

“exception” is unclear.^{158d} What is striking is that there is in the NT no homogeneous praxis which co-ordinates the words of Jesus with divorce. Without this diversity the very eschatological nature of Jesus’s words would be undermined.^{158e} A basis for distinguishing the eschatological ideal of unity and indissolubility in marriage from the praxis or divorce law of the Church is thus to be found in Scripture.

To summarize briefly, recent literature shows a turn to experience in the consideration of sexual morality and of the Christian meanings of marriage and family. This does not represent abandonment of an “objective” morality, but instead the perception that common values are discerned best through the prisms of the concrete realms of life in which they are embodied. In marriage and sexuality, experience in our time shows more clearly that commitment is grounded in the affective dimensions of relationship, though it also requires for its stability social and ecclesial institutionalization. Thus love is the foundation and the inclusive “end” of the partnership which is marriage, while the nurturing of children is an important outgrowth of that partnership. Disagreement remains over the precise interrelations of these values, that is, over whether marital love requires childbearing if possible, whether conception can be separated deliberately from the sexual acts which properly are marital love’s expression, and over the relation of the biblical ideal of permanent commitment to the reality of marital breakdown. NT perspectives on ethics suggest that life within the faith community will be the proving ground for articulation of specific sexual and marital norms, and that adaptive rearticulation of norms best suits the historical, incarnate qualities of human nature and of the “good news” which judges, redeems, and liberates it.

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WHITHER NUCLEAR DETERRENCE? THE MORAL DEBATE CONTINUES

The massive threat posed to human life by nuclear weapons makes the task of assessing and directing strategic defense policy the single most important moral question of our time. In recent years these “Notes” have dealt with the nuclear question often. Both the intrinsic seriousness of the topic and the quantity of literature dealing with it over the past year more than justify returning to this area once again. Indeed, during 1985 there have been a number of signs that the debate about nuclear-weapons policy is moving to a new level. These signs have appeared in several

^{158d} See, e.g., Reinhard Neudecker, “Wie steht es heute mit den Worten Jesu zur Ehescheidung?” *Gregorianum* 65 (1984) 719–24. Neudecker reviews critically the work of Corrado Marucci on the divorce texts, especially the origin and nature of the Matthean exceptive clause.

^{158e} “Ehe und Ehescheidung” 404–5.

different forums: within the Christian community, both Roman Catholic and ecumenical; in the writings of moral philosophers; and in a new round of debate among political and strategic analysts. The discussions on the religious, philosophical, and strategic levels all reveal a deepening anxiety about the legitimacy and reliability of the strategic doctrine of nuclear deterrence. Differing forms for this doctrine have guided Western nuclear policies since the Soviets achieved a significant nuclear capability, but many voices are asking whether the future either can or should be like the past. The most perplexing aspect of all this is the fact that the moral arguments have achieved greater conceptual clarity and simultaneously produced markedly increased uncertainty about what conclusions should be drawn about policy.

First, the debates within the churches. Many of the ecclesiastical and theological discussions take the U.S. bishops' pastoral letter *The Challenge of Peace: God's Promise and Our Response* as a key point of reference. The U.S. bishops struggled with the question of the morality of deterrence throughout the process of drafting their letter. Their conclusion was a "strictly conditioned moral acceptance of nuclear deterrence."¹⁵⁹ J. Bryan Hehir, the bishops' chief staff person for the drafting of the letter, has explained the meaning of this conclusion in a particularly clear way. The bishops' strict conditions place two kinds of restraint on deterrence policies that are morally legitimate:

The first is temporal in nature; both John Paul II and the American bishops tie the justification for deterrence to an understanding that it be used as a framework for moving to a different basis of security among nations. . . . The second restraint concerns the character of the deterrent. . . . The point here is to limit the role of nuclear deterrence to a very specific function in world affairs; the posture of deterrence is not to be used to pursue other goals than preventing nuclear war.¹⁶⁰

In other words, the temporal condition links the justifiability of deterrence to progress on arms control and disarmament, while the condition on the character of the deterrent rules out war-fighting strategies, the quest for nuclear superiority, steps that blur the distinction between conventional and nuclear weapons, and the deployment of weapons that may seem useful for a first strike.¹⁶¹

Two kinds of objection to this conditional acceptance of deterrence have been raised. The first argues that the conditions for justification

¹⁵⁹ National Conference of Catholic Bishops, *The Challenge of Peace: God's Promise and Our Response* (Washington, D.C.: United States Catholic Conference, 1983) no. 186.

¹⁶⁰ J. Bryan Hehir, "Moral Issues in Deterrence Policy," in Douglas MacLean, ed., *The Security Gamble: Deterrence Dilemmas in the Nuclear Age* (Totowa, N.J.: Rowman & Littlefield, 1984) 62.

¹⁶¹ *The Challenge of Peace*, nos. 188-190; see Hehir, "Moral Issues" 62.

spelled out by the bishops are not being met. The second challenges the conditions themselves, arguing that nuclear deterrence is unconditionally illegitimate.

