

Cambridge University Press

0521545269 - Ethics and Weapons of Mass Destruction: Religious and Secular Perspectives

- Edited by Sohail H. Hashmi and Steven P. Lee

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Introduction

Sohail H. Hashmi and Steven P. Lee

The term “weapons of mass destruction” (WMD) entered popular parlance some fifty years ago. By convention, though not always without controversy, it has been understood to include not only nuclear weapons – the weapon of mass destruction par excellence – but also biological and chemical weapons. If indeed the last two types are included in the category of WMD, then ethical debates on such weapons date back much further in time, to the late nineteenth century, when chemical weapons became enough of a concern to European states that they moved to delegitimize them even before they were fully developed.¹ Yet attention to the ethics of WMD as a category of weapons distinct from others has been extremely sparse, whether it is among policy makers, the media, or scholars – that is, until recently. The September 11, 2001, terrorist attacks on the United States demonstrated quite clearly the vulnerability of even the most powerful states to large-scale death and destruction perpetrated by a group of committed insurgents. The weapons employed on that day were unconventional weapons of the crudest sort: box cutters and civilian airplanes. After the attacks, however, no one can remain complacent that future terrorism will not involve chemical, biological, or nuclear weapons. The George W. Bush administration argues that the prevention of such an event requires preemptive action, not just against nonstate actors, such as the al-Qa‘ida network, but also against alleged state sponsors of terrorism, the regime of Saddam Hussein in Iraq being the first target. The terrorists’ war on America and the American war on terrorism have propelled questions about the nature and morality of weapons of mass destruction and about the morality of different means to control their proliferation out of specialized seminars and books into the forefront of public discourse around the world.

This book began to take shape several months before WMD acquired the central place in policy debates that they now occupy. Our challenge has been to keep up with the rapid pace of international developments. Still, we are confident that the two objectives with which this book was conceived are as

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timely today as when we began, and that they will remain so for many years to come. First, we have sought to broaden the range of *participants* in the ethical debates on WMD. We begin by canvassing ethical perspectives familiar to Western readers, the traditional voices heard in discussions of military policy, namely, realism, natural law theory, liberalism, and Christianity. We then bring into the conversation voices not often heard in Western discussions, specifically, Buddhism, Confucianism, Hinduism, Islam, and Judaism. Finally, we consider the critical perspectives offered by feminism and pacifism.

Second, we have sought to update and broaden the *content* of the ethical discourse on WMD. The end of the cold war requires the reevaluation of many moral issues pertaining to nuclear weapons in light of the dramatic changes in the international system. The ethics of biological and chemical weapons has been largely ignored, in part due to the cold war emphasis on nuclear weapons. The ethical discussion needs to extend beyond nuclear weapons to include chemical and biological weapons.

APPROACH

The comparative method we have used in this volume is to bring scholars from a broad range of ethical traditions, both religious and secular, into structured conversation on a defined set of moral concerns created by WMD. The search for moral truths on as complex a subject as the development, deployment, threat to use, and actual use in war of such weapons is inherently multifaceted. One supposition of a comparative approach is that no one ethical tradition or perspective is likely to have all the pieces. Consistent with other volumes in the Ethikon Series, we have sought to realize the comparative approach by asking our authors to address a set of six specific questions, in the belief that comparison can best be achieved by having the contributors address the same set of topics. We have included a comparative essay at the end, which seeks to make the similarities and differences among the authors more explicit. In addition, we begin the volume with two essays that provide some of the background necessary for the study, an essay on the nature of WMD and an essay on the way WMD have been treated in international law.

Another justification for a comparative approach is that, historically, the traditions themselves have developed as much through interaction with other perspectives as through internal revisions.² Our ethical understanding of practical issues can be expanded, refined, qualified, and, in general, improved by an effort to engage the insights of ethical perspectives other than the one in which we are situated. A comparative approach allows us to identify hidden assumptions behind a particular tradition's discourse, assumptions whose validity is questioned only when examined in light of other discourses, other ways of looking at the problem.³ Alternatively, the

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process of comparison may allow us to discover an overlapping consensus on the issue in question among different perspectives.

At the same time, caution needs to be observed in applying a comparative approach. A comparative approach can be misleading because it may suggest that the traditions are more sharply drawn and more in conflict than is in fact the case.⁴ When we divide human thinking into a set of traditions, we invite a clear characterization of each of them, and this may tend to ignore the fluidity of the development of human thought. There may be more overlap and blurred borders than the divisions suggest. In addition, the divisions may tend to suppress conflicts within traditions, and the conflicts within traditions may be as important for our thinking about an issue as the differences among them. We have tried to minimize these dangers by including two chapters for each tradition, one that provides a broad overview of moral reasoning on six basic questions relating to WMD and a second that focuses on alternative understandings or controversial points within the tradition.

