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Nuclear Ethics
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CHAPTER TWO

How to Judge Moral Reasoning

WE WISH to encourage good moral reasoning about our nuclear predicament, but how do we judge moral reasoning? Some people think there is little to judge, since ultimate ends are not susceptible to a common proof in modern Western culture. It is true that our culture seems ethically fragmented compared to the world of the ancient Greeks, the Medieval Church, or a remote tribe.²¹ But that simply means our moral reasoning will not be tidy.²² It does not prevent us from engaging in moral reasoning or from reaching common judgments about many moral arguments. In fact, like Moliere's character who discovered he had been speaking prose all his life, so have we been judging moral reasoning every day despite our alleged inability to agree upon ultimate ends.

How to Judge Moral Reasoning

1 Much of moral argument is not about ultimate ends but concerns means, and expected consequences, and the relationship between them. And even deeply held views of ultimate ends can be refined, if discussion goes beyond primitive assertion. Suppose one person asserts that nuclear weapons are good and another says they are evil. If the only reasons they give are their intuition or the revealed truth of their religion, there may be little more the two can say to each other. If all they can say is "I just feel it," they are making a very stunted moral argument. But such primitive assertion is relatively rare. More important, it is rarely compelling to others who do not already share that particular intuition or that same source of revealed truth. If we wish our moral arguments to be compelling to our fellow citizens, we need to go beyond primitive assertion.

In fact, we constantly judge moral arguments in terms of their clarity, logic, consistency, and unnoticed negative consequences.²³ For example, if someone argued that nuclear weapons are evil because they demonstrate "scientific hubris," one could ask whether that fuzzy term does not also condemn kidney transplants and much else in modern medicine. Or when Phyllis Schlafly argues that nuclear weapons are good because God gave them to us,²⁴ one can ask why He allowed the atheistic Soviet Union also to get them. Or if it is argued that nuclear weapons are good because "the bomb is modifying people's thinking. . . the bomb is pointing to the problems of the world globally,"²⁵ one can ask if there are not less dangerous ways to pursue such understanding. Or take Jonathan Schell's argument that "although, scientifically speaking, there is all the difference in the world between the mere possibility that a holocaust will bring about extinction and the certainty of it, morally they are the same." Others reply that to blur deliberately the distinction between a scientific certainty and an unknown prob-

ability "is evidence of intellectual hysteria."²⁶ We are constantly examining moral arguments for their clarity, logic, consistency, and unnoticed consequences. Those which fail such tests tend to be less compelling.

Two Ethical Traditions

An ethical judgment ("murder is evil") is distinguished from a mere expression of taste ("pizza is good") by combining prescription (it tells you what to do); overridingness (it tells you what is important); and impartiality (which is illustrated by the golden rule: Do unto others as you would have them do unto you).²⁷ Some degree of impartiality is generally regarded as a touchstone of ethical thinking. "What distinguishes ethical principles is the disinterested perspective they embody. Prudence asks whether an action or policy serves the interest of some particular individual or group or nation. Ethics asks whether an action or policy could be accepted by anyone who did not know his or her particular circumstances (such as social class, race, or nationality)."²⁸ But what degree of impartiality and which impartial standards to use are contentious subjects.

Within the Western ethical tradition, significant differences exist, particularly over the role of personal virtue versus the effects of actions. The two approaches might be called the ethics of virtue versus the ethics of consequences.²⁹ The first approach focuses on the quality of the person doing the act, and the second focuses on the consequences of the act.³⁰ The consequentialist tradition places its emphasis on the outcomes of actions. Utilitarian philosophers like Jeremy Bentham or John Stuart Mill, who try to calculate which acts do the greatest good for the greatest number, are in the consequentialist tradition. The person-centered approaches stress whether a

person is following rules and has the right motives as the basis for judging the morality of actions. The famous German philosopher Immanuel Kant has come to symbolize the latter approach. The difference between the two moral traditions could be described as the difference between an emphasis on my integrity judged in terms of whether my actions conform to certain rules and an emphasis on the consequences of what I have done regardless of my motives. One focuses more on the actor's process of deciding and the other on the effect of the decision.³¹ Both traditions express important truths.

