

# Deterrence and Deontology\*

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The most familiar and probably the most widely accepted moral objection to the policy of nuclear deterrence is that it involves a conditional intention to use nuclear weapons in ways that would be immoral. Because it requires this intention, which is itself held to be wrongful, nuclear deterrence is deemed to be immoral, even if it is successful and nuclear weapons are never used.

This “Deontologist’s Argument” is one which makes many of those who are skeptical about the morality of nuclear deterrence uncomfortable. For, obviously, one can (as I do) believe both that there are strong moral arguments against nuclear deterrence and that this particular argument is not among them. Yet in rejecting the argument one not only risks giving the impression that it is fine to intend to commit mass murder but also risks losing important allies in the antinuclear movement (particularly in theological circles) whose faith in this particular argument is the sole basis of their opposition to nuclear deterrence.

In spite of these risks, my aim here will be to expose the source of the not uncommon dissatisfaction with the Deontologist’s Argument. My hope is that those who have been persuaded by this argument will discover that it does not in fact articulate the intuitive basis of their opposition to nuclear deterrence, so that their opposition to nuclear deterrence will survive even if their acceptance of this particular argument does not.

## I

The Deontologist’s Argument involves three claims. The first is that the actual use of nuclear weapons would be wrong. Normally the ground for this first claim is that the use of nuclear weapons would inevitably violate one or both of the traditional “just war” criteria for determining what types of action are permissible in warfare. These two criteria are:

1. *The Criterion of Proportionality*.—This states that the level of force employed must be proportional to the good it is intended to achieve.

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In other words, for an act to be justified, the good it is intended to achieve must, when probabilities are taken into account, outweigh any bad consequences which might also be caused.

2. *The Criterion of Discrimination.*—This states that force should be used in a way which respects the distinction between combatants and noncombatants. In particular, the intentional killing of non-combatants is forbidden.

These are plausible principles, though each suffers from a certain indeterminacy. The Criterion of Proportionality, for example, requires us to maintain a relation of proportionality between good and bad consequences which it may be impossible to compare with any precision. How, for example, does sacrificing the lives of  $x$  number of people compare with preserving the liberty and independence of  $y$ ? And the Criterion of Discrimination suffers from the fact that there is no generally accepted test for determining whether certain consequences of an act are to count as intended or as merely foreseen but unintended. Suppose, for example, that tactical nuclear weapons were to be used on the battlefield in Europe, with the predictable consequence that large numbers of civilians living in nearby areas would be killed. Would the deaths of these noncombatants be an intended consequence of the use of tactical nuclear weapons, so that the use of these weapons would in this case violate the Criterion of Discrimination? The authors of one recent study contend that the Criterion of Discrimination would be violated since “these deaths are not the accidental or incidental result of lawful military action, but are what one is aiming to do in choosing to fight with this type of weapon.”<sup>1</sup> Others, however, would claim that the deaths were not intended and that this is shown by the fact that the aims of the armies using tactical nuclear weapons would not have been less well achieved if, miraculously, no civilians had been around to be killed. According to this view, the use of tactical nuclear weapons in these circumstances would not be ruled out by the Criterion of Discrimination (though of course it might be by the Criterion of Proportionality).<sup>2</sup>

Despite these problems, the two criteria seem plausible as rough guides to the limits of permissible conduct in warfare. It also seems clear that most uses of nuclear weapons would violate one or both of these criteria. Certainly a direct, punitive strike against a city would violate the Criterion of Discrimination, and most other uses would be too destructive to be considered proportionate. Yet there are certain uses of nuclear weapons which might not violate either criterion. Limited counterforce

1. *The Church and the Bomb: Nuclear Weapons and the Christian Conscience* (London: Hodder & Stoughton with CIO Publishing, 1982), pp. 96–97; cf. G. E. M. Anscombe, “War and Murder,” in *Nuclear Weapons: A Catholic Response*, ed. Walter Stein (London: Merlin Press, 1965).

2. On the difficulty of determining when a consequence is intended, see the third lecture in Jonathan Bennett’s “Morality and Consequences,” in *The Tanner Lectures on Human Values, 1981*, ed. Stirling McMurrin (Cambridge: Cambridge University Press, 1981).

strikes against remote military installations might be discriminate, in that they would not be intended to kill noncombatants, and they could conceivably be considered proportionate, in that, for example, they could reasonably be expected to lead to a favorable settlement of some military conflict.

On the other hand, it is sometimes suggested that the overwhelming likelihood of uncontrollable escalation following even the most limited use of nuclear weapons means that the probable bad consequences of virtually any use of nuclear weapons would outweigh any good that might be achieved and that virtually any use of nuclear weapons would therefore violate the Criterion of Proportionality. This claim has considerable plausibility—though of course there remain certain conceivable cases in which escalation would be very unlikely. What does seem true is that virtually all of the uses of nuclear weapons contemplated by strategists as realistic possibilities, and in particular those which constitute the ultimate sanction in any viable policy of nuclear deterrence, would violate either the Criterion of Discrimination or the Criterion of Proportionality—in the latter case either by directly causing a disproportionate amount of violence or by posing a high risk of escalation to a level of violence that would be disproportionate. Indeed, in virtually every case that could be considered realistic, it is precisely the possibility of escalation which makes the threat of “limited” use credible as a deterrent. Thus I shall assume—and this is all that the argument requires—that those uses of nuclear weapons which have to be threatened in order to maintain a viable policy of deterrence would be wrong. (Perhaps surprisingly, this assumption is not uncontroversial. There are those, such as the present bishop of London, who appear to believe that the intentional mass killing of the innocent with nuclear weapons could be “morally acceptable, as a way of exercising our moral responsibility in a fallen world.”)<sup>3</sup>

## II

While the first premise of the argument thus seems plausible, other premises are required in order to generate the conclusion that it is wrong to possess nuclear weapons for purposes of deterrence. For, as advocates of nuclear deterrence point out, as long as the policy is successful, nuclear weapons will never actually be used. Therefore the next stage in the argument normally involves an appeal to one or the other of the following two principles.

