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Just War Theory and Nuclear Strategy

Abstract: I defend just war theory against pacifist, conventionalist, collectivist and feminist challenges that have been recently directed against it. I go on to apply just war theory to the use and threat to use nuclear weapons concluding that under present conditions the possession but not the threat to use a limited nuclear force is morally justified.

In traditional just war theory, there are two basic components: a set of criteria which establish a right to go to war (*jus ad bellum*) and a set of criteria which determine legitimate conduct in war (*jus in bello*). The first set of criteria can be grouped under the label 'just cause', the second under the label 'just means'. In recent years, the just cause component of just war theory has been subjected to a pacifist challenge, the just means component has been subjected to conventionalist and collectivist challenges and both components have been subject to a feminist challenge. In this paper, I will attempt to respond to each of these challenges in turn and then go on to determine the practical implications of just war theory for nuclear strategy.

The Pacifist Challenge to Just Cause

In traditional just war theory, just cause is usually specified as follows:

Just Cause:

There must be substantial aggression and nonbelligerent correctives must be hopeless or too costly.

Needless to say, the notion of substantial aggression is a bit fuzzy, but it is generally understood to be the type of aggression that violates people's most fundamental rights. To suggest some specific examples of what is and what is not substantial aggression, usually nationalization of particular firms owned by foreigners is not regarded as substantial aggression while the taking of hostages is so regarded. But even when substantial

aggression occurs, frequently nonbelligerent correctives are neither hopeless nor too costly.

However, according to the pacifist challenge to just war theory nonbelligerent correctives, or at least nonlethal correctives, are never hopeless or too costly. Thus, for pacifists there aren't any just causes.

But this pacifist challenge to just war theory is sometimes claimed to be incoherent. In a well-known article, Jan Narveson rejects pacifism as incoherent because it recognizes a right to life yet rules out any use of force in defense of that right (Narveson 1965). The view is incoherent, Narveson claims, because having a right entails the legitimacy of using force in defense of that right at least on some occasions. But as Cheyney Ryan has pointed out Narveson's argument only works against the following extreme form of pacifism:

Pacifism I:

Any use of force is morally prohibited.

It doesn't touch the form of pacifism that Ryan (1985) thinks is most defensible, which is the following:

Pacifism II:

Any lethal use of force is morally prohibited.

This form of pacifism only prohibits the use of lethal force in defense of people's rights.

Ryan goes on to argue that there is a substantial issue between the pacifist and the nonpacifist concerning whether we can or should create the necessary distance between ourselves and other human beings in order to make the act of killing possible. To illustrate, Ryan cites George Orwell's reluctance to shoot at an enemy soldier who jumped out of a trench and ran along the top of a parapet half-dressed and holding up his trousers with both hands. Ryan contends that what kept Orwell from shooting was that he couldn't think of the soldier as a thing rather than a fellow human being.

But do we have to objectify other human beings in order to kill them? If we do, this would seem to tell in favor of the form of pacifism Ryan defends. However, it is not clear that Orwell's encounter supports such a view. For it may be that what kept Orwell from shooting the enemy soldier was not his inability to think of the soldier as a thing rather than a fellow human being but rather his inability to think of the soldier who was holding up his trousers with both hands as a threat or a combatant. Under

this interpretation, Orwell's decision not to shoot would accord well with the requirements of just war theory.

Let us suppose, however, that someone is attempting to take your life. Why does that permit you, the pacifist might ask, to kill the person making the attempt? Isn't such killing prohibited by the principle that one should never intentionally do evil that good may come of it? Of course, someone might not want to endorse this principle as an absolute requirement, but surely it cannot be reasonable to regard all cases of justified killing in self-defense as exceptions to this principle.

One response to this pacifist objection is to allow that killing in self-defense can be morally justified provided that the killing is the foreseen consequence of an action whose intended consequence is the stopping of the attempt upon one's life. Another response is to allow that intentional killing in self-defense can be morally justified provided that you are reasonably certain that your attacker is wrongfully engaged in an attempt upon your life. It is claimed that in such a case the intentional killing is not evil, or at least not morally evil, because anyone who is wrongfully engaged in an attempt upon your life has already forfeited her or his right to life by engaging in such aggression.

Taken together, these two responses seem to constitute an adequate reply to the pacifist challenge. The first response is theoretically closer to the pacifist's own position since it rules out all intentional killing, but the second response is also needed when it does not seem possible to stop a threat to one's life without intentionally killing one's attacker.

The Conventionalist Challenge to Just Means

Now the just means component of just war theory, can be specified as follows:

Just Means:

- 1) The harm resulting from the belligerent means employed should not be disproportionate to the military objective to be attained.
- 2) Harm to innocents should not be directly intended as an end or a means.
- 3) Harm to innocents should be minimized by accepting risks (costs) to oneself that would not render it impossible to attain the military objective.