Philosophers who stress personal integrity argue that we often refuse to do things that could have good consequences because such actions would violate a universal moral rule or another person's absolute right and would thus damage our own moral integrity. For example, if we believed that a robbery suspect was innocent but that his imprisonment would have a beneficial effect of deterring others, the beneficial deterrent would not justify our sending him to jail. It might do "good," but it would not be "right." In fact, our whole judicial system goes to great lengths to protect the rights of those accused of crimes in order that we not unjustly punish an innocent person. The tradition stresses that it is wrong to do evil as a means to do good. The moral person would rather suffer an injustice than commit one.³²

Such philosophers apply those principles to nuclear deterrence. It is wrong to threaten innocent life even if it may help deter war. How can a country live with its conscience and know that it is prepared to kill twenty million children in another country if worse should come to worst? In a haunting analogy, the Protestant theologian Paul Ramsey likens the targeting of cities to placing babies on the bumpers of automobiles to make holiday drivers more prudent. It might save lives, but we would be wrong to do it.³³

The significance and the limits of the two broad traditions can be captured by contemplating a hypothetical case.³⁴ Imagine that you are visiting a Central American country and you happen upon a village square where an army captain is about to order his men to shoot two peasants lined up against a wall. When you ask the reason, you are told someone in this village shot at the captain's men last night. When you object to the killing of possibly innocent people, you are told that civil wars do not permit moral niceties. Just to prove the point that we all have dirty hands in such situations, the captain hands you a rifle and tells you that if you will shoot one peasant, he will free the other. Otherwise both die. He warns you not to try any tricks because his men have their guns trained on you. Will you shoot one person with the consequences of saving one, or will you allow both to die but preserve your moral integrity by refusing to play his dirty game?

The point of the story is to show the value and limits of both traditions. Integrity is clearly an important value, and many of us would refuse to shoot. But at what point does the principle of not taking an innocent life collapse before the consequentialist burden? Would it matter if there were twenty or 1,000 peasants to be saved? What if killing or torturing one innocent person could save a city of 10 million persons from a terrorists' nuclear device? At some point does not integrity become the ultimate egoism of fastidious self-righteousness in which the purity of the self is more important than the lives of countless others? Is it not better to follow a consequentialist approach, admit remorse or regret over the immoral means, but justify the action by the consequences? Do absolutist approaches to integrity become self-contradictory in a world of nuclear weapons? "Do what is right though the world should perish" was a difficult principle even when Kant expounded it in the eighteenth century,

and there is some evidence that he did not mean it to be taken literally even then. Now that it may be literally possible in the nuclear age, it seems more than ever to be self-contradictory.³⁵ Absolutist ethics bear a heavier burden of proof, in the nuclear age than ever before.

On the other hand, the dangers of too simple an application of consequentialism are well known. Once the ends justify the means, the dangers of slipping into a morality of convenience greatly increase. To calculate all the consequences of one's actions is impossible, and when the calculations are fuzzy, abuse is likely. The utilitarian who tries to judge each act without the benefit of rules may find the task impossible to accomplish except with a shallowness that makes a travesty of moral judgment. And given human proclivities to weight choices in our own favor and the difficulties of being sure of consequences of complex activities, impartiality may be easily lost in the absence of rules. Moreover, when it becomes known that integrity plays no role and you will always choose the lesser of evils as between immediate consequences, you open yourself to blackmail by those who play dirty games. In the terms of our Central American example, how do you know that the officer will keep his word and release the other man? Do you really want the local army to believe that it can successfully entrap visitors into doing their dirty work? When it becomes known that people will always choose the lesser evil in any situation, a "Gresham's law" of bad moral choices may drive out the prospect of good ones. Once you allow departure from rules and integrity, are you not on a slippery slope to rationalizing anything?

It seems there is much to be said for considering both rules and the weighing of consequences in moral reasoning. When we turn away from abstract philosophers' arguments, we notice that many people make such complex eclectic moral judgments on a daily basis. In practice

many people judge moral virtue in a balanced, nonabsolutist way that would have been familiar to Aristotle in ancient Greece, even though the particular virtues are somewhat different in modern society. They tend to weigh three dimensions of motives, means, and consequences when reaching ethical as well as legal judgments. For example, suppose a well-intentioned person is trying to bring your child home on time on an icy evening. She speeds, the car skids off the road, and your child is killed. Her motives were good, but the consequences horrible because of her inattention to means and facts. It is not murder, but it may be negligent homicide. Her good intent reduces the charge, but it does not exonerate her. Our moral judgment is one of degree, not a binary choice of completely wrong or completely right.

Three-Dimensional Ethics

Motives, means, and consequences are all important. Careful appraisal of facts and weighing of uncertainties along all three dimensions are critical to good moral reasoning. Right versus wrong is often less difficult to handle than right versus right and degrees of wrong. We can be properly critical of "one-dimensional" moral reasoning, which ignores the complexity of many large moral issues that characterize international relations.