- a) It is wrong to threaten to do that which it would be wrong to do.
- b) It is wrong to intend, even conditionally, to do that which it would be wrong to do.

3. Graham Leonard, quoted in the *Guardian* (London) (November 4, 1982). The fact that Leonard favors the retention of Britain’s “independent deterrent,” which is at present a “countercity” force, suggests that he means to include the destruction of cities among the morally acceptable uses of nuclear weapons.

The difference between these two principles is that the second, but not the first, would allow one to threaten to do something which it would be wrong to do, provided that one was bluffing (i.e., if one really intended not to fulfill one's threat) or provided that one had simply not decided whether or not one would fulfill one's threat. Is it plausible to forbid threats of these sorts? Bluffing, of course, involves deceit, and there is a moral presumption against that; but it would seem absurd to object to a policy of nuclear deterrence based entirely on a bluff on the ground that it would involve deceit. One could make a more convincing case against a policy of nuclear deterrence based on the second type of threat, for to make a threat without having decided whether one would fulfill it is to run a risk that one may indeed fulfill it. But I shall shortly suggest that there is no reason for supposing that any actual policy of deterrence is based on this type of threat (or indeed on a bluff). So, while the first of these two principles has some plausibility, it would contribute nothing to the argument against nuclear deterrence which would not also be provided by the second.

The second principle covers only those threats which one intends to fulfill or which one intends to fulfill if certain conditions obtain. It is a widely accepted principle—though how it is interpreted and what its grounds are are matters of dispute. Some writers ground the principle on consequentialist considerations. They argue that the reason it is wrong to intend to do what, for consequentialist reasons, it would be wrong to do is simply that the formation of the intention increases the probability that the wrongful act will be done. This is true of conditional as well as unconditional intentions.<sup>4</sup>

This is a perfectly valid point; but the problem is that it tends to obscure the fact that, in the case of nuclear deterrence, there may be consequentialist reasons in favor of forming a conditional intention to do what, if the relevant conditions were ever to obtain, it would certainly be wrong to do (for both consequentialist and nonconsequentialist reasons). For it is at least arguable that a policy of nuclear deterrence based on the conditional intention to use nuclear weapons would in certain circumstances have the joint effects of preventing the use of nuclear weapons and preventing the forceful domination of one country by another—both admirable consequentialist aims. Thus, in consequentialist terms, whether it would be wrong to form the conditional intention to use nuclear weapons will always depend on questions concerning the evaluation of outcomes and the assessment of probabilities. Indeed, the question about the conditional intention and its effects simply gets absorbed into this reasoning about outcomes and probabilities, and hence it is misleading for a consequentialist to give it as much prominence as the argument I

4. See Douglas Lackey, "The Intentions of Deterrence," in *Nuclear Weapons and the Future of Humanity: The Fundamental Questions*, ed. Steven Lee and Avner Cohen (Totowa, N.J.: Rowman & Allanheld, 1984); and Robert McKim, "An Examination of a Moral Argument against Nuclear Deterrence," *Journal of Religious Ethics* (in press).

am considering does. In short, while the argument I am considering has a consequentialist interpretation, it is nevertheless incomplete as a consequentialist argument and would in fact be swallowed up by and disappear in a complete argument of that sort. Hence, if the argument is to stand on its own, the premise about intentions must be given a nonconsequentialist interpretation.

A second interpretation of the principle about intentions which has been advanced by various writers holds that to form an intention, whether conditional or unconditional, to do what it would be wrong to do is itself wrong because it is morally corrupting or dehumanizing. Thus Stanley Benn argues that, in the case of nuclear deterrence, the formation of the required conditional intention to use nuclear weapons by the persons responsible for implementing the strategy would “do violence to their moral natures.” Moreover, he contends, “the sacrifice would need to be very general indeed if the public support necessary for the credibility [of the deterrent threat] is to be sustained—so general as to amount to a corruption of society.”<sup>5</sup> In short, the conditional intention to use nuclear weapons is morally corrupting in those who adopt it, and hence consent by the wider public to a policy which requires the adoption of such an intention is itself both wrong and morally corrosive.

What is bizarre about this interpretation of the principle about intentions is that, in the case of nuclear deterrence, it treats the *offenders*—namely, those responsible for the implementation of the policy—as the *victims* of the operation of the policy. It hardly seems plausible to object to nuclear deterrence on the ground that maintaining the policy is harmful to President Reagan or Mrs. Thatcher. Nuclear deterrence clearly has present victims—for example, those who are psychologically damaged by being held hostage by rival nuclear powers and those who are economically deprived as a result, in part, of the diversion of resources to the development and deployment of nuclear weapons. But the primary victims of deterrence are the potential victims of the policy’s potential failure. These, rather than those who now run the policy, are the people about whom we should be concerned.

Even this second interpretation of the principle about intentions has its consequentialist aspect. This shows up quite clearly in the way the principle is used by those who interpret it in this way. J. E. Hare and Carey Joynt, for example, see having the conditional intention to use nuclear weapons as bad for the person who has it; thus a person’s having the intention is an undesirable state of affairs which, other things being equal, must be minimized. Focusing on the case of the aircraft crews who dropped the bombs on Hiroshima and Nagasaki, Hare and Joynt write that “those men had undoubtedly formed the conditional intention, when they entered the aircraft, to drop the bombs. Their mental health was

5. S. I. Benn, “Deterrence or Appeasement? or, On Trying to Be Rational about Nuclear War,” *Journal of Applied Philosophy* 1 (1984): 5–19, p. 15.

in a sense sacrificed to the general welfare. . . . [One] is forced to weigh the wrong to them against the benefits of a deterrence policy in general."<sup>6</sup> This passage requires some tidying up: for the bombings of Hiroshima and Nagasaki were not part of a policy of deterrence, the intentions of the crews were not conditional, and the corruption of the crews consisted not just in their intending to drop the bombs but also in their actually dropping them. Nevertheless, the point which this passage makes illustrates nicely the absurdity of the second interpretation of the principle about intentions as it appears in the argument against nuclear deterrence. By picking out the alleged victimization of a handful of war criminals as something which must be weighed against the supposed benefits of the bombings while saying nothing at all about the hundreds of thousands of innocent people who perished in agony under the nuclear fireballs or who later died lingering deaths from mutilation or radiation poisoning, Hare and Joynt display a certain insensitivity to the facts of moral salience. This is not a native insensitivity but an insensitivity engendered by taking seriously their own theorizing about intentions. The point is that, in this case as in other cases in which the use of nuclear weapons is at issue, the moral corruption of a relatively small number of individuals seems, comparatively speaking, so insignificant as almost not to rate among the morally relevant considerations. The case of nuclear deterrence is no exception. (Benn's claim that nuclear deterrence involves the moral corruption not just of a few people but also of the entire society which practices it is greatly overstated: only a relatively small number of people are required to have the relevant conditional intention in order for the policy to function. For the rest of society, it is sufficient if people simply give no thought to the policy, which is in fact what most people do.)

