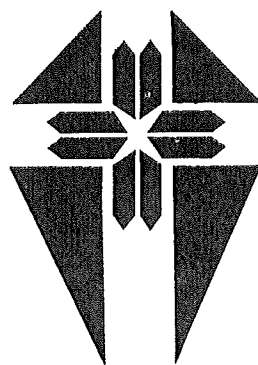

is to miss the whole show. To live up to a heritage or to face up to this day begins with a prayer for those special gifts of wisdom and courage.

To us, God. To us!

Ralph W. Klein
Editor



Can Deterrence by Justified As a Lesser Evil? A Debate

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Editor's note: The following debate begins in Part I with each participant stating his case or criticizing what he perceives to be the case of his dialogue partner. Parts II and III have the two debaters respond to what their counterpart actually said. The debate is very lively!—though there is intellectually difficult talk of means and ends, of communicational war (= war that would bring death to the entire world community), of moral and natural evil (= sins and disasters), of middle axioms, and other technical terms of professional ethical discussion.

The arms race and the threat of nuclear war are without doubt *the* ethical questions of our era, and so we invite and urge our readers to join our disputants in struggling to determine what is the will of God for our time "when nuclear weapons cannot be disinvented."

Part IA: Opening Statement by Paul R. Hinlicky

Nuclear Deterrence Remains Necessary as the Lesser of Evils

Nuclear deterrence is founded upon the politically crucial observation that *no one can win a nuclear war*. A reasonable prospect for military victory has always been a decisive temptation to aggression. Since no one, however, will dominate an incinerated world, the mere possession of weapons of mass destruction constitutes a powerful constraint against this temptation. Nuclear weapons deter aggression, one's own as well as the other's.

Doctrines of deterrence are old. Nuclear deterrence, however, is new and unique. The goal in classical deterrence doctrine was to project the credible ability and willingness to retaliate with such force as to deter in advance an aggressor.

Nuclear deterrence involves a revolution in the relation of "ends" and "means" with respect to classical deterrence theories. What deters in nuclear deterrence is not either side's projection of power but both sides' recognition of the catastrophe of a nuclear war; power projection, which had been *the goal* in classical deterrence, becomes in nuclear deterrence *the means* of maintaining a balance in which both sides are vulnerable—and thus deterred. Even so, competition in power projection is inherently destabilizing.

If this description of nuclear deterrence is apt, the prudent thing to do politically is to recognize the reciprocity of the nuclear deterrence relationship and militarily to negotiate a stabilization of nuclear deterrence at the lowest possible level of risk.

Since mass destruction weapons are

Nuclear deterrence has rested on a hidden axiom.

disinventable, we shall *either* learn to live together *or* we shall perish together. Either/or! Ancient enmities and new ones, however, rebel at the nuclear imperative that we learn to live together. Among such new enmities is the moralistic attack on nuclear deterrence. Perhaps unwittingly, moralism wants to evade what can never again be evaded in fact: our mutual nuclear vulnerability.

How is such an evasion possible? It is possible for technical, ethical, and theological reasons.

Technically, the evasion of the necessity of nuclear deterrence is possible because nuclear deterrence has rested on a hidden axiom, namely, that any war between nuclear powers would be a nuclear war. Up until recent years, neither side had any other means than nuclear with which to fight. That era, however, is passing. Technically speaking, the world is now becoming (to speak with savage irony) safe for post-nuclear war.

The evolution of exceedingly swift and incredibly accurate missiles, along with the development of lasers based in outer space (none of which need be mounted with mass destruction weaponry or be targeted in a way that would indiscriminately injure civilians) could undergird such a scenario. The nuclear deterrent to war would thus be undercut if a non-nuclear war with a reasonable prospect of victory could be fought. Conceivably missiles targeted at bridges, bases, and communication centers could

be exchanged for months, a devil's chess match, surrealistically immune in surgeon-like precision from inflicting collateral damage.

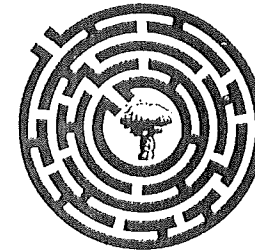
This technical possibility can be envisioned only by means of a preposterous evasion. Setting aside the monstrous costs, financial and human, of such a "post-nuclear" militarization, nuclear weapons will only have been pushed to the background; the resort to them cannot, in fact, be precluded. Nuclear deterrence depends on observing the fact of mutual vulnerability; nuclear deterrence is only apparently discredited by an "illusion of technique"—that a defense can really be built that relegates nuclear weapons to the background.

