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Thinking Ethically about the
Strategic Defense Initiative:
Some Preliminaries

by

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When Harry Truman was President, he displayed a passage from Mark Twain in the Oval office, "Always do right -- this will gratify some and astonish the rest." There is much about strategic defense which appears to be clearly and distinctly right. For some it offers hope out of the moral anxiety posed by the vision of nuclear deterrence permanently underwritten by the uncertain threat of mutual destruction. For others it offers the prospect of honorably defending against nuclear devastation rather than using weapons of mass destruction. As one finds upon reflection, however, the matter is not that simple. There are strong and compelling arguments on both sides of the debate over the wisdom of the Strategic Defense Initiative (or SDI). Some of those arguments are technical, some are military, some are political, some are legal and even constitutional. And some of the arguments are ethical. This essay will explore preliminaries for thinking ethically about SDI.

To organize the discussion, this paper will proceed through three questions, each of which is slightly narrower than its predecessor. Is there an ethics of defense? Is there an ethics of strategic defense? Is there an ethics of strategic defense against ballistic missiles? As with many ethical matters, understanding the questions may prove as illuminating as attempting the answers.

An Ethics of Defense?

The distinction between offense and defense is as old as war. At tactical, strategic, and grand strategic levels, one can conceptualize what at first appears to be a constructive difference between attacking and defending against attack. Where does that distinction lead?

Consider initially how Kant might treat the matter. Immanuel Kant was one of the first philosophers to attempt to associate the notion of what an act is with the mental state of the actor. His argument as I understand it is that to have moral worth, an act must be done out of respect for that duty which the categorical imperative leads one rationally to choose and do. Hypothetical imperatives are prudential rules. Categorical imperatives are moral rules. Act only according to that maxim by which you can at the same time will that it should become a universal law. Act as though the maxim or your action were by your will to become a universal law of nature. Act so as to treat every rational being as an end in itself and never as a means to an end.

To apply this mode of thought to defense, one must ask whether there is a special, generic act of defending. Kant's insight suggests that an act of defending cannot be understood separate from the mental state of the actor. The following example (reflecting the military folk wisdom that a good

defense is a good offense, which Kant would view to be a hypothetical imperative) clarifies this point.

Colonel Joshua Lawrence Chamberlain, a former professor of rhetoric and "natural and revealed religion" at Bowdoin College, orders the weary survivors of the 20th Regiment of Infantry, Maine Volunteers, to fix bayonets and charge down the steep, narrow slopes of the Little Round Top in the midst of a violent battle. The Confederate attack at that tactical point is broken. The Union defensive line holds. In his magnificent recreation of the Gettysburg campaign, Michael Shaara pored through what evidence remains to try to recapture the mental states of the commanders. He describes what he imagines to be Joshua Chamberlain's moment of decision:

One man said, "Sir, I guess we ought to pull out." Chamberlain said, "Can't do that."
Spear: "We won't hold 'em again."
Chamberlain: "If we don't hold, they go right on by and over the hill and the whole flank caves in." He looked from face to face. The enormity of it, the weight of the line, was a mass too great to express. But he could see it as clearly as in a broad wide vision, a Biblical dream: If the line broke here, then the hill was gone, all these boys from Pennsylvania, New York, hit from behind, above. Once the hill went, the flank of the army went. Good God! He could see troops running: he could see the blue tide, the bloody tide. Kilrain: "Colonel, they're coming." Chamberlain marveled. But we're not so bad ourselves. One recourse" Can't go back. Can't stay where we are. Results: inevitable. The idea formed. "Let's fix bayonets," Chamberlain said.¹

Joshua Chamberlain ordered an attack. Two hundred men responded. They went on the offensive. But their actions were acts of defense. How does one assess the moral worth of their actions? Rather than work through attempting to apply the categorical imperative, it is helpful for purposes of this essay to broaden the discussion and turn at this point to another perspective: the just war tradition.

Much of Western thought on the ethics of violence is drawn together in the just war tradition. Causes, intentions, motivations, circumstances, and consequences are woven into responding to the questions: Is resort to violence justified? What is permitted and what is prohibited once one resorts to violence? Jus ad bellum arguments are structured in terms of just cause, proper authority, right intention, proportionality (in an aggregate sense), last resort, and the aim of peace. Jus in bello arguments draw upon proportionality (in a more proximate sense) and discrimination (or noncombatant immunity). Both sets of arguments are illuminated by the classic example which Augustine considered to be fundamental: an aggressor in the act of attacking (or about to attack), an innocent victim, and an onlooker. The interplay among these three suggests another perspective on the act of defense.