The traditional debate on the ethics of military policy in the West, the debate with which our readers are probably most familiar, is that among proponents of the ethical perspectives of realism, natural law, liberalism, and Christianity. Realism, which would be seen by many of its proponents as well as its critics as more an antiethical than an ethical tradition, poses the traditional challenge to efforts to think about military matters in moral terms. In international relations, all there is, and perhaps all there should be, is self-interest. The other three traditions have in different ways taken up the challenge posed by realism, seeking to show that war by its nature is or should be a morally limited enterprise. Much of the thinking in these traditions has focused on just war theory, a systematic effort to set limits on when it is acceptable to go to war and what it is acceptable to do in war.

To complement the traditional debate, we have included perspectives drawn from the Buddhist, Confucian, Hindu, Islamic, and Jewish traditions. Exponents of two of these traditions, Hinduism and Islam, have been quite vocal in appealing to them to justify state policies regarding WMD. For example, during India's and Pakistan's flurry of nuclear testing in 1998, various Hindu militants proclaimed the end of Gandhian pacifism, while Islamic groups in Pakistan paraded cardboard missiles with the words "Islamic bomb" scrawled down their side.⁵ Jewish intellectuals and organizations in the United States have been outspoken about many aspects of American nuclear policy, but as both Reuven Kimelman and Joseph David write, a societal consensus exists in Israel that its weapons of mass destruction are off-limits to public discourse. Thus, we find very limited application of Jewish ethics to Israel's WMD arsenal.⁶ Buddhists have preferred to act on a more international rather than state-specific level, commenting on broad concerns relating to WMD through various religious associations. Because of the official communist ideology of the People's Republic of China, Confucianism

has not figured prominently in whatever little public information we have of that country's security discussions. Confucian ethics on most issues relating to international relations has been elaborated mainly by individual scholars living outside China.

None of these traditions has a record of ethical discourse on WMD as sustained or systematic as that found in the perspectives in the traditional debate. Each is a relatively recent and sometimes reluctant participant in the conversation. All of the writers on these traditions acknowledge that their challenge is as much to construct moral positions on the questions of this book as it is to describe well-articulated existing positions. Nevertheless, all would agree that each of the traditions has sufficient moral resources to respond to WMD in a manner that is not contrived or arbitrary. Donald Swearer, for example, argues for what he calls an ethics of retrieval.⁷ Instead of placing the ethics of the traditions beyond history, we should, he argues, seek to find it in norms formulated in a time different from our own prescriptions that can be applied today. There is an important difference between a tradition's lacking resources to handle a new problem and its simply having untapped resources that would do the job. In either case, the resources may appear to be lacking, as they perhaps were regarding nuclear weapons to many Christians at the onset of the cold war. But we cannot assume a lack from the appearance of a lack. It is our job, in carrying out this comparative study of the ethics of WMD, to prospect for those untapped resources, while keeping open the possibility that they may in fact be lacking.

Finally, serving as a counterpoint to the other perspectives, we include the critical standpoints of pacifism and feminism. Pacifism and feminism tend to call into question assumptions the other perspectives take for granted, including the very moral relevance of the distinction between conventional weapons and WMD.

MORAL ISSUES

Now we consider the second of the objectives mentioned above, our effort to update and expand the moral discussion of WMD.

Human beings have moralized about war and the means to conduct it for millennia. All major world civilizations have evolved traditions of moral inquiry that reflect on similar concerns: When is war a legitimate option? Who are legitimate targets? What weapons may be used to attack and possibly kill them? Ethical evaluations of WMD are naturally grounded in the answers that the traditions have provided to these questions. What the traditions have to say about the morality of war in general will be the basis – adequate or inadequate – for what the traditions imply about the ethics of WMD. Thus, the first of the six questions the authors were asked to address is: What are the general norms that govern the use of weapons in the conduct of war, and what are the sources from which the tradition derives these norms?⁸

But the advent of particularly lethal forms of weaponry during the past two hundred years strains to the limit the familiar patterns of moral reflection. Are WMD, in a moral sense, so different from conventional weapons that the traditions may have little or nothing relevant to say about their acceptability? Michael Walzer suggests as much with respect to nuclear weapons: “Nuclear weapons explode the theory of just war. They are the first of mankind’s technological innovations that are simply not encompassable within the familiar moral world.”⁹

