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James L. Carney

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Is it Ever Moral to Push the Button?

JAMES L. CARNEY

THE WHITE HOUSE, DECEMBER 31, 1997: "Mr. President, Mr. President, wake up!" The voice was low but urgent. Adam Cunningham, 42d President of the United States, roused himself slowly, leaning on one elbow as he stared bleary-eyed at his digital clock. Its numbers reported dutifully: "3:30 a.m." A cold wintry morning in Washington on the last day of 1997. "What is it, Ben?" he asked his military aide, Colonel Ben Thomas. "Sir, we've confirmed reports of a massive Soviet ICBM launching! We estimate about 1500 warheads are inbound right now. Our Space Defense System isn't fully operational yet. What's up there, though, should take out about 30 percent of their inbound missiles. An additional 600 missiles appear to be aimed at China. Sir, we expect initial detonations to generate a massive electromagnetic pulse in about 20 minutes, with the bulk of the attack coming five or ten minutes later. It looks like that main attack is aimed at our own missile silos and our air and submarine bases. Also, we got a message from Premier Lenintsov on the Hot Line. Our strategic forces are being alerted now, Mr. President, and await your counterattack order."

Cunningham leaped to his feet, struggling to think rationally in a storm of thoughts and emotions. Forty-five seconds later he was in the White House Situation Room reading the Hot Line message from Moscow.

"Mr. President," it began. "We deeply regret that we have found it necessary to launch a preemptive strike against your country to protect our own nation against the preemptive strike which you planned to launch as soon as your strategic defenses were fully in place next year. However, we have targeted only your strategic military forces in this first strike.

Washington will not be hit. Nor will New York or your other major urban centers. If you withhold any counterstrike, we will not launch follow-up attacks against these important targets. But if you do respond, then our reserve rockets and our sea-launched ballistic missiles will be launched against the entire political and economic infrastructure of the United States. As you know, more than 150,000,000 Americans could die in such an assault. We will be watching our radar screens for your response. I assure you that we will be magnanimous in victory and will provide all necessary assistance to enable your great country to recover from this misfortune and to take its place as a full partner with the socialist nations of the world."

The Hot Line stood silent. President Cunningham gazed at it with a numb mixture of fury and horror. "Mr. President," Ben interrupted, "We must give the order to launch or it will be too late!" Cunningham stared at him. He thought of the inbound missiles and the millions of deaths and incalculable damage that were bound to result even if Lenintsov was not lying about the initial targeting. He realized that deterrence had failed; the great colossal gamble that the world had been safely betting on for over fifty years had failed! The nightmare had come true! Now he, one human being with no chance for meaningful consultations with any of his principal advisors, had to decide whether to double the ante for a post-nuclear world. He thought of his grandchildren and the Soviet children he had met on his summit visit in 1994. He recalled the tenets of his deep Christian faith and its proscriptions against unnecessary killing. Killing, slaughter, massive annihilation—no words seemed nearly adequate to describe the Death which was on its way. But he also thought of the Soviet treachery. He remembered the Iron Curtain and the repressive puppet regimes which sprouted up everywhere the Soviets achieved power. He grimly contemplated a future stretching endlessly forward in which the dreams of democratic freedoms throughout the world would vanish inexorably in a stranglehold of gulags. Even the memory of the world's greatest experiment in democracy would fade as Soviet revisionist historians rewrote the events of the 20th century to exalt the achievements and innocence of the USSR and denounce the perfidy and aggression of the Western democracies. It also occurred to him that Lenintsov might be lying, that the major urban centers of the United States were indeed targeted in this first strike.

It was now 3:35 a.m. Colonel Thomas announced that the President's helicopter was ready and pressed him again for the decision to

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Lieutenant Colonel James L. Carney, US Army Quartermaster Corps, is Assistant Director for Accession Policy in the Office of the Deputy Assistant Secretary of Defense (Reserve Affairs), in Washington, D.C. He is a graduate of Spring Hill College, in Mobile, Alabama, and of the US Army War College, and holds a J.D. degree from Harvard Law School. He served in Vietnam in 1968-69.

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launch a retaliatory strike. President Cunningham paused for a silent prayer requesting guidance and turned to his aide with his decision. (To be continued.)

