

to ...  
...  
... 4 ...  
...  
...

## **MORALITY OF WEAPONS OF MASS DESTRUCTION**

**S.Arokiasamy S.J.**  
Vidyajyoti, Delhi.

We are in a paradoxical situation to reflect on weapons of mass destruction (hereafter referred to as WMDs), in which the U.S. and Britain went to war in Iraq because of the alleged presence of WMDs in Iraq as "imminent" threat posed to the U.S. and Britain. Now the war has turned out conveniently for them a war of liberation and a war for regime change since no WMDs were found even after 4 months since the war was over. This is indeed a skewed situation of an unjustified and unjustifiable war.

During the period preceding the war in Iraq, there was a considerable opinion at the world level against the war. We also know that almost unanimous opinions of religious leaders in the Church, moral theologians, many bishops' conferences, the American Jesuit provincials, Catholic, Protestant and liberal Jewish intellectuals have declared that all the available evidence does not justify the war in Iraq. In all this condemnation of the war, what is implicit is the moral reasoning of just war theory. Just war theory itself has a long history of development going back to Cicero, later in the Christian tradition to St Augustine of Hippo, Thomas Aquinas right up to contemporary times. The study of the sources on the question of just war show us that the moral problem involved in it appears to be more "complex and pluriform"<sup>1</sup>

---

<sup>1</sup> David Hollenbach, *Nuclear Ethics*, New York: Paulist Press, 1983, 10.

We are also aware of those who consider the just war theory either as irrelevant or inadequate in the face of modern warfare. I contend that the quick disposal of just war theory as out of date and irrelevant is superficial. It needs discussion. Without regard and appreciation for the moral reasoning involved in just war theory, some carelessly and superficially write off just war theory and the moral reasoning implied in it. Concerning the modern production, possession and use of weapons of mass destruction, these people would say that just war theory is either outdated or irrelevant. Does it mean that moralists should invent a type of moral reasoning that would justify their production, possession and use? It would mean that the function of moral theology is to justify what the powers that we have decreed. That would be the death not only of moral theology but morality, and finally humanity itself.

I think that in discussing the morality of WMDs, we cannot get away from the moral arguments of just war though it will need nuanced and varied application. What is important is that demands of justness concerning the moral good of humanity and society in the event of resort to war or the use of force cannot be bypassed but rather they will ethically regulate all actions of war or those actions related to war. Here we shall briefly recall the principles of just war under the rubric of justness for war (*jus ad bellum*) and justness in the conduct of war (*jus in bello*). This would provide ethical perspectives for the discussion.

### **Criteria of Just War**

The morality of just war is considered under two headings: a. Justness in going to war or waging war – just cause for war (*jus ad bellum*); b. justness in the conduct of war and principles of justness in the use of force (*jus in bello*).

- a. Justness in going to war and use of force (*jus ad bellum*): "For a war to be justifiable, a number of criteria need to be satisfied: that there be a just cause; that the action be initiated by a legitimate authority; that it be guided by the right intention; that the results of any action do not produce more evil than the good sought; that it is the last resort; that there is a reasonable chance of success; that the eventual outcome be the establishment of peace". Besides one has to reckon with evil consequences both during the war and after the war.

Pope John Paul II said: "As the Charter of the United Nations Organization and international law itself remind us, war cannot be decided upon, even when it is a matter of ensuring the common good, except as the very last option and in accordance with very strict conditions, without ignoring the consequences for there and looting are prohibited. Prisoners of war are to be treated with all fairness and justice, and they cannot be tortured or killed."<sup>2</sup>

- b. Justness in the conduct of war or principles to guide the use of force (*jus in bello*). These are called war conduct issues. There are two major criteria: 1. Proportionate use of force, that is, use of force no more than necessary to achieve the just goals of waging war .2. The criterion of discrimination is the immunity of non-combatants. Hence according to these criteria of the conduct of war the military action that uses disproportionate and indiscriminate use of force will violate the justness in the conduct of war (*jus in bello*).<sup>3</sup> James Turner Johnson, author of several works on just-war theory and other American scholars argue that even if some modern Church teaching on war does include a presumption against war, this is a result of a prudential judgment. Johnson considers that by its nature a judgment of this type is contingent on the particular circumstances and therefore resorting to force cannot be ruled out categorically. So while modern popes have emphasized the importance of a peaceful resolution of injustices, this does not mean that military action can never be justified. We have to state again that there is an in-built presumption against war in just war theory and a call to promotion of peace.<sup>4</sup> The contemporary peace movements have highlighted these dimensions of just war. It means that we do not glorify wars which always involve evil. The criteria of proportionality and discrimination and war as

---

<sup>2</sup> Robert McAfee Brown, *Religion and Violence*, Philadelphia: The Westminster Press, 1987, 19-20.