And yet throughout the long years of the cold war, nuclear weapons and, to a lesser extent, chemical and biological weapons were in fact the subject of moral analysis. The cold war debates pitted the consequentialist arguments of realists and others who defended U.S. and NATO strategic doctrine against critics drawn from various ethical perspectives, including natural law deontologists and liberal social contract theorists and utilitarians influenced by just war criteria. These positions in turn were subjected to more fundamental criticism of the “war system,” first by pacifists influenced by secular as well as Christian or Jewish ethics and second, during the 1970s and 1980s, by feminists. None of these ethical perspectives offered a single view on the difficult moral issues raised by nuclear deterrence, as evinced, for example, by the disagreements among Christian proponents of outright disarmament and Christian defenders of deterrence.¹⁰ And almost always, even those who argued for evaluating WMD according to the familiar categories of just grounds (*jus ad bellum*) and just means (*jus in bello*) did so guardedly and with appeals to the coercive power of necessity.¹¹

The end of the cold war shifted public discussion in the United States and Western Europe away from the morality of superpower nuclear strategy to the dilemmas of controlling WMD proliferation. Some developments during the 1990s provided hope that the nonproliferation regime might be gaining strength: Both China and France acceded to the Nuclear Nonproliferation Treaty in 1992, and the treaty was renewed indefinitely in 1995 following its twenty-five-year review; several important nuclear-threshold states renounced their nuclear weapon option, including Argentina, Brazil, and South Africa; the Chemical Weapons Convention entered into force in 1997 following its ratification by the requisite sixty-five states. Yet there have also been a number of developments in the opposite direction, most importantly the nuclear tests conducted by India and Pakistan in May 1998 and the subsequent testing by both countries of ballistic missiles that have progressively increased the range and reduced the time required to deliver nuclear payloads to their targets. Two other states, Iran and North Korea, are known to have active research programs that could lead to the production of nuclear weapons. In addition, at least eleven countries are believed to have ongoing research programs or existing stockpiles of both chemical and biological weapons.¹² Finally, the rise of international terrorist networks and the prospect of “loose nukes” or poorly protected radioactive, chemical, or

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biological agents created by the collapse of the Soviet Union raise serious concerns about WMD in the hands of nonstate actors.

All of these developments underscore the truly global nature of WMD proliferation and the need for global responses if we are to deal effectively with it. The cold war ethical discourse seems in light of today's concerns to be too circumscribed in terms of its participants (limited largely to American and West European policy makers and ethicists) and its scope (limited largely to nuclear deterrence). This book is a step, we hope, toward broadening the parameters of the cold war debates.

All of the core issues involved in the superpower standoff during the cold war are still salient: the morality of developing nuclear weapons and the diversion of resources to "nonusable" weapons, a deterrence strategy that relies primarily on the explicit or implicit threat of nuclear war, the possibility that a conventional war might quickly escalate into a nuclear war, the threat of rogue elements in the military using nuclear weapons without proper authority, and the fear of WMD falling into the hands of nonstate actors who cannot be deterred by threats of retaliation in kind. What is different in the twenty-first century is that these concerns have moved from the superpower level to the regional level. Regional conflicts, where belligerents are not separated by thousands of miles, where there is a long history of conventional wars, and where checks on the unauthorized use of nuclear weapons are not fully developed, pose greater risks for the escalation of wars to the nuclear level. In addition, the threat posed by chemical and biological weapons needs to be given much more attention than it received during the cold war. Such weapons are far easier and cheaper to manufacture than nuclear weapons, and they may well be the WMD of first resort by states and terrorist groups. We must also consider the morality of multilateral and unilateral preemptive action to disarm or to prevent the acquisition of WMD by so-called rogue states. The first consideration here must be the criteria by which some states are permitted to maintain WMD while others are denied them.

Five of the six questions we have asked our authors to address seek to elicit their traditions' perspectives on these and other old and new concerns raised by WMD. First, is there any circumstance under which it is morally permissible for any agent to use weapons of mass destruction in war? Second, is the development or deployment of weapons of mass destruction for the sake of deterrence a licit option? We pose here the familiar question: Is one justified in threatening to do something that one considers evil to do? Third, with respect to proliferation, if some nations possess weapons of mass destruction (either licitly or illicitly), is it proper to deny such possession to others? Fourth, is WMD disarmament a moral imperative, morally objectionable, or morally neutral? Does the answer to this question differ for universal versus unilateral, voluntary versus forcible disarmament? And finally, we asked what, if any, policy options the ethical traditions advocate given

the moral positions they espouse. For example, what attitudes do the traditions' spokespersons express on current or proposed international agreements, such as the Chemical Weapons Convention, the Biological Weapons Convention, the Nonproliferation Treaty, and the Comprehensive Test Ban Treaty? If they find them objectionable, what concrete policy alternatives do they prefer?