Return, for a moment, to the events of 2 July 1863 at

Gettysburg. It is the second year of a tragic and bloody civil war. Robert E. Lee, one of the most revered military leaders in American history, has assumed command of the Army of Northern Virginia on 1 June 1862, and one year later almost to the day leads seventy thousand men across the Potomac to begin the calculated yet risky invasion of the North. He marches knowing that the Confederacy is prepared to offer Abraham Lincoln peace once Lee destroys the Army of the Potomac. Six months earlier, Lincoln had issued a proclamation declaring that all slaves in areas still in rebellion are "then, thenceforward, and forever free." Shaara speculates on Chamberlain's thoughts as the Union and Confederate forces approach one another at Gettysburg.

Truth is too personal. Don't know if I can express it. He paused in the heat. Strange thing. You would die for it without further question, but you had a hard time talking about it. He shook his head. I'll wave no more flags for home. No tears for Mother. Nobody ever dies for apple pie. He walked slowly toward the dark grove. He has a complicated brain and there were things going on back there from time to time that he only dimly understood, so he relied on his instincts, but he was learning all the time. The faith itself was simple: he believed in the dignity of man. His ancestors were Huguenots, refugees of a chained and bloody Europe. He has learned their stories in the cradle. He had grown up believing in America and the individual and it was a stronger faith than his faith in God. This was the land where no man had to bow. In this place at last a man could stand up free of the past,

free of tradition and blood ties and the curse of royalty and become what he wished to become. . . .The fact of slavery upon this incredibly beautiful new clear earth was appalling...²

Chamberlain's decision to attack is set against this background. Hostilities have commenced under proper authority. (Lincoln has called for volunteers on 12 April 1861; Chamberlain has received his commission from the Governor of Maine one year later.) There is ample reason to believe that Chamberlain thought in terms of a demonstrably ethical cause (banning slavery -- indeed, Kant's development of the categorical imperative provides one of the most eloquent philosophical frameworks for banning slavery, even so-called freely-chosen slavery). The decision to counterattack appears reasonable, given Chamberlain's circumstances, and it was executed in a measured fashion (against armed combatants, with prisoners taken). In short, Chamberlain's act of ordering the bayonet charge has all the marks of an act of defense which has moral worth. But does it serve as grounds for generalizing on the ethics of defense?

It already has been suggested that distinguishing between an act of offense and an act of defense is not so simple as may be expected. Even if one attempts to distinguish between an act of aggression and an act of defense (which appears to be the point of Augustine's example, more fully developed in the

brief assessment of Chamberlain's decision), the answer is not so simple. It is not clear, for instance, that Lee's northern campaign was an act of aggression, and that the Confederate attack at Gettysburg thus flowed from either aggressive or less worthy intent than did Chamberlain's actions. The example of Alfred T. Mahan provides perspective in this matter.

Alfred T. Mahan is best known, of course, for his views on naval strategy and geopolitics. Less well known is the fact that late in life, Mahan worked through a number of ethical questions. His father was a West Point professor, well acquainted with the commanders on both sides of the Civil War and especially close to Lee. Professor Mahan and Lee both were Virginians, had served together in the Engineers, had worked to build up West Point. William Puleston describes the anguish that the elder Mahan expressed the day the telegram arrived announcing Lee's decision to resign his commission and join the Confederacy. "He saw Beauregard and others go without comment, but Lee was different. All he could say to his wife was 'Elly -- Lee has gone.'"³

Alfred T. Mahan (as did his father) stayed with the Union. The younger Mahan in fact began his naval career during the Civil War. He never lost the emotional perspective one gains from knowing, respecting, even loving those one is fighting. In 1899, Alfred T. Mahan wrote:

One may now see, or think that he sees, as does this writer, with Lincoln, that if slavery is not wrong, nothing is wrong. It was not so clear half a century ago; and while no honor is too great for those early heroes, who for this sublime conviction withstood obloquy and persecution, legal and illegal, it should be never forgotten that the then slave States, in their resolute determination to maintain by arms, if need be, and against superior force, that which they believed to be their constitutional political right, made no small contribution to the record of fidelity to conscience and to duty, which is the highest title of a nation to honor...However the result may afterwards be interpreted as indicative of the justice of a cause -- an interpretation always questionable, -- a state, when it goes to war, should do so not to test the rightfulness of its claims, but because being convinced in its conscience of that rightfulness, no other means of overcoming evil remains---It is not the accuracy of the decision but the faithfulness to conviction, that constitutes the moral worth of action, national or individual.⁴

One may disagree with Mahan's assessment, but it is difficult to disagree with the proposition that Robert E. Lee was a man of high conscience and conviction, and that both Lee and Chamberlain were convinced of the rightness of their causes, the importance of duty, and the appropriate measure of their means.

