

Moral philosophy and nuclear deterrence

by Douglas P. Lackey

Anthony Kenny. *The Logic of Deterrence*. London: Firethorn Press; Chicago: University of Chicago Press, 1985. x + 104 pp. \$20.00 cloth, \$6.95 paper.

I

THE FIRST TWO years of the Reagan administration produced, at home and abroad, a remarkable resurgence of interest in nuclear weapons policy. To national security professionals, the new attention to matters nuclear was slightly puzzling and slightly amusing. On the weapons front, Reagan had done little more than reaffirm his predecessor's decision to install Pershing IIs and ground-launched cruise missiles in Europe, and the new President had abandoned Carter's Rube Goldberg "racetrack" scheme for the MX, hardly a loss to be bemoaned by the peace movement. True, Reagan had revived the B-1 bomber, but this was a plane without a mission and posed little threat to the strategic balance. When Reagan issued directives for American strategic forces, they differed little in detail from Presidential Directive 59, issued by Carter in June of 1980. When 700,000 people demonstrated for peace in New York's Central Park in June 1982, the experts could question why similar demonstrations had not materialized against MIRV, the Trident, the cruise missile, the MX, PD-59, and other miscellaneous nuclear innovations of the 1970s.

But the reason for the mass demonstrations of the early '80s lay not in nuances of weaponry and strategy but in a justified perception of increasing tension between the superpowers. In 1979 the Soviets had sent troops beyond their borders for the first time since 1968, and in 1980 the Americans elected a President who publicly denounced the Soviets as a focus of evil and whose close associates seemed privately committed to the idea that peace was unobtainable so long as the Soviets remained in power. When Alexander Haig spoke of firing nuclear "shots across the bow" in 1981 and when Caspar Weinberger spoke of "prevailing" in nuclear conflict in 1982, their statements reflected long-established American nuclear policy, but in the new international atmosphere the public began to take such remarks seriously, and began

to examine with care the succession of weapons systems that had been developed and deployed by the superpowers since the allegedly halcyon days of detente. The results of the new self-examination, circulated in the media, electrified many. The demonstrators took to the streets, and the intellectuals sat down to their word-processors.

Four years and oceans of ink later, we can begin to take stock of how much and how little the intellectuals have achieved. One area of singular success has been history: with help from the Freedom of Information Act it has become possible to chart, for the first time, the historical development of nuclear weapons systems and policies.¹ Another success has been in the public circulation of information about present systems and policies: facts about nuclear weapons systems which took weeks for the author of this review to discover in 1981 are now readily available in local libraries.² A third area of progress has been in the analysis of the effects of nuclear weapons. In particular, the climatic effects of nuclear conflict, suggested but never proven by numerous authors since the 1950s, were substantiated by computer studies undertaken by the Swedish Academy of Sciences and by scientific teams in the United States.³

The deluge of information about nuclear weapons, however, has made things difficult for conscientious students of policy, who must digest mountains of new technical material before proceeding to analysis. This difficulty goes double for philosophers writing on this subject, who must master a growing second field in addition to their own. Perhaps for this reason most philosophers who have written on nuclear weapons policy in the '80s have confined themselves to articles, breaking off manageable, bite-size pieces of the nuclear problem. Few have attempted a comprehensive survey of the moral issues, proceeding from

history through analysis to detailed policy recommendations.⁴ To some degree, this is what Professor Kenny gives us, and this is what makes his book different and in a way more interesting than many of the recent anthologies devoted to this subject.⁵ It is also different in that it is composed in an admirably trim prose style.

II

The instrument Kenny deploys to criticize nuclear weapons policies is his own version of the "Just War theory". The Just War view, for starters, rejects the realism that denies the applicability of moral predicates to political events and the pacifism that rejects the use of violence to achieve political ends. Kenny's treatment of these rivals to the philosophic left and right is cursory. Realism is false because "war is a human creation, not a natural phenomenon" (p. 5), and pacifism is false because "a pacifist administration may fail to protect the liberties of its citizens, and a pacifist may fail to perform his allotted duty in a just war" (p. 6). I doubt that realists like Hobbes or pacifists like Gandhi would be overpowered (or even nudged) by these breezy and circular refutations. Throughout, the book's main interest lies in Kenny's development of his own line of thought, not in his assessments of alternative views.