RELEVANCE

Before we can address the moral issues raised by weapons of mass destruction, we need to consider briefly two questions having to do with relevance: the relevance of the very category "weapons of mass destruction" and the relevance of ethics to public policy on the development and use of such weapons.

When Albert Einstein and Bertrand Russell, among others, used the phrase "weapons of mass destruction" in the Pugwash Manifesto, issued on July 9, 1955, they had in mind nuclear weapons. In Chapters 1 and 2 below, Susan Martin and Paul Szasz discuss some historical and legal reasons that the label "weapons of mass destruction" came to be applied also to biological and chemical weapons, and only these three classes of weapons.¹³ But, as Martin, Szasz, and others suggest, the label may not be descriptively accurate.¹⁴ From the perspective of this book, the interesting question is whether – given the qualitative differences among them – there is a morally relevant reason to consider all three classes of weapons together and to distinguish them from "conventional" weapons.

Two questions arise: First, should all nuclear, chemical, and biological weapons be included in the category of WMD? Is the category, as conventionally understood, too broad? Second, should other kinds of weapons be included in the category as well? Is the category, as conventionally understood, too narrow? In discussing these two questions, we will find that a third arises: What counts as "mass destruction"?

On the suggestion that the conventional understanding of WMD is too broad, consider first chemical weapons. Martin points out that they are the least destructive of the three classes of WMD.¹⁵ Their harmful effects depend on environmental factors such as atmospheric conditions, and people can protect themselves from their effects with proper clothing and breathing apparatus. Moreover, some chemical weapons may be designed only to incapacitate temporarily, thereby serving a military purpose without causing long-term destruction.¹⁶ Some of these points may be made as well about biological weapons. Active measures may be taken to minimize the threat from biological weapons, including inoculation against the most likely threats and rapid quarantining of the affected population.

So, why put chemical and biological weapons into the category of WMD? Nuclear weapons are so manifestly more destructive than chemical and

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biological weapons seem out of place in the same category. A single label encompassing all three weapon types seems too broad.

One response is that some chemical and biological weapons, if used effectively and under the proper environmental circumstances, would probably kill or maim on a level close to that of a small fission bomb. Moreover, the effects of the initial strike would be felt by people who were not present or even born at the time, through transmission, genetic mutation, and environmental pollution.¹⁷ So, even though chemical and biological weapons may not be comparable to nuclear weapons in the rate and extent of damage that they can immediately cause, they are, in some cases at least, descriptively closer to nuclear weapons in the *total* damage they have the potential of causing *over time* than they are to conventional weapons.

In addition, including nonlethal forms of biological and chemical weapons in the WMD category, despite that crucial point of dissimilarity, serves valuable pragmatic purposes and may be justified morally on those grounds. If some chemical and biological weapons can cause mass destruction, then we have good reason to develop practical policies that avoid their development and use. Such policies may be more effective if they ban all chemical or biological weapons, rather than seek to draw complicated distinctions among different types of them. As we know, in all areas of social life, a simple rule is easier to understand and enforce than a complicated one. A complicated rule may be difficult to understand, and it can generate borderline cases and encourage legalistic challenges on the part of those whose intention is to skirt the rule. There is practical value in rules that draw clear and bright lines of weapon prohibition, even when the result may be to ban some weapons that are, considered in themselves, no more objectionable than conventional weapons. Some of the authors in this volume make this point about WMD. Here then we have a pragmatic argument against the charge that the conventional category of WMD is too broad. The justification for including nonlethal forms of chemical and biological weapons in the category of WMD is that doing so facilitates simple rules and clear line drawing in our arms control and disarmament policies.

The second question is whether the traditional understanding of WMD is too narrow. Does it exclude weapons that it should include? Many conventional weapons also have the capacity to bring about mass destruction. One only needs to recall that the conventional bombings of several German and Japanese cities in World War II caused casualties greater than those resulting from the atomic bombings of Hiroshima or Nagasaki. Carol Cohn and Sara Ruddick point out that, given their ubiquity, small arms – perhaps the most typical conventional weapon – have had devastating consequences in the fabric of society, especially on the lives of women, in many parts of the world, bringing about mass destruction of their own.¹⁸ The perpetrators of genocide in Rwanda killed hundreds of thousands with machetes. And Duane Cady suggests that given the extensive civilian harm and

deaths caused by economic sanctions, such as those imposed on Iraq in the 1990s, such sanctions could themselves be seen as a weapon that causes mass destruction.¹⁹

Given these facts, why limit the members of the class of WMD to nuclear, chemical, and biological weapons? If the label were extended to include all weapons (and possibly even instruments not designed to be weapons) that have the potential for causing mass destruction, the distinction between WMD and conventional weapons would be largely or completely lost. As the Rwandan example sadly shows, even agricultural implements can be used to cause mass destruction. Perhaps the distinction should be lost. As the pacifist and feminist authors in this volume argue, if all weapons can cause mass destruction, there is no use in classifying some weapons as “conventional” and others as WMD.