Obviously, the notion of what is disproportionate is a bit fuzzy in (1), but the underlying idea is that the harm resulting from the belligerent corrective should not outweigh the benefit to be achieved from attaining

the military objective. By contrast, (2) is a relatively precise requirement. Where it was obviously violated was in the antimorale terror bombing of Dresden and Hamburg and in the use of atomic bombs against Hiroshima and Nagasaki in World War II.¹

Some people think that (1) and (2) capture the essential requirements of just means. Others maintain that something like (3) is also required. Michael Walzer provides an example from Frank Richard's memoir of World War I which shows the attractiveness of (3).

"When bombing dug-outs or cellars, it was always wise to throw the bombs into them first and have a look around after. But we had to be very careful in this village as there were civilians in some of the cellars. We shouted down one cellar twice and receiving no reply were just about to pull the pins out of our bomb when we heard a woman's voice and a young lady came up the cellar steps ... She and the members of her family ... had not left (the cellar) for some days. They guessed an attack was being made and when we first shouted down had been too frightened to answer. If the young lady had not cried out when she did we would have innocently murdered them all." (Walzer 1977, 152)

Many restrictions on the operation of police forces also seem to derive from a requirement like (3).

As one would expect, these criteria of just means have been incorporated to some degree in the military codes of different nations and adopted as international law. Yet rarely has anyone contended that the criteria ought to be met simply because they have been incorporated into military codes or adopted as international law. Recently, however, George Mavrodes, has defended just such a conventionalist view (Mavrodes 1983). Mavrodes arrives at this conclusion largely because he finds the standard attempts to specify the convention-independent basis for (2) and (3) to be so totally unsuccessful. All such attempts, Mavrodes claims, are based on an identification of innocents with noncombatants. But by any plausible standard of guilt and innocence that has moral content, Mavrodes contends, noncombatants can be guilty and combatants innocent. For example, noncombatants who are doing everything in their power to financially support an unjust war would be morally guilty, and combatants who were forced into military service and intended never to fire their weapons at anyone would be morally innocent. Consequently, the guilt/innocence distinction will not support the combatant/noncombatant distinction.

Hoping to still support the combatant/noncombatant distinction, Mavrodes suggests that the distinction might be grounded on a convention to observe it. This would mean that our obligation to morally abide by (2) and (3) would be a convention-dependent obligation. Nevertheless, Mavrodes does not deny that we have some convention-independent

obligations. Our obligation to refrain from wantonly murdering our neighbors is given as an example of a convention-independent obligation, as is our obligation to reduce the pain and death involved in combat. But to refrain from harming noncombatants when harming them would be the most effective way of pursuing a just cause is not included among our convention-independent obligations.

Yet Mavrodes does not claim that our obligation to refrain from harming noncombatants is purely convention-dependent. He allows that, in circumstances in which the convention of refraining from harming noncombatants does not exist, we might still have an obligation to unilaterally refrain from harming noncombatants provided that our action will help give rise to a convention prohibiting such harm with its associated good consequences. According to Mavrodes, our primary obligation is to maximize good consequences, and this obligation requires that we refrain from harming noncombatants when that will help bring about a convention prohibiting such harm. By contrast, someone who held that our obligation to refrain from harming noncombatants was purely convention-dependent, would never recognize an obligation to unilaterally refrain from harming noncombatants. On a purely convention-dependent account, obligations can only be derived from existing conventions; the expected consequences from establishing a particular convention could never ground a purely convention-dependent obligation. But while Mavrodes does not claim that our obligation to refrain from harming noncombatants is purely convention-dependent, he does claim that this obligation generally arises only when there exists a convention prohibiting such harm. According to Mavrodes, the reason for this is that generally only when there exists a convention prohibiting harm to noncombatants will our refraining from harming them, while pursuing a just cause, actually maximize good consequences.

But is there no other way to support our obligation to refrain from harming noncombatants? Mavrodes would deny that there is. Consider, however, Mavrodes's own example of the convention-independent obligation not to wantonly kill our neighbors. There are at least two ways to understand how this obligation is supported. Some would claim that we ought not to wantonly kill our neighbors because this would not maximize good consequences. This appears to be Mavrodes's view. Others would claim that we ought not to wantonly kill our neighbors, even if doing so would maximize good consequences, simply because it is not reasonable to believe that our neighbors are engaged in an attempt upon our lives. Both these ways of understanding how the obligation is supported account for the convention-independent character of the obligation, but the second approach, can also be used to show how our obligation to refrain from harming noncombatants is convention-independent. According to this approach since it is not reasonable to believe that noncombatants are engaged in an attempt upon our lives, we have an obligation to refrain

from harming them. So interpreted, our obligation to refrain from harming noncombatants is itself convention-independent, although it will certainly give rise to conventions.