Will the technical illusion become compelling? It may, if it promises to deliver us from the *ethical* dilemma of threatening mass nuclear destruction in order to prevent mass destruction. When President Reagan went on national television in the spring of 1983 to pitch "the Strategic Defense Initiative" (a.k.a. "Star Wars"), a *resolution of the ethical dilemma of nuclear deterrence was not the least of the promises attached to this new gospel.*

If there is such a thing as "Christian" ethics, it derives completely from the proclamation that a human being is justified by faith *alone*, and correlatively, that a human being who can *only* be justified by faith is and remains radically a sinner. No Christian moreover believes this unless it is believed to be true for the

whole world. The fundamental contribution of the church to public morality is thus its public witness to the Gospel, i.e., its assault on works-righteousness, or as Reinhold Niebuhr put it, attestation to the fact that "there are no moral resolutions to moral dilemmas, only religious ones." A "Christian" ethic is only possible when it is clear that the law is given for sinners, and that its political task is not redemptive, but preservative—these being precisely *evangelical* insights.

Ethically, nuclear deterrence can be undermined by a kind of anthropological optimism, blind to human frailty and ignorant of human wickedness, for which "radical obedience" to abstract principles promises human redemption. The deluge of liberal Protestant moralism in the last several years (whether it argues from the kenosis of Jesus to unilateral disarmament, or from justification by faith to non-verifiability, or from the divine command, "You shall not kill", to pacifism) seems unable to live constructively in a moral dilemma. So, it is inclined to falsify our experience in one or another direction: We are a "Christian" nation, or, the Soviet regime is not really an enemy. We are good enough not to need nuclear deterrence, or the Soviets are not bad enough to aggress. Never does the reflection occur that perhaps we are bad enough to require the constraint of nuclear deterrence and the Soviets wise enough to desire a stable and mutual restraint.



The relevant command, "You shall not kill," is the word of the living God which claims us in the totality of our existence, both in our intentions and for the consequences of our acts. The command is relevant *just because* it is addressed to sinners, who are neither able nor willing apart from this word not to kill. The commandment is relevant as a political aid in the restraint of violence and an accusing revelation of all who, without its restraining aid, are deeply prone to violence. True obedience is, by evangelical definition, a matter of ongoing struggle.

For this reason, nuclear deterrence is also *ethically imperative*—a matter of struggling obedience to the command of God, not merely individually to avoid killing, but as political creatures to love the weak and to love the enemy.

It is evangelical wisdom to know that we, not the commandments, are the problem. Nuclear deterrence, with its immoral threat of mass murder as the *means* by which we *intend* to avoid war, is ethically imperative *for us sinners* as the lesser of *evils*. In the light of the divine command not to kill, it remains morally a greater evil to intend even "non-nuclear" war than conditionally to threaten retaliation (however catastrophic), and greater folly to fall into what will become anyway a nuclear war than soberly to avoid it with the means at hand.

The judgment of the law falls properly not on an impersonal system from which

Lesser of evils for the sake of the greater good.

we can too easily divorce ourselves of personal and collective responsibility. The judgment falls squarely on us, Soviet and American alike, who really *need* nuclear deterrence in order to live together. *As collectives, we must change* if nuclear deterrence is to change.

Moralism devoid of evangelical insight into the human predicament is impotent really to help. Christian proclamation dare not save hope by telling lies. We cannot evade the nuclear morass. Faith in the *real* God who does rule the world, and in the miracle of his love for the weak and the enemy, inclines us rather to look and see what *really* is happening *in the world, and precisely there to summon* all to the courage of faith and the dignity of love.

A true theology does not falsify history but interprets it, yes, through a glass darkly, but nonetheless truly as the theater of God's glory in his sovereign acts of judgment and of mercy yet surpassing that same judgment. Such theology, enlightened with the eyes of faith, looks and sees the most real necessity of nuclear deterrence: The mighty No! of God to warfare and his providential purchase of time for us, and the even mightier Yes! of God. God's will for us, concretely, Americans and Soviets alike, with our threats of mass murder, is to live together.

