

THE AMERICAN HIERARCHY AND NUCLEAR WEAPONS

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THE MORAL problem to be considered here has roused considerable public interest in the past year, during which numerous American Catholic bishops have addressed the problem of nuclear weapons.¹ Many of them have spoken out against what they perceived to be the attitudes and policies of the Reagan administration on the development of new weapons systems and the possible use of nuclear weapons. Public interest has also been heightened by the decision of the U.S. Catholic Conference to prepare a statement on peace and war with special reference to nuclear weapons. This statement was to be issued at the annual meeting of the bishops in November. Both political commentators and government officials have been struck by the readiness of members of the Catholic hierarchy to raise difficult questions and to take controversial stands on a complex and divisive issue of crucial importance to both the future security of the United States and the peace of the world.

The way in which the moral issues raised by nuclear weapons are formulated in the current debate in the Catholic community reflects both the general public debate in American society over defense policy and the special concerns of Christian faith and Catholic tradition. The central questions about the moral justifiability of producing, possessing, deploying, and using nuclear weapons are thus considered both within the context of the special responsibilities of the United States as nuclear superpower with its own distinctive history, interests, treaty obligations, resources, and vulnerabilities and within the context of the Catholic tradition with its special forms of church teaching and its preferred patterns of moral argument and reflection.

The complex task of reflecting on these questions in the American Catholic context is in a special way the responsibility of the *ad hoc* committee chaired by Archbishop Joseph Bernardin of Cincinnati, which has drawn on numerous consultants from different disciplines and viewpoints. But many other bishops have also chosen to address the problem on their own initiative.² It is not my intention here to review in a

¹ I wish to acknowledge the helpful comments and criticisms of Robert Sokolowski, John Ahearne, and James Hug. They are not, however, responsible either for the views expressed here or for defects that remain in my presentation.

² Most of the principal statements can be found in *Origins*, the documentary service of the United States Catholic Conference, Volume 11. Particularly important are the statements of Archbishop Raymond Hunthausen of Seattle (pp. 110-12), Bishop Leroy Matth-

comprehensive way the positions and arguments proposed in these statements; to trace their roots in the social teachings of the Church, in contemporary theology, and in the general public awareness of the problems of nuclear warfare; or to assess the process as an exercise in shaping ecclesial policy and in developing the Church's social doctrine. Rather, this paper aims to propose a position which is based on just-war theory and which can serve as a basis for serious and sustained commitment to comprehensive disarmament without accepting nuclear pacifism and without denying moral legitimacy to all forms of nuclear deterrence. On the basis of this position, I will offer a number of conclusions which bear both on the moral limits for U.S. defense policy and on the direction of Catholic teaching on this topic.

THE ABSOLUTIST ARGUMENT FOR NUCLEAR DISARMAMENT

Should the bishops ban the bomb? This is a somewhat simplistic way of putting the central issue that the American Catholic hierarchy now confronts, but it has the advantage of concentrating our attention on a conclusion that is both controversial and important. Putting this question directs our attention both to the bearing of moral, political, and religious arguments on policy and to the ways in which a decisive answer to this question, whether affirmative or negative, would arouse both hopes and fears in the minds of millions.

It is important to remember that this question is put from within the just-war tradition of reflection on the moral justification of violence. In this tradition the exercise of force by appropriate agents always needs justification, but it is justifiable in some cases and under certain restrictions. Arguments about the use of force in the just-war tradition are necessarily more complex than appeals to pacifism or denials of the relevance of moral considerations to the conduct of war. It is a simple and straightforward matter to argue on pacifist principles that Christians or people of good will should reject nuclear weapons (as well as most conventional weapons, at least anything larger than would be needed for killing stray bears). It is also easy to dismiss the entire problem if one holds that no moral limitations can or should be put on the exercise of violence by nation-states and on their development of weapons systems.³

eisen of Amarillo (180-81), Archbishop John Quinn of San Francisco (284-86), Terence Cardinal Cooke of New York addressed to the U.S. Military Vicariate (Jan. 7, 1982; pp. 470-73), Bishop Roger Mahony of Stockton (504-7); also reprinted in *Commonweal* 109 (March 12, 1982) 137-43. The same volume of *Origins* also contains a progress report on the *ad hoc* committee's work given by Archbishop Bernardin at the 1981 national meeting of the bishops (403-4).

³ Useful criticisms of this view, especially as it pertains to the conduct of war, can be found in Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977) chap. 1.

The two lines of argument that will be presented here, which I will refer to as the absolutist argument and the contextualist approach, will be considered within the framework of just-war theory. I will not attempt to deal with either pacifist or amoralist objections to just-war theory in general or to these lines of argument in particular.

Here it is appropriate to recall the principal criteria that just-war theory offers for the moral assessment of violence. These deal with two main problems: the rightness of the resort to war or the *jus ad bellum*, and the rightness of the way in which the war is conducted, the *jus in bello*. James Childress has recently given a useful listing of the principal criteria for the *jus ad bellum*: right authority, just cause, right intention, announcement of intention, last resort, reasonable hope of success, proportionality.⁴ Right intention and proportionality also figure in the *jus in bello*, which rules out inflicting more harm or suffering than is necessary and which forbids direct attacks on noncombatants and indiscriminate methods of warfare. The central moral problems presented by nuclear weapons have to do with the *jus in bello*, with the way in which the war is to be conducted, although it is worth remembering that nuclear weapons (as well as some forms of chemical and biological weapons) make aiming at the destruction of entire societies a realistic possibility and so create new problems with regard to right intention and proportionality.