A good example of one-dimensional moral reasoning is the case of those who equated the American intervention in Grenada with the Soviet intervention in Afghanistan. In some of their motives—namely to maintain a sphere of influence—the actions of the two superpowers were similar. But the bloodiness of the means and the probable consequences (in terms of restoring local autonomy) were quite different. In a three-dimensional moral perspective, Grenada and Afghanistan were very differ-

ent. Similarly, on a one-dimensional approach, the American intervention in the Dominican Republic in 1965 and the Soviet intervention in Czechoslovakia in 1968 had similarities in motivation, but the American action was partially redeemed by the eventual consequences of creating a more autonomous and democratic Dominican society, while Czechoslovakia has lost on both counts. On the other hand, good consequences alone are not sufficient to make an action good. If a murderer is trying to kill me and I am saved because a second murderer kills my would-be assailant first, the consequences are good, but the action is not. An invasion that has fortunate consequences is better than one with disastrous consequences, but a three-dimensional judgment might still judge it as a morally flawed action.

That was part of the problem with the American intervention in Vietnam. Norman Podhoretz has argued that our involvement was moral because we were trying to save the South Vietnamese from totalitarianism.³⁶ The people who led us were those who had learned from the Munich experience that totalitarian aggression must be resisted even if it is costly. But if American idealism was part of the cause of our role in the Vietnam War, that same idealism tended to blind our leaders to the facts of polycentric communism and local nationalism as alternative means to America's less idealistic end of preserving a balance of power in Asia. It also blinded them to the unintended consequences involved in a guerrilla war in an alien culture and the immoral effects that would follow from the disproportion between our goals and our means. On a three-dimensional judgment, our involvement in Vietnam was morally flawed.

Some three-dimensional judgments are easy, and some are extremely difficult. Consider the admittedly simple mix of cases in Table 1.

If we believe that good motives are a necessary though

TABLE 1
Three Dimensions of Moral Judgment

	MOTIVES	MEANS	CONSEQUENCES
Case 1	Good	Bad	Bad
Case 2	Good	Good	Good
Case 3	Good	Bad	Good
Case 4	Good	Good	Bad
Case 5	Bad	Bad	Good
Case 6	Bad	Good	Bad
Case 7	Bad	Bad	Bad
Case 8	Bad	Good	Good

not sufficient condition for moral praise, then the last four cases are easy. The first two cases are also simple. It is the third and fourth cases that cause the greatest difficulty (though some might argue that in a nuclear world cases 5 and 8 are better than 4). In practice one would have to look at particular circumstances and weight consequences against other dimensions. Rather than decide *a priori* whether case 3 or 4 is more moral, we would do better to think of them as representing a continuum of hard choices trading off means and consequences. Moral virtue would consist in the care, the quality of moral reasoning, and the procedures that went into weighing such choices, rather than an arbitrary assignment into one or the other philosophical tradition. My argument is summarized in Figure 1. Moral praise would

FIGURE 1.
Judging Moral Integrity

Good and Bad Means ←————→ Good and Bad Consequences

Moral integrity is a disposition toward:

1. Standards of clarity, logic and consistency
2. Impartiality (i.e., respect for the interests of others)
3. Initial presumption in favor of rules and rights
4. Procedures for protecting impartiality
5. Prudence in calculating consequences

be for the person or a society disposed toward careful moral reasoning that was respectful of all three dimensions.

Moral integrity would not mean locating a point of equal distance or equilibrium between means and consequences, but a disposition toward certain qualities in the moral reasoning used in making tradeoffs. The first two criteria in Figure 1 have already been discussed. The other three still need explanation.

If every rule can have its exception, how do we protect against too easy a collapse into consequentialism? Even those who base their ultimate arguments on consequences should beware of premature or shallow consequentialism. How does one introduce handholds or stopping points on the "slippery slope?" Two devices help. The first is always to start with a strong presumption in favor of rules and place a substantial burden of proof upon those who wish to turn too quickly to consequentialist arguments. That burden must include a test of proportionality, which weighs the consequences of departure from normal rules not only in the immediate case but also in terms of the probable long-run effects on the system of rules. For particularly heinous practices such as torture or nuclear war, the presumption may be near absolute, and the burden of proof may require proof "beyond reasonable doubt."

The other device (and the fourth criterion) is to develop procedures that protect the impartiality at the core of moral reasoning, which is so vulnerable in the transition from the rule-oriented to the weighing of consequences. Thought experiments or mental exercises that look at an action from the perspective of others is a good example. Such a mental reversal of position is what the golden rule urges upon us. In addition, developing ways to consult or inform third parties in order to protect against selfish assumptions is useful. Democratic procedures are not a guarantee of moral action, but they can often be

of help. While secrecy is sometimes essential in strategic interactions, it has moral costs. The practice of consulting courts, Congressional committees, allies, and other countries can all serve as means to protect impartiality. In other words, while there is no perfect procedure for incorporating rules in a sophisticated consequentialist approach, this presumptivist and procedural approach is less self-serving and more likely to be impartial.