Suppose that we nevertheless think that to intend to do what it would be wrong to do is morally corrupting. If we are right, the most plausible explanation of why it is corrupting is presumably that having such an intention is wrong in itself. Rather than saying that having such an intention is corrupting, one might say that it indicates corruption. For

6. J. E. Hare and Carey B. Joynt, *Ethics and International Affairs* (London: Macmillan, 1982), p. 112. The survivors of Hiroshima and Nagasaki may be pardoned for wondering what beneficial effects the bombings had on the "general welfare." It is often claimed that the bombings saved more lives than they cost since they rendered unnecessary an American invasion of Japan in which perhaps half a million people would have died. But the idea that an invasion and occupation would otherwise have been necessary takes for granted the American aim of securing unconditional surrender. Had the United States not insisted on an unconditional surrender, an invasion would not have been required. (The United States, incidentally, had no right to require unconditional surrender. As Anthony Kenny has argued, "Spelling out the particular wrong which justifies one's taking up arms is *eo ipso* to spell out the conditions on which one ought to be ready to accept surrender [plus whatever extra conditions are necessary in order to ensure that the terms of surrender are observed]. . . . This means that the unconditional surrender of an enemy is not a legitimate objective of war" [see his "Better Dead than Red," in *Objections to Nuclear Defence*, ed. Nigel Blake and Kay Pole (London: Routledge & Kegan Paul, 1984), pp. 13–27; and also Michael Dummett, "Nuclear Warfare," in Blake and Pole, eds., pp. 28–40].)

in intending to act in a certain way one commits oneself to the act in the same way one would in actually doing it. Thus if a person intends to act in a way which is wrong but is prevented by external circumstances from doing so, he is still regarded as culpable, as having done something wrong.<sup>7</sup> (Whether he is as culpable as he would have been had he not been prevented from acting on the intention may depend in part on our view of what Bernard Williams calls "moral luck.")<sup>8</sup>

This example suggests that the principle about intentions has some plausibility, at least insofar as the plausibility of a principle is attested to by its ability to explain our beliefs. Furthermore, the example indicates why, if we believe that unconditional intentions to do wrong are themselves wrong, we should then believe that conditional intentions to do wrong are also wrong. For a conditional intention involves the same commitment; if it is never acted on, this is only because of the intervention of external circumstances which the agent cannot fully control.

Thus if intending to do what it would be wrong to do is morally corrupting or, rather, indicative of corruption, that is because it is wrong in itself, and this intrinsic wrongness, rather than the concomitant corruption, should be the focus of our concern. This is, indeed, the way the principle about intentions is normally understood by proponents of the Deontologist's Argument, and this in turn is what gives the argument its distinctly deontological character. Henceforth I shall therefore assume that the principle is to be understood in this way.

### III

If we accept that it is wrong to intend, even conditionally, to do that which it would be wrong to do, and if we also accept that it would be wrong to use nuclear weapons in ways that have to be threatened in order to maintain deterrence, then we are only one step away from the conclusion that nuclear deterrence is wrong. The third and final step in the Deontologist's Argument, which brings us to this conclusion, consists in the claim that any credible policy of nuclear deterrence must be based on the conditional intention to use nuclear weapons.

Some defenders of nuclear deterrence accept the first two premises of the Deontologist's Argument (i.e., they accept that it is wrong conditionally to intend to use nuclear weapons) while rejecting the third (i.e., they do not accept that nuclear deterrence must involve a conditional intention to use nuclear weapons). This position is supported by an appeal to one or the other of two possibilities: that the deterrent threat is a bluff or that the national leaders whose decision it would be to fire the weapons in the event of an attack have simply not decided whether they would do so. In either case, it is claimed, the mere fact that the

7. This example is taken from Gregory S. Kavka, "Some Paradoxes of Deterrence," *Journal of Philosophy* 75 (1978): 285–302, p. 289.

8. Bernard Williams, "Moral Luck," *Proceedings of the Aristotelian Society* 50, suppl. (1976): 115–35.

leaders would have the capability to use nuclear weapons, together with the absence of any overt and decisive indication that they would not use them, would create sufficient uncertainty in the minds of potential adversaries to guarantee deterrence.

Both of these suggestions share certain faults, and the arguments against them run parallel. First, neither of the possibilities mentioned is relevant as long as it remains a mere possibility. There must be reason to believe that one or the other possibility is actually the basis of the policy. Is there any such reason in the case of present American policy? Certainly there are no grounds for supposing that Ronald Reagan has been led by moral scruples either to bluff or to remain undecided about the use of nuclear weapons. After all, his administration has for years been engaged, without any qualms, in sponsoring the mass killing of the innocent in various parts of the world (most notably in El Salvador) and has been content to allow hundreds of thousands of people to die of starvation when they could easily have been saved for less than the cost of just one of the many new American nuclear weapons programs.<sup>9</sup> (In Ethiopia, five million people now face starvation. The Reagan administration is unwilling to lift a finger to help them because their government happens to be on the wrong side in the Cold War.) Americans have a regrettable tendency to assume that their elected leaders are unique in history in being incapable of perpetrating atrocities. It is therefore salutary to recall that, on the only occasions when nuclear weapons have actually been used, it was an American president who gave the order. Indeed, Truman, who was in some ways a morally more sensitive person than Reagan is, ordered the nuclear destruction of two Japanese cities in response to provocation that was far less serious than that to which the United States would be subjected in the situations in which Reagan has threatened to use nuclear weapons. It is, in short, not credible to suppose that Reagan would be restrained by moral considerations from retaliating or, *a fortiori*, from intending to retaliate.