I should also point out that in this paper I will be focusing on our moral response to the development and deployment of nuclear weapons by the superpowers. This leaves many issues of war and violence in our contemporary world to one side; among these are guerrilla and revolutionary warfare, terrorism, regional conflicts (as between Israel and the Arab States, between Iraq and Iran, between India and Pakistan, between China and Vietnam). It means that even the very important and sensitive issue of nuclear proliferation can be considered only in a very marginal fashion. But it still leaves a large, complex, and difficult question of crucial importance for us to reflect on.

What I refer to as the absolutist approach to applying the criteria of just-war theory to the possibility of nuclear war has a strong affinity with the way Catholic moral theology has handled a number of other controversial topics by holding for an absolute prohibition of certain kinds of

⁴ James Childress, "Just War Criteria," in *War or Peace?* ed. Thomas A. Shannon (Maryknoll, N.Y.: Orbis, 1980) 41. This paper, which explores both the grounds and the systematic interconnections of the various criteria proposed in just-war theory, is a judicious and illuminating presentation of the systematic issues. It incorporates material from Childress' earlier piece, "Just-War Theories: The Bases, Interrelations, Priorities, and Functions of Their Criteria," *TS* 39 (1978) 427-45.

activity.⁵ The activities in question are evaluated as objectively wrong, intrinsically evil, morally wrong in all cases and never to be done under any circumstances. Here I do not wish to enter into the current debate in moral theology between critics and defenders of absolute negative norms, between proportionalists and absolutists, but rather to raise the question about whether the absolutist approach yields an appropriate understanding of the moral issues raised by nuclear weapons and an appropriate strategy for action by concerned Christians who desire their government's course of action to be morally sound.

Let us look at the central claim of the absolutist argument: the use of nuclear weapons is wrong in all cases. From this one can draw a series of further conclusions (as some bishops and theologians have done with varying degrees of enthusiasm). If it is wrong in all cases to use nuclear weapons, then it is wrong to threaten to use them, since it is wrong to threaten to do what is morally wrong. Since the possession of nuclear weapons and delivery systems for them constitutes an implicit threat to use them and is only rational if there is some willingness to use them under certain circumstances, the possession and deployment of nuclear weapons is also wrong. So also is the production of such weapons.

This line of argument has both clarity and a sharp point. If it is accepted, then the policy of nuclear deterrence loses its moral legitimacy. But this is not a merely theoretical conclusion. It is itself a starting point for further reflection and action. It seems that Catholics and others persuaded of the truth of this line of argument should refrain from any co-operation in the production, deployment, and use of nuclear weapons.⁶ Concerned and convinced citizens should vote against candidates who favor such activities and should refuse to pay taxes that will be used to carry on such activities. Something like this seems to be the main thrust of the current radicalization of Catholic opinion. It serves as a battering ram bringing down various rationalizations and pushing those who would defend present and increased levels of nuclear weaponry into an increasingly narrow and indefensible corner. The clarity of the argument seems to indicate the need for action rather than for further inquiry and reflection. On the other side, however, the argument seems to urge us to take a leap into the unknown. In logic it requires the bilateral disarmament of the superpowers. Failing that, it seems to require the unilateral

⁵ The present essay can be seen as one moralist's reflection on the suggestive remarks on the connections between the debate over pacifism and just-war theory and the general Catholic theological debate on moral norms that Bryan Hehir makes in his excellent essay "The Just-War Ethic and Catholic Theology: Dynamics of Change and Continuity," in Shannon, *War or Peace?* 30-32.

⁶ A provocative specification of conclusions from this general approach with regard to the duties of public officials can be found in Francis X. Winters, "The Bow or the Cloud?" *America* 145 (July 25, 1981) 26-30.

disarmament of a power whose citizens are convinced of its truth; or, to put the matter in a softer version, it requires at least some unilateral steps toward disarmament. The softer version is more appealing on grounds of political practicality than it is on grounds of logical consistency.

What the world will be like after the superpowers relinquish nuclear weapons (along with other weapons of mass destruction) is a matter for speculation, perhaps anxious, perhaps jubilant. But there are very good reasons to think that it would be a much better place morally and politically and economically, at least in the short run. The general public reaction would be compounded of relief, amazement, and exultation. Cynics might stress the need for continued inspections and might well anticipate the return of demands for the protection against a possible recurrence of large-scale conventional warfare that nuclear weapons have commonly been thought to provide. Pacifists and realists would point out that fundamental problems of world order would remain and would continue to provoke people to violence on varying levels and with differing results. Suspicions that the other side had retained some nuclear weapons or might restore its nuclear capability would remain and would vary in intensity with events. But these anxieties would seem a small price to pay for the removal of the proximate possibility of nuclear holocaust. The crucial difficulty with this outcome is not its undesirability but its extreme unlikelihood.

