"THE PHILOSOPHICAL NOTION OF "JUST WAR"
AND NUCLEAR WAR"

Session #17

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8 March, 1982

My topic deals with "Just War" and "Nuclear War". Before we get too far into it you will find that this is quite a challenging subject because it deals with a very special concept of what a "just" war is. We will see how this has played a special role in the development of both international law and Judaic-Christian theology. The specific question I want eventually to focus on is whether any nuclear war can be a just war in this special sense.

There are many kinds of wars and we can classify them in many ways: wars of revolution, wars of liberation, wars between nations -- that's one way. We can also classify wars by the kinds of weaponry used: cavalry warfare, infantry warfare, gas warfare, germ warfare, and nuclear warfare. Some of these kinds of wars have been outlawed and the rules outlawing them have been more or less observed; for instance germ warfare and gas warfare. In a sense, then, part of our question has to do with whether nuclear warfare should be outlawed. The question of whether or not it should be is sometimes posed as depending on whether a nuclear war can be a just war with the special meaning which I'll come to.

SECTION I

But the special topic I have been assigned raises a much larger question and that is, what is the role of ethical theories and world views in the problem of nuclear war? Before I get down to the special topic of whether a nuclear war can be just, I want to stress something I believe is of absolutely essential importance in considering the problem of war in general, including nuclear war, and that is that human value judgments and philosophical world views, including religious world views, are often causal factors in war and peace. In the real world what makes the ultimate difference is not the amount of bombs that have been stockpiled but the ideas, the value systems, the philosophies, that the people who push the buttons have, as well as the views of people who stand behind them.

The decision to act made by any intelligent agent has three stages. First, there is awareness of, or knowledge of, one or more possible actions. This is, you might say, the thinking stage -- just ideas of possible actions. This first stage of an arms build-up begins on paper, or, more precisely, begins in the minds and imaginations of people. This contemplation of mere possibilities doesn't hurt anyone. In the second stage there is a choice, a value judgment. People look at the possibilities they imagine and they make a choice of the one that ought to be actualized or realized. This, they say, is the choice that ought to be taken, or this is the choice that is best for our purposes, or for the global aims we're committed to. The choice is usually one that is believed to have the most value in terms of long-run goals. This is a value judgment, a determination of what ought to be. It is not a description of facts. It is a value judgment, an attitude, a feeling, and this is absolutely essential to recognize. After this, in the third stage, action is taken based on the decision; the button is pushed, the order is sent out, the agent is trained and committed to obey, the trigger is

pulled. The possible action becomes real, actual, and it's an act of war; people get killed; areas are destroyed, and so forth. So what I wish to concentrate on is what happens at that point in the decision-making process when a value judgment is made and what leads to the value judgment.

Of course sometimes people make value judgments on impulse, and sometimes they make value judgments maliciously. They may hate somebody and act out of revenge. I'm not talking about that. I'm talking about what you might call rational value judgments, value judgments based on reasons, on concepts, on beliefs, on theories of what's right and wrong, what's good and bad, what the proper goals of society or man ought to be. With different value judgments and different theories of values held by the people making the decisions, there will be different choices. And with different choices you get different results.

In particular, then, I'm interested in philosophical views, views about the nature of the universe which we call metaphysics in philosophy, and views about what's right or wrong and what our standards or methods ought to be. I'm interested in how such views affect war and peace. I want to consider this in a somewhat objective and non-partisan way. There are many different views in the world about what people ought to think and about what's really important in the world. I will not try to say that the views of one particular nation or group are absolutely right or absolutely true. I'm not trying to convince you of one particular view. I'd like to see the human race survive and I'd like to see nuclear warfare not come to pass, but I'm not trying to convince you of that. I'm concerned with the fact that in the real world you're up against ideas, religious views often, sometimes concepts and systems of values which people won't even admit are ethical systems, but all of which are systems which lead to choices, to value judgments.

It is these sorts of realities which are going to result, or not, in nuclear warfare.

These world views do make a difference. Unfortunately, as I survey the world today, religious views seem to lie behind quite a few of the wars we have going today. In Ireland, in the Middle East, in Pakistan among the Hindus and the Moslems, even our own Viet Nam war, there were strong religious commitments which led to conflict. Religions embody metaphysical world views. I'm not saying they are good or bad. There are some things good in them and some things bad in them. I am saying that they are real causal factors in violence and in wars and they can have an effect on nuclear war. John Foster Dulles, if I remember correctly, held that it's better to be dead than Red. This is a moral judgment, a judgment about what's <u>better</u>, and it was based on a metaphysical concept of a moral universe. And there are certainly those in our present administration who seem to have the same idea, or something like that same idea. The idea is that the most important value for the human race is not that it survives, but that it not become Communist. This is one kind of thinking. It is not one I want to stress particularly, but it is one of the realities that may cause a war. We're in a battle of ideas here which, it seems to me, is absolutely crucial in the discussion of the problems of nuclear war.