The Nuclear Dilemma and Just War

The foregoing scenario is fictional and perhaps highly improbable. But it could happen. It is possible that one human being will someday find himself confronting the failure of nuclear deterrence in one awful moment of decision. Could he morally elect to respond with a nuclear counterstrike? Although the policy of nuclear deterrence which has formed a military shield for the Western world (as well as the Eastern world) for the past forty years has rested upon the mutual belief that the retaliatory threat would be carried out, nearly all analysts of just-war tradition would say that the President may not justly respond with a nuclear counterstrike against Soviet population centers under the circumstances presented above.[1] In their view, the policy of Mutual Assured Destruction is immoral.

But today's nuclear moralists, while quite correct in their conclusion that modern total war is incompatible with any reasonable philosophy of ethics and morality, can provide us with no key to escape this trap we have built. No sane person would hesitate to condemn modern total war, much less nuclear war, as an abomination against humanity. Yet this kind of war remains a very real possibility.

A fundamental premise underlies the just-war tradition: the unchanging nature of mankind, a nature in which good and evil always coexist. All human beings commit immoral, wrong, unethical, sinful, or otherwise dubious acts during their lives here on earth. These acts include killing other human beings. Because of this unfortunate propensity, it has been necessary for man to defend himself from aggression if he would prolong his stay on this planet for any appreciable time. This requirement, in turn, has led to the development of rules of conduct—the principles of just war—for the management of such mortal conflicts so that the moral fabric of society would not be lost in the struggle.

Perhaps unfortunately, our technological skill has steadily advanced, despite the almost complete lack of corresponding moral progress in humanity as a whole. As a consequence, wars have become more and more brutal and destructive as man's tools of war have become more and more efficient. In 1945, human beings achieved the power to cause incomprehensible destruction and loss of life and perhaps severed for all time any rational connection between all-out war and international politics.[2] Yet the need for self-defense has not diminished and is not likely to do so in the future. After eons of bloodshed, there is no reason to hope that mankind will evolve in this life into a more benevolent creature who does not resort to aggression to obtain unjust ends.

The principles of just war are divided into two sections. The first, *jus ad bellum*, refers to the justice of deciding to participate in a war; the second, *jus in bello*, refers to the rules of morality which govern the way any war may be conducted.

Principles of Just War

***Jus Ad Bellum* (Just Recourse to War)**
Just Cause
Legitimate Authority
Just Intentions
Public Declaration (Of Causes and Intents)
Proportionality (More Good than Evil Results)
Last Resort
Reasonable Hope of Success

***Jus In Bello* (Just Conduct in War)**
Discrimination (Noncombatant Immunity)
Proportionality (Amount and Type of Force Used)

Each of these principles merits elaboration.

• *Just cause*. Just cause means having right on your side. In general, just cause embraces four types of situations. First, and most important for this discussion, is self-defense against unjustified aggressive actions. Self-defense is the only just cause formally recognized in modern international law.[3] Three other types of just cause are the right to intervene to protect one's "neighbor," the right to punish wrongdoers, and the right of the state to protect its fundamental ideology.[4]

• *Legitimate authority*. Legitimate authority refers to the lawfully constituted government of a sovereign state. Only the primary authority of the state has the power to commit its citizens to war.

In the nuclear age, the problem of legitimate authority has taken on a new dimension and may now be said to be more vitally concerned with the conduct of war than with the decision to participate at all. This is because the only slim hope mankind has for achieving some reasonable balance between the aims and consequences of a nuclear war is to keep it limited. But keeping it limited requires controlling it, which in turn requires effective command, control, communications, and intelligence systems on both sides of the conflict. This is incompatible with a decapitation targeting policy, which aims to remove a hostile nation's leadership at an early stage

in hopes of curtailing its ability and willingness to continue the fight. Decapitation is not only of dubious validity in light of contemporary nuclear weapon control procedures but also gambles away any possibility of controlling escalation within a nuclear conflict.