Of course, some may argue that whenever it is not reasonable to believe that persons are engaged in an attempt upon our lives, an obligation to refrain from harming such persons will also be supported by the maximization of good consequences. Yet even if this were true, which seems doubtful, all it would show is that there exists a utilitarian or forward-looking justification for a convention-independent obligation to refrain from harming noncombatants; it would not show that such an obligation is a convention-dependent obligation, as Mavrodes claims.

The Collectivist Challenge to Just Means

Now according to the collectivist challenge to just means, more people should be included under the category of combatants than the standard interpretation of (2) allows. The reason for this is that the standard interpretation of (2) does not assume, as the advocates of the collectivist challenge do, that the members of a society are collectively responsible for the actions of their leaders unless they have taken radical steps to oppose or disassociate themselves from those actions, e.g., by engaging in civil disobedience or emigration. Of course, those who are unable to take such steps, particularly children, would not be responsible in any case, but, for the rest, advocates of the collectivist challenge contend that failure to take the necessary radical steps, when one's leaders are acting aggressively, has the consequence that one is no longer entitled to full protection as a noncombatant. Some of those who press this objection against the just means component of just war theory, like Gregory Kavka, contend that the members of a society can be directly threatened with nuclear attack to secure deterrence but then deny that carrying out such an attack could ever be morally justified (Kavka 1985). Others, like James Child, contend that the members of a society who fail to take the necessary radical steps can be both indirectly threatened and indirectly attacked with what would otherwise be a disproportionate attack (Child 1986).

In response to this collectivist challenge, the first thing to note is that people are more responsible for disassociating themselves from the unjust acts of their leaders than they are for opposing those same acts. For there is no general obligation to oppose all unjust acts, even all unjust acts of one's leaders. Nevertheless, there is a general obligation to disassociate oneself from unjust acts and to minimize one's contribution to them. Of course, how much one is required to disassociate oneself from the unjust acts of one's leaders depends upon how much one is contributing to those actions. If one's contribution is insignificant, as presumably a farmer's or

a teacher's would be, only a minimal effort to disassociate oneself would be required, unless one's action could somehow be reasonably expected, in cooperation with the actions of others, to put a stop to the unjust actions of one's leaders. However, if one's contribution is significant, as presumably a soldier's or a munitions worker's would be, a maximal effort at disassociating oneself would be immediately required, unless by delaying, one could reasonably expect to put a stop to the unjust actions of one's leaders.

In support of the collectivist challenge, James Child offers the following example:

"A company is considering engaging in some massively immoral and illegal activity - pouring large quantities of arsenic into the public water supply as a matter of ongoing operations, let us say. A member of the board of directors of the company, when the policy is before the board, votes no but does nothing else. Later, when sued in tort (or charged in crime) with these transgressions of duty, she pleads that she voted no. What would our reaction be? The answer is obvious! We would say, you are responsible as much or nearly as much, as your fellow board members who voted yes. You should have blown the whistle, gone public or to regulatory authorities, or at the very least, resigned from the board of so despicable a company. Mere formal dissent in this case does almost nothing to relieve her liability, legal or moral." (Child 1986, 142)

But while one might agree with Child that in this case the member of the board of directors has at least the responsibility to disassociate herself from the actions of the board by resigning, this does not show that farmers and teachers are similarly responsible for disassociating themselves from the unjust action of their leaders either by engaging in civil disobedience by emigration. This is because neither their contributions to the unjust actions of their leaders nor the effect of their disassociation on those unjust actions would typically be significant enough to require such a response.

This is not to deny that some other response (e.g. political protest or remunerations at the end of the war) would not be morally required. However, to meet the collectivist challenge, it suffices to show that not just any contribution to the unjust actions of one's leaders renders the contributor subject to attack or threat of attack; one's contribution must be significant enough to morally justify such a response.

The Feminist Challenge to Just Cause and Just Means

According to the feminist challenge to both components of just war theory, sexism and militarism are inextricably linked in society. They are linked, according to Betty Reardon, because sexism is essentially a prejudice against all manifestations of the feminine, and militarism is a policy of

excessive military preparedness and eagerness to go to war that is rooted in a view of human nature as limited to masculine characteristics (Reardon 1985; especially ch. 3). Seen from a militarist perspective, other nations are competitive, aggressive and adverse to cooperation, the same traits that tend to be fostered exclusively in men in a sexist society. By contrast, the traits of openness, cooperativeness and nurturance which promote peaceful solutions to conflicts tend to be fostered exclusively in women who are then effectively excluded from positions of power and decision-making in a sexist society. Consequently, if we are to rid society of militarism, Reardon argues, we need to rid society of sexism as well.