The first third of Kenny's book is devoted to wartime uses of nuclear weapons, the second third to deterrent uses. The sequence is traditional, and many writers have argued, as Kenny does, that since the warfighting uses of nuclear weapons are immoral, it follows that the deterrent uses are immoral as well. Analysis in this sequence, however, precludes consideration of the important converse argument that if the deterrent uses of nuclear weapons are morally permissible, the wartime uses must be permissible as well. Suppose that (a) nation A could reduce the chance of a nuclear attack on itself from 90% to 10% by

¹ For some outstanding work along historical lines see David Alan Rosenberg, "The Origins of Overkill", *International Security*, Spring 1983, Desmond Ball, *Targeting for Strategic Deterrence* (London: Institute for Strategic Studies, 1983), and Fred Kaplan, *The Wizards of Armageddon* (New York: Simon and Schuster, 1983).

² For current information about American nuclear weapons systems and operating plans see William Arkin *et al.*, *Nuclear Weapons Databook*, Vol. 1 (Cambridge, Mass.: Ballinger, 1984), Paul Bracken, *The Command and Control of Nuclear Forces* (New Haven: Yale, 1984), William Arkin and Richard Fieldhouse, *Nuclear Battlefields* (Boston: Ballinger, 1985), Daniel Ford, *The Button* (New York: Simon and Schuster, 1985), and Bruce Blair, *Nuclear Command and Control* (Washington: Brookings, 1985).

³ The basic documents for the nuclear winter hypothesis are the papers collected in Don Hinrichsen and Jeanie Peterson, eds., *Nuclear War: the Aftermath* (New York: Pergamon, 1982), and Paul Ehrlich, Donald Kennedy, Walter Roberts, and Carl Sagan, eds., *The Cold and the Dark: the World after Nuclear War* (New York: Norton, 1984).

⁴ Full-length treatments from the standpoint of moral philosophy include Jonathan Schell, *The Fate of the Earth* (New York: Knopf, 1982), the National Council of Catholic Bishops, *The Challenge of Peace* (Washington: Office of Pub. Services, U.S. Catholic Conference, 1983), and Douglas Lackey, *Moral Principles and Nuclear Weapons* (Totowa, NJ: Rowman and Allanheld, 1984).

⁵ The anthologies, of course, have the merits of diversity and detail. Three which include previously unpublished material are Douglas Maclean, ed., *The Security Gamble* (Totowa, NJ: Rowman and Allanheld, 1984), Russell Hardin *et al.*, eds., *Nuclear Deterrence: Ethics and Strategy* (Chicago: University of Chicago Press, 1985), and Avner Cohen and Steven Lee, eds., *Nuclear Weapons and the Future of Humanity* (Totowa, NJ: Rowman and Allanheld, 1986).

constructing a Retaliation Machine that would surely launch a nuclear second strike, (b) that this is the only way nation *A* can achieve this reduction in the chance of attack, (c) that nation *A* will never launch a first strike, and (d) that the number of lives lost when the Retaliation Machine is used is not substantially greater than the number that would be lost in an attack on *A* should *A* choose not to build a Retaliation Machine. Many would consider the construction of a Retaliation Machine in these circumstances morally permissible (non-pacifist administrations have a "duty to protect the liberties of their citizens"!). But if it is permissible to build the Machine, it would seem permissible to turn it on, and still permissible to have turned it on if nation *A* is attacked and the Retaliation Machine destroys the attacker, *even though* such retaliation, considered by itself, is not morally permissible. Since Schelling's papers in the late '50s, at least some students of rational choice have admitted the rationality of such "Ulyssean" precommitments,⁶ and at least one moral philosopher infatuated with decision theory has suggested that the rationality of such precommitments to otherwise irrational action implies the morality of some precommitments to otherwise immoral acts.⁷

How does Kenny come to condemn the warfighting uses of nuclear weapons? He knows that there can be uses of nuclear weapons which will kill no civilians at all, but he (rightfully) dismisses these as atypical. It is, after all, nuclear weapons *systems* that are the primary object of study in these discussions, and judgments on such systems should concentrate on their typical or probable uses, which almost certainly will kill civilians. But Kenny also knows that the theory of Just War permits some wartime acts that do kill civilians, provided that the civilians are not the objects of attack. What, then, of nuclear war plans which direct

nuclear weapons at military targets and which involve civilian deaths only as side-effects?⁸ Here Kenny is eloquent indeed:

In civil life a killer can be convicted of murder even though he did not intend to kill his victim.... A death which is foreseen but not intended can amount to murder if the killer's action demonstrates, as the lawyers say, a reckless disregard for human life....