• *Just intentions.* This element of *jus ad bellum* in Western thought was first articulated at length by St. Thomas Aquinas, who based it upon natural law.[5] It may also be said to derive from the Judeo-Christian "love thy neighbor" ethic. This obligation does not cease in wartime. We are not permitted to forget that our enemy is also our neighbor, even though most neighborly obligations are suspended for the duration of hostilities. Revenge is not a morally acceptable basis for conducting war. Although it is permissible to intervene to prevent your neighbor's cheek from being struck, the war must be prosecuted with reluctance, restraint, and a willingness to accept peace when the security objectives which justified the war in the first place have been achieved. Although classified under the *jus ad bellum* section of the principles, "just intentions" has even greater significance for the individual soldier in the conduct of war, philosophically underlying the rules of war which protect noncombatants and require acceptance of surrender and humane treatment of prisoners of war.[6]

Aquinas also developed the theory of "double effect." This theory was originally formulated to reconcile an evil (killing) with a good (resisting aggression). So long as the killing itself was not desired, but was merely an unavoidable consequence of achieving the lawful objective, it was permitted. Later, "double effect" was extended to permit military actions which, while justified in themselves by necessity and the other principles of just war, caused collateral harm to civilians and their property. Basically, it is now a rationale for violating the principle of noncombatant immunity.[7] The principle has many safeguards, including that the evil effects not be intended, that all reasonable efforts be made to achieve the desired military goal without the undesired noncombatant effects, and that the good achieved outweigh the evil which incidentally occurs.[8]

• *Public declaration.* The purpose of this requirement is to state clearly the casus belli and the terms under which peace might be restored. It also serves to inform a state's citizenry of the cause which requires resort to arms and the ensuing risk to life and limb of those who will participate in the conflict.[9]

• *Proportionality.* In terms of *jus ad bellum*, or justification for going to war, proportionality means having a reasonable relationship between the goals and objectives to be achieved and the war means being used to achieve them.[10]

• *Last resort.* This principle recognizes the destructive consequences of war and insists that it be avoided if at all possible, consistent with the legitimate interests of the state. It means that negotiations, compromise, economic sanctions, appeals to higher authority (the United

Nations, for example), and the like must be pursued to redress grievances, if possible, before resort to war is justified.[11]

• *Reasonable hope of success.* The state must not squander the lives and property of its citizens in a hopeless effort.

Nuclear weapons have had at least one positive effect in terms of just-war tradition. Their existence causes nations to be much more cautious about initiating hostilities against any nation that might employ them. In other words, they raise the threshold for war. This has resulted in a period of almost unprecedented peace between the major powers since the end of World War II. That is not to say that there have been no wars. There have obviously been many, some of which continue today. But the great powers have not been direct participants against each other, and consequently the level of death and destruction has been minuscule compared to the scale of the two World Wars.

Nuclear weapons have created serious complications for any reasonable prosecution of war, however. The two *jus in bello* principles, discrimination (or noncombatant immunity) and proportionality, are both casualties when megatonnage is exploded anywhere in the vicinity of large population centers. Thus, the swirl of debate since 1945 over acceptable war modes has focused on these two *jus in bello* principles.

• *Discrimination.* Army Chaplain Donald Davidson has written on this aspect:

> Virtually every moral commentary on war since World War II, whether focused on the air battle or ground combat, has discussed the problem of noncombatant immunity. The issue is not whether noncombatants should be immune to attack; there has been general agreement on this point since classical times. Rather, the problem is deciding "who" is a noncombatant; that is, the problem of discrimination. The difficulty of differentiating between combatants and noncombatants has escalated with each stage in the development of modern warfare: the advent of conscript armies and large standing armies in Napoleon's era, new weaponry developed in the industrial revolution, the mobilization of whole societies in major wars, the large-scale employment of guerrilla or insurgency war and terrorism, and the invention of weapons of mass destruction.[12]

Davidson goes on to explain that noncombatants have traditionally been divided into two groups, based on class and function. The "class" of noncombatants refers to persons who have been defined as not acceptable as military targets, including medical personnel and clergy, whether in uniform or not, infants and small children (normally all children), the infirm, aged, wounded, or sick, and those otherwise helpless to protect themselves. Those who are noncombatants by "function" include farmers,

merchants, and others not directly involved in the war effort. Davidson continues:

> Among civilians, those who make war decisions or produce war materials are generally considered as direct contributors to the war effort and, thus, are combatants. Those who perform services or produce goods necessary for living are noncombatants, even though their services or goods may be used by military personnel. This line of reasoning, for example, allows bombardment of munitions factories, but not canneries.[13]

• *Proportionality*. Just as proportionality is one of the *jus ad bellum* principles, so does moral proportionality apply to the means by which war is waged. With respect to *jus in bello*, proportionality means that the amount and type of force used must be such that the unjust consequences do not exceed the legitimate objectives. Compliance with this principle requires an affirmative answer to the question: "If I take this military action, will more good than harm result from it?" The problem, of course, is often in defining what is meant by "good" and what is meant by "harm." Are human lives to be regarded as equally valuable, for instance? How many villagers may be killed in an air strike to eliminate a sniper—or a machine gun emplacement? And is the policy to be evaluated by a single engagement or from the perspective of the whole war?