So nuclear deterrence remains necessary as the lesser of evils *for the sake of the greater good*: God's will for peace between us. If spiritually we find this

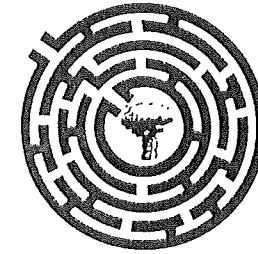
necessity disillusioning, indeed mortifying, *that is precisely the point*. Spiritually speaking, he who is God truly kills in order to make alive.

Part IB: Opening Statement By Robert W. Jenson

Confusions in the Nuclear Deterrence Debate

Each of these initial essays is written in ignorance of the content of the other. I do not, therefore, know whether what follows is in fact a *con* to Paul Hinlicky's *pro*. My target can be, for the moment, less specific. The "lesser-evil" argument is, of course, widespread in discussions of deterrence, but I fear it derives its popularity from the opportunities for evasion it provides. My first task in this essay is to identify a few such confusions.

If we are to choose the lesser evil in a particular case, the evils adduced must all be ranged at the same juncture of ethical consideration. So, in the language of means and ends, the evils among which we are to choose must all be ends, or all means, or all relations of means to ends, or whatever. But what is in the present case regularly done is to set "two evils" beside each other, communicidal war and the threatening of communicidal war as a means to avoid such war, and bid us choose. This is perfect nonsense and would be even if it were established that threats do in fact deter war. Purified of this sort of logical



slipping and sliding, lesser-evil discussions would work very differently than they commonly do.

Boners of the foregoing sort are often interwoven with one of another sort, a simple equivocation. "Evil" is an elaborately multivocal word. For our purposes, we must at least distinguish between natural and moral "evils," disasters and sins. If "evils" are to be compared, the same use of the word must persist through the argument. Communicide itself would be a disaster and not a sin, since its actual occurrence is not in our power; the sin would be the act intending that communicide shall occur. If I point a gun at you, supposing it to be loaded, pull the trigger, and nothing happens, the disaster of your death does not occur, but my sin does, and it is exactly the same sin as if you had died. Any and all arguments that balance the intention of communicidal war (sin) with the war's occurrence (disaster), as "evils," are thus primitive linguistic blunders: We will certainly hope that no wars at all occur, failing that, that small "conventional" wars occur, failing that, that a large "conventional" war occurs rather than a communicidal one; at each step hoping for the lesser natural evil. But if we wish to argue that deterrence, as a *moral* evil, should be *chosen* before other evils, the evils in question must also be moral evils. It is rarely specified what these might be.

Two additional confusions arise that

are not matters of general logic, but specific to the historical case. Both are in the word "deterrence."

(1) It is hard to discuss deterrence in complete abstraction from the actual foreign policy now pursued under that label. But, by the latest poll, 81% of Americans are wrong about what that policy is. America does not merely threaten to retaliate with communicidal weapons to their prior use against us; it is *not* only or even chiefly Russian nuclear blackmail or aggression that we now "deter" with our threats. America officially threatens first use of communicidal weapons—the only nation on earth to do so—to defeat a "conventional" attack against us or any of our major allies, if that attack seems likely otherwise to succeed. It is first and foremost the "conventional" invasion of Western Europe that we now deter—with our communicidal threats. Now if we always remember, in weighing "deterrence" against other moral evils, that what most supporters of "deterrence" wish to support, and what the United States is in fact doing under that label, overlap only slightly, all is well. But such logical self-discipline is rare, in churchly discussions especially. I will here, until informed otherwise, assume that it is the "deterrence" we do not practice but might, rather than the one we do practice, that Paul Hinlicky proposes to defend.

(2) The second confusion is one to which an earlier study of Hinlicky's first

The "evil" in question must be a moral evil.

called my full attention. Since the knowledge of how to make communicational weapons will not go away, we would all have to fear catastrophic retaliation from one another also in a world disarmed of actual communicational weapons. There is therefore a sense of "deterrence" in which it names not a policy but a fact; we will go on in this sense deterring one another, willy-nilly. *This* "deterrence" is not a matter of argument; therefore the existence of this "deterrence" has no moral quality at all. It is the *policy* of "deterrence," the actual uttering of threats to destroy the adversarial community if they do such-and-so, with intent to carry out those threats, that is an act subject to ethical judgment and to argument about what ethical judgment is to be made. Almost never is this distinction sustained.