Other examples could be chosen; however, I conclude from this discussion that there is no simple distinction between defense and offense, and that defense as we commonly understand it has no prima facie claim to moral superiority over offense.

Does shifting the discussion to nuclear weapons modify these conclusions?

An Ethics of Strategic Defense?

Strategic, according to the Oxford English Dictionary, is an adjective of or belonging to strategy, useful or important in regard to strategy. Strategy is derived from the Greek phrase for office or command of a general, or (more broadly) generalship. Since 1945, Western thought (or at least American thought) has gotten away from this military grounding to identify strategic not exclusively but certainly closely with questions of grand strategy, and especially with questions of the nuclear balance.

A brief recital of history is appropriate. During World War II the United States developed and used the atomic bomb. Harry Truman became President of the United States on 12 April 1945. Germany surrendered one month later. In July an atomic device which had been under secret development for several years was tested in the New Mexico desert. On 6 and 9 August, in accord with Truman's orders, American air crews dropped the atomic bomb on Hiroshima and Nagasaki, respectively. Truman broadcast a public statement shortly after Nagasaki, threatening Japan with destruction if it did not surrender. Included in that statement was a classic consequentialist

defense of the decision to use the bomb: "We have used it in order to shorten the agony of war, in order to save the lives of thousands and thousands of young Americans. We shall continue to use it until we completely destroy Japan's power to make war. Only a Japanese surrender will stop us."⁵

The consequentialist argument (and, more specifically, act utilitarianism) have deep roots in Western thought. The thesis that the rightness or wrongness of an action is determined by the goodness or badness of its consequences is one way of structuring moral discourse, developed extensively in more recent times by Jeremy Bentham (as hedonistic act utilitarianism) and by John Stuart Mill (whose writings leave unclear whether act or rule utilitarianism best characterizes his thought). What is important to the current discussion is not drawing out the differences among forms of consequentialist argument, but considering how consequentialist approaches help in exploring the ethics of strategic defense.

Consider, again, the decision to use the atomic bomb. Was Truman's decision (and the subsequent use) an act of defense or offense? In 1945, Harry Truman ordered the dropping of the atomic bomb. What distinguishes the decisions?

Both decision clearly resulted in offensive acts (military attacks), but in neither case is there a clearcut distinction between an offensive and a counteroffensive (nor between offense and defense). Joshua Chamberlain's decision was

narrower (tactical); Truman's, broader (strategic or grand strategic, not in the sense of strategic defense but in the more traditional meanings of the term). Chamberlain's decision resulted in action that reasonably could be expected to be less discriminating (employing weapons of mass destruction).

It is not clear that Truman's decision was not an act of defense. He reminded his audience on 9 August 1945 that Pearl Harbor lay behind the chain of events leading to Hiroshima and Nagasaki. One could debate the causal chain; however, it would seem that much the same complex moral analysis that applied to Joshua Chamberlain's bayonet charge would apply to Harry Truman's use of the atomic bomb, as applied to questions of offense and defense. Or to put it another way, it is not evident that a decision involving nuclear weapons fundamentally alters the thesis advanced in the preceding section that defense does not have a prima facie, superior claim to moral worth. What, however, of a defense against the use of nuclear weapons? Does that shift the argument? Is there a prima facie case for the moral worth of strategic defense nuclear attack?

Had the Japanese Air Force not been devastated by August 1945, it could (at least in theory) have intercepted the B-29s carrying atomic weapons to attack Japan and destroyed the bombers before they reached their targets. Success in mounting such a defense is highly conjectural. The size of the nuclear stockpiles (then very small), the extent and promptness of

Japanese intelligence (identifying which bombers to target), the skill of Japanese air crews, and blind chance (on such things as weather) would enter into the picture, as would the most elementary consideration -- surprise (Japan appears not to have known that America had an atomic bomb). The point is that one can conceive of circumstances in 1945 in which Japan could have attempted to defend against atomic attack. Would such strategic defenses have a prima facie claim to moral worth, superior to the claims which led to use of the atomic bomb? It is hard to envision what would constitute such a prima facie claim.