But even granting that sexism and militarism are inextricably linked in society in just the way Reardon maintains, how does this effect the validity of just war theory? Since just war theory expresses the values of proportionality and respect for the rights of innocents, how could it be linked to militarism and sexism? The answer is that the linkage is practical rather than theoretical. It is because the leaders in militarist/sexist society have been socialized to be competitive, aggressive and adverse to cooperation that they will tend to misapply just war theory when making military decisions. This represents an important practical challenge to just war theory. And, the only way of meeting this challenge, as far as I can tell, is to rid society of its sexist and militarist attitudes and practices so as to increase the chances that just war theory will be correctly applied in the future.

Practical Implications for the Use of Nuclear Weapons

The requirements for just war theory that have been defended so far are directly applicable to the question of the morality of nuclear war. In particular, requirements (2) and (3) on just means would prohibit any counter-city or counter-population use of nuclear weapons. While this prohibition need not be interpreted as absolute, it is simply not foreseeable that any use of nuclear weapons could ever be a morally justified exception to this prohibition.

But what about a counter-force use of nuclear weapons? Consider the massive use of nuclear weapons by the United States or the Soviet Union against industrial and economic centers. Such a strike, involving three to five thousand warheads, could destroy between 70-80% of each nation's industry and result in the immediate death of as many as 165 million Americans and 100 million Russians respectively, in addition to running a considerable risk of a retaliatory nuclear strike by the opposing superpower.² It has also been estimated by Carl Sagan and others that such a strike is very likely to generate firestorms which would cover much of the earth with sooty smoke for months, creating a 'nuclear winter' that would

threaten the very survival of the human species (Sagan 1983). Applying requirement (1) on just means, there simply is no foreseeable military objective which could justify such morally horrendous consequences.

The same holds true for a massive use of nuclear weapons against tactical and strategic targets. Such a strike, involving two to three thousand warheads, directed against only ICBMs, submarine and bomber bases could wipe out as many as 20 million Americans and 28 million Russians respectively, in addition to running a considerable risk of a retaliatory nuclear strike by the opposing superpower.³ Here too there is a considerable risk of a 'nuclear winter' occurring. This being the case what military objective might foreseeably justify such a use of nuclear weapons?

Of course, it should be pointed out that the above argument does not rule out a limited use of nuclear weapons at least against tactical and strategic targets. Such a use is still possible. Yet practically it would be quite difficult for either superpower to distinguish between a limited and a massive use of nuclear weapons, especially if a full-scale conventional war is raging. In such circumstances, any use of nuclear weapons is likely to be viewed as part of a massive use of such weapons, thus increasing the risk of a massive nuclear retaliatory strike (Lens 1977, 78-79; Keeny/Panofsky 1981, 297f.; Clark 1982, 242). In addition, war games have shown that if enough tactical nuclear weapons are employed over time in a limited area, such as Germany, the effect on noncombatants in that area would be much the same as in a massive nuclear attack (Lens 1977, 73). As Bundy, Kennan, McNamara and Smith put the point in their recent endorsement of a doctrine of no first use of nuclear weapons:

"Every serious analysis and every military exercise, for over 25 years, has demonstrated that even the most restrained battlefield use would be enormously destructive to civilian life and property. There is no way for anyone to have any confidence that such a nuclear action will not lead to further and more devastating exchanges. Any use of nuclear weapons in Europe, by the Alliance or against it, carries with it a high and inescapable risk of escalation into the general nuclear war which would bring ruin to all and victory to none."⁴

For these reasons, even a limited use of nuclear weapons generally would not meet requirement (1) on just means.

Nevertheless, there are some circumstances in which a limited use of nuclear weapons would meet all the requirements on just means. For example, suppose that a nation was attacked with a massive nuclear counterforce strike and it was likely that, if the nation did not retaliate with a limited nuclear strike on tactical and strategic targets, a massive attack on its industrial and population centers would follow. Under such circumstances, it can be argued, a limited nuclear retaliatory strike would satisfy all the requirements on just means. Of course, the justification for such a

strike would depend on what foreseen effect the strike would have on innocent lives and how likely it was that the strike would succeed in deterring a massive attack on the nation's industrial and population centers. But assuming a limited nuclear retaliatory strike on tactical and strategic targets was the best way of avoiding a significantly greater evil, it would be morally justified according to the requirements on just means.

Practical Implications for the Threat to Use Nuclear Weapons

Yet what about the morality of threatening to use nuclear weapons to achieve nuclear deterrence? Obviously, the basic requirements of just war theory are not directly applicable to threats to use nuclear weapons. Nevertheless, it seems clear that the just war theory would support the following analogous requirements of what we could call "just threat theory".

Just Cause:

There must be a substantial threat or the likelihood of such a threat and nonthreatening correctives must be hopeless or too costly.