[Nuclear] weapons might unintentionally cause a number of civilian casualties wholly out of proportion to the military goal to be achieved.... In war as in peace murder can be committed not only intentionally, but also recklessly, not only when civilian deaths are the purpose of a strike, as in terror bombing, but also when they are the unintended and disproportionate result of the strike. (P. 25)

Kenny argues that the typical anticipated first uses of smaller, "civilian sparing" nuclear weapons will not secure military objectives justifying the disproportionate number of civilian deaths that such uses would cause. For example, the use of tactical nuclear weapons as a "demonstration of resolve" would scarcely stop invading Soviet forces, since Soviet leaders would have already considered the possibility of such uses before launching their attack. And the serious use of tactical nuclear weapons to stop a Soviet advance would devastate the territory that NATO seeks to defend. Such uses, then, would be murderous in the "reckless" sense.

Now, I accept this argument, but it is interesting to see what a defender of NATO's battlefield nuclear war plans might say against it. First of all, Kenny admits that a Soviet invasion of Germany would constitute a just cause for war (p. 14). So we should be comparing the number of civilians that would be killed in the defence of Germany with conventional weapons with the number of civilians that might be killed in the defence of Germany with battlefield nuclear weapons, *not* with the number of civilians that might be killed by battlefield nuclear weapons with no civilians being killed at all. It might be true that several million Germans would die from a defence with nuclear weapons, but it is also true that a great many would die in the course of a non-nuclear defence, and the difference between the two might not transgress the Just War rule proportionality, provided that substantial gains

⁶ Named for Ulysses, who had himself bound knowing that he would wish he had not been bound should he come to hear the sirens sing.

⁷ See David Gauthier, "Deterrence, Maximization, and Rationality", in *The Security Gamble* (cited in n. 5). Kenny mentions this article in his bibliography of "particularly helpful" articles but does not anywhere examine Gauthier's claims. The closest he comes to assessing this problem is to consider the argument of the man who says, "If you are committed to the deterrent, you have to stick to it if it ever comes to the crunch" (p. 56). This is a man, Kenny writes, "with murder in his heart". But a man who precommits to retaliation is not quite like the man Kenny describes here, for the man "with murder in his heart" still *chooses* to retaliate. With precommitment, the retaliation is automatic, not in the sense that a Doomsday Machine is installed, but in the sense that the entire system of men and material is such that even direct orders from the top *not* to retaliate cannot prevent some retaliation from being launched.

⁸ Kenny mentions some of James Schlesinger's 1974 changes in American nuclear warfighting plans but does not mention the policy of placing enemy population centres on "strategic withhold", i.e. exempted from attack at least in the early stages of nuclear war.

in defensive military effectiveness results from the use of tactical nuclear weapons, a military point Kenny chooses not to discuss.

At this juncture Kenny presents a second argument against first uses of nuclear weapons by NATO, the familiar argument that such uses are likely to escalate to all-out nuclear war, a war in which, for sure, NATO actions would violate the Just War canon of proportionality. Certainly, once the nuclear threshold has been crossed with the use of tactical nuclear weapons, the chance increases that the larger strategic weapons will be called in, and the placement of intermediate range missiles like the Pershing II in Europe makes the jump from tactical to strategic weaponry all the more likely. But it is not valid to argue that since the *actual* use of tactical nuclear weapons makes the *possible* use of strategic weapons more likely, and since the actual use of *strategic* weapons is murderous, the actual use of tactical weapons must be murderous. The risk of escalation is real and morally weighty, but it does not support the charge of murder against the use of tactical nuclear weapons. And if only such things as murder are things that ought never to be done, it follows that Kenny does not have a moral argument, on his own terms, from the facts of escalation to the immorality of using tactical nuclear weapons.