If we grant that conventional weapons and methods of war can also cause mass destruction, is there any morally relevant way to distinguish WMD from them? One way is to focus not on *how many* are killed or on *how* they are killed, but on *who* are killed. This raises our third question: What counts as mass destruction? This is a question raised, explicitly or implicitly, by many of the authors in this volume. In just war theory, as well as in most non-Western traditions, who is killed is morally crucial. According to the principle of discrimination, soldiers may be killed in battle, but civilians are not to be attacked. What distinguishes WMD from conventional weapons is the special relationship WMD have to civilian deaths. In the case of nuclear weapons, the explosive effects are so great that almost anywhere they would be used they would kill many civilians, even if that were not the purpose of their use. This is reinforced by the strong probability that in any likely nuclear war, many nuclear weapons would be used. In general, then, it is close to impossible to use nuclear weapons without killing many civilians. In addition, the secondary effects of nuclear weapons, such as radiation and environmental damage, would severely affect civilians.

Consider now chemical and biological weapons. Neither kind is very effective in military terms.²⁰ Chemical weapons were originally used (in World War I) in a discriminate way. But they were not very effective militarily even then, and, as Martin writes, whatever effectiveness they had depended on the element of surprise.²¹ Their general lack of military effectiveness results from their dependence on atmospheric conditions and the ability of the opponent to protect against them. As for biological weapons, Martin notes, the delayed onset of the effects of their use generally makes them militarily ineffective in battle. The battle may be long over before any symptoms take the soldiers out of action. In addition, like chemical weapons, their use is also dependent on various environmental factors. While chemical and biological weapons are not very effective militarily, they can do great damage to civilians.²² This means that they are more likely to be used against civilians

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than against military forces, and if they were used against military forces, the greater harm is likely to be done to civilians who are relatively unprotected and unprepared to respond.

Thus, the use of nuclear, chemical, or biological weapons would almost necessarily involve many civilian deaths. Although the use of conventional weapons may involve many civilian deaths, this is not necessarily so. Conventional weapons can be used with military effectiveness in ways that discriminate between combatants and civilians. As a result, suggest some of the authors, we may say that WMD are necessarily or inherently indiscriminate, while conventional weapons are not. This is a morally relevant difference to justify the distinction between WMD and conventional weapons. In light of this, it might be better to refer to nuclear, chemical, and biological weapons not as weapons of mass destruction, but rather as *weapons of indiscriminate destruction*, for this better captures their moral distinctiveness.

This approach provides a fuller answer to the first question as well, in that it helps to explain why the conventional WMD category is not too broad. Nuclear weapons and most biological and chemical weapons are inherently indiscriminate, and this provides a basis for considering them together as a moral category. Inherent indiscriminateness becomes, from the perspective of moral relevance, both a necessary and a sufficient condition for regarding nuclear weapons and most biological and chemical weapons as WMD. We may add to this the pragmatic argument discussed above: Even nonlethal chemical and biological agents may be regarded as WMD because of the moral value of clear line drawing in policies of control and prohibition. Putting all these points together gives us this definition:

Weapons of mass destruction are those classes of weapons most of whose members have the characteristic of being, when used in war, inherently indiscriminate, meaning that their use, with whatever intention, would almost certainly result in the deaths of many civilians.

This definition gives us the WMD category as conventionally understood, that is, one that includes all nuclear, chemical, and biological weapons.²³ Because inherent indiscriminateness is a morally important feature, the conclusion is that the traditional category of WMD defines a group of weapons that require special moral attention.

But there is another basis on which to challenge the claim that biological and chemical weapons should be included along with nuclear weapons in the WMD category. There are morally relevant differences between nuclear weapons, on the one hand, and biological and chemical weapons, on the other, despite their shared feature of inherent indiscriminateness. Nuclear weapons have a special moral property that the other two do not have. When used for deterrence, nuclear weapons can lead to what has come to be called mutual assured destruction (MAD), and this has special moral importance.²⁴