Now—if we eschew all these confusions, what is to be argued? The "evil" in question must be a moral evil: the policy of threatening the total destruction of the adverse community in retaliation for their destruction of ours. It is a maxim of every ethic, because it is fully intuitive: a threat to use force under such-and-such circumstances can be justified only if using that force under those circumstances can be justified. The actual object of our question about justification is therefore a scenario: the adverse communicational weapons are launched; it is—so far as we know—all up with our half of humanity; do we now act to destroy the other half? "Pressing the button" performing the

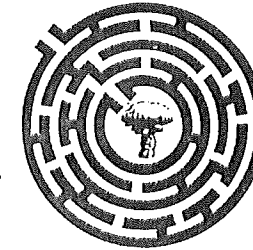
acts intended to do just that, is the moral evil than which lesser-evil justifiers of deterrence must specify a greater moral evil. In my experience, all utilize one or more of the above confusions to slide away before reaching this assignment. Even the Catholic bishops' letter, seduced by the bishops' staff, fails here. I will await Paul Hinlicky's paper with great curiosity.

Part IIA: First Rebuttal By Paul R. Hinlicky

Aggression as the Greater Evil

Robert Jenson does the church a service with his clarifying dissection of the moral obfuscations that becloud discussion of nuclear deterrence. In order to get on to the real point of contention between us, let me first show how his analysis undergirds my initial argument.

To begin where Jenson ends: Having rightly forbidden comparing apples and oranges, Jenson asks what *morally* is more evil than the retaliatory nuclear strike to which the policy of nuclear deterrence commits us. My entire argument presses to answer precisely this question: what is manifestly more evil *morally* than nuclear retaliation is aggression, nuclear (or non-nuclear). It is the height of folly moreover, to imagine that the United States (or the Soviet Union) unconstrained by nuclear deterrence would be immune from the temptation to aggress. What is new and unique



about nuclear deterrence is that it deters *one's own* aggression as well as the other's.

I share Jenson's conviction: "purified of logical slipping and sliding, lesser evil discussions would work very differently than commonly they do." The usual justifications of nuclear deterrence which "bids us choose" morally, as Jenson puts it, between "communicational war and the threatening of communicational war as a means to avoid such war" are, however, more than "nonsense." They are demagoguery which obscures the real choice to be made in an irrevocably nuclear world.

Given *the necessity* of nuclear deterrence as a fact (which Jenson acknowledges) but also the ethical imperative prudently to manage it, what is not an alternative is nuclear escapism, be it that of "post-nuclear" militarism or that of "selective nuclear pacificism." The real choice we face is the choice imposed upon us by the factual and ethical necessity for nuclear deterrence, namely, whether or not we shall learn to live together. And that question, if Scripture is to be believed, is the key to the riddle of history.

I wrote, "as collectives, we must change if nuclear deterrence is to change." Peace will be achieved neither by the technological "quick-fixes" of the militarists nor of the pacifists. If peace is to be achieved at all, it will be achieved politically. That states both what is the real choice and what is really a choice. I

mean that *we can evade this real choice, and in so doing, really choose against the political task of learning to live together.* To choose for the political task (speaking concretely of the United States and of the Soviet Union) requires a spiritual resource which prudence alone lacks.

For these two nations represent to the world and understand themselves, in Reinhold Niebuhr's words, as "two secular religions of world redemption (which) are in conflict with one another." We may well choose to cling to this old enmity. If we are to choose instead the political task, we require the proclamation of a gospel good enough to bid us spiritually to die in order that God may make us alive again. This claim for the necessity of the gospel simply confesses that the gospel is true: "if there were a law that could make alive, then justification would be by the law."

Needless to say, it would help things immensely if the church believed its own gospel; but just because the gospel is true, its revelation of God's rule and promise of God's faithfulness does not depend on the church's response. (*Contra* Jenson, it was their Pelagianism, not their staff, which misled the Catholic Bishops).

Where then might my disagreement with Jenson lie? We are agreed in the need for analytical rigor and share a suspicion of moral evasiveness lurking behind intellectual sloth. I applaud his relevant distinction between moral and natural evil. Jenson, finally, is willing to

That we make threats is not historically inevitable or involuntary.

Japan, for the sake of which we created our nuclear arsenal in the first place and which remains the cornerstone of our foreign policy. The policy Hinlicky advocates in fact is as different from present policy, is as unlikely to be adopted, and is as pure a product of abstract ethical reflection, as any advocated by "moralists" like myself.