Just Means:

- 1) The risk of harm resulting from the use of threats (or bluffs) should not be disproportionate to the military objective to be attained.
- 2) Actions that are prohibited by just war theory cannot be threatened as an end or a means.
- 3) The risk of harm to innocents from the use of threats (or bluffs) should be minimized by accepting risks (costs) to oneself that would not render it impossible to attain the military objective.

Now if we assume that the requirement of just cause is met, the crucial restriction of just threat theory is requirement (2) on just means. This requirement puts a severe restriction on what we can legitimately threaten to do, assuming, that is, that threatening implies an intention to carry out under appropriate conditions what one has threatened to do. In fact, since, as we have seen, only a limited use of nuclear weapons could ever foreseeably be morally justified, it follows from requirement (2) that only such a use can be legitimately threatened. Obviously, this constitutes a severe limit on the use of threats to achieve nuclear deterrence.

Nevertheless, it may be possible to achieve nuclear deterrence by other means, for example, by bluffing. Now there are two ways that one can be bluffing while proclaiming that one will do actions that are prohibited by just war theory. One way is by not being committed to doing what one proclaims one will do should deterrence fail. The other is by being committed not to do what one proclaims one would do should deterrence fail. Of

course, the first form of bluffing is more morally problematic than the second since it is less of a barrier to the subsequent formation of a commitment to do what would be prohibited by just war theory, but since it lacks a present commitment to carry out actions prohibited by just war theory should deterrence fail, it still has the form of a bluff rather than a threat.⁵

The possibility of achieving nuclear deterrence by bluffing, however, has not been sufficiently explored because it is generally not thought to be possible to institutionalize bluffing. Robert Phillips in his contribution to this volume raises just this objection to a bluffing strategy. But suppose we imagine bluffing to include deploying a survivable nuclear force and preparing that force for possible use in such a way that leaders who are bluffing a morally prohibited form of nuclear retaliation need outwardly distinguish themselves from those who are threatening such retaliation only in their strong moral condemnation of this use of nuclear weapons. Surely this form of bluffing is capable of being institutionalized.

This form of bluffing can also be effective in achieving deterrence because it is subject to at least two interpretations. One interpretation is that the leaders of a nation are actually bluffing because while the leaders do deploy nuclear weapons and do appear to threaten to use them in certain ways, they also morally condemn those uses of nuclear weapons, so they can't really be intending to so use them. The other interpretation is that the leaders are not bluffing but are in fact immoral agents intentionally committed to doing what they regard as a grossly immoral course of action. But since the leaders of other nations can never be reasonable sure which interpretation is correct, a nation's leaders can effectively bluff under these conditions.

Moreover, citizens who think that only a bluffing strategy with respect to certain forms of nuclear retaliation can ever be morally justified would look for leaders who express their own views on this issue in just this ambiguous manner. It is also appropriate for those who are in places of high command within a nation's nuclear forces to express the same ambiguous views; only those low in the command structure of a nation's nuclear forces need not express the same ambiguous views about the course of action they would be carrying out, assuming they can see themselves as carrying out only (part of) a limited nuclear retaliatory strike. This is because, as we noted earlier, such a strike would be morally justified under certain conceivable but unlikely conditions.

Yet even granting that a threat of limited nuclear retaliation and a bluff of massive nuclear retaliation can be justified by the requirements of just means, it would not follow that we are presently justified in so threatening or bluffing unless there presently exists a just cause for threatening or

bluffing. Of course, it is generally assumed that such a cause does presently exist. That is, it is generally assumed that both superpowers have a just cause to maintain a state of nuclear deterrence vis-à-vis each other by means of threats and bluffs of nuclear retaliation.

But to determine whether this assumption is correct, let us consider two possible stances a nation's leaders might take with respect to nuclear weapons:

- 1) A nation's leaders might be willing to carry out a nuclear strike only in response to either a nuclear first strike or a massive conventional first strike on itself or its principal allies.
- 2) A nation's leaders might be willing to carry out a massive conventional strike only in response to either a nuclear first strike or a massive conventional first strike on itself or its principal allies.

Now assuming that a nation's leaders were to adopt (1) and (2) then threats or bluffs of nuclear retaliation could not in fact be made against them! For a threat or bluff must render less eligible something an agent might otherwise want to do, and leaders of nations who adopt (1) and (2) have a preference structure that would not be affected by any attempt to threaten or bluff nuclear retaliation. Hence, such threats or bluffs could not be made against them either explicitly or implicitly.