III

From the murderousness of all probable uses of nuclear weapons Kenny infers the immorality of possessing nuclear weapons for purposes of deterrence. He does not waffle, like the American Catholic bishops, who condemn warfighting uses of nuclear weapons, but sanction deterrent uses as a necessary evil at least in present times.⁹ On the contrary, possession for deterrence is immoral because it requires either an intention to commit mass murder or at least a willingness to commit mass murder.

If deterrence does require a conditional intention to commit mass murder, then deterrence is surely immoral since "if it is wrong to do X [in circumstances C], it is wrong to intend to do X [in circumstances C]" (p. 47). Kenny writes that "it is difficult to deny this principle," but the majority of American philosophers writing on deterrence have succeeded in denying it, following Gregory Kavka in the belief that the utilitarian benefits of forming an intention to do an immoral act may

morally outweigh the deontological faults.¹⁰ Kenny does consider one variation on Kavka's idea, attributed to Gerard Hughes:

I intend to do an immoral action only in certain definite circumstances. Suppose I also believe that by having this intention I can be sure that those circumstances will never occur, and suppose that it is my moral duty to prevent those circumstances from occurring.... Is it now clear that my intention is an immoral one? (P. 48)

Kenny's response here is that it is impossible to form an intention to do things in circumstances which you believe will never arise, so the intention postulated by Hughes cannot exist. This is much too cavalier a dismissal of a difficult problem, and it is a little disappointing that one of the great modern masters of the philosophy of mind has not provided a more penetrating analysis of the whole problem of deterrent intentions. The correct view, it seems to me, is that one cannot form intentions to perform actions which are impossible, but that one *can* form intentions to do certain actions in contingencies which one believes will never arise. At the same time, I believe that one cannot form an intention to perform an act which one knows would be both immoral and imprudent when the time comes to do it. If the intention to launch a second strike is an intention to freely perform an act which one knows would be both immoral and suicidal at the time, then Kenny in the end may be right in dismissing such intentions as nonexistent. But even if deterrent threats do not involve immoral intentions, Kenny argues that they are immoral because they require a "willingness" to commit mass murder:

The real reason why the way in which we maintain the power to destroy an enemy population is immoral is that in order for the nation to have this power, individuals in the nation must have the willingness to exercise the power. Everyone involved in the military chain of command from the top downwards must be prepared to give or execute the order to massacre millions of non-combatants if ever the government decides that this is what ought to be done.... To someone like myself, who thinks that the military profession is in itself an honourable and indeed a noble one, it is very horrible that we should be following a policy which makes it the mark of a good serviceman to be willing, in the appropriate circumstances, to commit murder on a gigantic scale. (Pp. 53-4)

⁹ National Council of Catholic Bishops, *The Challenge of Peace*, in *Origins*, 3 May 1983.

¹⁰ Kavka's attack on the principle is in "Some Paradoxes of Deterrence", *Journal of Philosophy*, 75 (June 1978): 285-302.

This is the crux of Kenny's argument against deterrence, and it is notable for its purely deontological tone: the actual probability that one will commit mass murder is, according to Kenny, morally irrelevant. From this it follows that the argument that this willingness to launch a second strike *reduces* the chance of a Soviet first strike (which would also be "murder on a gigantic scale"), is also morally irrelevant. I admit that these conclusions do follow from a certain sort of moral theory—the sort of moral theory that says that, when it comes to murder, the important moral ideal is not that there be as few murders in the world as possible, but that each person choose not to be a murderer. I am far from being able to refute such agent-centred, as opposed to world-centred, moral theories, but the trouble is that the agent-centred assumption is nowhere mentioned or defended in Kenny's book. It certainly does not follow from the Just War theory alone, since the traditional Just War theory is chock-a-block with utilitarian considerations. Left as things are, the moral argument against deterrence reads like those articles in bourgeois economics that start with the sentence, "Assume competition."