Just-War Tradition in Modern Total War

The principles of noncombatant immunity, as historically defined, and proportionality, measured by political goals versus the cost in lives and destruction, no longer seem at all compatible with any conceivable war between the world's great powers.

In simpler times, wars were fought by monarchs almost as personal struggles, using small armies of professionals and mercenaries; noncombatants had almost nothing to do with combat. Killing them was not only murder without military justification but unwise as well since they were the source of the state's peacetime wealth. This state of affairs remained until the Napoleonic wars in the 18th century. With the French and industrial revolutions, however, the entire citizenry of a nation became involved in these struggles.[14] Soldiers were drawn from a conscript base consisting of all able-bodied young men. War materiel was produced nationwide. The war was propagandized and supported throughout the body politic. During World War I, the areas away from the fighting sectors became known as the "home front."[15] The distinction between combatant and noncombatant began to blur, especially in the face of arguments that the sources of support (psychological and material) for the enemy were legitimate targets to force him to terminate hostilities.

By the time World War II arrived, no one doubted that total war included attacks upon the economic and industrial capacity of the enemy. "Rosie the Riveter" was an acknowledged part of the war effort and proud of it. Bombing runs on munitions factories, transportation facilities, and industrial plants in Nazi Germany were generally acceptable military activities under the moral principle of double effect, which legitimized collateral damage to the civilian sector. Even the use of nighttime area bombing by the British Bomber Command against German cities produced no popular outcry against the obvious violation of noncombatant immunity.[16] Both sides perceived the struggle to be between the opposing states, not merely those in uniform.[17] The distinction between combatant and noncombatant was substantially dissolved, erased by the harsh realities of total war in the 20th century. The experience of World War II illustrates the difficulty of implementing a moral strategy based upon a distinction between those citizens holding the guns and those citizens stretching back through the chain of support all the way to the miners excavating the ore which will be fashioned into the bullets fired by those guns.

This does not mean just-war principles should be abandoned. Clearly such principles should be preserved to the maximum extent possible. But the essential point remains that all the brilliant articulations of highly desirable moral principles in warfare are of no practical value unless they can be applied in the world of flesh and blood. If notions of noncombatant immunity and proportionality are to be accepted as requiring a nonstrategic or nonnuclear response to an overt nuclear attack by an aggressor nation, then proponents for this moral position must also bear the burden of resolving the paradox of allowing evil to triumph rather than permitting the only effective means of counterattack. Until a satisfactory solution to this most fundamental of just-war issues is offered, the moralists' condemnation of the inevitable slaughter inherent in nuclear war places them ultimately in the camp of nuclear pacifism. If the equation Defense = Excessive Destruction is unassailable, we may all mourn the terrible fate that has placed such fearsome technical prowess in such morally infirm vessels as

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In World War II, the distinction between combatant and noncombatant was substantially dissolved.

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mankind, but there is no realistic choice except to play out the hand as best we can and strive in the meantime for a more effective means of control.

The two just-war principles most jeopardized by the existence of nuclear weapons are discrimination (noncombatant immunity) and proportionality. Morally legitimate targets in modern total war include a nation's industrial sinews and military installations and facilities. But even if only these targets are attacked in a strategic nuclear assault, the death and destruction from fire, blast, radioactivity, and possible "nuclear-winter" effects would cause staggering losses for the entire nation and probably bystander nations as well.[18] Although millions of noncombatants would lose their lives as a result of these attacks, the principle of double effect would appear to excuse this as an unavoidable consequence of legitimate targeting.[19] If so, then the distinction between combatant and noncombatant becomes almost meaningless in such a strategic nuclear barrage. But double effect does not apply if the collateral damage is disproportionate to the permitted objective.