In the event that a line of argument based on the intrinsic immorality of using, possessing, and producing nuclear weapons does not create a situation of bilateral renunciation of such weapons, troubling questions arise. If the claim is that one side should renounce nuclear weapons because this is the right thing to do, then what becomes of the present form of world order (imperfect as it is) if one side (presumably the morally more sensitive side) gives up its arsenal? What happens to the allies and client states which it has offered to protect? What happens to the interests it has tried to promote? One can dismiss these questions only if one is not seriously interested in the shape of the future or if one is convinced that the present order of things is so radically corrupt that the destruction of the existing international network of interests and obligations is to be welcomed regardless of what replaces it. Neither response seems appropriate for shepherds concerned about the welfare of their flocks or for protesters who are making the point that the world as it is ought not to be blown up. Equally troubling on the normative level is the question of what is to become of the national right to self-defense in the event of unilateral disarmament.⁷ One possibility is that the right

⁷ This right, "which is very real in principle," is affirmed by John Paul II in his January 1982 World Day of Peace message, *Origins* 11 (Jan. 7, 1982) 478.

is to be affirmed but within a restricted range of options which would include forms of passive, nonviolent resistance and of conventional and guerrilla warfare. This is a coherent possibility which is not to be lightly dismissed. As the Vietnam war shows, a superpower with an enormous advantage in weapons of mass destruction can be resisted for a long period of time. How long resistance would go on once a superpower started to employ its nuclear arsenal against a nonnuclear foe, especially in a world without other significant nuclear arsenals, is another matter. The only instance is the case of Japan in August 1945, and it is not encouraging. What this option does preserve, though, is the conviction of the just-war tradition that the preservation of a free and just (though always imperfectly so) political community is a value of sufficient importance to justify both laying down one's own life and taking the lives of aggressors who would destroy that community. The renunciation of nuclear weapons as a means of defending such a community leaves the community open to intimidation and blackmail, which can involve the breaking of the community's will and the establishment of a grossly punitive form of exploitation, even when it does not involve genocidal efforts to transform or purify society. Admittedly, one does not know what the future will bring, and we should be as careful of being led by our darkest fears as of being guided by our fondest hopes. But cases for nuclear disarmament that dismiss these possibilities show a lack of moral, political, and religious seriousness.

The absolutist argument against the use, possession, and production of nuclear weapons leaves many people dissatisfied and anxious. Though clear and powerful, it strikes many people as incomplete and as leaving important values unprotected. This dissatisfaction has led people to try to break up the line of argument, to maintain, for instance, that nuclear deterrence is a unique case. But then how can we determine what we are to say about it and how are we to show that it conforms to our other considered moral judgments? Others have wanted to acknowledge the immorality of explicit threats to use nuclear weapons but to maintain that the implicit threat contained in possession and deployment of such weapons is allowable. This overlooks the necessity of a will to use nuclear weapons in some circumstances if a deterrent is to be credible. A firm and settled intention not to use nuclear weapons in all foreseeable circumstances makes the possession of such weapons literally useless as well as irrational and needlessly provocative. These moves, however, while theoretically unsatisfactory, are interesting as evidence of a widespread tendency to think that the matter cannot be quite so simple as the absolutist argument would have us believe.

The absolutist argument is, I would suggest, more likely to be appealing to those who have, in a real though often disguised way, opted for

pacifism. They feel great revulsion and anxiety about the prospect of any violent conflict between the superpowers, either because they are in the midst of the likely zone of conflict or because they understandably regard the prospect of a nuclear holocaust with fear and loathing. On the other hand, they do not wish to repudiate what they conceive to be the just wars of the past; they may also be willing to regard as morally justified various wars of liberation in the present, so long as these do not pit the superpowers directly against each other. The absolutist argument has a certain *fiat justitia, ruat caelum* ring to it: "let justice be done, even though the heavens fall." For Catholics of a certain generation, it combines the attractions of scholastic rigor and prophetic intransigence.

But we need to ask whether the absolutist argument, whatever may be its appeal to nuclear pacifists, really works on its own terms. The basic claim of the absolutist argument is that every use of nuclear weapons is morally wrong. If we are in some difficulty about accepting conclusions drawn from this premise and if we find no obvious defects in the steps of the argument, then it is appropriate to challenge or re-examine the initial premise. How is the basic claim of the absolutist agreement to be established within the confines of just-war theory? It is, of course, easy enough to establish the wrongness of using nuclear weapons by relying on pacifist premises; but then one is ceasing to offer a just-war argument and is begging the question. Within the just-war tradition, it seems to me that one can offer at least three considerations. The first is to claim that nuclear weapons, since they are weapons of mass destruction, are indiscriminate in their effects and involve an unacceptable direct attack on innocent civilians. The second is that use of nuclear weapons involves greater force than is necessary to repel an enemy attack. The third is that the loss of life involved in a nuclear attack and the collateral damage resulting from that attack will violate the requirement of proportionality; the evils produced will outweigh the good attainable by the attack or even by a favorable outcome of the war. A fourth consideration, which I will set aside for the moment but which I judge to be of central importance, is the increased risk of nuclear holocaust and other morally unacceptable outcomes.

Two points should be noticed about the way these considerations function in the argument. First, nothing decisive hangs on the nuclear character of the weapons. The original just-war criteria are intended to apply to wars and weapons of all types. Noncombatants can be attacked with arrows or machetes as well as with missiles. Within the moral and metaphysical perspectives of traditional Christianity, one cannot affirm that weapons themselves or the technology and the scientific knowledge that lead to them are wrong in themselves. These are in different ways creatures of God and manifestations of human skill and talent, however

dangerous they may be. The moral problems arise with regard to our actions, with regard to the ways in which we use these things. Even if certain actions with regard to nuclear weapons are always wrong, the problem has to do primarily with the action and its effects rather than with the nature of the weapon (which is relevant to the character and extent of the effects).