There are philosophical positions quite distinct from religious views which may lead people to justify wars in general. (I'm not talking just about nuclear war now). Some of these are means-ends relationships. Lenin, who was one of the founders of the philosophical view of the Communists on this issue, wrote the following:

"....Socialism cannot achieve victory simultanously in all countries. It will achieve victory first in one or several countries, while the others remain bourgeois or prebourgeois for some time. This must not only create frictions, but a direct striving on the part of the bourgeoisie of other countries to crush the victorious proletariat of the socialist states. In such cases a war on our part would be a legitimate and just war. It would be a war for socialism, for the liberation of other nations from the bourgeoisie." I

The whole Communist world-view is a view of the world as evolving by a dialectical process in which the exploited struggle against the exploiting classes; in which eventually the world will become a socialist and then a Communist society. This is a view of the world which is claimed to be merely descriptive but it is really speculative and metaphysical. Many Marxists say in their literature they're opposed to metaphysics. But what they mean is that they are opposed to certain other metaphysics. They are no less metaphysical themselves, in that they claim to have the correct over-all world view which they call dialectical materialism. They also claim to be purely scientific. This was one of Marx's claims; that Communism is just a scientific world view. It is not Utopian. Marx said: "Communists are just telling you how history is going to proceed." But they act as if they're trying to achieve a certain end. And whether they admit it or not they're acting on the basis of a scheme of values; they're making choices. As Lenin makes perfectly clear, it's a choice which will lead to a goal he's committed to. If this end were inevitable as claimed, why would people have to fight for it? If inevitable, it would come anyway. But Lenin doesn't hold to that. He says a war of socialist liberation will be a just war. He is telling people this is the case where one could rationally decide and properly decide in favor of a real war, a real war in favor of socialism. Now socialism may be a good thing; I'm not necessarily opposed to it. What I am saying is that there is a value judgment here, a certain kind of value judgment wherein

I. From V. J. Lenin, "The War Programme of the Proletarian Revolution", 1916. Translated and reprinted in Lenin on War and Peace, three articles, Foreign Languages Press, Peking, 1970, pp.58-72

certain ends are claimed to justify certain kinds of wars and make those wars just. This is a second kind of world view which implicitly, but not explicitly, entails a philosophical system of value judgments which constantly govern choices.

In the Western world and in our democratic society perhaps one of the most influential ethical theories is the theory of the utilitarians. The utilitarians say that the way to decide what is good or bad, or right or wrong, is to look at the effect an action will have upon the happiness or unhappiness of those people who will be affected. This is something which I think sounds rather familiar to you. What you do is, you think about different possible courses of action. You ask yourself what will be the net effect on the people affected. In other words you weigh the costs against the benefits. This is what business does; it weighs cost against benefit to see whether it can come out with a net benefit, in effect. This view fits very nicely into capitalist philosophy. I'm not saying it's right or wrong; I think it's a very good theory as far as it goes. But it is also suggested by utilitarians that you can use this rule, this ethical theory, not just for business organizations, but for all of society. Their view, then, is that the net effect of one's action <u>should</u> be for the greatest happiness of the greatest number of people over a long period of time. But there are some problems with this theory. You can't really tell very well, you can't predict, what all the net effects of any given action will be. Some people would argue on utilitarian grounds that a socialist society would be to the greatest benefit for the greatest number of people over a long period of time. This is their right, to believe this. Other people are arguing in our country today that over a long period of time the most important thing is a free society; by which they often mean that a society with free private enterprise leads to the greatest happiness over a long period of time for the greatest number of people. So the utilitarian view can be presented in support of many different ends, unlike Lenin's view, which has a

specific fixed goal in mind to which he is committed. This utilitarian theory has and will have a great influence on mankind. Indeed, it has been argued that many people implicitly use this view in most of their deliberations anyway. But, remember there's a difference between trying to figure out what's to my benefit personally and what's to the benefit of my country, my corporation or my unit or my family, and trying to figure out what is to the greatest benefit of all of the people concerned. According to the chief philospher of utilitarianism, John Stuart Mill, you must look not only to your own specific good, but to the good of all mankind -- you must consider what will be the effect on the whole of mankind.

Now what effect can holding a utilitarian theory have on the concept of war? Well, of course there are some wars which might have long-run benefits; there are some wars which have long-run harms. There are wars in which the end justified the means, producing the largest amount of benefit to the greatest number of people over the long run. Thus utilitarians do not condemn wars as intrinsically evil. Instead, they try to decide whether each one is just or unjust on the basis of how they believe the good and bad effects will balance out.