Would the nuclear attack described above be disproportionate? To answer this, one has to first decide, disproportionate to what? If one looks only at the physical consequences of the attack, then it seems clearly disproportionate. But if survival of the state is at stake, and no other means of effective defeat-avoiding warfare are available, then it seems the principle of proportionality would not be violated. In any case, it is not only nuclear weapons that are threats to proportionality. In World War II, the fire bombing of Tokyo in March 1945 caused between 80,000 and 120,000 deaths, with the latter figure more likely closer to the actual toll.[20] The bombing of Hamburg from 24 July to 3 August 1943, also with incendiaries, caused 50,000 deaths and 50,000 injuries, and left 800,000 homeless.[21] The firestorms caused by the Dresden bombings of February 1945 left approximately 70,000 dead in a city with almost no military value.[22] By contrast, the nuclear explosion over Nagasaki on 8 August 1945 caused around 40,000 deaths.[23] The world's first hostile nuclear explosion, at Hiroshima on 6 August 1945, destroyed 60 percent of the city and killed about 80,000.[24]

Even if conventional munitions can cause as many casualties and as much damage as nuclear weapons, however, they do have two comparative virtues: it takes longer to apply them, with less resulting chance of the atmospheric effects predicted by nuclear-winter theorists; and they do not leave behind a lingering curse of radioactivity. Is it therefore better not to use nuclear weapons? Yes. Are their effects always disproportionate? Not if their use is necessary to avoid losing the war and if the user has satisfied all the other just-war principles, including just cause (which, one notes, is not available to an aggressor nation).[25]

Since the destruction and death in a modern total war between the great military powers are certain to be disproportionate to any political

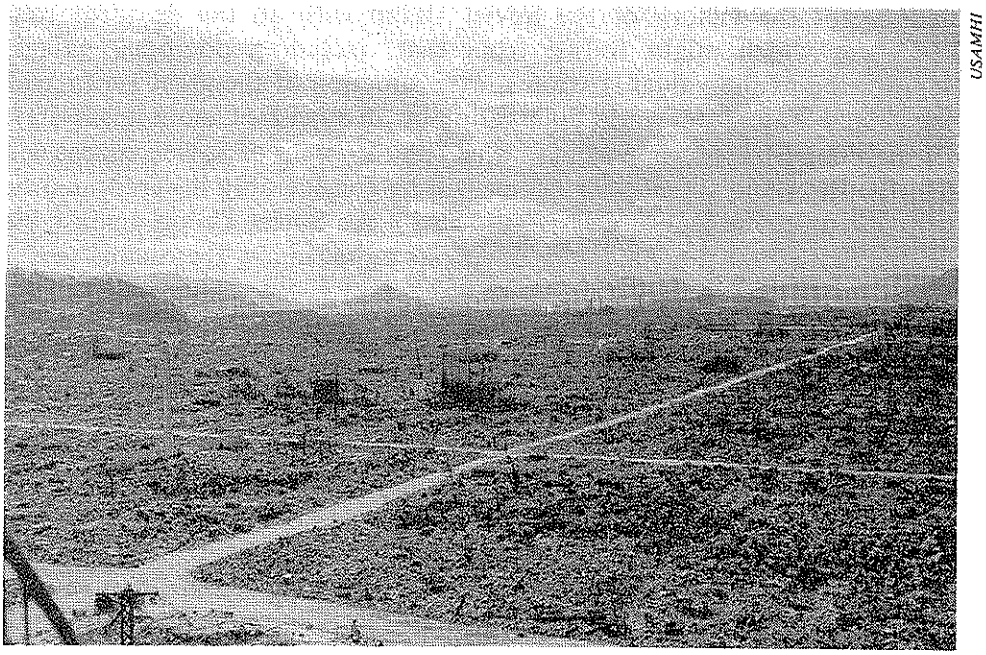
cause other than survival of the state—whether nuclear weapons are used or not—the only solution to the problem is to avoid total war between these powers.

The Logic of Armageddon

The present solution to avoiding war is called deterrence. Although nuclear deterrence has taken a beating from many moralists, no one has yet come up with a better solution. In actuality, the theory of deterrence is as old as armed conflict. It means nothing more than doing those things, whether constructing fortifications, raising armies, taking hostages, or building nuclear bombs, that will discourage attack by an enemy force. What moralists dislike about nuclear deterrence is its implicit threat to actually use the weapons.[26] This is quite the ultimate paradox, however, because only the threat of nuclear weapons can offset the threat of other nuclear weapons (in the present state of technology). There is no other defense available. It is difficult to see how this is immoral in any easily understood sense of the term, considering that the alternative is to leave one's nation defenseless.