A person working within the assumptions of world-centred ethics will be primarily interested not in the intentions or commitments of agents but in the risks of deterrence compared with the risks of the alternatives. Classifying these as "dangers" rather than moral evils, Kenny supplies a chapter on this subject, discussing problems of escalation, accidental nuclear war, and so forth. His verdict is that the risks of deterrence (nuclear war) far outweigh the worst risks of abandoning deterrence, since "the aftermath of nuclear war is an evil disproportionate to any political goal to be achieved by possession of the deterrent" (p. 66). This discussion of risks is puzzling, since all observers agree, rightly or wrongly, that the main function of deterrence is the prevention of nuclear war. The proper comparison, then, is between different methods of achieving the same good outcome and their percentage chances of success, not between methods that have different worst outcomes. But Kenny throughout his consideration of risks concentrates on the negativities of the risks rather than their probabilities, and thus he never really answers the objection, which he twice mentions, that with deterrence the chance of a nuclear war is really *quite small* whereas without deterrence the chance of a Soviet nuclear attack on the West is *nearly certain*. In my own discussions of nuclear matters I have always thought it better to argue at length that such probability estimates are false than to take Kenny's tack that nobody knows what the probabilities are.

IV

Anyone who argues, as Kenny does, that nuclear deterrence as currently practised is immoral, is duty bound to present politically viable remedies. Expanding far beyond his previous writings on nuclear weapons, Kenny calls for substantial unilateral steps by the Western powers, including (a) removal of tactical and intermediate range Western missiles from Europe, (b) substantial cuts in the French and British nuclear deterrents, (c) cancellation of all new Western nuclear systems, and (d) scrapping of American land and airborne strategic systems. At the same time, Kenny (e) calls for a strengthening of NATO conventional forces, (f) requests that "the submarine based strategic nuclear force of the Western deterrent should not be completely dismantled" (p. 71), and couples this request with a proposal (g) for a new nuclear strategy, a strategy of possession without use.¹¹

The removal of tactical and intermediate-range nuclear weapons from NATO would considerably clarify NATO's battlefield strategy, which now requires field commanders to plan on the use of weapons that they may never be authorized to unlock. It is not obvious to me that such reductions would require the strengthening of NATO conventional forces, as Kenny suggests, and I fear that the costs of strengthening NATO conventional forces might be so great that to insist on it would indefinitely forestall the removal of tactical and intermediate nuclear weapons.¹² If the removal of tactical and intermediate weapons could be accomplished, then the announcement of "no first use" (p. 89) would be superfluous, since few imagine that the United States at present or in the future plans a deliberate first use of *strategic* nuclear weapons. At the same time, Kenny must recognize that if tactical and strategic weapons are to be removed from Europe while the Soviets retain their current tactical and intermediate systems, it will be politically very difficult to promote substantial cuts in British and French strategic nuclear forces, proposal (b).

¹¹ For Kenny's suggestions (a) through (h) see the Boston Nuclear Study Group's *Winding Down* (San Francisco: Freeman, 1979). The proposal for "possession without use" is very much like Professor James Sterba's proposal for "deterrence without threats", in "How to Achieve Nuclear Deterrence Without Threatening Nuclear Destruction", first published in James Sterba, ed., *The Ethics of War and Nuclear Deterrence* (Encino, Calif.: Wadsworth, 1985).

¹² For two careful and fairly optimistic assessments of NATO's conventional strength, see John Mearsheimer, *Conventional Deterrence* (Ithaca, N.Y.: Cornell University Press, 1983), and Andrew Hamilton, "Redressing the Conventional Balance", *International Security*, 10 (Summer 1985): 111-36.

Kenny's request for cancellation of new strategic systems (c) mirrors the main message of the American nuclear freeze movement. The same criticisms apply, principally that present American and Soviet strategic systems are so unstable and so dangerous that it is folly to freeze them as they are. For example, the instability introduced by MIRVs has long been recognized, and there is considerable support in the American Congress for a phasing out of MIRV in American land-based strategic systems: developing the single-warhead "Midgetman", for example, to replace the MX and the Minuteman forces. A strict insistence on the freeze would block the development of Midgetman, and it may be that the development of Midgetman is the best move towards peace that the present political environment can sustain.