SECTION II

Neither of these two latter concepts of a just war (Lenin's or the utilitarians') touches on the notion of a just war that I'm talking about. The one I'm talking about had its roots way back. It was developed partly on the basis of Christian ethics. Just to remind you of some of the things said by Jesus in the Gospels, he said, "Blessed are the peacemakers, for they shall be called the Sons of God....Blessed are those who are persecuted for righteousness sake, for theirs is the Kingdom of Heaven....Ye have heard it was said of old, You shall not kill; whosoever killeth shall be liable for judgment. But I say unto you, everyone that is angry with his brother shall be liable for judgment....

You've heard it said, an eye for an eye and a tooth for a tooth. I say unto you, do not repay one with evil, but if anyone strikes you on the right cheek turn the other one to him also. If anyone should sue you and take your cloak, let him take your coat also. You've heard it said, you shall love your neighbor and hate your enemy. But I say unto you, you shall love your enemies and pray for those who persecute you so that you may be sons of your Father, which is in Heaven. If you only love those who love you, what reward have you?" and so on.

These particular quotations from the Sermon on the Mount are often used by pacifists as grounds for opposing certain types of war, and not only war but any violent act whatever. And for the first two or three hundred years of Christian life the pacifist view seemed to predominate. The early Christians refused to join wars or become soldiers; then the Roman Emperor issued edicts of toleration, the Roman Empire became converted to Christianity, and Christianity became politically involved. The arguments concerning the Christian view of war began to change. St. Augustine was one of the first to argue that some wars are just wars. Since then, through the Middle Ages and into modern times, wherever society has held onto Judaic/Christian concepts, the idea of a <u>just</u> war has been promulgated, but, as I mentioned earlier, it is the concept of "a just war" in a special limited sense. So now what I want to talk about is the way this traditional and influential argument for just war goes. I'm not talking about it to convince you it's right necessarily, or that it's wrong. What I want to stress is that this is a way of thinking that is very strongly held, very widely held. The people who are going to push the button are not going to do it on impulse. They're going to do it on the basis of their values system, which, say, should be and what ought not to be and how they're going to make decisions. I'm presenting this concept of

a just war because it's a real factor in the thought of the Western world. Not particularly in the Communist nations, but certainly in Europe and in America it plays a role in the way in which people think and make decisions. So I want to examine some of the arguments that have been given to clarify this special concept of a "just war."

Since the edict of toleration in the year 313 A.D. many wars have been sanctioned and supported by the church, including the Crusades. Some wars, like the Crusades, were holy wars, I'm not talking about holy wars. The concept of the holy war is an old one. In early times the holy wars were commanded by God, the Israelites were commanded by God and they fought holy wars. In the Islamic tradition the idea of the holy war is still very much alive. During the Crusades the Christians also developed the idea of the holy wars, wars which were in effect justified as fulfilling God's will. There are still many religious fanatics in all religions who are willing to claim that God commands that they do certain things. These are, today, usually connected with small fanatical groups. They may be very dangerous, and it may be that the holy war mentality will eventually trigger a nuclear war. But I'm not talking about holy wars. I'm talking about a kind of thinking that is influential in the Establishment of our country and of countries of Europe; the concept of a just war. It would be well for us to examine it carefully. What makes a "just" war different from a holy war is that one doesn't claim it is justified because God wanted it or God willed it but rather, one that appeals to non-religious, practical criteria of whether the war which is being contemplated is just or not. You have tests to apply to see whether or not it is a just war, and then if it's not a just war you shouldn't engage in it. If it is a just war then it's okay.

Here we must distinguish two questions. One problem is, is there a just <u>cause</u> for this war? That is, do we have a good reason, is there a just cause

for going to war? The other is, once you get into the war, are you conducting it justly? Is the way in which you are conducting the war, just or fair? A lot of people, of course, claim, "All's fair in love and war." Others hold that no war can be just in any way. Those who believe in a just war must say why some causes of wars are just and others are unjust, and why some ways of conducting war are unjust while other ways of conducting war are just.

Just-war theorists are not pacifists, you understand. In fact they're anti-pacifists. They're not people who say, "No war is just." They're people who say, "Some wars are just and some are not." The important thing is to engage only in just wars. Most people in our country, most people in Western Europe, are not pacifists. Actually the argument before us will depend not so much upon whether a war can have a just cause as on whether certain weaponry can be used justly and whether the way in which the war is going to be conducted can be just. This is what the issue is going to turn on. That's the question about which there has been, and will continue to be,quite a bit of discussion. Whether nuclear war can be just, and whether a war which is conducted with nuclear weapons can be just -- this is the question.