The real problem with deterrence is not in having nuclear weapons to back up the threat, but in having the will to use them in appropriate circumstances. It should be clear that "appropriate circumstances" are only the direst of national emergencies, but they must include retaliation for a first-strike nuclear attack against the United States or its allies. Without at least the opponent's perception of one's willingness to make good on the deterrent threat, there can be no deterrent effect from those forces. This is merely stating the obvious. To resolve the dilemma of maintaining a deterrent effect—which is good because it preserves the peace—while at the same time avoiding the immorality of intending to use nuclear weapons in an immoral way (note that almost any strategic use of nuclear weapons is going to produce harm disproportionate to any reasonable sense of conducting war as a "continuation of politics"[27]), some moralists have suggested that we either bluff or simply not declare our actual intent.

There are three problems with this approach. First, bluffing involves lying in one form or another. Second, the people who will actually fire these weapons are scattered all over the globe and they are carefully selected to ensure that they will be willing to push their respective buttons when the time comes. Further, contingency plans must be made to respond to various war scenarios. If, in fact, the United States intended under no circumstances to launch a strategic nuclear attack, it would not be long before the secret would be out and the deterrent effect would be eliminated. Third, an unresolved intent does not resolve the moral dilemma for the decisionmakers—the President of the United States and those military officers who will be involved in launching a nuclear response. These officials



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Hiroshima. This shot of the damage done by the atomic bomb was taken about one mile from ground zero.

are entitled to feel comfortable in their own minds with the awesome responsibility which the nuclear balance of terror imposes upon them. On the other hand, a secret intent not to fire raises the opposite problem. The President is charged by the Constitution of the United States to defend the country. He cannot do this by idle threats. Similarly, American military officers take an oath to uphold the defense of their nation. Consider, then, the following "logic tree":

- Defending the nation is a moral obligation of the highest order for soldiers.
- At present, nuclear deterrence is required for national defense.
- Deterrence requires credibility to be effective.
- There can be no lasting credibility without the will to implement a threat.
- Therefore, it is moral to respond to nuclear aggression with a nuclear attack which is as limited as circumstances permit to defend the United States.

Despite this argument, the consequences of the actual use of nuclear weapons would be so severe as to give any moral person great pause. What is the choice facing our President Cunningham? He can do nothing

and accept the victory of the Soviet Union with all the dreadful consequences which might follow from that, including pogroms, gulags, suppression of individual freedoms, extermination of the great heritage of the United States, and world domination by an atheistic Communist Party. Or, he can push his own button, in which case millions of Soviet citizens will die, the threshold for nuclear winter will be considerably lowered, and he will risk a second, more massive attack by the Soviet Union against the United States. What a choice! Is either one moral in any reasonable sense? Not in my opinion. So what should he do?

Three Possible Solutions

There appear to be only three ways out of this box we have created for ourselves. One is to find another means of defense. The Strategic Defense Initiative offers a glimmer of hope, but only a glimmer. Any effective defensive shield must be cheaper to maintain and expand than it would be to construct offensive systems to overcome it. It must be comprehensive enough to counter both ballistic systems and air-breathing systems, such as cruise missiles. It must be within the nation's fiscal capability to construct and operate. And it must be reliable. SDI is a long way from meeting any of these tests.

A second way out of our nuclear dilemma is arms control. But arms control has never resulted in major reductions from either power's strategic nuclear stockpiles, and not even the Intermediate-range Nuclear Forces agreement signed by President Reagan and Soviet leader Gorbachev last December alters this reality. All that such agreements have accomplished is to set limits on the expansion of each side's nuclear arsenal or reduce medium- and shorter-range nuclear missiles. Maintaining the status quo or improving it at the margins will not resolve our quandary. Unless there is a more substantial breakthrough in verification procedures, arms control offers little hope of ever eliminating the strategic nuclear threat completely. Further, many thinkers have reservations about the risks of eliminating nuclear weapons, because that throws us back to reliance on conventional arms and armies. They fear that this will lower the threshold for war between the great powers. We got rid of Hitler, Tojo, and their henchmen in World War II, but beyond that not much good was accomplished for the fifty *million* deaths.[28] In any event, no one wants to pay such a price again, no matter what the weapon of choice. Therefore, arms control seems an unlikely cure for our total war fears.

Yet another problem with arms control is that it does not stop the technological race. Whenever any new weapon breakthrough occurs, it may be outside the scope of existing agreements, or it may induce the discoverer to renounce the restrictive agreement. Renunciation could be appealing to the discoverer because of the temptation to reap the fruits via a new strategic

advantage or because it feared the other side would make the same discovery and secretly exploit it. SDI seems to fit both categories but is perhaps entitled to a more benevolent view because it is purely a defensive system.