As a more practical matter, what made arguments of strategic defense problematic then as now is the recognition that even a single weapon could effect mass destruction. There was no way then, and may never be a way, to guarantee that a single nuclear weapon (or a few nuclear weapons) cannot penetrate strategic defenses. A surprise or stealthy nuclear attack, a massed nuclear attack, a precursor attack against defenses -- these and other possibilities will continue to influence military assessment of the subject of the strategic nuclear offense-defense relationship. Those considerations were present at the start of the nuclear age. It is out of such a calculus that the doctrine of strategic deterrence was born. One need not revisit the detailed evolution of East-West relations after 1945, nor the increasing sophistication of

atomic weapons and their delivery systems, nor the growth of strategic stockpiles, nor the proliferation of nuclear weapons to other nations to appreciate why strategic defense, while never rejected totally, failed to dominate American defense policy. The question was one of success, and how to measure it. Father John Courtney Murray reminds us, "Policy is the meeting-place of the world of power and the world of morality, in which there takes place the concrete reconciliation of the duty of success that rests upon the statesman and the duty of justice that rests upon the civilized nation that he serves."⁶ Harry Truman, and his seven successors in the office of President of the United States, have grappled with how one reconciles preventing nuclear attack (or, as the alliance structures have evolved since 1945, preventing nonnuclear war on the scale of the World Wars) with the possession of nuclear weapons.

Strategic deterrence is based upon the threat certain to an adversary that if he initiates aggression, he cannot pursue it (by nuclear means, or by conventional means escalating to a deliberately vague threshold) and prevail, by any reasonable standards. What ultimately underwrites that threat is nuclear weapons.

If one accepts the soundness of the arguments that strategic deterrence based upon the credible threat to use nuclear weapons prevents nuclear aggression and contributes to

prevention of large-scale nonnuclear aggression, then one would appear to reject the claim that strategic defenses have either a prima facie moral worth, or a morally superior position to a strategic offense. Here, however, the argument becomes quite complex. Can nuclear weapons ever be used in a just cause or in a proportionate way? Would their very use render invalid the grounds for advancing the justice of one's claims? This brief essay will not attempt to answer those fundamental questions. Instead, the discussion will turn to the third and final question, is there an ethics of strategic defense against ballistic missiles?

An Ethics of Strategic Defense Against Ballistic Missiles?

Although chemically powered missiles are centuries old, German efforts at Penemunde in World War II to rush into service the A-4 rocket (more commonly known as the V-2) resulted in a dramatic new military threat -- the modern ballistic missile. The Germans commenced their V-2 campaign against England shortly after 6:00 pm on 8 September 1944, with an attack on Chiswick, a suburb of London. This V-2 (and nine others which landed in England over the next six days) were launched from the continent, some 190 miles distance. Their flight times were less than five minutes. The first week's casualties from V-2 attacks numbered 187--22 killed, 68

seriously injured, and 97 slightly injured. By the end of the war, more than 25,000 V-weapons (the V-2 and the V-1, a forerunner of the modern cruise missile) hit targets in England and on the European continent. In England alone, V-weapons caused over 30,000 casualties.⁷

By modern standards, the V-2 was a primitive system. At distances of 190 to 220 miles, accuracy was low; V-2 range errors averaged 14 miles and line errors 7½ miles. The energy packed into 1600 pounds of conventional high explosive delivered by a V-2 dug craters 34½ feet in diameter and 9½ feet deep. The V-2 campaign sparked intensive study by the British Anti-Aircraft (AA) Command of possible means of defending against rocket attack. One plan explored the feasibility of massing artillery fire at or near the end of the V-2's flight corridor. The plan was rejected as infeasible -- it required firing 320,000 28-lb AA shells to destroy a single V-2. Another report recommended that "all other possible countermeasures should be explored, particularly the use of guided counter-missiles."⁸

Almost forty years spans the time from when the British military staff at Glenthorn in Stanmore began debating how to defend against V-2 attack and when President Reagan announced from the Oval Office that his administration would seek to develop a defense against ballistic missiles through the Strategic Defense Initiative. In the 1970s the United

States briefly deployed an operational ballistic missile defense in the northeast corner of North Dakota, on the edges of the ballistic missile field at Grand Forks. This SAFEGUARD system employing older technologies could not effectively defend against ballistic missile attack and was largely dismantled. The issue posed by President Reagan on 23 March 1983 briefly touched on the issue of the feasibility of applying new technologies to ballistic missile defense. As he presented his central themes, however, the President shifted to a more fundamentally moral note:

Over the course of these discussions [with my advisors], I've become more and more deeply convinced that the human spirit must be capable of rising above dealing with other nations and human beings by threatening their existence. . . . Tonight, consistent with our obligations of the ABM Treaty and recognizing the need for closer consultation with our allies, I'm taking an important first step. I am directing a comprehensive and intensive effort to define a long-term research and development program to begin to achieve our ultimate goal of eliminating the threat posed by strategic nuclear missiles My fellow Americans, tonight we're launching an effort which holds the promise of changing the course of human history.⁹

As stated at the start of this essay, the debate over the wisdom of SDI involves many kinds of arguments, and the intent of this essay is not to engage directly in that debate. Thus far it has been argued that defense as we commonly

understand it has no prima facie claim to moral superiority over offense, and that even placing the argument in the context of nuclear weapons does not alter this proposition. But what of defense against nuclear weapons delivered by ballistic missiles? Does this alter the argument?

