed by philosophers for more than a century, and it is notorious that there is no rational way, prior to a moral judgment, to measure values and disvalues against each other and calculate the lesser evil. Those defending received Catholic teaching advanced the argument of noncommensurability against their opponents. See, for example, my "Against Consequentialism," *American Journal of Jurisprudence and Legal Philosophy*, 23 (1978), pp. 21-72.

Few dissenting theologians have made any serious attempt to defend proportionalism against this line of criticism. One who made such an attempt was Richard McCormick. However, McCormick himself has been forced to admit that the comparison of values and disvalues is not a rational process. See his "Commentary on the Commentaries," in Richard A. McCormick, S.J., and Paul

Ramsey, eds., *Doing Evil to Achieve Good: Moral Choice in Conflict Situations* (Chicago: Loyola University Press, 1978). With respect to the noncommensurability of values and disvalues, McCormick says (p. 227): "What do we do? Somehow or other, in fear and trembling, we commensurate. In a sense we *adopt* a hierarchy. We go to war to protect our freedom." Later McCormick returns to this adoption of a hierarchy and invokes (p. 251) a "moral instinct of faith" posited by Karl Rahner, and concludes that "even though our spontaneous and instinctive moral judgments can be affected by cultural distortions and can be confused with rather obvious but deeply ingrained conventional fears and biases, still they remain a more reliable test of the humanizing and dehumanizing, of the morally right and wrong, of proportion, than our discursive arguments."

Now, the trouble with this is that McCormick had set out to show that one could arrive rationally at a moral judgment of conscience at odds with received Catholic teaching. As a judgment of conscience, this conclusion of comparing values with disvalues was to be before choice, so that it could guide choice. But in the end McCormick has been forced to admit that the comparison is not a rational one. The conclusion comes only after one adopts a standard in the very making of the choice. The article of Rahner's McCormick cites — "The Problem of Genetic Manipulation," *Theological Investigations*, vol. 9 (New York: Herder and Herder, 1972) — leads to a conclusion one can agree with. But Rahner's argument for the conclusion falters, and so he invokes a "moral instinct of faith" and admits (p. 251) that "this 'instinct' justifiably has the courage to say *Stat pro ratione voluntas* because such a confession need not necessarily be overcautious in making a decision." Thus, the whole theoretical argument is based on "we do not *want* to manipulate."

In sum, after a great deal of effort to show that a rational comparison of values and disvalues could justify departures in conflict situations from received Christian moral norms, McCormick — the theologian who has tried hardest to make sense of proportionalism — admits that the choice precedes the judgment. In some cases we do not want to manipulate, and in such cases manipulation is wrong. In other cases we do not want to manipulate, and then manipulation is right. Or: We do not want abortion, and so abortion is wrong; we do want to maintain the nuclear deterrent, and so the nuclear deterrent is justifiable. The sought after rationale turns out to be mere rationalization.

Nevertheless, the principle of proportionality

can be included in a Catholic theory of just war. One can admit it if it requires no impossible weighing of costs against benefits to determine a "lesser evil." Following Pius XII's suggestion, one can take this principle to mean that even if the other conditions seem to be met, a war can be considered unjust in the light of various moral values.

Often, when lack of "proportionate reason" is discussed, what is really at stake is just cause or right intention. For instance, someone might say that a nation which continues to fight when defeat clearly is inevitable lacks a proportionate reason, because the damage from then on will accomplish no good. More accurately, the already-defeated nation lacks upright intent, since it cannot intend any good it considers impossible, and so must be acting for some illegitimate reason, such as desire to make its adversary's victory more costly. Again, if a government goes to war over some trivial issue to strengthen its own domestic political position (as some suggested the British government did in the Falkland Islands), one might say there is no proportionate reasons for the costs of the war. More accurately, there is no just cause.

Still, in some cases "proportionate reason" cannot be reduced to just cause and right intention. Even if there is just cause and right intention, the leaders of a nation might undertake a war unduly burdensome to many of their own fellow citizens or devastating to the bulk of the enemy population. In such cases, the issue is one of fairness. Leaders ought not to involve their nation in misery they themselves would not wish to endure if they were ordinary citizens instead of leaders. Likewise, they may not do to an enemy's population (even as a side-effect) what they would not have the other nation's leaders do to them and their people. In such cases, proportionality reduces to the Golden Rule.

All this can be summed up in three points. 1) If one admits that the deterrent includes a choice to kill the innocent, then the entire Christian tradition agrees in condemning it as evil, and nothing in traditional Catholic morality justifies choosing such an evil. 2) The principle of proportionality cannot be "extended" to cover this case. 3) Statements of the principle of proportionality often are seriously defective and likely to be abused. Whenever proportionality is used as a condition for moral acceptability, one should carefully add the proviso that the "lesser evil" must be judged by moral principles, such as

fairness to all who are likely to suffer the consequences of a war.

Christian moral principles are within the special competence and responsibility of bishops. Other aspects of the complex problem of nuclear deterrence are not. Principles are invoked in any attempt to justify a particular judgment on an issue such as deterrence. If what bishops say is even slightly erroneous or unclear in respect to principles, their statements will be abused by some theologians and will be a source of scandal to many of the faithful.

In conclusion, no matter what bishops say about nuclear deterrence, their statements are likely to have only a marginal influence upon U.S. strategic thinking. Thus, the arguments they use are far more important than the conclusion they reach. Therefore, I hope that Catholic bishops will be very careful in taking their position on the morality of the present United States deterrent. Whatever else they say or do not say, they simply must not admit that the deterrent is evil yet somehow justifiable.