A third way, the most radical but also the most promising as a *long-term* solution, is the establishment of some sort of world authority with enough power to enforce the renunciation-of-force doctrine in the United Nations Charter.[29] As the Catholic bishops noted in their pastoral letter, we have entered "an era of new, global interdependencies requiring global systems of governance to manage the resulting conflicts and ensure our common security."[30]

Whether we like it or not, the time is approaching when we must move on to a more effective, less dangerous governance than that embodied in the nation-state system which has served us since feudal times. We need not surrender all sovereignty. That is obviously unworkable. But we need to begin to explore ways to create an international body capable of at least enforcing the peace, an international sheriff's office complete with posse. Under this concept, military forces would no longer exist to implement state policy. Rather, their function would be to preserve international peace, much in the nature of a domestic police force.[31] To the extent that the impulse for war represents valid grievances, then an international enforcement authority must also include means of hearing and resolving such disputes. The political challenges inherent in linking disparate cultures, races, ideologies, and religions in a worldwide governing body, with merely a limited charter to prevent wars, are enormous. But we have made progress in that direction. Each of the World Wars of this century led to the creation of a world body intended to prevent future wars. The League of Nations was a dismal failure, perhaps primarily because the United States refused to participate. The United Nations is a significant improvement, but is impotent in the face of a Security Council veto. The potential tragedy facing us is that we may have to undergo one more worldwide trauma, one which will dwarf all those that have gone before, to make us realize we cannot have it both ways: we cannot have full independence and a world organization capable of enforcing the peace.

PRESIDENT CUNNINGHAM'S DECISION: . . . "All right, Ben," the President said. "God help us, and especially me when I face Him if I am wrong, but I don't think the Russians will launch their second attack if we respond against their forces only. In any event, I swore to uphold the Constitution, which lays responsibility for defending this country squarely on my shoulders. If we don't strike back, we've surrendered. I doubt the American people would forgive me for that. Hand me the 'football.' I am going to initiate Attack Option Amber—1000 missiles targeted only on Russian soil and only at their strategic nuclear weapon systems. No industrial centers and no major cities, especially Moscow, will be directly

targeted. I want to make maximum use of our ICBMs and reserve our SLBMs, our nuke-capable aircraft in Europe, and our surviving strategic bomber force for any counterresponse that may yet be necessary. Get a message out to Lenintsov on the Hot Line five minutes before we launch, explaining what we are doing and warning the S.O.B. that if he launches his second wave he can kiss his country goodbye. And, Ben?" "Yes, sir?" replied Colonel Thomas, caught in midstride. "I won't be needing that helicopter. The Vice President should be airborne soon in his command center and he can handle any subsequent actions if I've guessed wrong. If Lenintsov launches a second wave, it's only right that I should pay the price I will have charged to the entire nation."