Advocates of purely second-strike deterrence can clean up this confusion without abandoning their position itself. But they would lose their polemical rhetoric, and their position would lose much of its appeal, perhaps even to themselves. It could no longer be presented as "realistic." Nor could it be presented as a continuation of present policy, which is commonly, if with little basis, thought to have "worked."

Hinlicky's other equivocation cannot be thus excised; the argument itself depends on it. The good which, in his account, mitigates the evil of deterrence, resides in the deterring which the nuclear powers will involuntarily do to each other, since the weapons cannot be disinvented. In *this* deterrence, we have a sheer historical fact, whose meaning we may debate but which we can no longer choose.

Hinlicky seems to regard the fact as a blessing of Providence, who has turned our evil intention to good, using it to restrain our warlike proclivities. It might be possible to read Providence differently in this matter, but let me grant Hinlicky's reading. About the deterrence

that is simply a fact, there is nothing to argue and no choices among evils to be made—since it is indeed simply a fact. If all Hinlicky wishes to say is that we should recognize the fact and join in prayer that God use it for good, we may all agree and turn to more arguable topics.

But alas!—Hinlicky has no such straightforward proposal. Instead he wants to credit the good done by involuntary deterrence to a deterrence which consists in "threatening." And indeed it is these threatenings, to complete humankind's destruction in revenge for our own, whose evil needs some lessening. But that we *make* threats is not historically inevitable or involuntary. That we make deterrent threats is *not* the same as the deterring that Providence has brought to pass; it is decidedly an addition to that; it is optional policy. Deciding whether or not to threaten communicidal retaliation, we indeed face a choice whose moral quality can be debated and which might conceivably be justified as a lesser evil. But the present essay's sole effort to do this consists in a piece of smuggling, the attempt to transfer to the proposed active policy's account the good on deposit for a quite different "deterrence," the historical situation antecedent to and independent of all policy-choices.

So soon as the above is seen, it becomes apparent that Hinlicky's most accurate observations cut the way other than he supposes. Thus "projections of

force" are indeed always destabilizing in our situation, as he says. But the deliberate policy of uttering fearful threats is of course precisely an attempt to project force—if it is not, whatever would be? The conclusion must be: drop the *policy* of deterrence, the threatenings, and let the anyway-deterrent-situation take its course—praying this be beneficent. As to "disarmament," work that out as goes best, since for the deterrent *situation*, actual communicidal weapons are, as Hinlicky says, unnecessary. I concur.

Hinlicky does offer a suggestion as to what evil it is that "the immoral threat of mass-murder as the *means* by which we *intend* to avoid war" is supposed to be lesser than—and in this he does far better than his fellows. The greater evil would be "to intend" even conventional war, since this intent is to kill. But the "means" that actually deter war by Hinlicky's account, are an historical situation *we* cannot now intend as *means* at all; if this situation is means to deter war, it is God's means only. Moreover, *all* intentions of war are conditional, since surrender is always a means of avoidance. What Hinlicky's proposal actually presents for comparison, therefore, are a) the sincere threat to respond to our utter destruction by the utter destruction of the other half of humanity, and b) the sincere threat to respond to a lesser injury by lesser injury to the adversary. It would not be hard to judge that the former (a) is hardly an evil

lesser than the latter (b).

One cannot avoid the impression that his argument regularly depends on attribution to ourselves of reliable capacity to distinguish innocence from concupiscence in our own will. Uttering threats in order to enforce our desire to remain intact is supposed to be one thing, a threat of "retaliation," and uttering threats in order to enforce our desire, say, to dominate Central America, is supposed to be another thing, a "projection of force" or an "intention of war"; and we are supposed to be able to tell when we are doing the one and when we are doing the other so as to be able to eschew the one precisely by embracing the other. This attribution seems at odds with the view of sin manifested in the essay. It is also at odds with all experience, which teaches that no nation ever used force except to defend its "vital interests," *as* it saw them.

So what is the real question? Step by step—

The policy advocated by Hinlicky and others is that we threaten to inflict evil in retaliation for evil inflicted on us. If making a particular such threat is justified, what justifies it? Please note: *this* is the question, and not some abstract moralistic question about degrees of moral evil. Of course, working out the question of justification will indeed involve weighing evils, at several junctures. We must weigh the reasonably predictable consequences of the two policies—making the threat or