The fifth criterion is prudence in the calculation of consequences. It is impossible to know all the consequences of our actions. The more complex the situation, the more likely it is that the good consequences we intend may be swamped by unintended evil consequences. Prudence in the calculation of consequences is essential to protect against wishful thinking that can produce great evil. When an expected consequence depends upon a long chain of uncertain events, we must expect the unexpected. There must be a reasonable prospect of success before we use intended consequences to justify an action. As we shall see below, prudence in the estimation of consequences is particularly important when uncertainties and potential disaster are as large as they are on nuclear issues.

The disposition for careful balancing of moral dimensions according to these five criteria is not the only way to try to reconcile the different moral considerations. Many rule-oriented philosophers would allow considerations of consequences in cases of utter necessity or supreme emergency. For example, the Catholic Bishops of France appealed to an "ethic of distress," and the Catholic Bishops of West Germany discussed an "emergency set of ethics" in their justification of nuclear deterrence in 1983.³⁷ Michael Walzer argues that the human-rights-based principle of not killing civilians can give way to a principle of necessity in a "supreme emergency." In that approach the traditional rules that limited war no

longer hold, and nuclear deterrence is justified as a means of coping with a permanent condition of supreme emergency.³⁸ But as others have observed, this is an awkward solution. "To see the entire postwar era as constituting this kind of moral emergency" creates a large gap in a rule-based theory.³⁹

Sophisticated consequentialists can also find ways to reconcile the different moral dimensions. There is a difference between someone who tries to assess the consequences of each act alone and another who takes a broader framework. Sophisticated consequentialists will consider the wider and longer-term consequences of valuing both integrity of motives and rules that constrain means. They will also realize the critical role of rules in maintaining moral standards in complex institutions. A sophisticated consequentialist analysis would take the view of an "institutional utilitarian," asking the question, "If I override normal moral rules because it will lead to better consequences in this case, will I be damaging the institution by eroding moral rules in a manner which will lead to worse consequences in future cases?"

How do we reconcile rules and consideration of consequences in practice? One way is to treat rules as *prima facie* moral duties and to appeal to a consequentialist critical level of moral reasoning to judge competing moral claims. For example, in judging the moral acceptability of social institutions and policies (including nuclear deterrence), a broad consequentialist might demand that the benefit they produce be not only large but also not achievable by an alternative that would respect rules.⁴⁰ In addition, to protect against the basic difficulties of comparing different people's interests when making utilitarian calculations, a broad consequentialist would require very substantial majorities; otherwise he would base his decisions on rules and rights-based grounds.⁴¹

A consequentialist argument can also be provided for

giving some weight to motives as well as means. For example, William Safire argues that "the protection of acting in good faith, with no malicious intent, is what makes decision-making possible. It applies to all of us. . . . The doctor who undertakes a risky operation, the lawyer who gambles on an unorthodox defense to save his client, the businessman who bets the company on a new product."⁴² While such an argument can be abused if good motives are treated as an automatic one-dimensional exculpation, it can be used by broad consequentialists as a grounds for including evaluation of motives in the overall judgment of an act.

Whether one accepts the broad consequentialist approach or chooses some other, more eclectic way to include and reconcile the three dimensions of complex moral issues,⁴³ there will often be a sense of uneasiness about the answers, not just because of the complexity of the problems "but simply that there is no satisfactory solution to these issues—at least none that appears to avoid in practice what most men would still regard as an intolerable sacrifice of value."⁴⁴ When value is sacrificed, there is often the problem of "dirty hands." Not all ethical decisions are pure ones. The absolutist may avoid the problem of dirty hands, but often at the cost of having no hands at all. Moral theory cannot be "rounded off and made complete and tidy." That is part of the modern human condition. But that does not exempt us from making difficult moral choices.⁴⁵

CHAPTER THREE

Obligations to Foreigners

JUDGING MORAL reasoning is difficult in domestic settings; it is more so in international relations. To whom do we owe moral obligations, and to what extent? Most U.S. nuclear strategists are "utilitarians with limits." They think in consequentialist terms, but tend to consider the consequences for Americans (or their allies) rather than the interests of Soviets, third countries, or humanity at large.⁴⁶ On the other hand many activists and moralists tend to be cosmopolitan in scope and refer to the interests of humanity at large. If nuclear weapons could destroy human life, they ask, how can we set national limits on our thinking? They tend to neglect, or simply deplore, the fact that the world is organized into nations and is likely to continue in that form for quite some time. That