The first objection was raised by Bishop Thomas Gumbleton and five other bishops associated with Pax Christi at the November 1985 annual meeting of the National Conference of Catholic Bishops in Washington. Their argument parallels that made by moral theologian Francis X. Meehan in his assessment of the impact of the pastoral letter for Pax Christi. As evidence that the temporal and qualitative conditions for legitimate deterrence are being violated, the six bishops note the following developments. The U.S. government plans to deploy a large number of new nuclear weapons over the next ten years at great cost. The flight-testing of the MX missile, the deployment of the Pershing II missile, and research and development of the Trident II submarine all apparently violate the demand that weapons capable of a first strike be excluded from the deterrent force. The Strategic Defense Initiative ("Star Wars") threatens a dangerous and very costly new round in the arms race. Finally, there has been little progress on serious arms-control negotiations. One might even conclude that during the period since the bishops' letter was issued there has been serious regression on the arms-limitation front.¹⁶²

As a result of the Gumbleton group's initiative, the NCCB voted to establish an *ad hoc* committee to assess whether strategic policy meets its conditions for legitimate deterrence. As Bishop James Malone, president of the bishops' conference, stated, "the basis of the study will be the moral principles and moral judgments of the pastoral letter."¹⁶³ From this it is clear that this committee is not charged with reconsidering the normative perspectives laid out in *The Challenge of Peace*. Its mandate is to reach a judgment on whether current nuclear policies are within the limits established by these norms.

A number of other voices in the continuing debate about the pastoral letter want to go further than this. They want the fundamental normative issues reconsidered. Russell Shaw, for example, has written a rather remarkable essay challenging the legitimacy of any form of nuclear deterrence, even under the conditions specified by John Paul II and the bishops. I say "remarkable" because Shaw's staff position as secretary for public affairs at the NCCB gives his disagreement with the present

¹⁶² See the "varium" submitted for the Nov. 11-15, 1985 general meeting of the NCCB/USCC by Bishops Walter Sullivan, Leroy Matthiesen, Maurice Dingman, Frank Murphy, Kenneth Untener, and Thomas Gumbleton; also Francis X. Meehan, "Peacemaking: Peace Pastoral Assessment," *Pax Christi* 10, nos. 3, 8-13.

¹⁶³ Statement of Bishop James W. Malone to the general meeting, NCCB, November 1985.

papal and episcopal positions a particular visibility. His argument goes as follows. The pastoral letter itself acknowledges that it has not reached a final appraisal of contemporary issues of war and peace. Both the teaching of the U.S. bishops and that of John Paul II "express an interim position rather than a definitive judgment" on the morality of deterrence.¹⁶⁴ Shaw is pleased with the bishops' continuing efforts to evaluate U.S. deterrence policy through scrutiny of particular policies and weapons systems in periodic Congressional testimony, and he will presumably welcome the bishops' newly established assessment committee. However, "because of their highly contingent character," such efforts "have serious intrinsic limitations, and cannot enlist assent as judgments more immediately rooted in moral principle would do."¹⁶⁵ Shaw, in other words, wants to reach a moral judgment on nuclear deterrence *as such*, not a set of norms for discriminating between acceptable and unacceptable deterrent policies.

Shaw's argument that such a judgment should be a forthright rejection of all deterrent strategies will be familiar to readers of these pages, for it echoes the deontological arguments of Germain Grisez and others opposed to "consequentialist" moral reasoning often discussed in these "Notes." For Shaw, morality cannot be determined on the basis of consequences. "Morality resides in the will before it is present in deed. . . . The first relevant moral question to be asked about deterrence is not whether the deterrent has worked so far (it has), nor whether it is working now (it is), nor whether it will go on working in the future (who knows?). The question is: If I approve the deterrent here and now, what am I here and now willing?"¹⁶⁶ For Shaw, the answer to this question is clear. Since deterrence *might* fail, any acceptance of deterrence involves a conditional willingness to use nuclear weapons; and since such use could easily lead to "hideous and morally repugnant"¹⁶⁷ outcomes, *no* acceptance of deterrence can be morally justified. Shaw's resistance to considering the relevance of consequences becomes particularly evident when he states that the rejection of all forms of deterrence could lead to the loss of political and personal liberties but that this is not an ethically relevant consideration. We are morally responsible only for the evil we do (or intend to do); we are not "morally responsible for—or guilty of—the evil that is done to us, even though we may foresee it as a consequence of our own ceasing to do evil."¹⁶⁸ Though Shaw does not say so explicitly, and though he proffers his advice to the bishops "with a certain tentativeness," his conclusion is clear: the delegitimation of all forms of deterrence with the consequent obligation to disarm, even unilaterally.

¹⁶⁴ Russell Shaw, "The Bishops and Deterrence: What Next?" *America* 153 (1985) 102.

¹⁶⁵ *Ibid.*

¹⁶⁷ *Ibid.*

¹⁶⁶ *Ibid.* 103.

¹⁶⁸ *Ibid.*

This argument is not new. It was given its classic statement 20 years ago by a group of British Catholic scholars in a probing set of essays on *Nuclear Weapons and Christian Conscience*.¹⁶⁹ I rehearse it here because it is an important part of the framework of the past year's discussions. It will be useful to take note of several essays that are moving the debate forward within the churches.