Second, we must remember the burden of proof that a proponent of the basic premise of the absolutist argument is assuming. What this requires is that one show that every instance of using a nuclear weapon is wrong, that it is an exercise of force which produces unjustifiable harm. It is common ground to everyone in the current debate that nuclear weapons are dangerous and deadly devices and that they can be used irresponsibly and immorally. The issue in dispute is whether they can ever be used in a way that is morally right. This issue might be settled if there were a consensus that the use of the bombs at Hiroshima and Nagasaki was justified. My own impression on this is that American use of the bombs in August 1945 probably passed the tests of right intention (achieving a swift end of a defensive war) and of proportionality (inflicting less harm than would have been suffered by both sides in an allied invasion of the home islands of Japan), but that it failed to pass the tests of respecting noncombatant immunity (since the targets were not purely military and were civilian population centers) and of using no more force than necessary (less drastic alternatives could well have been explored). In saying this, I do not mean to pass judgment on the moral culpability of the agents involved, which is another and more complex question. In any event, it is neither likely nor desirable that the moral justifiability of using nuclear weapons will be made manifest by actual experience. On the other hand, instances of morally wrong use of weapons do not establish the impossibility of morally right use, which is what we need in order to show conclusively that every conceivable instance of use is morally wrong. The situation is roughly comparable to the effort to show that every instance of killing is wrong. It is easy enough to point out that murder is always wrong, since murder can be defined as the unjustified taking of life; but this does not eliminate the need to consider whether the taking of human life in a given situation is justifiable or not.

Now the claim that the use of nuclear weapons is never morally justified is precisely the weak point of the absolutist argument. For it is comparatively easy to construct hypothetical cases in which nuclear weapons are used against specifically military targets in a way which does not produce disproportional collateral damage and which does not involve direct attacks on noncombatants, that is, in a way which meets the criteria of the traditional *jus in bello*. Such cases, furthermore, can

involve either strategic or tactical nuclear weapons. We can be dealing either with tactical weapons precisely directed against concentrations of enemy tanks or with strategic weapons aimed at enemy missile silos. There is no logical necessity for nuclear weapons to be targeted against cities or for them to be used in an indiscriminate fashion, even though they can clearly be employed as weapons of mass destruction in ways which fail to meet tests of proportionality and discrimination. Such proposed cases fail to allay our anxieties about the likely consequences of resorting to nuclear weapons; for we cannot know that the reality ahead of us will conform to our cases and scenarios. The possibility of constructing such cases, in which the specific demands of just-war theory are respected, does not establish that any particular actual use of nuclear weapons is morally right. Nor do these cases show the rightness and moral justifiability of the current American defense posture; for it may well be that the targeting policies and the scale and location of contemplated nuclear exchanges take us well beyond the limits which just-war theory lays down. It should also be recognized that large-scale hostilities in central Europe are very likely to produce unacceptable levels of civilian casualties, whether conventional or nuclear forces are employed. This creates problems about noncombatant losses, collateral damage, and proportionality well before one gets to the question of nuclear escalation.

Now cases of the sort that I have mentioned are likely to strike many of us as abstract and antiseptic, as closer to moral speculation on an imaginary chessboard than to moral reflection on the battlefield. This I will grant. Nonetheless, they are of crucial importance for understanding the limits of the absolutist argument, which proceeds in a priori fashion. The construction of such cases is an important part of our moral and legal thinking, of the way in which we explore the applicability of our moral notions and principles beyond the realm of our personal experience. Constructed cases obviously fall short of the full, complex, living, and bloody realities that we are concerned about in discussing the morality of warfare; and reflection on such cases is no substitute for the sensitivity and discernment that we need in the perplexing situations of our lives together. But precisely the same observations can be made with regard to abstract moral principles. What the cases show is that at least by the canons of the moral reasoning which are employed both in Catholic moral theology and in wide stretches of our practical discourse, one cannot take the basic claim of the absolutist argument as proven if one is working within the framework of just-war theory.

The absolutist argument also runs into two further difficulties. First, it pushes us beyond what might be acceptable terms for nuclear disarmament. Most of the world would probably applaud and give its benediction

if the superpowers were to agree to reduce their level of nuclear armaments to something like the current levels of the French and the British. By the terms of the absolutist argument, however, this would not alter the fundamental moral situation, even though a proponent of the absolutist argument could admit that it might make a very significant political difference and could welcome it as significant progress; for the principles of no use, no possession, and no production would still be violated. The absolutist position could also be appealed to in ways that undercut significant though incomplete efforts at disarmament. A related problem is that by requiring nations that accepted the moral necessity of nuclear disarmament to give up all nuclear weapons, it would leave them vulnerable to threats and possible assault, not merely from a superpower but also from powers that could invest in even a small nuclear arsenal and a rudimentary delivery system. This is, of course, an unlikely outcome in the real world, at least in so far as it supposes that the superpowers would leave themselves vulnerable to such a possibility. But it can be of interest as an indication of possible deficiencies in the absolutist argument.

If these reasons, singly or in combination, persuade us to question the initial premise of the absolutist argument, what follows? The crucial point is that the basis for comprehensive a priori challenge to the moral acceptability of deterrents collapses. If some uses of nuclear weapons are in principle justifiable, then the possession and production of nuclear weapons must be allowable in principle. This does not mean that all forms of deterrence strategy and all types of nuclear weapons in unlimited quantities are morally acceptable, any more than all uses of nuclear weapons are allowable. But it does mean that moral criticism of weapons systems and of superpower defense policy will have to be more sensitive to matters of detail and direction, to targeting policy and to political context, rather than relying on a blanket condemnation of nuclear weapons as such. This is an outcome which is unattractive and probably unpersuasive to those who are disturbed by the threatening posture of the superpowers to each other and by the current wave of heavier reliance on more extensive armaments. But it is an outcome which sets us free to understand the balancing of values which is required in shaping strategic policy in a way that will be more responsible and more sensitive to moral considerations.