Let's look at some of the arguments involved in this. St. Augustine, abput 400 A.D., was one of the first to argue that a Christian could be a soldier and wars could be just on Christian principles. But it was Aquinas, around 1250 A.D., who developed St. Augustine's arguments most effectively. Aquinas was declared the official philosopher of the Catholic Church around the middle of the last century. Since Pope John's Vatican II the Roman Catholic Church no longer acknowledges Aquinas as the official philosopher; but his influence remains very strong. Aquinas was mostly interested in what constitutes a just cause for going to war. He furnished three criteria. The war must be

waged under the authority of a sovereign, under a supreme authority. The concept of just causes has since changed, as I said; but this is what he said. Secondly, a just cause is required. Those attacked should deserve it on account of some fault. A war may be just if it's to avenge wrongs, if it is waged to punish or to restore what has been seized unjustly. Thirdly, the belligerent should have a rightful intention. The motive should be right, the advancement of good and the avoidance of evil would be rightful intentions. Among good intentions he would allow the punishment of evildoers as well as the object of securing peace and uplifting the good. What is ruled out, then, with respect to intentions, is a cruel quest for vengeance, a lust for power, or self-agrandizement. Note that one of the precepts of Christianity was that intentions are of primary importance -- how you feel in your heart. You should not only not kill, you shouldn't even be angry. You should love. This is an attitude, a value system. One's intentions become of central importance -- as distinguished from the consequences of one's acts. To kill from bad intentions is wicked; but if the intent be just the killing may be justified. This third point about right intentions later becomes connected to charges that a nuclear war cannot be just.

This emphasis on proper intentions comes out more clearly in another place where Aquinas discusses the question of whether it is ever right to kill another man. His answer is that it is lawful to kill a man in self-defense; self-defense is a justification for taking the life of another. But at this point he introduces a subtle principle, known as the principle of the double effect, which again stresses the central importance of right intentions. Aquinas held that moral acts are good or bad according to the intentions, not the effects. Thus if I act in self-defense I must distinguish the two motives, 1) to save my own life (which is justifiable), and 2) to kill another person, which in itself is not justifiable, but morally wrong. Thus if, in the effort

to save my own life, I kill another man, there have been two effects of my action - the saving of my own life and the killing of the other man. If my intent was simply and primarily to save my own life, and this was a necessary, although not a desired, way to do that, the killing was morally justifiable. But if my intention was to kill the other man in and for itself, then the action was wicked, and I am blameworthy. Further, Aquinas argued that the action may be morally wrong if it is out of proportion to what is required; if I could have stopped the other person in some other way, without killing him, then it was wrong to kill him; in self-defense one does not go out of one's way to kill another. These principles as applied to individuals can be and were extended to justify one soldier killing another. But more broadly they are used to justify killing within certain limits and under certain conditions of war, but they do not justify vicious, vengeful, or sadistic killing in wartime, and certainly not the killing of innocent bystanders and non-belligerents. These principles play a central role in arguments as to whether a nuclear war can be just.

The concept of just and unjust wars was developed further, with copious references to Aquinas, church fathers, Greek philosophers and the Bible by Hugo Grotius in 1625. His great three-volume work, De Jure Belli et Pacis earned him the title of "father of international law." A jurist, he divided his topic into three parts; the first volume was introductory, the second dealt with just and unjust causes of war, and the third with just and unjust conduct in war. He differed from Aquinas at several points. First, he did not hold, as Aquinas did, that a war must be waged under the authority of a sovereign or supreme authority in order to be just; he defended the right of maritime companies, for example, to wage "private wars" against nations or others who tried to limit their freedom of the seas by military means. On the other hand, living in times when slavery

abounded, he did not justify wars of "liberation", even of slaves. Secondly, he denied that the lack of good intentions would necessarily make a war unjust; a war might be just even if a ruler engaged in it for wrong reasons, such as revenge, greed or lust for power. This was possible for Grotius because he based his arguments ultimately on a theory of natural rights, primarily the rights of self-defense and of property. Although Grotius did not justify revolutions, his concept of the primacy of natural rights, together with his separation of just war theory from the requirement of the sovereign's sanction, bore fruit a century and a half later in the U.S. Declaration of Independence where the justification for a revolutionary war is based entirely on the claim that certain natural rights to life and property were violated by the established sovereign.