Of course, a nation's leaders could try to threaten or bluff nuclear retaliation against another nation but if the intentions of the leaders of that other nation are purely defensive then although they may succeed in restricting the liberty of the leaders of that other nation by denying them a possible option they would not have succeeded in threatening them for that would require that they render less eligible something those leaders might otherwise want to do.⁶

Now if we take them at their word, the leaders of both superpowers seem to have adopted (1) and (2). As Caspar Weinberger recently characterized U.S. policy:

"Our strategy is a defensive one, designed to prevent attack, particularly nuclear attack, against us or our allies." (Weinberger 1983, 3)

And a similar statement of Soviet policy can be found in Mikhail Gorbachev's recent appeal for a return to a new era of detente (The New York Times, May 9, 1985). Moreover, since 1982 Soviet leaders appear to have gone beyond simply endorsing (1) and (2) and⁷ have ruled out the use of a nuclear first strike under any circumstances.

Assuming the truth of these statements, it follows that the present leaders of the U.S. and the Soviet Union could not be threatening or bluffing each other with nuclear retaliation despite their apparent attempts to do so. This is because a commitment to (1) and (2) rules out the necessary aggressive intentions that it is the purpose of such threats or bluffs to deter. Leaders of nations whose strategy is a purely defensive one would be immune from threats or bluffs of nuclear retaliation. In fact, leaders of nations who claim their strategy is purely defensive yet persist in attempting to threaten or bluff nuclear retaliation against nations whose proclaimed strategy is also purely defensive eventually throw into doubt their own commitment to a purely defensive strategy. It is for these reasons, that a just cause for threatening or bluffing nuclear retaliation does not exist under present conditions.

Of course, the leaders of a superpower might claim that threatening or bluffing nuclear retaliation would be morally justified under present conditions on the grounds that the proclaimed defensive strategy of the other superpower is not believable. Surely this stance would be reasonable if the other superpower had launched an aggressive attack against the superpower or its principally allies. But neither U.S. intervention in Nicaragua nor Soviet intervention in Afghanistan nor other military actions taken by either superpower are directed against even a principal ally of the other superpower. Consequently, in the absence of an aggressive attack of the appropriate sort and in the absence of an opposing military force that could be used without risking unacceptable losses from retaliatory strikes, each superpower is morally required to provisionally place some trust in the proclaimed defensive strategy of the other superpower.

Nevertheless, it would still be morally legitimate for both superpowers to retain a retaliatory nuclear force so as to be able to threaten or bluff nuclear retaliation in the future should conditions change for the worse. For as long as nations possess nuclear weapons, such a change could occur simply with a change of leadership bringing to power leaders who can only be deterred by a threat or bluff of nuclear retaliation.

For example, suppose a nation possesses a survivable nuclear force capable of inflicting unacceptable damage upon its adversary, yet possession of such a force alone would not suffice to deter an adversary from carrying out a nuclear first strike unless that possession were combined with a threat of limited nuclear retaliation or a bluff of massive nuclear retaliation. (With respect to massive nuclear retaliation, bluffing would be required here since leaders who recognize and respect the above just war constraints on the use of nuclear weapons could not in fact threaten such retaliation.) Under these circumstances, I think the required threat or bluff would be morally justified. But I also think that there is ample

evidence today to indicate that neither the leadership of the United States nor that of the Soviet Union requires such a threat or bluff to deter them from carrying out a nuclear first strike (see Kahan 1975; Lens 1977; Kendall et al. 1982; Kistiakowsky 1979; Aspin 1976; Adams 1981; much of this evidence is reviewed in my Sterba 1985). Consequently, under present conditions, such a threat or bluff would not be morally justified.

Nevertheless, under present conditions it would be legitimate for a nation to maintain a survivable nuclear force in order to be able to deal effectively with a change of policy in the future. Moreover, if either superpower does in fact harbor any undetected aggressive intentions against the other, the possession of a survivable nuclear force by the other superpower should suffice to deter a first strike since neither superpower could be sure whether in response to such strike the other superpower would follow its moral principles or its national interest.⁸

Of course, if nuclear forces were only used to retain the capacity for threatening or bluffing in the future should conditions change for the worse then surely at some point this use of nuclear weapons could also be eliminated. But its elimination would require the establishment of extensive political, economic and cultural ties between the superpowers so as to reduce the present uncertainty about the future direction of policy, and obviously the establishment of such ties, even when it is given the highest priority, which it frequently is not, requires time to develop.

In the meantime a nuclear force deployed for the purpose of being capable of threatening or bluffing in the future should conditions change for the worse, should be capable of surviving a first strike and then inflicting either limited or massive nuclear retaliation on an aggressor. During the Kennedy-Johnson years, Robert McNamara estimated that massive nuclear retaliation required a nuclear force capable of destroying one-half of a nation's industrial capacity along with one-quarter of its population, and comparable figures have been suggested by others. Clearly, ensuring a loss in this neighborhood should constitute unacceptable damage from the perspective of any would-be aggressor.