David A. Hoekema, the executive secretary of the American Philosophical Association, has brought a philosopher's care about the structure of an argument to bear on the pastoral letter. He writes that all the premises for the case against the legitimacy of deterrence are present within the pastoral letter: that any legitimate defense of the innocent is subject to the norms of discrimination and proportionality; that the use of nuclear weapons will almost certainly violate these norms; that one may not intend or intentionally bring about the killing of noncombatants; and that nuclear deterrence apparently rests on the intention to kill noncombatants. From these premises it follows that nuclear deterrence is immoral.¹⁷⁰ The bishops, however, do not draw this conclusion, but rather affirm a "strictly conditioned acceptance." Hoekema finds this perplexing. In his words, "The pastoral letter argues so forcefully against important elements of nuclear deterrence strategies that one is tempted to read it as a subtle kind of syllogism with a trick conclusion—an argument *against* nuclear deterrence onto which a statement of approval has been grafted."¹⁷¹ In particular, Hoekema believes that efforts to deny that deterrence is based on an intent to kill noncombatants are "rather implausible" and "unimpressive." Yet he notes "that this is probably the only way in which the categorical constraints of the just war tradition can be reconciled with the approval of any form of deterrence."¹⁷²

Giuseppe Trentin, who teaches ethics at the interregional theological faculty in Padua, Italy, has attempted such a reconciliation in his comparative study of the pastoral letters on peace produced by the bishops of the U.S., East Germany, West Germany, the Netherlands, Belgium, Japan, Ireland, France, Austria, Czechoslovakia, and the Sudan. On the basis of these documents, he believes that not only particular local churches but all Catholics are caught in a "situation and mentality" of "oscillation and incertitude between deterrence and pacifism."¹⁷³ He analyzes the pastoral letters of the U.S. and French bishops as representative of two emphases in the current debate within the Church.

¹⁶⁹ Walter Stein, ed., *Nuclear Weapons and Christian Conscience* (London: Merlin, 1965).

¹⁷⁰ David Hoekema, "Morality, Just War, and Nuclear Weapons: An Analysis of 'The Challenge of Peace,'" *Soundings* 67 (1984) 364–66.

¹⁷¹ *Ibid.* 364.

¹⁷² *Ibid.* 367.

¹⁷³ Giuseppe Trentin, "La pace nel magistero delle conferenze episcopali," *Rivista di teologia morale* 65 (1985) 101.

The U.S. bishops, Trentin maintains, adopt a theological-pastoral method in approaching deterrence. They begin from the biblical perspective on peace and the ethical norms of the just-war theory. From this theological starting point they move, more or less deductively, to a strongly negative bias against the present terms of strategic debate, and from there to a search for a "new context" for the discussion that transcends "traditional geographic and ideological coordinates."¹⁷⁴ The French bishops, on the other hand, begin from an ethical-political perspective, one that is inductive and valid "independent of faith." Therefore the French bishops are more willing to accept the current ideological conflicts between East and West as the terms of the argument.

Trentin maintains, however, that these approaches are not really radically opposed. They simply move on two different levels. He makes the same sort of irenic claim when it comes to the more fundamental dispute between pacifism and deterrence. In what I can only regard as a marvelous example of the ability of Italian churchmen to find the way to compromise, Trentin advances the thesis that there are two contemporary forms of nonviolence: the one, pacifism; the other, deterrence. Pacifism, he quite rightly says, is not surrender before injustice; it involves nonviolent struggle for justice. Deterrence, by the same token, is not a desire for war; it seeks to prevent war. Therefore one must ask: Is not deterrence a form of "active resistance to the violence of all the imperialisms and of all the totalitarianisms that threaten the peace of the world"?¹⁷⁵

There is something to what Trentin says, for neither the "deterriers" nor the "disarmers" want war, and both agonize over how to prevent it. But his effort to find a common ground between them rounds off the hard edges of the central dispute. That the two views are in fundamental disagreement is vividly evident once the question of unilateral nuclear disarmament is raised.

A similar claim to have discovered a new level of agreement has been put forward by Friedhelm Solms. Solms was formerly a consultant to the World Council of Churches' Commission of the Churches on International Affairs and is presently a research fellow at the Protestant Institute for Interdisciplinary Research in Heidelberg. He believes that "after decades of indecision and uncertainty concerning the morality of nuclear deterrence, an ecumenical consensus is now emerging that the spirit and

¹⁷⁴ Ibid. 104. For a study of the mode of argumentation in the pastoral letter and a comparison with the arguments of the Reagan administration, see Robert L. King, "Rhetoric of Morality, Rhetoric of Manipulation: The Catholic Bishops, Peace and the Reagan Administration," *Cross Currents* 34 (1984-85) 456-72.

¹⁷⁶ Trentin, "La pace nel magistero" 108.

logic of deterrence should be repudiated on principle.¹⁷⁶ The consensus, Solms states, includes most of the WCC member churches and large sectors of the Roman Catholic Church. It has been generated by the well-founded suspicion that the present realities of deterrence policy and technology are in fact beginning to make war more likely. Following the recommendation of the 1983 WCC Vancouver Assembly, Solms urges condemnation of the production and deployment of nuclear weapons, the development of political strategies that will render them superfluous, and the pursuit of a positive vision of peace and economic justice.¹⁷⁷ Unfortunately, Solms' positive recommendations, though extremely desirable, remain so general as to be little different from urging that we should do good and avoid evil. And in light of the literature under review here, the claim that an ecumenical consensus exists on the immorality of all forms of deterrence is demonstrably false.

Two recent debates between Christians exemplify the absence of such a consensus. At King's College, London, Michael Quinlan, a Roman Catholic with experience in the British Ministry of Defence, debated Sydney Bailey, chairman of the Council on Christian Approaches to Defence and Disarmament (CCADD). The question was "Can the Possession of Nuclear Weapons Be Morally Justifiable?" Both answer this question affirmatively, though they reach this conclusion by very different routes and their arguments have quite different policy implications.