Grotius argued that a war has a just cause only in cases of self-defense, justifiable punishment, or restoration of what has been unjustly taken. He rules out certain ways of justifying wars. One was war based on the fear of a neighboring power; this would seem to rule out pre-emptive strikes. Also unjust were religious wars and wars based simply on utility for the belligerent state - agrandizement, acquisition of fertile soil. As mentioned, he even held it was unjust to fight a war to gain liberty of individuals or states. He argued that slavery was a result of war, due to a contract or agreement between slave and master whereby the slave had given up his rights to his master in exchange for his life.

With respect to the conduct of a war, Grotius held that the means necessary to achieve a just end gain their justification from that end; thus, if the war be for a just cause "the steps which are necessary to the lawful end,....we have a right to use." "As to the mode of acting in war,

force and terror are the appropriate means", wrote Grotius. From the viewpoint of natural law and natural rights, Grotius argued, the unjust party enjoys no rights and the just party may use all force necessary to enforce the right of self-defense, recovery of property or just infliction of punishment. This falls far short of contemporary just-war theory which holds that both parties, regardless of the justice of their cause, must obey the same rules respecting the lives and property of non-combatants including women, children, the wounded, prisoners of war, etc. Writing in the early 1600s, Grotius recognized the "law of nations" (i.e., what was accepted at that time by most rulers of nations) as permitting belligerents in a war declared by legal sovereigns to use force and terror against all occupants of enemy territory, young or old, male or female, civilian or military, and to pillage or destroy enemy property, kill captives, and enslave prisoners of war. But he clearly rejected this "law" as one based on what the stronger party can get away with, rather than what is right in terms of natural rights and divine law. And although his basic theory of natural rights and natural law clearly permitted belligerents with a just cause to engage in acts which would not be sanctioned today, he urged moderation, appealing to a higher moral or divine law and long-range utility. Having laid down the limits of what is morally required of the just party by natural law, he devotes some six chapters urging moderation with respect to the exercise of rights of the just party with respect to killing, laying waste, captured property, treatment of prisoners of war, etc., and another six chapters urging peace and good faith between enemies.

Since Grotius' time international laws of warfare about the proper conduct of wars have been developed both in a series of international treaties governing war, and in court cases before international tribunals,

as well as in the writings and commentaries from academia and the church. The chief bodies of formulated law are contained in (1) the Declaration of Paris, 1856, which dealt with sea warfare, (2) the Geneva Conventions of 1864, 1906, 1929 and 1949 which established the Red Cross, the humane treatment of wounded in warfare, the neutrality of civilian and military personnel delivering such medical services, and provided for the exchange of sick and wounded and prisoners of war, and finally, (3) the Hague Conferences of 1899 and 1907, which protected the rights of non-combatants, established various rules on neutral shipping in time of war, and ratified (not too effectively) prohibitions against poison gas, submarine mines and aerial bombardment. Among the important trials were those of Nazi war leaders (1945-6) and Japanese generals (1946-7) which were conducted by multi-nation tribunals. Several of the defendants were sentenced to death for enslavement of non-combatants, looting of properties in occupied countries, and maltreatment or murder of prisoners of war. Although not all nations agree on the rules involved, and although there are many critics who feel that national sovereignty is threatened by such international "laws", there is a very wide area of agreement which seems to derive as much from a common sense of horror at seeing the innocent and helpless become victims of violence as from the formal treaties and court decisions and ponderous tomes which have given public or official expression to these sentiments. Probably the most important distinction in all discussions of what is just in the conduct of a war, is the distinction between those who are <u>combatants</u>, committed to the forcible victory over the enemy, engaged in acts which are clearly necessary to military victory or defense, from persons who are <u>non-combatants</u> engaging in activities which need not be eliminated either to gain a military victory or destroy opposing military forces. Thus

the moral issue goes back to Aquinas' distinction in his principle of double effect; war for its own sake is evil and wrong but some wars may be just due to the cause, but in war, whether just or not, killing and harming persons who are not directly contributing to the enemy's effort and whose death or injury is not essential to victory, is unjust conduct.

SECTION III

Since the debate about just war and nuclear warfare has to do with the conduct of the war, this requires attention to some of the specifics of nuclear war as opposed to other types of war. We've already heard about the various types of nuclear weapons, and what nuclear war is like. We distinguish three types of nuclear forces: first, strategic weapons, including ICBM's (land-based intercontinental ballistic missiles), the SLBM, (the submarine launch ballistic missiles), and airborne ballistic missiles. All of these are strategic weapons which travel from one continent to another. In these categories there are presently something like 11,000 warheads. Secondly, there are the intermediate weapons, Honest John, Lynch, Pershing, and so forth. Finally, there are tactical weapons which operate up to about 18 miles. Connected with these various types of weapons are the damage effects. In Hiroshima we had 10 to 20 kilotons of TNT resulting in over 100,000 deaths. Some of our newer types of missiles are up to 500 times as powerful. We have over 40 submarines with 16 missiles each with 40 kiloton warheads. One such warhead targeted over Boston would yield something like 1.3 million people dead or seriously injured. Among these will be vast numbers of non-combatants, innocents, who would be killed by nuclear weapons. It's one thing to kill in self-defense someone who is threatening you; it's another thing to kill intentionally someone who is not threatening you. This violates