<sup>3</sup> James Turner Johnson, *Can Modern War Be Just?*, New Haven: Yale University Press, 1984, 11-29, 18.

<sup>4</sup> McAfee Brown, *Religion and Violence*, 19-20.

a last resort are also affirmation of the presumption against war built into just war theory and the need to work for just and peaceful settlements of conflicts.

Given the criteria for a just war as mentioned above, namely: that there be just cause, that the action be initiated by legitimate authority, that it be guided by a right intention, that the results of the war do not produce more evil than good, that it be the last resort, that there is a reasonable hope or chance of success and the eventual outcome be the establishment of peace and stability, we may ask whether war with WMDs can be justified.

### **Just War Theory and Moral Status of WMDs**

Morality of weapons of mass destruction raises a number of questions. In our discussion, we have to clarify the nature of weapons of mass destruction and name the recognised weapons of mass destruction. Why are they considered WMDs? We have to recognise that mass destruction is disproportionate and indiscriminate destruction of life and property in war or conflict especially civilian population and non-combatants. This can be done by weapons of mass destruction or by deliberate intention of wagers of war using conventional weapons or high-tech weapons. Weapons of mass destruction cause disproportionate havoc on life and property by their very nature. Once released, their destructive effects cannot be controlled and monitored by criteria of proportionality and non-combatant immunity. Hence they are called WMDs.

WMDs can be nuclear, chemical, biological and radiological. They kill noncombatants and damage basic facilities of citizens and their supportive infrastructure. Their use violates one of the pillars of just war theory in the conduct of war (*jus in bello*), namely the criterion of proportionality. The very descriptive phrase of "weapons of mass destruction" is morally loaded. In a sense, it carries within it a negative moral evaluation since this kind of weapons either by their nature cause mass destruction of life and property or in their purpose and use destined to cause mass destruction, unjustified and disproportionate. The use of WMDs violates the criteria of proportion and discrimination (judging clearly and strictly the unjust and hostile military targets). Use of

weapons of mass destruction in war or conflicts violates criteria of justness for going to war (*jus ad bellum*) and justness in the conduct of war (*jus in bello*). Their use is unethical not only because effective discrimination and proportionality or restraints are not possible, an essential criterion of justness in the conduct of war (*jus in bello*) but also they raise a more radical question of the justness of going to war with WMDs.

WMDs cannot but cause mass destruction which will invariably violate the criteria of justness in the conduct of war. War with WMDs is unethical. The traditional criterion of *jus ad bellum* that war is a last resort can neither warrant mass destruction with conventional weapons nor engaging in war with WMDs.

From the above remarks it becomes clear that the discussion of the morality of the use of WMDs of this essay may beg the question or it may involve tautology. If weapons of mass destruction are designated to be so because of their negative unjustifiably disproportionate destruction and practical impossibility of discrimination, to discuss morality of weapons of mass destruction is tantamount to tautology. It would amount to saying: wrong is wrong. The tautology of the argument will go like this: Mass destruction of life and property is unjustified (wrong). Weapons of mass destruction in their purpose and intent and their actual are destined to cause mass destruction. Hence their production, possession and their use are unjustified. But we have to explain the moral criterion of unjustness of WMDs. To explain this we have to keep in mind the just war theory and the criteria and reckon with moral arguments and reasoning implied in them.

### **War with WMDs is Unjustified**

War with WMDs has to be judged both according to the criteria of *jus ad bellum* and of *jus in bello*. Some countries may consider war with WMDs legitimate and just to incapacitate and control either terrorists or the so-called rogue states that may use WMDs to destroy innocent people. If we go by the moral argument against WMDs, their production, possession and use whether by States or by the terrorists or the so-called rogue states is morally unacceptable. In this connection we cannot ignore the question as

to who defines terrorists and rogue states. President Bush boasted that the "U.S. is redefining war and toppling tyrants at will". "Since September 11, we have been engaged in a global war against terror... By a combination of creative strategies and advanced technologies we are redefining war on our own terms."<sup>5</sup> In all this the powerful may arrogate to themselves the authority to define them according to which the law that might is right becomes the norm. This would lead to the law of force rather than the force of moral law in matters of relations between States. In this connection we refer to what the Vatican has said about terrorism. There can be no doubt as to the immorality of terrorist actions. The Congregation for the Doctrine of the Faith, in its 1986 "Instruction on Christian Freedom and Liberation," No. 79, stated, "One can never approve -- whether perpetrated by established power or insurgents -- crimes such as reprisals against the general population, torture or methods of terrorism."