Notice, however, that in order for a nation to maintain a nuclear force capable of inflicting such damage, it is not necessary that components of its land-, its air- and its sea-based strategic forces all be survivable. Accordingly, even if all of the land-based ICBMs in the United States were totally destroyed in a first strike, surviving elements of the U.S. air and submarine forces could easily inflict the required degree of damage and more. In fact, any one of the 37 nuclear submarines maintained by the United States, each with up to 192 warheads, could almost single-handedly inflict the required degree of damage. Consequently, the U.S. submarine

force alone should suffice as a force capable of massive nuclear retaliation.

But what about a nuclear force capable of limited nuclear retaliation? At least with respect to U.S. nuclear forces, it would seem that as Trident I missiles replace less accurate Poseidon missiles, and especially when Trident II missiles come on line in the next few years, the U.S. submarine force will have the capacity for both limited and massive nuclear retaliation. However, until this modernization is complete, the U.S. will still have to rely, in part, on survivable elements of its air- and land-based strategic forces for its capacity to inflict limited nuclear retaliation. And it would seem that the Soviet Union is also in a comparable situation.⁹

To sum up, I have argued for the following practical implications of just war theory and just threat theory for nuclear strategy:

- 1) Under present conditions, it is morally justified to possess a survivable nuclear force in order to be able to quickly threaten or bluff nuclear retaliation should conditions change for the worse.
- 2) If conditions do change for the worse, it would be morally justified at some point to threaten a form of limited nuclear retaliation.
- 3) If conditions worsen further so that a massive nuclear first strike can only be deterred by the bluff or threat of a massive nuclear retaliation, it would be morally justified to bluff but not threaten massive nuclear retaliation.
- 4) Under certain conceivable but unlikely conditions, a limited retaliatory use of nuclear weapons against tactical and strategic targets would be morally justified in order to restore deterrence.

Now it still might be objected that the nuclear strategy I have been defending is really not that different from the strategies both the U.S. and the Soviet Union have already in place since my proposed strategy still requires the massive deployment of nuclear weapons, and after all doesn't the threat of nuclear attack derive from just such a deployment and not from what the superpowers happen to say about the weapons they have deployed.¹⁰ It is true, of course, that my proposed strategy does not go so far as to recommend the immediate removal of all nuclear weapons, but it does differ from existing strategies in recommending, in the case of the U.S., the paring down of nuclear forces to the submarine force alone. In addition, my proposed strategy differs from existing strategies in requiring a change in the rhetoric that is used to refer to the nuclear forces that are deployed. For example, according to the proposed strategy, neither superpower can presently justify its deployment of nuclear forces on the grounds of providing deterrence. Rather they must justify deployment on the grounds of providing the means for quickly securing deterrence in the

future should conditions change for the worse so that it is needed. Moreover, such changes in rhetoric can have a significant effect on the attitude other nations will take with respect to the nuclear forces deployed by the superpowers. Thus, for example, the U.S.'s NATO allies do not feel particularly threatened even by the nuclear forces currently deployed by the U.S. despite the fact that technically such forces could be used against them as well as against the Russians.¹¹ What accounts for this attitude on the part of the U.S.'s NATO allies is in large part the rhetoric that the U.S. employs when referring to those nuclear forces because that rhetoric reflects U.S. intentions with respect to those forces. Accordingly, the change of rhetoric and the reduction of nuclear forces required by my proposed strategy should have a comparable effect upon the relationship between the superpowers by indicating more clearly that the stance of the U.S. with respect to nuclear weapons is a purely defensive one that is significantly limited by moral constraints.

Nevertheless, isn't there something better than the practical implications of just war theory and just threat theory that I have just proposed? What about President Reagan's Strategic Defense Initiative or 'Star Wars' defense? Admittedly, this strategy is presently only at the research and development stage, but couldn't such a strategy turn out to be morally preferable to the one I have proposed? Not as far as I can tell, for the following reasons.

Strategic Defense Initiative or SDI is sometimes represented as an umbrella defense and sometimes as a point or limited defense. As an umbrella defense, SDI is pure fantasy. Given the variety of countermeasures either superpower might employ, such as shortening the booster phase of their rockets so as to make them less of a target for lasers and dispersing various types of decoys, no defensive system could track and destroy all the land- and sea-based warheads either superpower could use in an all out attack.¹² Estimates by supporters of SDI have put the effectiveness of such a defensive system at 30% (see Campbell 1984, 1985). This means that SDI could reduce by 30% the effective nuclear force either superpower might use against the other.

But a similar or greater reduction of nuclear forces could more easily be achieved by bilateral negotiations if a reduction of nuclear forces is what both superpowers want. Moreover, a unilateral attempt to get such a reduction through SDI is not likely to succeed. Either superpower only needs to increase their nuclear forces by 30% to offset the effect of SDI. And this is what either superpower might do if they thought that an SDI program was part of a general defensive and offensive nuclear buildup.