the concept and tradition of the just conduct of war. There are acknowledged rules of warfare. Many such rules are taught in our military academies, and soldiers in general observe them although there are exceptions. And indeed, civilization has travelled enormous distances in its attitudes about the conduct of just warfare. As we have seen, the general consensus is that in the conduct of a war you should not kill innocent persons; you only attack military targets; you only kill those who are attacking you and those whom you must kill in order to win the war. Back in the times of the Greeks it was not uncommon to kill all of the opposing army after the victory, and to make slaves of all the women and children. We don't do that anymore. The rules of warfare try to protect the innocent, as well as those who are honest soldiers on the other side -- prisoners of war. So there has been enormous progress in that direction. Unfortunately technological progress has made weapons enormously more powerful than ever before, so that some cannot be used at all without taking innocent lives. The weapons we now possess are in place, with military personnel ready to use them and trained for that purpose; the targets are set -- whole cities with millions of innocent, non-combatant civilians. This is a reality, and the possibility is there just waiting for someone to press the button; and we have to decide the moral value of this situation. After the bomb was dropped on Hiroshima, and really, before that, in this country a great sense of guilt came over many people. It started, I think, even earlier than that.

There's a rather well-known article by a Jesuit priest, John C. Ford, on obliteration bombing. What happened was, before the A-bomb, the allies were under attack from Germany. At first the Germans observed the rules of warfare pretty well with respect to submarines and things like that, but then, as the situation became more desperate they began to launch B-bombs

at cities in England, and Churchill and others responded by mass obliteration of German cities. The Americans followed suit with the firestorm bombing of such cities as Dresden, Tokyo and others. John C. Ford considered these actions in the light of the principles of just conduct of the war, and he applied with great skill the principle of double-effect which I mentioned before. John C. Ford admitted that the foreseen evil effect of a man's action need not be morally imputable to him. In other words we may foresee, we may know ahead of time, that a given act is going to have some bad effects, that some innocent people may be killed. We may know this ahead of time. Just as, for example, when I'm attacked by an individual, if I shoot him I may know he's going to be hurt, I may know that he may die, so the question is, is it right to do something when you can foresee that there are going to be evil effects? And the principle of double-effect says, yes, it's all right on some occasions. You may know that it's going to have evil effects, effects which you ordinarily would not approve of; still it will be all right under certain conditions which Ford laid down. First, the foreseen evil effect of a man's action is not morally imputable to him, he's not blamed for it, if the action in itself is directed to some other result. If you're entering a city and you have to capture that city, it's all right to kill the soldiers that fight against you but it's evil to intentionally kill the people, the innocents. However, even though you're not going to try to intentionally kill those civilians, you may know that in fact the war is bound to kill a few civilians which you don't want to do. But if you're going in there in order to take a city which is militarily necessary in the course of your war, then you shouldn't be blamed for killing civilians -- it's an act which has an effect but it's not an intended effect. So that's one provision. Secondly, the evil effect, the killing of innocent people, was not a means that you chose for your end, but was an

accidental effect of some means to some other result. This aspect of the principle of double-effect has been applied to abortion, interestingly enough. It's a general principle of ethics, you see; and in the case of abortion the idea is that you cannot abort a fetus, cannot kill the child, simply as a means toward saving some other life. If you kill one person in order to save another person's life that doesn't justify the act, they argue. On the other hand if killing the fetus is a side effect of something which is essential to save a life, then that's different. It's a very subtle argument. This way of arguing is deeply rooted and has wide applications.

So the second thing is that the evil effect is not willed either in itself nor as a means to some other result. Now in the case of killing civilians Ford argued sometimes that is used as a means to some other result. In the case of the bombing of Dresden, which was done with conventional bombs, part of the intention was to produce the effect of destroying morale in Germany, to attack civilians so that everybody would get so upset they would want to stop the war. This is what makes obliteration bombing morally wrong, in Ford's view. Although the civilians are not military forces they are used as a means to a military end. Ford's third requirement, is that the permitting of the evil effect must be justified by proportion and place. It shouldn't be out of proportion to the results which you get.