In arguing for the importance of making decisions and discriminations within a situation in which both sides have nuclear weapons and in which deterrence plays a shaping role, I do not want to argue for nuclear weapons as such. I think that on balance the world is a better place without such things and without the weapons of technological warfare in general. Just-war theory always has to proceed from a general presumption against violence. It does not tell us about the goods we ought to aim

at, but about the evils that events and other persons may require us to do and to suffer if greater evils are to be avoided. We also have to remember that for the rest of the human future we have to find ways of living with the knowledge that we can build weapons of enormous destructive power which may destroy entire societies and even the human species. Even if nuclear weapons and delivery systems were to be eliminated, that knowledge and that ability would remain so long as the scientists were not eliminated also. Recognizing the possibility that we human beings have the capacity to destroy entire societies and our world is not good news in any event, no matter what one's theological or philosophical perspective.⁸

Rejecting the initial premise of the absolutist argument and accepting the continuing presence of nuclear weapons in the world (at least as a technological possibility and most likely as a matter of fact) does not mean that all is well or that we have to learn to love the bomb or that all possible uses of nuclear weapons are legitimated in principle. Nor is any particular instance of the use of nuclear weapons, especially given the presence of nuclear weapons in large quantities on both sides, to be treated as a morally simple matter. In fact, allowing the possibility of a morally acceptable system of deterrence makes a single use of a nuclear weapon more problematic, more troubling, and more dangerous.

THE CONTEXTUALIST APPROACH

One of the crucial problems in applying just-war criteria to contemporary forms of warfare, particularly before a war breaks out, is that modern wars have turned out to be innovative and pattern-breaking. This particularly affects the test of proportionality. In the fourteenth century or the eighteenth century, powers entering a war were not sure which side would win, but they had a reasonably clear idea of what the war would be like, what the risks would be in losing, what would be a tolerable level of casualties before a regime felt impelled to yield. Both the world wars in this century witnessed technological and tactical developments that altered the character and the human cost of fighting a war (e.g., trench warfare, submarines, poison gas, and tanks in World War I; aircraft carriers, radar, missiles, and nuclear weapons in World War II). We know that prior expectations of the likely course of war have been consistently falsified by a variety of political and military developments; it is worth mentioning that some estimates have been overly pessimistic, e.g., the estimates about the effects of bombing on urban centers in the first years of World War II. We know also that no one has any experience in fighting a war in which both sides had nuclear weapons

⁸ Some idea of the dismay that this fact can provoke is apparent in the recent book of Jonathan Schell, *The Fate of the Earth* (New York: Knopf, 1982).

and were willing to use them. Most of the scenarios about how we move superpower conflict to the level of nuclear exchanges and how such hostilities might be terminated are speculation—in some cases, very intelligent and imaginative speculation, but speculation nonetheless.

Two things, however, are clear. One is that the destructive energy that can be released by presently existing and deliverable nuclear weapons is capable of producing catastrophe on a scale vaster than anything in recorded history. It is capable of destroying millions of lives in a very short period of time. Whatever doubts there may be about whether we have the ability to destroy Soviet and American society totally and definitively will soon be erased as we develop more numerous and more sophisticated weapons.

Second, it is clear that comprehensive hostilities between the superpowers, whether initiated with nuclear or with conventional weapons, would bring a very serious danger of a catastrophic exchange. Such hostilities would be, by definition, a sign that the two parties perceived vital interests to be at stake in a way which did not allow for compromise. While it is not the case that use of a single nuclear weapon would entail a catastrophic exchange between the superpowers, the use of a single nuclear weapon would indicate a willingness to use new levels and forms of force. Whether this readiness was rational and founded on a realistic appraisal of vital interests, or whether it was irrational and founded on a mistake or a pathological desire, we would still experience a great increase in our common danger. This increase in the likelihood of a catastrophic exchange holds even if one does not absolutize a "firebreak" distinction between nuclear and nonnuclear weapons. That line may be of more importance technically and psychologically than it is morally or militarily; but the willingness to cross it in the course of hostilities would, given the present reality of public perceptions about the matter, be a clear sign of a very serious conflict which it is proving very hard to control. We can suppose that the superpowers will normally look to alternative ways of resolving conflicts and will only use nuclear weapons or other weapons of mass destruction as a last resort. If we cannot take this for granted, we have a more serious set of problems than apologists for the present strategic system assume.

The element of serious, even critical, danger is then inescapable in any use of a nuclear weapon, no matter how carefully that use may be restricted to purely military targets and no matter what efforts may be made to protect civilian lives and to prevent collateral damage. This is an element that I put to one side in our earlier consideration of the absolutist argument, but it is an element that is always part of the context for the use of a nuclear weapon and one that deserves careful consideration. Danger involves the possible occurrence of an evil. It is not to be equated

with the actual occurrence of that evil, but it is itself an evil, normally the shadow of a greater evil. This is true whether we are aware of the danger or not. We normally regard danger as a negative feature in a situation, though not always. Some swimmers may like sharks, and some sharks certainly like swimmers. A specific danger can be freely chosen or it can be unavoidable; but some level of danger is inescapable in life. Hence everyone needs some measure of courage. But it is worth recalling that Aristotle places courage as a mean between foolhardiness and cowardice.⁹ The free choice of danger is a matter for moral responsibility, though often enough danger is unavoidable. The person who hazards life or limb for a trifling gain is thought to show insufficient regard for his worth as a person. It is noteworthy that our thinking about danger turns mainly to the personal qualities or virtues of courage and prudence, which we expect to find in soldiers and leaders.