Suppose for the sake of argument, however, that Reagan might wish to bluff, or to remain undecided about the use of nuclear weapons. That would still not be sufficient to enable the United States to run a policy of nuclear deterrence free from the taint of the conditional intention to use nuclear weapons. For nuclear deterrence requires a lengthy chain of command controlling the firing of nuclear weapons, and it is not possible for the policy to function without at least those lower down in the chain of command having the intention to use nuclear weapons if instructed to do so. For an attempt to run the policy on the basis of bluffing or uncertainty *at every level* would soon be discovered by potential adversaries, and deterrence would be undermined. Hence those in the military chain of command must be selected in part for their willingness to obey orders

9. For a review of the Reagan administration's record of respect for human life, see my *Reagan and the World: Imperial Policy in the New Cold War* (London: Pluto Press, 1984).



and trained to fire their weapons on receiving the command to do so. They, at least, must have the conditional intention to use nuclear weapons.<sup>10</sup>

So, even if a policy of deterrence could in principle be maintained without anyone conditionally intending to use nuclear weapons, there is no actual policy which is maintained in this way. It is, moreover, not practically possible that a policy of nuclear deterrence could be instituted on this basis—at least not in a way that would be compatible with democracy. Politicians could not run for office on a pledge to bluff or to avoid deciding beforehand what they would do in the event of an attack. Nor could it be suggested that officers in the military would be instructed simply not to think about what they would do if they were commanded to fire their nuclear weapons. This would obviously undermine deterrence. Thus, if the citizens in a democracy support a policy of nuclear deterrence, they are necessarily authorizing their political and military leaders to intend conditionally to use nuclear weapons (and also, of course, to use nuclear weapons in certain conditions), and they cannot assume that their leaders will not have such an intention.

Defenders of nuclear deterrence have tried other ways of getting around the Deontologist's Argument. Most simply ignore it—as does Lord Zuckerman when he genuflects before “the moral argument, to which there can be no answer,” but then goes on to embrace the doctrine of deterrence and to defend it against other objections.<sup>11</sup> Others have defended the policy of deterrence on the ground that it provides the most effective means of ensuring that nuclear weapons will never actually be used. If what is meant is that the policy is more likely than any other to prevent the use of nuclear weapons by anyone, then the claim may be true—though I doubt it.<sup>12</sup> But we need not pursue this point here, for this objection to the Deontologist's Argument is beside the point. The objection does not directly address the Deontologist's Argument, for it amounts to little more than an assertion of the view that evil may be done that good may come. In short, it simply asserts that the Deontologist's Argument cannot be absolutist in character, but it offers no argument to support this claim.

It is sometimes suggested that nuclear deterrence provides the most effective means of ensuring that *we* will never use nuclear weapons. Thus Michael Walzer writes that “we threaten evil in order not to do it, and the doing of it would be so terrible that the threat seems in comparison to be morally defensible,” while Sir Arthur Hockaday claims that deterrence constitutes “the most likely means of securing . . . that nuclear weapons

10. Compare Roger Ruston, *Nuclear Deterrence—Right or Wrong?* (Abbots Langley: Catholic Information Services, 1981), p. 61; and Steven Lee, “Nuclear Deterrence: Hostage Holding and Consequences,” in this issue.

11. Solly Zuckerman, *Nuclear Illusion and Reality* (London: Collins, 1982), p. 140.

12. For some speculation about whether the probability that nuclear weapons will be used is higher under a policy of nuclear deterrence or under a policy of nonnuclear defense, see my “Nuclear Deterrence and Future Generations,” in Lee and Cohen, eds.

shall not be used, either by myself or by others.”<sup>13</sup> I take these claims to be evidently absurd, for, while deterrence enables us to use nuclear weapons, we could not use them if we were to abandon them and, with them, the doctrine of deterrence. I mention this idea, that deterrence itself prevents us from wrongdoing, only because it is so puzzlingly common.

#### IV

As the foregoing survey shows, many of the commonest objections to the Deontologist's Argument are absurdly casuistic and unconvincing, and none seems to locate the real source of many people's dissatisfaction with the argument. In what follows I shall present several objections which I hope will expose the argument's real weaknesses. My initial challenge will take the form of a dilemma: depending on how the second premise (i.e., the principle about intentions) is interpreted, either the argument has little force, or it has implications which are absurd. After posing this dilemma, I shall present two counterexamples which will reinforce my claim that the argument is implausible and may help to reveal where the argument has gone wrong. I shall conclude by suggesting that there is a different, though related, deontological argument against nuclear deterrence which better accommodates people's intuitions and is considerably more convincing.

The dilemma which the defender of the Deontologist's Argument faces concerns the question whether the prohibition on conditionally intending to use nuclear weapons is an absolute prohibition. As it is normally understood by proponents of the Deontologist's Argument, the prohibition on actually using nuclear weapons (at least in ways which would violate just war criteria) is absolute. (For the consequentialist, too, the ban on using nuclear weapons is arguably absolute for all practical purposes, for there may be no realistic conditions in which the use of nuclear weapons would be justifiable in consequentialist terms.) The question, then, is whether the absolute prohibition on the act extends also to the intention to act. Suppose that we think it does not and thus that, while it is wrong conditionally to intend to use nuclear weapons, it is not absolutely forbidden, even though it is absolutely forbidden actually to use nuclear weapons. If this is our view, it then becomes an open question to what extent it is wrong to pursue a policy which involves the conditional intention to use nuclear weapons, and the consideration of consequences becomes relevant in determining whether it is permissible to pursue such a policy. It is then open to defenders of nuclear deterrence