Just war theory supposes war with conventional weapons whose use can in principle be regulated and monitored by the criteria of *jus in bello*, especially by the criteria of discrimination (guaranteeing non-combatant immunity) and proportionality as explained above. Whereas WMDs by their nature cannot fulfill the criteria of *jus in bello*. Moreover given the nature of WMDs, war with WMDs enters the criterion of *jus ad bellum* also. It would mean that one cannot plan a just war with WMDs. Use of WMDs nullifies *jus ad bellum*. That is to say, there is no just war with WMDs both according to *jus ad bellum* and *jus in bello*. In this connection, it is important to note that historically the two World Wars did not use WMDs (except the case of atom bombs dropped on Hiroshima and Nagasaki in 1945 towards the end of the Second World War) but used conventional weapons and caused wide spread mass destruction and thus violated the criteria of just conduct of war (*jus in bello*). People who suffered from the two World Wars and the victims of wars have said and continue to say "no more war", a cry of experience of broken bodies and immense

---

<sup>5</sup> Cited from *Toronto Star*, "U.S. Muscle Redefining War" April 17; Ninan Koshy, "Building Communities: Socio-Political Concerns"- a paper presented at the Congress of Asian Theologians IV-referred to as CATS IV- at Chiang Mai, Thailand, 6<sup>th</sup> August, 2003.

suffering showing the futility of all wars to solve people's problems and a plea to build peace. Wars, especially modern wars with high-tech weapons do not guarantee non-combatant immunity. The growing moral opinion is that wars either with modern weapons short of WMDs and wars with WMDs are both "defeat for humanity" (John Paul II).

Today in the context of terrorism and terrorist attack on the World Trade Centre in New York, which all condemn as immoral, waging a war against terrorism or any military response must be in harmony with sound moral principles for which we find valid norms in the traditional Just War Theory. At the same time, war against terrorism even according to sound principles that there is a reasonable hope or chance of success and the eventual outcome be the establishment of peace and stability, we may ask whether war with WMDs can be justified.

Just war theory was developed in the context of the use of conventional weapons which could be regulated by just war criteria. These weapons by their very nature cannot cause mass destruction of life and property but the wagers of war by their malicious intentions can cause destruction without discrimination and sense of proportionality as it happened in the two World Wars as mentioned above, and this happens in a number of small wars and conflicts. Today, militants in Kashmir and Northeast go on killing innocent civilians. Killing of innocents is ethically unacceptable in small conflicts and great wars.

### **Illegitimacy of Collateral Damage**

It is interesting to note that those who do not feel outraged by the production, possession and use of WMDs promote a concept of collateral damage, an euphemism for destruction of non-combatants as unavoidable in legitimate wars today. Moreover we understand that the wrecking of infrastructure supportive of civilian life and other long-lasting destructive effects on environment and nature are part of the collateral damage. In this approach, there is a subtle or not so subtle acceptance of jus ad bellum with WMDs in which we cannot avoid collateral damage, that is a loss of a few thousands or a few millions whose fate is decided upon by those who wage the so-called just war and cause destruction of infrastructure of civilian life and nature. Accepting collateral damage in the sense mentioned above is a blatant

violation of the criterion of discrimination (non-combatant immunity) including violence to civilian life.

War cannot be an unmixed good. There is evil in all wars. We must make it clear to ourselves that all modern wars even without the use of WMDs are unjust because they kill non-combatants and destroy people's sources of livelihood and life-support structures. Here is a quote from the website of < [progressivetheology.org](http://progressivetheology.org) >:

"All war is unjust. In war, soldiers kill people who have done them and their nation no harm, and they are killed in turn by soldiers on the opposite side of the conflict. Noncombatants, including children, die in war, even if every effort is made to avoid killing them. Mistakes are made, and people die. War kills and maims people, destroys property, and ravages the environment. Even after the bombs stop falling and the bullets stop flying, the effects of war linger, and more die. Destroyed infrastructure – roads, bridges, government facilities, hospitals, and railways-results in death from normally preventable illness, starvation, and unsanitary conditions. Remnants of munitions – such as land mines, undersea mines, and depleted uranium shell casings – lurk unnoticed in the countryside or under water, waiting to explode suddenly or emitting radiation surreptitiously for millennia. Chaos in the country under attack leads to the rise to power of authoritarian and often brutal local leaders, or warlords."

Because of the multiple destructiveness of modern warfare, the Church is reluctant in its teaching to endorse the use of force. Moreover, the threat of weapons of mass destruction – nuclear, chemical and biological – has led to greater reluctance on the part of the Church to countenance the use of force. This again affirms that there is an inherent presumption against war in just war theory.

Here is another quote from the website of < [progressivetheology.org](http://progressivetheology.org) > relevant to the point discussed here:

" Those who wage war arrogate to themselves the divine prerogative to decide who will live and who will die. Cain killed his brother, and Lamech killed a total stranger, but war kills people by the thousands, or even by the millions. War is the greatest evil that humankind has ever invented, and it

always involves great injustice. Yet despite the inherent injustice of war, is it ever justified?"