We rarely think that the moral rightness or wrongness of an action depends on the dangers associated with it, partly because danger is contingently linked to the action, partly because the danger is not the evil itself, partly because the occurrence of the dreaded evil depends on the action or response of another and so is not the direct consequence of my action, partly because in some situations danger seems to be all around us and to infect all the principal alternatives. The seriousness of a danger depends both on the magnitude of the evil that impends and on the likelihood of its occurrence. Because of the considerations just mentioned and especially because of the probability factor, it is not possible to use the element of danger to support an absolutist argument for an exceptionless moral rule. The evil which is risked rather than intended may not occur; or it may turn out to be produced by another person and hence that person's responsibility; or it may be less than some evil which would occur if the action were not performed. Thus, proponents of nuclear deterrence could argue that the likelihood of the enslavement of free political communities in the absence of nuclear deterrence is so great and that the likelihood of nuclear holocaust is so low that even though the second evil is greater than the first, the first danger is actually greater. One need not grant the specific claim made here in order to see the difficulty of determining the rightness or wrongness of action by considerations of danger. But one can reasonably affirm that it is not the mark of a prudent or responsible moral agent to expose his or her person or political community to moderately high risks of evils which far outweigh possible benefits. This is put in a vague way with many loose ends, but it can serve to remind us that there is a line, however imprecise our formulations of it may be, which only a fool or a person lacking in human sensitivity would willingly cross. Our estimates of the dangers which it is

⁹ Aristotle, *Nicomachean Ethics* 37, 1115b10-1116a9.

wise or prudent for human societies to expose themselves to are so imprecise that they can hardly be called calculations, although some dimensions of the situation can be quantified. We should also note that we normally want to leave a margin of error so that we will in fact avoid the worst or most catastrophic outcomes.¹⁰

Proper attention to the element of danger is something that nearly all nonspecialists find lacking in scenarios about the conduct of nuclear war. These antiseptic narratives and calculations fail to capture the "confused alarms of struggle and flight, where ignorant armies clash by night."¹¹ Their drastic and terrible simplifications may be necessary for the conduct of strategic discourse; but they suggest an ability to perceive things sharply and to control reactions which is unlike our general experience of situations of intense stress. Proposals for strictly contained nuclear exchanges within the limits of just-war theory should impress us as similarly inadequate, even though we may need them in order to clarify our moral judgments.

Talk of the danger of a catastrophic nuclear exchange has one advantage over talk of a nuclear holocaust in that it brings out the reciprocal character of the danger. We are confronted both with the possibility of doing terrible things (a matter of special concern to us as morally responsible agents) and with the possibility of suffering terrible things (a matter which concerns all of us as vulnerable human beings). In setting up the present system of nuclear deterrence, we and the Soviets have chosen to lessen our risk of suffering terrible things by threatening to do terrible things. Are any of the terrible things that we threaten to do morally wrong? Let us acknowledge that most of the people involved in deciding and carrying out United States deterrence policy do not threaten to do terrible things because they would enjoy seeing these things happen or because they are starkly insensitive to the implications of what they do. Let us acknowledge also that they are doing what they do for the sake of what they consider to be worthy and humane goals of vital importance. Moralistic denunciation of such people underestimates the seriousness of their predicament and ours.

But it is crucially important for us always to bear in mind that the predicament is a moral predicament. It is a matter both of what we propose to do to other human beings and of what dangers we are going

¹⁰ The considerations of John Rawls on the maximin rule for choice under uncertainty (which calls on us to adopt the alternative the worst outcome of which is superior to the worst outcomes of the others) can provide one starting point for further reflection on this topic, though the problem of choice that he is working on is very different in its assumptions from the problem of determining nuclear strategic policy. See his *A Theory of Justice* (Cambridge, Mass.: Harvard University, 1971) 152-57.

¹¹ Matthew Arnold, "Dover Beach."

to threaten others with and what dangers we are going to expose ourselves and our allies to. The predicament is also moral because our consideration of options or alternative scenarios or possible threats is subject to certain moral limitations. There are at least three things which we may not do, which we may not threaten as a matter of policy, and the danger of which we are morally bound to minimize (even though we may not be able to eliminate it).

First, the destruction of the human race in a catastrophic nuclear exchange or the definitive pollution of the human environment by atomic, biological, or chemical weapons in such a way that the human species would not survive cannot be justified by any compensating value. Aiming at such an outcome is irrational, as is accepting it as a tolerable, even if not intended, result of policies that one is pursuing. The simple and decisive reason for this claim is that, whatever benefits might be thought to result from a war that turned out in such a way, there would be no one around to enjoy them.

Second, the destruction of entire societies is not a moral and justifiable goal for national strategic policy. Such an objective is clearly outside the limits of just-war theory; for it must involve attacks on noncombatants. It is also very likely to involve a violation of the norm of proportionality between the good aimed at and the evil done or endured, as well as violations of the norms of just intention and the test of collateral damage. The problem here is not so much that the destruction of Soviet society and its members is the direct and avowed objective of American policy as that, once a process of threats and military exchanges reaches a sufficiently high level, it is likely to become our objective as a result of fears, pressures to retaliate, and a mixture of outrage and desperation. Nuclear warfare against entire cities and populations exceeds moral bounds and is wrong. We also have to recognize that it is quite likely to happen once nuclear exchanges begin.

Third, attacks which are directed against noncombatants or which produce environmental consequences that will in the long run be destructive of large numbers of human lives are morally wrong. From a theoretical standpoint, this is simply a specification of just-war theory, but it is worth making the point explicit since, even when the aim is not the total destruction of the enemy society, it is possible to have attacks and uses of force which are not morally acceptable. It is, of course, difficult in many cases to know precisely where to draw the line between combatants and noncombatants and to know the consequences of military actions in detail beforehand.