Quinlan begins by affirming that the existence of nuclear weapons has profoundly changed the nature of warfare—it has made "a root and branch difference to the entire business of force in conflict."¹⁷⁸ Quinlan's meaning here has a distinctively European ring to it. He argues that the advent of nuclear weapons has not simply broadened the spectrum of possible violence by adding vast new destructive possibilities at one end of the spectrum. These weapons "utterly change the character and significance of the spectrum as a whole."¹⁷⁹ Quinlan accepts the relative significance of lines drawn between the different levels of force, but he does not think that the firebreak between conventional and nuclear war is reliable in a major East-West conflict. For Quinlan, "the key threshold is the threshold of *war*—not nuclear war, or strategic exchange, or any such internal step within the business of war."¹⁸⁰ Therefore he concludes that the initiation of war on any level has ceased to be a rational option.

¹⁷⁶ Friedhelm Solms, "Beyond Deterrence: Elements of a New Ecumenical Conceptualization of Peace Politics," *Ecumenical Review* 37 (1985) 127.

¹⁷⁷ *Ibid.* 130–31.

¹⁷⁸ Michael Quinlan, "Can the Possession of Nuclear Weapons Be Morally Justifiable?" *Modern Churchman* 27, no. 2 (1985) 23.

¹⁷⁹ *Ibid.*

¹⁸⁰ *Ibid.*

On this basis Quinlan urges that the overriding long-term goal must be reduction of the possibility of an East-West conflict to something approaching zero through political initiatives. This, of course, is far from having been achieved today. So in the interim the West must choose between complete renunciation of the military option and the maintenance of credible deterrence. In discussion of this choice Quinlan makes several very interesting points. First, he argues that renouncing the use of nuclear weapons while maintaining the conventional option as a deterrent is unrealistic. "If the West renounces nuclear weapons there is, in face of a determined nuclear adversary, no ethical or practical stopping-point short of effective pacifism."¹⁸¹ This follows from Quinlan's view that a nonnuclear power would have no option but surrender when faced with a serious nuclear threat. Therefore nuclear pacifism in the real world will have the same consequences and costs as absolute pacifism: the risk of the loss of freedom. Second, Quinlan believes that the risk that nuclear deterrence will fail is many times lower than the risk that freedom will be lost if the deterrent is renounced. This, he points out, is a matter of practical or prudential judgment, not moral principle. Finally, he recognizes that deterrence *could* fail. Therefore the deterrent force must be so structured that its actual use would not automatically violate moral norms. This conclusion is similar to that long advocated by William V. O'Brien in this journal and elsewhere.¹⁸² While ruling out the indiscriminate use of nuclear weapons, Quinlan thinks it may be possible to keep their use within the bounds of the norm of proportionality. And if it is possible to do so, we must do so. The alternative is the renunciation of deterrence altogether. Quinlan finds this conclusion "uncomfortable," though less so than the alternatives he can envision.

In response to Quinlan, Sydney Bailey makes several points that echo the debates that went on in the U.S. bishops' drafting committee. First, he doubts that the use of nuclear weapons could remain discriminate in any realistic sense of the term. Second, Bailey not only questions the possibility of keeping any use of nuclear weapons proportionate but expresses puzzlement about how the norm of proportionality is to be applied. How, for example, is one to weigh the proportion between an attack that kills or injures 100,000 soldiers and several million civilians against the harm resulting from a Soviet occupation of Australia or Iran?¹⁸³ Because of these intrinsic moral ambiguities about the morality of using nuclear weapons, Bailey concludes that moral considerations

¹⁸¹ Ibid. 25.

¹⁸² William V. O'Brien, "Just-War Doctrine in a Nuclear Context," *TS* 44 (1983) 191-220; "The Bishops' Unfinished Business," *Comparative Strategy* 5 (1985) 105-33.

¹⁸³ Sydney Bailey, "Nuclear Deterrence: A Reply to Michael Quinlan," *Modern Churchman* 27, no. 3 (1985) 27.

point in the direction of renunciation rather than continued reliance on deterrence. He does not, however, appear to believe that such renunciation should be immediate. It will take time, "perhaps a decade or more," to make the necessary changes in political and military relationships. In the interim, possession of nuclear weapons is legitimate, but "only while one vigorously pursues disengagement from the conditional intention to use nuclear weapons if deterrence fails."¹⁸⁴ This conclusion is similar to that of the U.S. bishops, with one important difference. Bailey appears to believe, though he does not say this in so many words, that progressive steps toward disarmament should be unilateral if mutual, bilateral agreements are not forthcoming. And this, of course, raises all the questions that so agitate Quinlan. In my judgment, this debate should be declared a draw.

Another debate, this one among two U.S. Lutherans, highlights several other dimensions of this whole tortured topic. Paul R. Hinlicky, of the Lutheran Church of America's division of Church in Society, squared off with Robert W. Jenson of Lutheran Theological Seminary on the topic "Can Deterrence Be Justified As a Lesser Evil?"¹⁸⁵ This debate covers a wide range of questions; I want to emphasize just one of them.