NOTES

1. See, for example, James Turner Johnson, *Can Modern War Be Just?* (New Haven: Yale Univ. Press, 1984), p. 193; Michael Walzer, *Just and Unjust Wars* (New York: Basic Books, 1977), pp. 269, 282-83; National Conference of Catholic Bishops, *The Challenge of Peace: God's Promise and Our Response* (Washington: US Catholic Conference, 1983), Art. 148, p. 47; Paul Ramsey, *The Just War* (New York: Scribner, 1968), p. 247; William V. O'Brien, "The Failure of Deterrence and the Conduct of War," in *The Nuclear Dilemma and the Just War Tradition*, ed. William V. O'Brien and John Langan (Lexington, Mass.: Lexington Books, 1986), pp. 158, 176; Albert Carnesale et al., *Living with Nuclear Weapons* (New York: Bantam Books, 1983), p. 157.
2. Perhaps never was an utterance more perfectly attuned to its occasion than J. Robert Oppenheimer's quote from the Bhagavad Gita, 94:15, on 16 July 1945 at the explosion of the first atom bomb: "I am become death, the destroyer of worlds."
3. Compare the League of Nations Covenant, the Kellogg-Briand Pact (Pact of Paris, 1928), and Articles 2 and 51 of the United Nations Charter; Johnson, *Can Modern War Be Just?* p. 19; and James Turner Johnson, *Just War Tradition and the Restraint of War* (Princeton, N.J.: Princeton Univ. Press, 1981), p. 30.
4. Johnson, *Can Modern War Be Just?* pp. 19, 176. See also Abbott A. Brayton and Stephana J. Landwehr, *The Politics of War and Peace: A Survey of Thought* (Washington: Univ. Press of America, 1981), pp. 64-66.
5. Donald L. Davidson, *Nuclear Weapons and the American Churches: Ethical Positions on Modern Warfare* (Boulder, Colo.: Westview Press, 1983), pp. 5-7.
6. Ibid., pp. 26-28; compare *The Challenge of Peace*, Art. 313, p. 94.
7. Davidson, pp. 6-7.
8. Walzer, pp. 151-59.
9. Davidson, p. 28; US Department of the Army, *The Law of Land Warfare*, Field Manual 27-10 (Washington: GPO, 1956), pp. 15-16. Paragraphs 20-27 present the formal treaty rules for the commencement of hostilities.
10. Davidson, pp. 29-31.
11. Ibid., p. 29.
12. Ibid., p. 32.
13. Ibid.
14. Johnson, *Can Modern War Be Just?* pp. 129-30.
15. Ibid., p. 129.
16. See B. H. Liddell Hart, *History of the Second World War* (New York: Putnam, 1972), pp. 594-97. Hart openly characterizes this policy as "terrorisation" (pp. 596-97). Walzer, however, says it was a justified overriding of those restraints on the grounds of "supreme emergency," based upon reasonable perceptions of the British government at the time (Walzer, pp. 259-61).
17. Martin van Creveld, *Military Lessons of the Yom Kippur War: Historical Perspectives* (Beverly Hills, Calif.: Sage, 1975), p. 49: "It is one of the clichés of our time that, under modern conditions, warmaking capability and the other constituents of society—its demographic, economic, and political power—are inescapably linked together as never before; hence, that it is the totality of the state's forces and not its military instrument alone that wins or loses wars."
18. Philip J. Romero, *Nuclear Winter: Implications for U.S. and Soviet Nuclear Strategy* (Santa Monica, Calif.: Rand, 1984), pp. 1, 3, 8.

19. Davidson (p. 7) lists four conditions which are required before unjustifiable collateral effects may be permitted as a result of an otherwise lawful military action: (1) the effect must be unavoidable; (2) the actor's intention must be right—he does not intend to cause the collateral damage; (3) the unintended effect may not be a means to the intended effect; and (4) the unintended effect is not disproportionate to the intended effect.

20. Peter Young, ed., *World Almanac Book of World War II* (New York: World Almanac Publications, 1981), p. 330.

21. Ibid., p. 220.

22. Ibid., p. 324.

23. Ibid., pp. 352-53.

24. Ibid., p. 352.

25. Compare Walzer's "supreme emergency" theory, which he posits as a basic survival interest of the state which overrides normal application of just-war principles (Walzer, pp. 252-68). For an excellent critique of Walzer's theory, see David Hollenbach, "Ethics in Distress: Can There Be Just Wars in the Nuclear Age?" in O'Brien and Langan, pp. 15-17.

26. "But the unavoidable truth is that all these policies rest ultimately on immoral threats. Unless we give up nuclear deterrence, we cannot give up such threats, and it is best if we straightforwardly acknowledge what it is we are doing" (Walzer, p. 282).

27. From Carl von Clausewitz's famous dictum: "We see, therefore, that war is not merely an act of policy but a true political instrument, a continuation of political intercourse, carried on with other means." Carl von Clausewitz, *On War*, ed. Michael Howard and Peter Paret (Princeton, N.J.: Princeton Univ. Press, 1984), p. 87.

28. According to David Wood ("Conflict in the Twentieth Century," *Adelphi Papers*, No. 48, p. 26), 17 million military and 34,305,000 civilian personnel were killed or died of injuries in World War II. Demonstrating that a war without disproportionate civilian casualties and without the horrors of obliteration bombing can still be an affront to just-war principles was the killing of 8½ million soldiers during World War I (Wood, p. 24), a conflict which accomplished nothing other than to set the stage for World War II's far worse carnage.

29. Article 2(4), UN Charter, provides: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." Note, also, Article 51: "Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security."

30. National Conference of Catholic Bishops, *The Challenge of Peace*, p. 75.

31. See ibid., Art. 310, p. 94: "The purpose of defense policy is to defend the peace; military professionals should understand their vocation this way."