13. Michael Walzer, *Just and Unjust Wars* (Harmondsworth: Penguin Books, 1977), p. 274; Sir Arthur Hockaday, "In Defence of Deterrence," in *Ethics and Nuclear Deterrence*, ed. Geoffrey Goodwin (London: Croom Helm, 1982), pp. 68–93, p. 85. Compare Michael Novak's assertion that "the fundamental moral intention in nuclear deterrence is never to have to use the deterrent force" ("Moral Clarity in the Nuclear Age," *National Review* [April 1, 1983], pp. 354–92, p. 384). This should be an easy intention to fulfill since no one can force us to use the "deterrent" against our will.

to claim that the policy is the lesser of two evils: that, while having the conditional intention to use nuclear weapons is an evil and thus would normally be wrong, nevertheless having it is “a morally acceptable price to pay” to secure the benefits of peace and freedom.<sup>14</sup> This objection has been well stated by Anthony Kenny: “Defenders of the deterrent will argue that the conditional willingness to engage in massacre which is an essential element of the policy is a slight and almost metaphysical evil to weigh in the balance against the good of preserving peace. The moral blemish which this may taint us with in the eyes of the fastidious is at best [*sic*] something to be put on the debit side, along with the financial cost of the weapons system, against the massive credit of maintaining our independence and our security from nuclear attack.”<sup>15</sup> Kenny rejects this reply; but *if* it is not absolutely forbidden conditionally to intend to use nuclear weapons, and *if* the policy of nuclear deterrence does, as many people believe, offer the best hope of maintaining both peace and freedom, then the reply seems quite cogent. (Of course, the deontologist can argue that this objection rests on a mistaken assessment of the comparative expected consequences of nuclear deterrence and the alternative to it; but then he will be pressing a consequentialist objection to deterrence, in which case his own argument may seem superfluous.)<sup>16</sup>

In short, if the wrongness of having the conditional intention to use nuclear weapons is not absolute, then it seems that the presumption against a policy which involves people having this intention could be overridden by a consideration of consequences. But suppose, on the other hand, that the prohibition against conditionally intending to do what it is absolutely forbidden to do is itself absolute. In that case the Deontologist’s Argument yields the conclusion which it is normally supposed to have: that nuclear deterrence is ruled out, whatever the consequences.

There is, however, a price to be paid for deriving the conclusion in this way; for, given this interpretation of the second premise, the argument has implausible implications. In particular, it implies that to follow a policy of nuclear deterrence, even if the policy is successful and nuclear weapons are never used, is equally wrong as actually using nuclear weapons would be.<sup>17</sup>

14. Hockaday, p. 84.

15. Kenny.

16. Here and elsewhere in this article, “he” and “his,” when not used to refer to a specific person, should be understood to mean “he or she” and “his or her.”

17. Compare Bernard Williams’s claim that the Deontologist’s Argument implies “that there is no moral difference between running a deterrent strategy on the one hand, and intentionally—indeed, wantonly—starting a nuclear war on the other; so that the first is as totally evil as the second” (“How to Think Sceptically about the Bomb,” *New Society* [November 18, 1982], p. 289). Williams’s point is, I take it, the same as mine; though, for reasons which will soon become evident, I think it is infelicitously expressed. Williams regards the point as a *reductio* of the Deontologist’s Argument; but some of the argument’s proponents seem willing to bite the bullet. Thus J. Bryan Hehir notes that traditional

This claim assumes that all violations of absolute prohibitions are absolutely and therefore equally wrong. This will be true if there is, as one would expect, a strict correlation between the strength of a particular duty, the degree of wrongness of violating the duty, and the stringency of the conditions which would release one from the necessity of fulfilling the duty. To take an uncontroversial example, we believe that the duty not to murder is stronger than the duty not to lie. Other things being equal, we can infer from this both that it is less wrong to lie than it is to murder and that the conditions, if any, which would release a person from the duty not to murder would also release him from the duty not to lie, though not all the conditions which would release him from the duty not to lie would also release him from the duty not to murder. The same general claims will hold true even in the case of a hierarchy of duties in which the ordering of the duties is not correlated with the consequences of fulfilling or violating the duties. (For example, in such a hierarchy, the duty not to lie might always override the duty to help others.) In general, then, if (1) the duty to do  $x$  is stronger than the duty to do  $y$ , then it follows (2) that it is less wrong not to do  $y$  than it is not to do  $x$ , (3) that, in cases of conflict, one may fail to do  $y$  in order to do  $x$ , though one may not fail to do  $x$  in order to do  $y$ , and (4) that any conditions which would release one from the duty to do  $x$  would also be sufficient to release one from the duty to do  $y$ , though not all the conditions which would release one from the duty to do  $y$  would release one from the duty to do  $x$ .

From any one of these claims—claims about the relative strengths of certain duties, the relative degrees of wrongness of violating the various duties, and the conditions under which one would be released from performing them—one could infer the others. Thus, if the conditions which would release one from the performance of one duty are the same as those which would release one from the performance of another duty, then it follows that both duties are equally strong and that it would be equally wrong to violate either. In the case of absolutes, the conditions which would release one from the necessity of obeying them are, in a sense, always the same: for, in the case of absolutes, there are *no* excusing conditions. Thus, if I am right that there is a strict correlation between the excusing conditions for a certain duty and the degree of wrongness of violating the duty, then it follows that the violation of any absolute prohibition is equally wrong as the violation of any other.

Of course, from the fact that the violation of one duty is equally wrong as the violation of another, it does not follow that the two acts

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"moral theology asserts that a formed intention to do evil carries the same degree of culpability as the doing of evil" ("The Just War Ethic," in *War or Peace? The Search for New Answers*, ed. Thomas Shannon [Maryknoll, N.Y.: Orbis Books, 1980], pp. 27–28, quoted in McKim). Barrie Paskins notes: "I doubt . . . whether deterrence can be defended by claiming that it is 'less immoral than' all-out nuclear war" ("Deep Cuts Are Morally Imperative," in Goodwin, ed., pp. 94–116).

must be in every respect morally equivalent. For example, an absolutist seems committed to the claim that it is equally wrong to murder one person as it is to murder a hundred. But that does not exclude the possibility that killing a hundred people may be worse, or more evil, or even more culpable, than killing only one.