Hinlicky pushes the debate back to theological first principles. In good Lutheran fashion he vigorously insists that there will be no way to respond to the dilemmas of deterrence until we recognize "that a human being is justified by faith *alone*, and correlatively, that a human being who can *only* be justified by faith is and remains radically a sinner."¹⁸⁶ Hinlicky invokes the *simul justus et peccator* doctrine as an antidote to all forms of moralism, anthropological optimism, and technological escapism that would provide a simple way out of the nuclear bind that human sinfulness has gotten us into. In Hinlicky's view, both sides of the nuclear standoff are sinful enough to be tempted to aggression were this not made suicidal by deterrence. Indeed, the abolition of deterrence would give free rein to the latent violence of the superpowers. The unique fact about nuclear deterrence that sets it apart from all prenuclear military strategy is that "it deters *one's own* aggression as well as the other's."¹⁸⁷ Thus it is the lesser of two evils when compared with an alternative that would make the world safe for conventional war.

On this basis Hinlicky concludes that nuclear deterrence embodies two of the functions of God's law detailed by Luther. First, because deterrence is both necessary and an expression of human sinfulness, it makes us despair of our own righteousness. This necessary evil drives us to the

¹⁸⁴ Ibid. 28.

¹⁸⁵ Paul R. Hinlicky and Robert W. Jenson, "Can Deterrence Be Justified As a Lesser Evil? A Debate," *Currents in Theology and Mission* 12 (1985) 261-76.

¹⁸⁶ Ibid. 263.

¹⁸⁷ Ibid. 267.

mercy of God revealed in Christ for our salvation. This is analogous to Luther's "theological use" of the law. Second, deterrence preserves a sinful world from even greater transgressions: it is a restraint on sin.¹⁸⁸ This is law's "civil" use. Hinlicky suggests, therefore, that deterrence is a kind of divine ordinance. Our task is to manage it, not to abolish it. And we will manage it through arms-control negotiations that seek stability, not disarmament; for nuclear weapons will be a permanent feature of human history from now on. They cannot be "disinvented."

Hinlicky's argument is something of a tour de force. He manages to endow deterrence, especially that form which strategists call self-deterrence, with positive theological and religious value, even though, morally speaking, he views it as the lesser of two evils. Deterrence has become a manifestation of God's judgment on our ultimate unrighteousness and of God's ordering of the world to the achievement of penultimate civic righteousness. This argument has infuriated Hinlicky's fellow Lutheran Jenson. Jenson maintains that if deterrence is an expression of human sin, then a proper interpretation of Christian (and Lutheran) ethics leaves the Church but one word to proclaim: "the summons to stop."¹⁸⁹ In Jenson's words, Hinlicky's argument "is a textbook case of a kind of Lutheranism that in my judgment has had rather more than its day. . . . What in Lutheran circles undoes political rationality is wheels-within-wheels profundity, of the sort that can never extend to the absurdity of justifying our threats to do mass murder by the fact of sinfulness and by God's miraculous way with it."¹⁹⁰

Roman Catholic readers, and most in the Calvinist tradition as well, will find Jenson persuasive in this debate. The latest product of the U.S. Roman Catholic-Presbyterian/Reformed Consultation (the ongoing bilateral dialogue sponsored by the churches in these two traditions) is an excellent study entitled "Partners in Peace and Education."¹⁹¹ The document explores the possibilities of ecumenical convergence among the two traditions in the areas of warfare (particularly nuclear warfare) and education. One point in the study is relevant to the Hinlicky-Jenson debate. It states that in studying the history of the Roman and Reformed traditions and their approaches to political issues, the participants "have been made aware again of the spiritual, moral, and political dangers of a too-intimate relationship between piety and coercive force."¹⁹² Has not Hinlicky fallen victim to this danger in identifying deterrence with God's way of ordering a sinful world? I think he has. Nevertheless, he does put us on guard against overly simple solutions to the paradox of deterrence,

¹⁸⁸ Ibid. 273.

¹⁸⁹ Ibid. 275.

¹⁹⁰ Ibid. 274, 276.

¹⁹¹ *Origins* 15 (1985) 145, 147-56.

¹⁹² Ibid. 149.

which is simultaneously a manifestation of human sinfulness and of the struggle to deal responsibly with the effects of sin in international affairs. The question remains: What is the morally responsible course of action?

A number of recent contributions by moral philosophers and strategic analysts have shed additional light on the roots of the deterrence dilemma. These discussions, I believe, move the argument to a deeper and more refined level of analysis than those just sketched.

A particularly important event has been the publication of a special issue of the journal *Ethics* entirely devoted to ethics and nuclear deterrence. The issue contains 19 high-quality essays by philosophers and strategists originally presented at a conference sponsored under the journal's auspices in September 1984. It is impossible to do justice to 330 pages of compact reasoning in this limited space. Some highlights that hold promise of advancing the debate will have to suffice.

In the essays contributed by the moral philosophers some key conceptual and methodological aspects of the debate appear repeatedly. What, in fact, is the reality of deterrence that is to be morally evaluated? What is the moral status of intentions in deterrence policy? What are the implications of consequentialist and nonconsequentialist modes of moral reasoning for the deterrence debate?