In addition, the cost of SDI is astronomical. President Reagan wants a research and development budget for SDI of over 30 billion for the next

five years. For comparison that is more than the total research and development and production costs for the B1 bomber or for the MX missile system. And estimates for the total cost of SDI are in the neighborhood of 1 trillion dollars.¹³ For comparison the total U.S. federal budget for 1985 was only 1.8 trillion dollars. Now what kind of a nation would spend 1 trillion dollars on an SDI that gave it a 30% reduction of the nuclear forces that could be used against it - a reduction that could have been achieved by bilateral negotiations and would most likely be negated in the absence of such negotiations? Certainly not a nation that is known for the wisdom of its leaders or its citizenry. For these and other reasons, I think that SDI is certainly not morally preferable to those practical implications of just war theory and just threat theory for nuclear strategy that I have been defending.

Yet even if SDI is not morally preferable to the strategy that I have been defending in this paper, are political leaders really that concerned about what policy is morally preferable? Aren't they more concerned about what policy will serve their own interests or the interests of their constituents? Surely there is not denying that determining what policy is morally preferable is not all that actually does or should concern our political leaders. But where the moral differences between policies are significant - as is the case between existing strategies and my proposed strategy, then our moral ranking of the options must be decisive at least for those who want to think of themselves as just and moral individuals.¹⁴

Notes

- 1 Even if these bombings did help shorten World War II, and there is considerable evidence that they did not, they would have still been in violation of requirement (2) on just means.
- 2 The Effects of Nuclear War, Office of Technology Assessment (Washington, D.C. U.S. Government Printing Office 1979), pp. 94, 100; Calder 1979, 150; Lens 1977, 102.
- 3 The Effects of Nuclear War, pp. 83, 91; Kahan 1975, 202; Lens 1977, 98, 99, 102.
- 4 Bundy/Kennan/McNamara/Smith 1982, 757. It should be noted that Bundy, Kennan, McNamara and Smith believed that their endorsement of a doctrine of no first use of nuclear weapons may involve increased spending for conventional forces in Europe. Others, however, have found NATO's existing conventional strength to be adequate to meet a Soviet attack. See Barash/Lipton 1982, 138-140; Brown 1981.
- 5 For a defense of this second form of bluffing although mistakenly classified as a form of threatening, see Kemp 1987.

- 6 On my view to succeed in threatening two conditions must be met:
 - 1) One must have the intention to carry out the action one is purporting to threaten under the stated conditions, that is, one must expect that if the stated conditions do obtain then one will carry out that action.
 - 2) The preference structure of the party that one is trying to threaten must be so affected that something the party might otherwise have wanted to do is rendered less eligible.
- 7 See Leonid Brezhnev's message to the U.N. General Assembly on June 2, 1985.
- 8 It might be objected that this proposed policy is hypocritical because it allows a nation following it to benefit from an adversary uncertainty as to whether that nation would follow its moral principles or its national interest. But it seems odd to deny a nation such a benefit. For we all know that moral people can lose out in so many ways to those who are immoral. Occasionally, however, being immoral does have its liabilities and one such liability is that it is hard for immoral people to believe that others will not act in just the way they themselves do, especially when the benefits from doing so are quite substantial. Why then should not moral people be allowed to extract some benefit from the inability of immoral people to believe that moral people are as good as they say are. After all, it is not the fault of moral people that immoral people are blinded in their judgment in this regard. Consequently, I see no reason not to allow a nation to benefit from its adversary's uncertainty as to whether it will follow the requirements of morality or those of national interest.
- 9 Soviet Military Power, U.S. Department of Defense (Washington, D.C., U.S. Government Printing Office 1983); Holloway 1983; Cockburn 1983, ch. 12.
- 10 Robert Phillips has raised just this sort of objection in his contribution to this volume.
- 11 This is not to deny that the U.S. NATO allies and other nations might not still feel threatened by the side-effects from any use of nuclear weapons against the Russians. It is just that because of the U.S. rhetoric, these nations do not feel threatened by any direct use of nuclear weapons.
- 12 U.S. Office of Technology Assessment, Ballistic Missile Defense Technologies (Washington D.C., U.S. Government Printing House 1985); Union of Concerned Scientists, "Ballistic Missile Defense: A Dangerous Dream", in: Braking Point, Vol. 2 (1984).
- 13 Union of Concerned Scientists, "Boosting Star Wars", in: Nucleus, Vol. 6 (1985).
- 14 Of course, for those who do not want to think of themselves as just and moral individuals, we would need a further argument that grounds justice and morality in the requirements of reason or rationality. For such an argument, see my Sterba 1987.

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