Perhaps Kenny is not interested in Midgetman because he calls (d) for the abandonment of all land- and air-based Western strategic systems, retaining only "a few" nuclear submarines as a hedge against nuclear blackmail. I will not chide Kenny for utopianism: he knows well enough how these ideas would go over with the United States Air Force. My own problem is in justifying the retention of the submarines. True, nuclear blackmail is a danger, but the danger is very much exaggerated, and Kenny's moral system insists that it is better to suffer evil than to do it. Each American nuclear submarine carries about 200 nuclear warheads and is quite capable of annihilating the Soviet population. A few of these American nuclear submarines would be capable of delivering the 100 megatons of explosive that Turco and associates claim is sufficient to generate a nuclear winter. Furthermore, it is nuclear submarines that have the most severe command and control problems and which perhaps, therefore, pose the greatest danger of accidental or unauthorized nuclear attack. A defender of deterrence might well ask: if reduction of the chance of nuclear blackmail justifies the commitment to mass murder expressed in these submarines, why are we not justified in reducing the chance of a first strike on ourselves through a commitment to mass murder expressed in bombers and ICBMs? The correct answer, I believe, is that risks of deterrence with a strategic triad, i.e. the probability of disaster with the triad multiplied by its negativity, are greater than the risks of deterrence with a strategic monad, but this is not the sort of answer that Kenny's moral system will provide. *Kenny's* answer to the threat in remaining submarines is the adoption of a "possession without use" weapons policy.

If the West retained nuclear weapons, together with a commitment not to use them, the "willingness to commit mass murder" that Kenny isolates as the central fault of deterrence would be eliminated. But how

is the policy of "possession without use" to be implemented? Kenny writes:

Suppose that the western powers announced a decision of policy that nuclear weapons were never to be used on cities or military targets near centres of population.... Suppose that all who were trained in the operation of nuclear weapons were given standing orders never to accept commands from anyone to employ them on unacceptable or unknown targets. (P. 79)

Perhaps no other idea in Kenny's book conveys the strength and limitations of agent-centred morality as this. Kenny is willing to countenance the production and deployment of instruments of mass destruction, and since the training and psychological safeguards that he suggests for those who operate these weapons are likely to break down under the pressure of international crisis or nuclear attack, he is prepared to countenance the risks that weapons will be used. What concerns him most is that those who operate the weapons have the right attitude of mind.

There is another feature of Kenny's "possession without use" proposal that some will find curious. In his discussion of "limited nuclear war" Kenny properly rejects proposals for small-scale uses of nuclear weapons. But here he seems to distinguish between "acceptable" targets for nuclear weapons and "unacceptable" targets, and this seems to be a revival of the idea, which Kenny was one of the earliest to notice and attack,¹³ that counterforce nuclear war is clean nuclear war. Surely the training Kenny suggests must be training never to use nuclear weapons, not training that they only be used against "acceptable" targets. But if so, it is difficult to imagine what such training might be like. It would not be like the training given to soldiers of the line, who are to be told use their weapons to shoot other soldiers, but to refuse orders to shoot civilians. The training required here would be training in the use of nuclear weapons connected with conditioning never to use nuclear weapons, training to obey the order never to use nuclear weapons combined with training not to obey countermands to those orders, even countermands coming from the President, and all of this training would be given to officers who have no other job than to tend nuclear weapons, no other arms but these with which to defend their country.

¹³ Anthony Kenny, "Counterforce and Countervalue", *Clergy Review*, 1962, reprinted in the 2nd edition of Walter Stein, ed., *Nuclear Weapons: a Catholic Response* (London: Merlin, 1965).

Not that the training suggested by Kenny would be a bad thing. On the contrary, I believe it would be a very good thing. But I hope that the world can discover some less psychological and less volatile protection against nuclear conflict than the strategy of possession without use involves. There is nothing in Kenny's suggestions that solves the nuclear problem in the long run, not even multilateral nuclear disarmament, since given Kenny's safeguards alone, nuclear weapons can always be reinvented or reconstructed. Only a revival of something like the Lilienthal plan, empowering an international agency with the control of nuclear materials, can put the nuclear apple back on the tree of knowledge. For those who believe that first priority should be given to preventing destruction with nuclear weapons and not to redeeming the souls of those who might use them, it is more appealing to imagine a world in which people would like to use nuclear weapons but cannot get them, than a world in which people have them but are encouraged not to use them.

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