Richard Wasserstrom addresses the first of these issues in a most helpful way. He believes that most moral discussions of deterrence become incoherent because they fail to acknowledge that in the concrete there are two vastly different contexts to be considered: successful deterrence and unsuccessful deterrence. Virtually all of the moral support for deterrence strategy is derived from the supposition that deterrence will be successful in preventing war and defending freedom. But should deterrence fail, the moral problem abruptly becomes entirely different. Wasserstrom assumes a worst-case example of the failure of deterrence, i.e., a strategic attack on cities. Should this atrocity occur, carrying out a similar retaliatory attack "lacks sense as well as justification."¹⁹³ This is so precisely because the goals that justify deterrence will have already been destroyed. Nor will punishment of the adversary serve to legitimate a response in kind; for unlike the situation of criminal punishment of a murderer, most of the persons "executed" in a counterattack against cities would be in no way guilty of the initial crime. However, it is frequently argued that the success of deterrence depends on the readiness to respond in this way. Thus a fundamentally flawed linkage of the meaning of success and failure occurs. In Wasserstrom's words:

If using nuclear weapons, should deterrence fail, is required in order to promote

¹⁹³ Richard Wasserstrom, "War, Nuclear War, and Nuclear Deterrence: Some Conceptual and Moral Issues," *Ethics* 95 (1985) 438.

successful deterrence, the two contexts of successful and unsuccessful deterrence are introduced within the same overall account, but only incoherently so. If deterrence is successful, the "use" that is required never occurs. If deterrence is unsuccessful, the use that does occur is no longer required (or even efficacious) and is instead murderous and profoundly wrong.¹⁹⁴

For Wasserstrom, therefore, the whole edifice of nuclear strategy is built on conceptually contradictory foundations.

One of Wasserstrom's subsidiary arguments points out this contradiction most clearly. Strategic doctrine guides the actions of the nation in the military sphere, projecting a continuous series of steps (such as the deployment of certain weapons) as means to the end of maintaining peace. Should deterrence fail, a discontinuity of profound proportions would be introduced into this means-end continuum, both logically and temporally. Should nuclear war break out, the future will most certainly not be like the past. To Wasserstrom it seems impossible to bridge this discontinuity with coherent concepts or actions.

Though I am sympathetic with Wasserstrom's general line of argument, two problems are present. In confining himself to the worst case of counter-city warfare, he has removed himself from the discussion about the possibility of limited nuclear exchanges. More important from an analytical and logical point of view is the fact that he does not discuss the *probability* that deterrence will fail or compare this probability with the likelihood that other important values will be lost if deterrence is renounced. The incoherence he detects in deterrence strategy may look less objectionable if it is compared with problems that might follow on its abandonment.

Several of the philosophers writing in the *Ethics* special issue make the case that founding one's moral assessment of deterrence on a determination of what is conditionally intended if deterrence fails mislocates the argument. For example, Jeff McMahon has argued from a consequentialist perspective that

whether it would be wrong to form the conditional intention to use nuclear weapons will always depend on questions concerning the evaluation of outcomes and the assessment of probabilities. Indeed, the question about the conditional intention and its effects simply gets absorbed into this reasoning about consequences.¹⁹⁵

McMahon believes that such an approach could well lead to a condemnation of deterrence, for even on consequentialist grounds "it is wrong, other things being equal, to risk doing that which it would be wrong to do."¹⁹⁶ The fact is, of course, that other things are not equal, for the

¹⁹⁴ Ibid. 440.

¹⁹⁵ Jeff McMahon, "Deterrence and Deontology," *Ethics* 95 (1985) 520.

¹⁹⁶ Ibid. 535.

renunciation of deterrence will itself have consequences. And for McMahon, these have to be weighed against the risk of the evil of nuclear war. This weighing will carry the moralist beyond the sphere of philosophical considerations into the domain of strategic and political thinking.

Someone such as Russell Shaw might well object to such a move into the world of empirical contingency as a subversion of the absoluteness of moral obligation. In my view, it would be a very surprising thing indeed if one could reach responsible moral judgments about issues as momentous as these without becoming deeply immersed in the political and military realities and probabilities operative in our world.

Be this as it may, Robert Goodin's *Ethics* essay begins with a number of reasons why arguments about the probabilities of different deterrence strategies are highly problematic. In his view, probabilistic reasoning is simply inappropriate in this area. In the first place, the notion of probability may not be meaningful when applied to events that are the result of choices made by reflective human agents rather than random processes. Second, we have no solid data-base from which to estimate likely outcomes of different strategies. Third, there are no well-validated theories from which to derive reliable judgments about the probability of the breakdown of various deterrent strategies. The problem is not a lack of such theories. Rather, there are many different theories available and none of them is decisively superior to the others. Finally, "best guesses" or subjective assessments of the likely outcomes are very thin reeds on which to rest the protection of the lives of so many people. This leads Goodin to affirm:

The most that can be claimed for deterrence is that it will probably work to prevent war. So if probabilistic reasoning is inappropriate in these circumstances, deterrence is too. In short, my complaint against nuclear deterrence is that it amounts to playing the odds without knowing the odds. That is recklessness par excellence. It would be the height of irresponsibility for anyone to wager the family home on rolls of such radically unpredictable dice. Where millions of lives are at stake, that judgment must surely apply even more harshly.¹⁹⁷

Goodin is correct about the uncertainty of these probabilistic judgments. But his argument, like those of many of his philosophical colleagues in this debate, suffers from a certain narrowness. He does take note of the fact that our knowledge about the probable outcome of nuclear disarmament, particularly unilateral disarmament, is also subject to a great deal of uncertainty. Quite possibly this outcome could be very good, or it might be truly disastrous. It seems, therefore, that there is no escape from the trade-offs inherent in the human condition of finitude. Goodin

¹⁹⁷ Robert E. Goodin, "Nuclear Disarmament As a Moral Certainty," *Ethics* 95 (1985) 644.

believes that the goal of preventing all-out nuclear war is so important that all other goals should be traded off in its favor. This seems nearly self-evident, for in a full-scale holocaust these other goals would be destroyed anyway. But this puts the argument right back where it started: how to prevent nuclear war and also protect such values as freedom and justice. To answer this question, we must turn to the shaky probability-estimates Goodin wants to avoid. Despite the lack of certitude, responsibility for the lives and freedoms of our neighbors calls for serious efforts to clarify the likely outcomes of different strategies of deterrence and/or disarmament as best as we can. For this reason I have yet to be convinced that a nonconsequentialist approach to the morality of deterrence can be successfully argued, whether this approach is pro or con.