What is unique about ballistic missile attack is not the certainty with which a weapon can be delivered, nor the short time of flight, nor the yield or accuracy, nor the lack of a defense. One can envision circumstances in which other delivery systems can give high assurance of delivering a weapon on target. Supersonic (and perhaps hypersonic) delivery vehicles other than ballistic missiles are technically feasible; other weapons are equally accurate and have at least as much yield; and SDI holds out high promise of identifying feasible defenses against ballistic missiles for the future. The uniqueness of the ballistic missile inventories at this point in time is they offer a practical means of maintaining a high-confidence posture responsive to national command and capable of assuring a weapon could be delivered and destroy a target within a matter of minutes. It is from this fact that one can argue that there is indeed inherent in these circumstances an issue of human spirit. War is a political act subject to political decision. The threat of ballistic missile attack reduces the time for decision to a matter of minutes and perhaps even seconds. That renders the chances of an informed,

rational decision highly problematic. Whether one takes a Kantian or consequentialist point of view, the answer seems equally clear. Moral decision-making under such conditions is reduced more to instinct than reason, which calls into question whether conditions for reaching a morally sound decision would in fact exist.

This dramatic contradiction of the time for deciding whether to respond to an attack by ballistic missiles armed with nuclear weapons is deeply disturbing. However, even here, the weight of evidence to establish a clear, *prima facie* argument in favor of the defense is missing. As before, questions of intent and consequences, of just cause and proper authority, of proportionality, of last resort are brought to bear.

One can conceive of other moral decision frameworks (including many in warfare) where time for decision is measured in minutes or seconds. We do not conclude in those instances that there is a *prima facie* case for a particular decision. Rather, we subject a decision to criteria of the sort discussed earlier in this essay. What I conclude from this brief assessment is that the same complex moral process which allows a rational person to work through the rightness or wrongness of other human actions applies to discussing the ethical implications of warfare, of nuclear weapons, and of defense against ballistic missiles. This is a modest but not a trivial

conclusion. There is enough popular exposition surrounding SDI to remind ourselves of the value of careful, deliberate reasoning, and especially of the timeless advice of John Locke that "it is ambition enough to be employed as an under-labourer in clearing the ground a little..."¹⁰ Thus, this essay has attempted to clear the ground a little, to deal with some of the preliminaries which precede a more thorough assessment of the ethical implications of SDI.

Notes

1. Michael Shaara, The Killer Angels (New York: Ballantine Books, 1974), p. 230.
2. Ibid, p. 27.
3. Captain W. D. Puleston, USN, Mahan: The Life and Work of Captain Alfred Thayer Mahan (New Haven: Yale University Press, 1939), p. 30.
4. Alfred T. Mahan, "The Moral Aspect of War," The North American Review (October 1899), reprinted in Mahan, Some Neglected Aspects of War (Boston: Little, Brown, and Company, 1907). The cited passage is at pages 29-30.
5. Truman's radio statement of 9 August 1945 is reprinted as Appendix 3 in the Department of State publication International Control of Atomic Energy: Growth of a Policy (Washington, D.C.: US Government Printing Office, 1947). The cited passage is at page 107.
6. John Courtney Murray, S.J., "Morality and Modern War," reprinted in The Moral Dilemma of Nuclear Weapons: Essays from Worldview (New York: The Council on Religion and International Affairs, 1961). The cited passage is at page 15.
7. The information on the V-2 program and campaign is taken from Frederick I. Ordway, III, and Mitchell R. Sharpe, The Rocket Team (Cambridge, Mass: The MIT Press, 1979), pp 223-239.
8. Ibid, p. 231.
9. President Reagan's 23 March 1983 Speech on Defense Spending and Defensive Technology can be found in Weekly Compilation of Presidential Documents, Vol 19, No. 12 (Monday, 28 March 1983), pp. 423-466.
10. John Locke, An Essay Concerning Human Understanding, Vol 1, Compiled and Annotated by Alexander Campbell Fraser (New York: Dover Publications, Inc, 1959), p. 14.