It might be thought that this admission undermines the attempted *reductio ad absurdum* of the Deontologist's Argument. For it concedes to the defender of the argument the reply that, while pursuing a policy of nuclear deterrence is indeed equally wrong as actually using nuclear weapons would be, the two are nevertheless not morally equivalent. Just as killing a hundred people is worse than killing one, so using nuclear weapons would be worse, or more evil, or more culpable, than pursuing a policy of nuclear deterrence is. And, as long as the defender of the argument can thus avoid being committed to the view that conditionally intending to use nuclear weapons and actually using them are morally equivalent, he need not be embarrassed by the implication that the two are equally wrong. For, it might be claimed, the *reductio* has force only if we illegitimately conflate equal wrongness with complete moral equivalence.

This reply, while undeniably forceful, cannot rescue the Deontologist's Argument. The act of using nuclear weapons would be worse than the successful pursuit of deterrence because its probable consequences would be worse. It would also be more evil, or more culpable, in that it would indicate a greater degree of moral corruption or depravity in the agent. Both a concern with consequences and a concern with the evaluation of agents are, moreover, certainly relevant to any moral comparison between using nuclear weapons and running a deterrent strategy. These modes of evaluation are accessible to the deontologist and are compatible with his view. But they are extraneous to the core of that view. Deontology, and a fortiori the Deontologist's Argument, are concerned with the intrinsic moral character of action. And in *this* respect—that is, in terms of their intrinsic natures—using nuclear weapons and running a successful deterrent strategy *are* held by the argument to be morally equivalent. This conclusion alone is sufficiently absurd to condemn the absolutist version of the Deontologist's Argument.

That this implication of the argument is unacceptable is attested to by the fact that many of the argument's own defenders do not seem to accept it. Their inability to accept the implication is, I think, evident in the more startling fact that they do not even embrace the explicit conclusion of the argument—namely, that the policy of nuclear deterrence is ruled out absolutely. The argument's defenders are formally committed to support unilateral nuclear disarmament, not just as a long-term goal, but as an immediate imperative, beginning with an announcement by the government that it will not use its nuclear weapons for retaliatory or any other purposes. Any other stance on the question of deterrence admits the relevance of consequences in determining what ought to be

done, and this is inconsistent with the absolute character of the prohibition implied by the argument.

Consider, however, the position of the American Catholic bishops. Arguing within a traditional absolutist framework, they assert that "it is not morally acceptable to intend to kill the innocent as part of a strategy of deterring nuclear war." They go on, moreover, to argue that, even though American officials had assured them that "it is not U.S. strategic policy to target the Soviet civilian population as such," the fact that planned uses of nuclear weapons by the United States would violate the Criterion of Proportionality means that "we cannot be satisfied that the assertion of an intention not to strike civilians directly or even the most honest effort to implement that intention by itself constitutes a 'moral policy' for the use of nuclear weapons." Thus, even though they do not explicitly endorse the Deontologist's Argument, they do seem to accept both the principle about intentions and the fact that some of the uses of nuclear weapons conditionally intended by American leaders would violate at least one and possibly both of the criteria of *jus in bello*. Surprisingly, however, they then assert that "we do not advocate a policy of unilateral [nuclear] disarmament" but go on instead to agree on "a strictly conditioned moral acceptance of nuclear deterrence."<sup>18</sup>

Similarly, Barrie Paskins argues that "the Soviet and Western deterrents are rightly characterised in terms of the conditional intention to wage, *in extremis*, all-out nuclear war; and [hence] they as well as all-out nuclear war are immoral." He does not, however, recommend abandoning deterrence immediately but instead argues for "deep unilateral cuts in the West's deterrent," conceding thereby the permissibility of continuing to engage in nuclear deterrence, at least as a short-term policy. He defends this position by appealing to an analogy with the case of a man engaged in an adulterous affair with a "mistress . . . suicidally dependent on the relationship," noting that, although the affair is immoral, it would be wrong to end it abruptly. "The ending of our conditional intention to wage all-out nuclear war seems to involve the complexities of the [case of adultery], not least because there are no God-given rules of disengagement. Hence all-too-fallible prudence as well as moral principle must guide us in withdrawing from our morally untenable position."<sup>19</sup>

18. *The Challenge of Peace: God's Promise and Our Response: The U.S. Bishops' Pastoral Letter on War and Peace in the Nuclear Age* (London: Catholic Truth Society and SPCK Press, 1983), pp. 51, 53, 59.

19. Paskins, pp. 99–100. Part of the force of Paskins's analogy may derive from the fact that many of us do not consider adultery to be absolutely forbidden, so we admit that a consideration of consequences can qualify the imperative to end an adulterous relation. Paskins, however, appears to be working within an absolutist framework, and thus the prohibition of adultery must be absolute for the analogy to be valid. That he is working within an absolutist framework is suggested (though not entailed) by his explicit denial, cited in n. 17, that running a deterrent strategy could be "less immoral than" waging all-out nuclear war.

The fact that these proponents of the Deontologist's Argument do not accept the imperative to abandon immediately the policy of deterrence indicates that they do not really believe that pursuing such a policy is equally wrong as using nuclear weapons would be. For, if the two were equally wrong, it would be equally imperative not to engage in deterrence as it would be not to use nuclear weapons. (This is true even if engaging in deterrence would be less *evil*. Consider the following analogy. Unpremeditated murder is less evil than premeditated murder, though the two are equally *wrong*. The fact that unpremeditated murder is less evil does not, however, imply that the imperative to avoid it is weaker.) If these proponents of the Deontologist's Argument believed that it was equally imperative not to engage in deterrence as it is not to use nuclear weapons, then they would not, I trust, be so casual about assenting to the permissibility of continuing to practice deterrence. The American bishops would not (and indeed do not) accept "a strictly conditioned moral acceptance" of the nuclear incineration of cities. Nor would Paskins allow that we could gradually extricate ourselves from a policy of nuclear genocide. It follows that they cannot really believe that nuclear deterrence is equally wrong as waging all-out nuclear war would be. Yet that is what their argument implies.