If it is correct that the moral argument includes considerations of consequences and probabilities, then this argument will necessarily overlap with the debate among military and political strategists. In fact, the literature under review shows some striking similarities between the positions staked out in the moral and strategic debates.¹⁹⁸ The strategic argument has moved to a new level of uncertainty because of the ambiguous nature of the weapons systems made possible by new technologies.

Robert W. Tucker of the Johns Hopkins School of Advanced International Studies has been thinking and writing about these matters for many years. He is generally regarded as somewhat "hawkish" in the current debate. Therefore it is significant that his *Ethics* essay calls the U.S. bishops' pastoral letter an "impressive effort" to relate the just-war tradition to nuclear realities. Tucker states that the two principal approaches to the military aspects of international affairs are just-war theory and "reason of state." Reason of state justifies whatever actions are necessary for the protection "of the security and independence of the state and those values the state protects."¹⁹⁹ Just-war theory, on the other hand, maintains that the protection of national security and independence is an important but not an absolute value. There are some things that simply may not be done even if doing them is necessary for state security.

Tucker thinks that the bishops are quite right in ruling out indiscriminate nuclear attacks on population centers, and he also finds their "extreme skepticism" about the possibility of any limited nuclear war

¹⁹⁸ J. Bryan Hehir has surveyed these similarities in "Moral Aspects of the Nuclear Arms Debate: The Contribution of the U.S. Catholic Bishops" in Robert C. Johansen, ed., *The Nuclear Arms Debate: Ethical and Political Implications*, World Order Studies Program Occasional Paper No. 12 (Princeton, N.J.: Center for International Studies, Princeton University, 1984) 7-40.

¹⁹⁹ Robert W. Tucker, "Morality and Deterrence," *Ethics* 95 (1985) 461.

“very persuasive” even if it is not absolutely conclusive.²⁰⁰

Perhaps most significantly, Tucker argues that such conclusions follow not only from just-war thinking but also from the perspective of reason of state. Unlimited nuclear war threatens the state itself. In Tucker’s words:

If the use of nuclear weapons holds out the likely prospect of destroying the state along with those values the state is supposed to protect, nuclear war represents the very antithesis of the state’s *ratio*. This ancient justification of force is now at last turned against itself, as it were, by weapons which represent the hypertrophy of power.²⁰¹

In addition, reason of state demands prudence in statecraft. Since there is so little basis for confidence that any use of nuclear weapons can be kept limited, Tucker concludes that any form of nuclear war “may well put prudence to an unbearable test.”²⁰² So, on the issue of nuclear war-fighting, Tucker is very close to the conclusions of the bishops.

It is with their approach to deterrence that Tucker is unsatisfied. Though at some time far in the future we may succeed in achieving a world free of nuclear weapons, at present that prospect “must appear as near utopian.”²⁰³ Therefore the justification of deterrence should not be made dependent on progress toward disarmament. Deterrence should not be regarded as a temporary arrangement. Rather, the moral evaluation must be made in light of two central objectives: the strategy must seek to make deterrence as effective as possible, and it must be designed to minimize the destruction that would result if deterrence fails.

Tucker notes somewhat ruefully that many, perhaps even most, strategists believe that these two objectives may not be simultaneously realizable. Strategies that threaten mass destruction may be more effective in preventing war than are those designed to fight limited wars with precision-guided weaponry. If deterrence fails, however, it is clearly essential that the conflict be limited, and the second sort of strategy seems preferable from this point of view. The main point of Tucker’s essay is to stress that such ambiguities are inherent in deterrence and that the bishops cannot deny them by an appeal for progressive disarmament. Here he implies that the reason-of-state perspective will tolerate ambiguities that the just-war norms cause the bishops to try to escape.

Another strategist, Michael MccGwire of the Brookings Institution, has recently written several essays advancing a very different perspective. He argues that deterrence is “the problem—not the solution” of our

²⁰⁰ Ibid. 467.

²⁰¹ Ibid. 465.

²⁰² Ibid. 467.