Now these three things—the destruction of humanity, the destruction of an entire society, and direct attacks on noncombatants—are things

which it is bad to suffer and wrong to do. A morally sound national defense policy for the United States must aim at our avoiding both the doing and the suffering of these three great evils. The avoidance of these evils requires a contextualist approach rather than the general condemnation found in the absolutist argument; for the task of morally responsible political leadership is to avoid these three great evils, while at the same time preserving the ability of the United States and its core allies to survive as free communities striving for justice.

General and comprehensive renunciation of nuclear weapons and other weapons of mass destruction by the superpowers and other nations that have such weapons or are likely to have them would remove the first two of the great moral dangers presented by nuclear war and would greatly lessen the scope of the third. (We should recall that attacks on noncombatants have been a feature of wars since very early times and that temptations to attack noncombatants will recur whenever hostilities break out, no matter what the level of weapons systems.) It is the optimal future, despite the difficulty of attaining it. The problems of world order which might arise from the disappearance of strategic weapons systems could be worked on while these systems are removed gradually by a series of agreements.

If bilateral disarmament is very good, it does not follow that unilateral disarmament is half as good. It is true that the possibility of doing the three great evils is removed for the side that disarms, and the possibility of suffering them is removed for the other side. But unilateral nuclear disarmament does not remove for the side that disarms the possibility of suffering these evils or of being subject to nuclear blackmail. It constitutes a drastic limitation of a nation's right to self-defense and may well prepare the way for a surrender of national self-determination. Such renunciations may be rational or necessary, given the proximity of overwhelming nuclear disaster. Or they may be recommended as a profound expression of faith in the possibility of a better order of things. In either case it would be very unwise to see unilateral disarmament as anything but a drastic change in the present order of the world, a change which, at least in the short run, would probably be for the worse. The recommendation of a form of unilateral disarmament which would leave the Soviet Union in a position to move militarily around the world and to enforce its system when and as it chooses to do so is a confession of despair over the world situation and can reasonably be expected to bring numerous evils along with it.

CONCLUSIONS WITH REGARD TO NUCLEAR DETERRENCE AND DISARMAMENT

The maintenance of a nuclear deterrent is an effort to avoid these evils, which are both very great and reasonably likely, by bearing the risks

present in a system which allows the possibility that both sides may do and suffer the terrible things of nuclear war. Is such a system legitimate?

First, if the system is set up in such a way that the major negative outcomes already mentioned are envisioned as appropriate or tolerable responses to various provocations or assaults by the other side, it is not morally acceptable.

Second, if it is wrong to do the three types of things already mentioned, it is wrong to commit oneself to carry them out at some point in the future and to threaten to do them. The evil immediately involved in such threats is primarily the evil produced in the moral personality of the society and in the persons making such commitments or threats. Such evil may not be seen clearly by external observers or even by those who suffer it internally; it may range from an insensitivity when certain things are not perceived as morally evil to conscious and steadfast determination to do evil things because they are somehow useful or attractive. The willingness to use nuclear weapons in immoral ways may never find fulfilment in actual use; but it is not a trivial problem in itself.

Third, so long as it is granted that it is possible to use nuclear weapons in accordance with the moral restraints of just-war theory, there cannot be a fundamental and decisive objection to the possession of nuclear weapons as such. The weapons, once produced and possessed, can be used in right and wrong ways. Since possession brings with it the possibility of wrong use, possession can reasonably be seen by an adversary as an implicit threat of wrong use. Governments that are confronted by adversaries with nuclear weapons would be extremely foolish to presume that these weapons will not be used in morally wrong ways, regardless of what the declared intentions of the adversary government may be. They have to consider not merely the possibility of morally circumscribed uses of weapons, which might inflict severe but tolerable losses, but also the possibility of morally proscribed uses of weapons, which could inflict intolerable and catastrophic losses. A government can and should be deterred by the possibility that its adversary may act immorally. In this way, which contrasts with the absolutist argument discussed earlier, I would maintain that the legitimacy of the nuclear deterrent depends on accepting the possibility in principle of a moral use of nuclear weapons.

Fourth, even if one grants both the previous claims about the moral use and the deterrent function of nuclear weapons in general, there can and should be criticism of weapons systems which make economic and strategic sense only if they are intended to bring about morally unacceptable outcomes.

Fifth, there should be criticism of numerical levels of weapons systems which suggest that the real intention of the power accumulating them is the obliteration of the other side.

Sixth, there should be acceptance or toleration of weapons systems which, because of their greater precision and greater ability to be used in carefully controlled ways, give greater promise that restraint will be observed in their use.

Seventh, because a system of mutual deterrence requires for its stability a willingness not to achieve a first-strike capability and a willingness to continue the exposure of one's own population to certain risks, there should be criticism of weapons systems which threaten the stability of the system or which offer the public an assurance of invulnerability. It has to be made clear to the general public that policies and programs which offer the promise of allowing the United States to do terrible things to its adversaries without being liable to suffer similar terrible things itself are intellectually specious and morally bankrupt.