## V

What seems wrong about the Deontologist's Argument is not just that it is (as it is ordinarily understood) implausibly absolutist in form; it is also that it focuses on the presence or absence of the conditional intention as the crucial moral fact about nuclear deterrence. Perhaps some of its defenders have been led to acquiesce in this assessment at least in part because they have assumed that the presence or absence of the conditional intention is necessarily and closely connected to the probability that the agents who have the intention will actually use nuclear weapons. It may be this assumption which lends credibility to the focus on the conditional intention. If so, the credibility is specious, for considerations of intention and the probability of use can come apart. To test our intuitions, let us examine a case in which they do come apart.

Suppose that there are two countries, both of which are threatened by a hostile nuclear power. Unless each of these countries maintains a policy of nuclear deterrence, there will be a high probability that it will be attacked with nuclear weapons. If, on the other hand, each maintains a policy of nuclear deterrence, the probability that it will be attacked will be very considerably less. Because of these conditions, each country does pursue a policy of deterrence. In both countries, the number of nuclear weapons required to maintain deterrence is small, and thus the number of persons who control the firing of the weapons is also small. Neither country is a democracy.

In one country, Sinceria, the political and military leaders have the conditional intention to use nuclear weapons in the event of an attack.

The leaders in the other country, Incertia, are, however, more sensitive to the demands of morality. Having been exposed to the Deontologist's Argument, they have deliberately refrained from making a decision about what they would do in the event of an attack. They do not now know, and cannot even predict, what they would do in that situation. (Because they are few, and their country undemocratic, they are able to maintain a policy of deterrence on this basis.) Of course, having accepted the Deontologist's Argument, they believe that it would be wrong to use nuclear weapons, even in retaliation. But they also know that, given the intense pressures they would be under in the event of an attack, there is a significant probability that they might launch their nuclear weapons in spite of their moral beliefs.

While the leaders in Incertia have attempted to conceal from their adversaries the fact that they have not formed the conditional intention to use nuclear weapons, it is not possible to conceal this entirely, and their adversaries have sensed that they are not fully resolved to retaliate. As a consequence, Incertia's deterrent threats are less credible than those of Sinceria are, and Incertia is therefore more likely to be attacked. Because the leaders of Incertia are thus more likely to find themselves in circumstances in which they might use nuclear weapons, they are on balance more likely actually to use nuclear weapons than the leaders of Sinceria are, even though they are less likely than the leaders of Sinceria are to use nuclear weapons *in those circumstances*.

The Deontologist's Argument does not condemn the policy of deterrence as practiced by Incertia since that policy does not involve the conditional intention to use nuclear weapons, though the argument does condemn the policy as practiced by Sinceria—even though, as a result of their policy, the leaders of Incertia are more likely than the leaders of Sinceria are to use nuclear weapons. This seems absurd.

In this example, the absence of the conditional intention does not reduce the risk that the leaders of Incertia will use nuclear weapons. On the contrary, if they were to form the conditional intention, the probability of their deliberately using nuclear weapons would be decreased. Still, while the presence of the conditional intention is in this case not correlated with an increase in the probability of use, nor its absence with a decrease in that probability, the presence of the conditional intention is nevertheless connected with the possibility of use. There is a temptation to assume that the presence of the conditional intention to use nuclear weapons in the event of an attack (which presupposes the possession of nuclear weapons) is always a sufficient condition for there being some likelihood of deliberate use. It may be that the Deontologist's Argument derives some of its apparent plausibility from this assumption.

Consider the following case. Suppose that I have been elected the head of state of some nuclear-armed country and have been granted broad discretionary powers by the electorate. In particular, I can decide



whether or not to maintain a policy of nuclear deterrence until the end of my tenure in office (or until I die or become incapacitated), at which time a referendum on the subject will be held. (Thus my decision will not determine whether nuclear deterrence will be practiced by my successors.) I know that, if I reject the policy of nuclear deterrence, there will be a high probability, whatever else I may do, that my country will be attacked with nuclear weapons by an ideologically and implacably hostile adversary. If, on the other hand, I choose to maintain a nuclear deterrent threat, the probability that my country will be attacked will be negligible. I firmly believe that the use of nuclear weapons would be wrong—indeed, I find the thought of using them so utterly abhorrent that I can confidently predict that I would never, under any circumstances, actually use them. So, if I were to pursue a policy of deterrence, it would be based on a bluff. I would have no intention of using the nuclear weapons under my command. Moreover, I alone would have the authority and the physical power to release the weapons, and thus there would be no possibility of their being used without my consent. The fact that no one else would be involved in the nuclear decision-making process would also mean that I could easily conceal the fact that my deterrent threat would be a bluff. On the other hand, in order to protect the secret that my threat would be a bluff, I would have to deceive the people in the military chain of command who would be responsible for implementing the decision to use nuclear weapons were that decision to be taken. They, along with my country's adversaries, would believe in the sincerity of my deterrent threat.

Should I pursue a policy of deterrence? Pursuing the policy would probably have the effect of preventing my country from being attacked with nuclear weapons. It would thus save the lives of millions of innocent people. Moreover, the pursuit of the policy would not entail a risk that the weapons would actually be used. (Assume that, for whatever reason, whether or not I follow the policy will have no effect on the voting in the later referendum.) In spite of all this, the Deontologist's Argument implies that it would be wrong for me to pursue a policy of deterrence. For the people in the military chain of command would have the conditional intention to fire the nuclear weapons on receiving the command from me. Thus, according to this argument, the policy would inevitably involve the transgression of an absolute prohibition. Again this conclusion seems absurd. For not only does it not seem wrong for me to pursue a policy of nuclear deterrence in these circumstances, but it would also seem to be my duty to do so.

It might be objected here that the Deontologist's Argument does not in fact condemn my adopting a policy of nuclear deterrence since I would be bluffing and would not, therefore, be doing anything which is absolutely forbidden. The argument would of course condemn the persons in the military chain of command for having the conditional intention

to use nuclear weapons, but that is another matter. They are free and autonomous agents, and hence my action cannot be condemned because of what they do.