²⁰³ Ibid.

present nuclear plight.²⁰⁴ Like Tucker, MccGwire sees serious tensions between the goals of preventing war and limiting war if deterrence fails. To this problem he adds another conundrum that has emerged as technology and strategy have evolved over the past eight or ten years. The grand strategy of the West has been to deter Soviet attack. The increasingly accurate weaponry developed over the last decade has, however, added another strategic goal. It must also be communicated to the Soviets that the West is not itself planning a nuclear attack, for if the Soviets came to believe that such aggression was imminent, they might feel pressured to take pre-emptive action. In MccGwire's words:

This assumed pressure to preempt introduced a new concern for the "stability" of the strategic balance, and the simple requirement that Soviet aggression be *deterred* came to be qualified by the somewhat contradictory requirement that the Soviet Union be *reassured* that the United States would not initiate a nuclear war, lest the Soviets be driven to launch a preemptive attack.²⁰⁵

The difficulty that has been producing a growing dissatisfaction with the whole edifice of deterrence doctrine is that the requirements of deterrence and of reassurance point in different directions. For deterrence to be credible, one's adversary must believe that one could use it without committing suicide. This means that the deterrent force must be flexible and capable of being used in limited ways. The drive for flexibility, however, has led to the development of weapons of vastly increased accuracy and to the development of war-fighting strategies. These weaken the effort at reassurance, and in MccGwire's view increase the likelihood of war. The evolution of deterrence, therefore, takes on a life of its own. The only solution is to dismantle the whole intellectual structure on which it rests.²⁰⁶

Where, then, does all this leave us? The first thing to be noted is that the strategic debate today has itself become unstable. Deterrence itself is being questioned very intensely on both moral and strategic grounds. In this situation, raising the moral issues is particularly urgent and may be particularly productive. This questioning was very evident among the public at large and in the Roman Catholic Church at the time the bishops' pastoral letter was being produced. Though the debate continues vigorously today among the elites concerned with policy formation and scholarly moral analysis, it has somewhat subsided in the public arena. The churches have an important continuing responsibility to keep the discussion alive among their members. The pastoral letter being prepared

²⁰⁴ Michael MccGwire, "Deterrence: The Problem—Not the Solution," *SAIS Review* 5, no. 2 (1985) 105–24; see also MccGwire, "Dilemmas and Delusions of Deterrence," *World Policy Journal* 1 (1984) 745–67.

²⁰⁵ MccGwire, "Deterrence" 107.

²⁰⁶ MccGwire, "Dilemmas and Delusions" 763.

by the bishops of the United Methodist Church, the assessment committee of the U.S. Catholic bishops, and other similar endeavors are hopeful signs in this regard.

Second, it seems to me quite clear that the debate about the current morality of deterrence has been stimulated by the dangers created by the new weapons and war-fighting strategies developed during the past decade. One need not delegitimize deterrence as such in order to reach the conclusion that there are fundamental moral flaws in current policy. In my view, this ought to be the direction taken by the bishops' assessment committee.

Finally, the debate must move on to a serious consideration of the new issues raised by the Strategic Defense Initiative ("Star Wars"). The decision to mount a major effort to protect American lives through defense instead of through deterrent threats has considerable moral appeal at first glance. Nevertheless, there are major technical-strategic and moral problems involved that suggest that this moral appeal is highly dubious. The ethical debates on SDI have begun.²⁰⁷ Space limitations prevent entering these discussions here, but moral theologians need to be involved if the Church is to continue to make its vitally important contribution to peace.²⁰⁸

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²⁰⁷ See Colin Gray, "Strategic Defense, Deterrence, and the Prospects for Peace," and Gregory S. Kavka, "Space War Ethics," *Ethics* 95 (1985) 659-91; Kenneth R. Himes, "Star Wars: Safety or Danger Ahead?" *America* 153 (1985) 341-45; Kenneth W. Kemp, "The Moral Case for the Strategic Defense Initiative," *Catholicism and Crisis* 3, no. 7 (June 1985) 20-23. Both the spring and summer 1985 issues of *Daedalus* are completely devoted to "Weapons in Space."

²⁰⁸ Numerous other writings on the subject of deterrence appeared over the past year that cannot be treated in this issue of the "Notes." Among the most helpful are the following: Leonard J. Bowman, "Armageddon: Are We on the Brink?" *Chicago Studies* 24 (1985) 181-92; C. Clement, "Après Hiroshima et Auschwitz: La croix du Christ dans l'histoire des hommes," *Le supplément* 152 (1985) 63-80; John J. Conley, "A Certain Just War, a Certain Pacifism," *Thought* 60 (1985) 242-57; "Construire la paix: Recherche oecuménique," *Documentation catholique* 82 (1985) 239-54; Gerard Defois, "Se défendre aujourd'hui," *Etudes* 362 (1985) 777-89; Michael Heim, "Reason As a Response to Nuclear Terror," *Philosophy Today* 28 (1984) 300-307; James W. McGray, "Nuclear Deterrence: Is the War-and-Peace Pastoral Inconsistent?" *TS* 46 (1985) 700-710; Robert McKim, "An Examination of a Moral Argument against Nuclear Deterrence," *Journal of Religious Ethics* 13 (1985) 279-97; Allan M. Parrent, "Christians and the Nuclear Weapons Debate," *Anglican Theological Review* 67 (1985) 67-92; "Philosophy and the Debate on Nuclear Weapons Systems and Policies," special double issue of *Philosophy and Social Criticism* 10 (1984); Manfred Spieker, "Nuclear Weapons and the Sermon on the Mount," *Communio* 11 (1984) 382-403; Theodore R. Weber, "Just War Ethics and Disarmament," *Quarterly Review* 5 (1985) 91-98; Alexander F. C. Webster, "Toward a More Credible Nuclear Deterrent," *Catholicism and Crisis* 3, no. 5 (April 1985) 9-18; Sharon D. Welch, "The Nuclear Arms Race As a Test of Faith," *Union Seminary Quarterly Review* 40 (1985) 37-46; "A Year of Living Peacefully," *Pro Mundi Vita Dossiers* 1985, no. 1.