Eighth, a workable system of mutual deterrence aims both at preventing adversary actions that damage crucial national interests and at lessening the danger of nuclear catastrophe. It does the second, not by lowering the stakes or by making unfavorable outcomes impossible but by trying to improve the odds by making it very clear to the adversary that certain moves and threats cannot advance his cause. The protection of crucial national interests, when these are properly understood, and the protection of free political communities may justify both the use of force and threats of force. But the prevention of damage to crucial national interests by means that jeopardize or even sacrifice national survival is not a rational or morally defensible project. Deterrence, so long as it works, puts an effective ceiling on the exercise of force by adversary powers. The breakdown of a system of deterrence which is implied by any resort to nuclear weapons, both on the tactical level and even more so on the strategic level (in contrast to its agreed-on replacement of some other system of order), subjects all parties to a much higher level of danger and to a much greater risk of both suffering and doing the three great evils already mentioned. This is an important basis for a negative consequentialist assessment of any actual use of nuclear weapons between the superpowers. In assessing such an event, the stability and continuity of deterrence actually counts as one of the positive values that is jeopardized by use. Limited use of nuclear weapons need not overturn a system of deterrence completely, so long as some restraint prevails against moving to yet higher levels of nuclear exchange. But there is a paradox here in that while the possibility of legitimate use is necessary in order to found the moral legitimacy of the system of deterrence, actual use has negative impact on the system.

Ninth, since political crises and conflicts in superpower relations increase the likelihood of resort to force by the superpowers and increase the danger of the morally unacceptable outcomes mentioned earlier, they

should have the effect of increasing the importance of agreements on controlling and reducing nuclear weapons and of agreed-on measures to prevent use. While it is true that nuclear weapons actually become threatening in a particular political situation within a political system and that nuclear weapons are possessed by powers with a range of specific political interests, it is a mistake in principle to make agreements in dealing with the overriding danger of nuclear catastrophe dependent on the resolution of specific disputes or on the blocking of the adversary's aims in a given area or the advancement of one's own aims. It may in practice be necessary to allow a certain amount of "linkage," especially given the complexity and openness of the American political system. But it has to be the part of prudent and responsible leadership to recognize the overriding shared interest in preventing catastrophic nuclear exchanges. Policies and propaganda which accord priority to the strategic and political interests of one side and accord merely relative or conditional importance to the common interest in neither doing nor suffering the terrible things of nuclear war are fundamentally mistaken and are morally disordered.

Tenth, given the enormous dangers and indeed the threat to national survival which current levels of nuclear arms present, it has to be recognized that national security is not significantly increased by the development and deployment of new weapons systems so long as the other side is in a position to counter them. They raise the stakes in capital invested and usually in the goods targeted for possible destruction, and they often increase the likelihood of unfavorable outcomes. National security has to be looked at in terms not simply of increased military capability but of decreasing the long-term threat to the survival of our civilization. It is profoundly unwise to set arms control and national security in an antithetical relationship to each other. The risks of cheating on agreements and manipulating their terms, while real enough and not to be trivialized, are not to be set against an imagined risk-free continuation of an arms build-up in an increasingly hostile environment. National security, which is a necessary part of preserving the self-determination of a free political community in a world of sovereign states, is an important but not unconditional value. We must be particularly careful about accepting an expanded notion of national security which offers us specious promises of terminating national vulnerability and risks and which puts forward covert demands that things be done our way or else.

Eleventh, keeping a system of deterrence that is respectful of moral limits on the use of force and that preserves the values of a free society is a complex task that requires resolution, patience, and prudence. The public is right to be alarmed by a number of trends in current debate and policy which suggest that nuclear war is winnable or not likely to be

devastating in its effect or which imply an unwillingness to accept restraints on the development and accumulation of weapons. But the public must be educated to the importance and value of working for measures of arms control and of international agreement that, while imperfect, will contribute to the safety of the world without surrendering our ability to shape our political future in ways that will bring liberty and justice to all.

Twelfth, in response to the initial question, I answer that the American bishops should not ban the bomb but should adopt a stance which affirms the limitations of violence that are central to the just-war tradition and which at the same time points to the dangers of using nuclear weapons and of allowing the arms race to continue. The bishops should counsel sober recognition of these dangers and should support in a patient and realistic way efforts for arms control and disarmament. They should keep a certain distance between the stance of the Church and specific proposals, whether these are advanced by governments or by popular movements, while encouraging people to examine these proposals on their merits in an open and fair-minded way. They should recognize the difficulties involved in determining whether specific weapons systems and their possible uses fit within the limits of just-war criteria. They should acknowledge that responsibility for assessing the dangers of particular alternative courses of action with regard to nuclear arms and disarmament rests with elected officials relying on the advice of military and technical experts. For this reason they should urge the importance of open and candid discussions in which the major possibilities are laid before the public honestly and in which considerations of partisan advantage are kept to a minimum. As these discussions develop, the bishops and other representatives of religious opinion should stand ready to speak for values that are being slighted in the public debate and to criticize appeals to Christian and human values that they judge to be shortsighted or self-serving. More specifically, they should be ready on a local basis to provide opportunities for learning, for reflection, and for counseling for Catholics and others who are troubled in conscience over their personal responsibilities with regard to the making, deployment, or possible use of nuclear weapons. They should urge participants in the public debate to recognize the importance of treating public concern over nuclear weapons with respect, even when the arguments and proposals which issue from that concern are defective or impractical. They should remind those who are concerned with progress toward disarmament and peace that the struggle involves genuine needs for both change of heart and growth in understanding and that the task of avoiding nuclear disaster is likely to be exceptionally long and difficult. Finally, they should send a message of hope to the American people, a message which does not deny the

darkness and the dangers of the present, but which affirms the importance of not thinking of our nuclear predicament on fatalistic lines. The present moment of heightened concern over nuclear weapons should be treated as an opportunity for education and for commitment that will be patient and effective over the long haul, though there can be many defeats in the interim. It is vitally important to deliver the American people from tendencies to accept the inevitability of nuclear war and from a conception of themselves as fated both to do and to suffer the catastrophes which such a war would bring.