The same argument Ford used against obliteration bombing applies to nuclear warfare. When you're bombing a whole city, not just the military targets, you are deliberately trying to kill civilians, you're not just attacking the military targets. In small bombs or shells which are aimed at specific targets there might be no intention to kill civilians even though you may know with some degree of certainty that some may be killed; that the

probability is that in hitting the targets a few civilians will be killed. But in the bombing of Dresden the intention was specifically stated by Churchill and others; the intent was not to hit military targets. What was targeted were residential districts; a deliberate effort, with the intent to so overwhelmingly devastate the people that this would somehow help to bring about an end of hostilities. Ford also argued that the evil effect was way out of proportion to the military benefits. Thus another question with regard to the question of nuclear war is the proportionality of it, the amount of evil done relative to the ends sought. Is the toll of civilians destroyed out of proportion to the benefits to be gained by it? The claim that a just nuclear war is impossible, rests on the claim that the evil of bombing innocent civilians on this scale can never be morally overcome by any military benefits.

Now let me discuss an argument in favor of the possibility of a just nuclear war. This argument comes from Paul Ramsey, a professor at Princeton Theological Seminary. Professor Ramsey has had a great deal to say about nuclear war and the ethical problems involved in it. He tried to argue that there is, in effect, the possibility of a just nuclear war -- a limited nuclear war. In general you know the distinction between counter force, that is, nuclear war that is targeted on military objectives only, and counter-value, (sometimes called counter-people or counter-population or counter-city) forces. The argument Ramsey presents is that with counter-force nuclear warfare only, where you limit the objectives to military targets, you could have a just nuclear war. In other words you could have one in which there might be some non-combatants, some innocent people killed, and that would be undesirable but it would not be intentional. It would not be the intent of the parties involved to kill innocent people. Assuming the cause to be just, and of course underlining this whole thing is the idea that there may be a just cause here for

war, the conduct of the war could be just. He justified, therefore, tactical nuclear weapons. He felt that they could be used in a just war. He also justified strategic weapons against nuclear installations or against conventional military bases. He even feels you could justify it against isolated economic objectives, and he argues that the proportionality rule would apply.

Let me go back for a moment to the decision to drop the atomic bomb in Hiroshima and Nagasaki. There, Truman's argument was only a cost-benefit argument, wasn't it? It was not based particularly on this concept of just nuclear warfare. Truman believed that the war would be shortened and that less people would be killed in the long run for this particular war, if we dropped those two bombs and brought the Japanese to their knees quickly. He believed that dropping the bombs was right on that basis. Of course he didn't think about the long-range effects of having dropped nuclear weapons and thus having started a precedent of using nuclear weapons. Or, if he did think about it, he discounted the idea. His argument apparently was based on the idea of cost-benefit; maybe even the utilitarian kind of ethic. This contrasts with what we're talking about now which is not in terms of cost-benefit but in terms of justification based on a theory of human rights, good and bad intentions, etc. That's what lies behind this concept of a just war, together with a notion that self-defense is always justified. In regard to these arguments, Professor Ramsey is not a utilitarian, but he is not a pacifist either; he's against pacifism. On the other hand he's against those who would have unlimited wars, and against those who say there's no distinction between just wars and unjust wars as well as those who say all wars are bad, all wars are evil. Ramsey believes nuclear wars can be conducted justly, and hence he's come out for the counter-force theory.

Now this discussion has a rather interesting connection with the MAD policy of "Mutual Assured Destruction." Under this policy, which United States accepted, we would target cities. And the idea is that as long as the strategic weapons are threatening populations, threatening cities is a counter-value force, and as long as the two sides knew that the nuclear weapons were aimed at their cities this would deter them from starting a war because they would know that their whole country, their great cities, would be destroyed. In contrast, if you aimed your nuclear weapons as Ramsey would have you do it, only at military targets, then there wouldn't be the same deterrent effect, and you'd say, "We'll hit their targets, they'll hit our targets, and we might possibly come out ahead." Some pacifists, not the Ramsey type, but some pacifists have argued against the counter-force theory on the grounds that it might make a war more likely. Thus some pacifists have favored the policy of Mutual Assured Destruction over Ramsey's counter-force theory on the grounds that this would make nuclear weapons unusable; that they'd have such a terrible effect on each side that neither side would dare to start this war. This theory involves targeting with the maximum amount of destruction.

But both of these parties, those who believe in the MAD policy and those who believe in counter-force, are assuming that we should build up our nuclear forces and continue the development of nuclear weapons. Neither is trying to eliminate nuclear weapons; they've not in favor of a nuclear freeze. Both are arguing for the use of these weapons ostensibly in the hope that by the threat they produce they will prevent the actuality of such wars ever coming about. The arguments seem to be based on the assumption that other people are always going to act under the rational principle that if both parties would be utterly destroyed then neither will actually start anything. This

assumption ought to be questioned. There are fanatics who can easily argue, we don't care about the consequences, we don't care about other people, we're concerned only with principle; so we're going to get at these other people and destroy them. Thus unpredictable value judgments about the use of the bomb may remain the key to what will take place, in fact, and whether or not nuclear war is going to come about.