Notice, however, that my position in this example vis-à-vis the persons in the military chain of command is exactly analogous to that of the citizens in a democracy vis-à-vis their elected leaders. If it is not wrong for me to cause military commanders to have the conditional intention to use nuclear weapons, then it is also not wrong for the citizens in a democracy to demand a policy of deterrence, thereby requiring their leaders to have the offending intention. In short, unless the Deontologist's Argument rules out my implementing a deterrent strategy in our hypothetical example, it will then permit the citizens in a democracy to support, indeed, insist on, a policy of nuclear deterrence—though it will of course condemn the action of their leaders who will be required, in implementing the policy, to form the conditional intention to use nuclear weapons.

In both cases some further principle may be necessary to bridge the gap between the wrongdoing of those who have the conditional intention and the wrongdoing of those who cause the others to have the intention. Such a principle would condemn as wrong the causing of another to do wrong or to intend to do wrong—though the precise nature and scope of the principle need not detain us here.<sup>20</sup> We do not, for example, need to determine whether such a principle would absolutely forbid causing another to do what would be absolutely forbidden. In the hypothetical case sketched above, even if what *I* do in implementing the policy is not absolutely ruled out, the policy itself is since it cannot be implemented without the violation of an absolute prohibition.

This example brings out quite vividly the way in which the Deontologist's Argument has gone wrong. It shows, I think, that it is a mistake to locate the wrongness of deterrence in the supposed intrinsic wrongness of the conditional intention rather than in the fact that following a policy of deterrence normally entails a risk of deliberately using nuclear weapons. Thus the argument implies that nuclear deterrence is wrong in cases, such as the present one, in which there is no possibility that possessing nuclear weapons for purposes of deterrence will lead to their being used, while it does not imply that the policy is wrong in other cases, such as that of Incertia, even though in those cases the policy carries a substantial risk that the weapons will be deliberately used.

## VI

While the Deontologist's Argument seems clearly mistaken, the foregoing critique suggests that it may be possible to construct a more powerful

20. Compare Walter Stein, "The Limits of Nuclear War: Is a Just Deterrence Strategy Possible?" in *Peace, the Churches, and the Bomb*, ed. James Finn (New York: Council on Religion and International Affairs, 1965), pp. 82–83.

argument against nuclear deterrence within a deontological framework. This argument would retain the claim that it would be wrong to use nuclear weapons in the ways that have to be threatened to maintain deterrence but would have as its second premise a principle similar to the “bridge principle” suggested in the last section. This similar principle is that it is wrong, other things being equal, to risk doing that which it would be wrong to do<sup>21</sup> and wrong to support a policy which carries a risk of wrongdoing—in particular a policy which makes it possible for wrong to be done in one’s name or with one’s authorization. The argument’s third premise would then be that any policy of nuclear deterrence which it would be possible for citizens in a democracy to support would involve a risk that nuclear weapons would be used with their authorization. It follows from these three claims that it would be wrong for citizens in a democracy to support a policy of nuclear deterrence.

This is a powerful argument. It is not in the least implausible to suppose that it is wrong to risk having the horrendous crime of genocide perpetrated by one’s representatives, on one’s behalf, and with one’s authorization—even if the aim is to protect one’s own life and liberty. Can we really in good conscience defend our lives and liberty by taking a calculated risk that millions of innocent people will be murdered in our name?

The argument also has the right focus. It would not draw a radical moral distinction between the policy followed by Sinceria and that followed by Inertia. Nor would it, in the circumstances envisaged in my second example, rule out my following a policy of bluff (though, paradoxically, it would rule out my citizens being able to support my deterrent policy). The argument would not, moreover, need to be absolutist in form in order to provide a strong objection to nuclear deterrence. Because it would locate the wrongness of deterrence not in the intrinsic wrongness of having certain intentions but in the obviously important fact that the policy risks the deliberate use of nuclear weapons in ways which would be wrong, the objection to nuclear deterrence will remain quite strong even if it is conceded that it is not absolutely forbidden to risk doing what it would be wrong to do. (This being the case, it is also unnecessary to insist that the prohibition on using nuclear weapons should itself be absolute.) Finally, since the second premise need not be interpreted as an absolute principle, the argument does not imply that the pursuit of

21. It may seem odd to suppose that one can risk deliberately doing something which it is within the power of one’s will either to do or not to do. But a few examples will suffice to show that there is sense in the notion of risking that one will act in certain ways. For some people, taking a drink is to risk acting aggressively. Placing oneself in the company of someone that one finds provoking is to risk behaving rudely. For persons of a violent or explosive temperament, to buy a gun is to risk killing someone. Similarly, to set up an arsenal of potentially genocidal destructiveness, even if one’s sole aim is to deter aggression against oneself, is normally to risk committing genocide.

a policy of deterrence must be equally wrong as the actual use of nuclear weapons.

Since the argument is not absolutist, it can, like the nonabsolutist version of the Deontologist's Argument, be challenged by an appeal to consequences. If the expected consequences of abandoning nuclear deterrence would be very much worse than those of carrying on with deterrence would be, then the deontological constraint on practicing deterrence may be overridden. Therefore whether it is wrong, all things considered, to risk having nuclear weapons used with one's authorization depends on, among other things, how great that risk is.

The argument does not, therefore, allow us to ignore considerations of consequences. Nor would it be plausible if it did so. Nevertheless, it should be stressed that the argument itself is strictly deontological in character. It is concerned with what one *does* rather than simply with what *happens*. What the argument requires (leaving aside for the moment the question of intention) is that one must not oneself use nuclear weapons, not that one should aim to prevent their use by anyone. That one should aim to prevent the use of nuclear weapons by anyone is also a requirement of morality, but it is not implied by this particular argument.

I suspect that an argument of this sort may better accommodate those moral intuitions which people may have mistakenly thought to be articulated by the Deontologist's Argument. If so, perhaps we can look forward to a more careful development and defense of such an argument by those whose opposition to deterrence has hitherto been based on the Deontologist's Argument. That, in any case, is my hope.