Let's get back to Ramsey's argument, and some objections to it. At the present time he's claiming that it's possible to have a nuclear war without threatening to bomb cities in response, and thus your intent is all right. When you talk about obliteration bombing or nuclear targeting of cities you're intending to kill innocent persons. The intent is to use innocent people as a means to some other ends. Ford argued in great detail that if you look at the actual populations of cities like Dresden (or Boston), large numbers of people are not militarily involved; large numbers of people are just trying to get along in life, providing shoes and bread, services and so forth to other people. To try to kill them when they're not involved in the war would be utterly unjust, according to his concept of just conduct in war. One trouble with Ramsey's argument is that he goes on to argue that of course we know that if we have this counter-force attack there's bound to be quite a lot of collateral damage. In other words if you try to aim from this side of the Atlantic to the other side of the Atlantic, presumably Russia, with these huge bombs, there is bound to be a lot of devastation beyond the military target itself. Ramsey argues that this is a <u>fortunate accident</u>; it's not intended, but there will be these military accidental effects, and these in themselves will have a deterrent effect. Thus he subscribes to the counter-people theory through the back door. This view, like the MAD theory, raises a moral question: are we justified in threatening to do an evil thing in order

to get people to conform to our will even though we don't really intend to carry the threat out? Such threats underlie the arguments for both the MAD theory and Ramsey's counter-force theory. On the one hand the argument is that we don't really intend ever to use these bombs, so we are not morally blameworthy. We are really peacemakers. On the other hand we have to seriously, publicly threaten to use them, we cannot admit that we don't intend to use them because in that case the other side will not be deterred from attack. Thus the whole thing depends upon threats which we don't intend to carry out. There's something quite wrong about this type of argument although it is often used. Is it right to make threats? Is it proper to make threats to do evil things which you have no intention of doing? The other side might discover that you are bluffing; so you have to make absolutely certain, you have to make it seem certain, you have to pretend, that there's absolutely no compromise on this, that you're going to carry it out; in fact, you have to be resolved to carry it out.

Another argument against Ramsey's argument is the difficulty of keeping a nuclear war down to counter-force only. Wars tend to start out with both sides observing the rules of international warfare, whatever they are, including restraints on the use of military weapons with respect to non-combatants. As things become more and more desperate on either side they begin to step over the boundaries. Consider submarine warfare on the part of the Germans in World War I. They started out very gentlemanly, but under charges and counter charges, in desperation they committed acts which led to U.S. involvement. Even if we start out with these very fine principles of only counter-force, what will we do if the war escalates? Will we not begin bombing cities? The pressures are enormous, as seen in the conduct of World War II.

These, then, are the kinds of arguments that have been offered in response to the question of whether a nuclear war can be a just war. They are arguments which do not question that some wars can be just both because they are in a just cause and because they are conducted in accordance with just rules of warfare. What is at issue is whether nuclear weapons, because of the vast and indiscriminate forces they let loose, can be -- or can be expected to be -- employed in ways which do not violate the basic moral rights of innocent non-combatants in wartime.

As we have seen, the current conventions concerning fair rules of warfare have only become widely recognized in recent times, and may not even now be universally accepted. But clearly the dilemmas posed by the existence of nuclear weapons in the hands of hostile sovereign nations threaten to undermine the theoretical foundation upon which much of this progress has been made. If nuclear weapons were outlawed or abolished, as germ warfare and gas warfare have been, the principle of protecting the innocent, the non-combatants, the neutral, the prisoners of war, could be fitted much more easily into the framework of instruments of war. Perhaps the influence of traditional just-war theory, especially in the fields of religion and international law, can bring about this effect. Because this tradition is a strong one and widely acknowledged, although not always followed, it must be counted among the factors which may possibly influence the future course of nuclear weapons. But since there are many other philosophies and moral or amoral positions which exert strong influence on the value judgments of men, it seems clear that this theory alone cannot carry the day for nuclear disarmament, especially in view of the fact that just-war theories leave room for arguments, like those of Professor Ramsey, that there can be just nuclear wars.

More important, perhaps, than holding that some wars can be just provided they are conducted justly, and then trying to establish universal standards of the just conduct of wars, are efforts to establish modes of settling disputes among nations which will yield just solutions without recourse to war. But just as this type of solution could not be achieved in the United States without subordinating the several states to the federal government, such a solution can only be brought about between nations when the claims of national sovereignty begin to give way to a just system of international law.