## Nuclear Weapons

Here we have to consider the question of countries having nuclear weapons and the nuclear deterrence policy that goes with it. This is a complex question but clearly a question of WMDs. Given the state of some countries having nuclear weapons, nuclear ethics was discussed in terms of nuclear deterrence. In the ethics of nuclear deterrence, the goal is the prevention of their use by mutual threat supported by parity of the strength of nuclear weapons. We have to note that the ethics of nuclear deterrence<sup>6</sup> basically starts with *fait accompli* of countries having nuclear weapons and considers how to handle such a situation so that their use is effectively prevented and peace is promoted. Ethically speaking, it can be only an interim measure and there should be effective commitment on the part of nuclear powers to progressive nuclear disarmament. Nuclear weapons as weapons of death and mass destruction must be eliminated and their production and stockpiling declared illegitimate.

The question is: How do we morally respond to this situation? First concern is: how do you work towards their non-use or prevention of their use and secondly how do we eliminate this category of weapons altogether? Ethical considerations will be focused both on the prevention of the use of nuclear weapons and progressive nuclear disarmament towards a world free of nuclear weapons and a peaceful world. Hence Nuclear Deterrence policy needs to ethically relate to the two questions mentioned above. At the same time, if the use of nuclear weapons, for that matter other types of WMDs, is morally unjustified according the norms of just war, what about the morality of the very production of such weapons?<sup>7</sup> There I advance the democratic argument against nuclear weapons. I argue that the production and possession of such weapons diverts precious resources for development of

---

<sup>6</sup> D.Hollenbach, *Nuclear Ethics*, New York: Paulist Press, 1983.

<sup>7</sup> S.Arokiasamy, "Nuclear Weapons: A Miscalculation", *National Christian Council Review*, 103 (1983) 346- 353.

people for the production of weapons of death and that such weapons are conveniently protected by a veil of military secrecy thus making the enterprise of production of nuclear weapons as unaccountable to the people, hence considered anti-people and anti-democratic. In so far as nuclear weapons are WMDs, their use in wars and conflicts cannot be justified. Since their production and possession management are so costly besides predatory diversion of funds meant for development as mentioned above, and always under a veil of secrecy, they are anti-people and cannot be morally justified. It is preposterous that the U.S. speaks of "usable" nuclear weapons and "smaller nuclear weapons" that can be used in the battlefield.<sup>8</sup> In this short article I do not go into elaborate discussion on nuclear deterrence on which there are a number of studies and which will also make this article unduly long. Nuclear ethics nuclear deterrence need a separate treatment. We can only point to the moral reasoning used for the ethics of nuclear deterrence as present in just war theory. Corden in the article referred to above, accepts the basic moral reasoning of just war and adds few more perspectives to widen the rationale for the complex issue of nuclear weapons. He links it with the question of the magnitude of the destructive power of WMDs, stability of international relations, the need for technological change (i.e. to give up such technologies and say politically no to them) and the control in the production of nuclear weapons and WMDs, the paradox of non-proliferation to be handled carefully and equitably and the need for evolution in political organisation to guarantee a new world order free from nuclear weapons and other WMDs.<sup>9</sup> Today even the nuclear deterrence policy of countries that possess nuclear weapons makes them subtly pride themselves on the possession of these weapons and perpetuates power status of these countries with an ambition to retain the status. Today, nuclear deterrence is viewed more and more negatively. In 1973, seventy Catholic bishops of the U.S. stated that "nuclear deterrence as a

---

<sup>8</sup> Ninan Koshy's paper at CATS IV; Pierce S. Corden "Ethics and Deterrence: Moving Beyond Just War Tradition" in Harold P. Ford and Francis X. Winters, eds. *Ethics and Nuclear Strategy?* New York: Orbis Books, 1977, 166- 179.

<sup>9</sup> Ford and Winters, *Ethics and Nuclear Strategy?* 159-173.

national policy must be considered as morally abhorrent because it is the excuse and justification for the continued possession and further development of nuclear weapons."<sup>10</sup> It is interesting to note the statement of WCC in the Vancouver Assembly in 1993 , " We believe that the time has come when the churches must unequivocally declare that the production and deployment as well as the use of nuclear weapons are a crime against humanity and that such activities must be condemned on ethical and theological grounds."<sup>11</sup>

### **The Ethic of Preventive War or War of Pre-emption**

The war of pre-emption throws the just war into the quicksand of relativism and unilateralism difficult to monitor and control. In a globally connected world, the unilateralist act of pre-emptive war will disrupt the international order that should regulate the relations between nations. In the present state of one super power, such an approach would lead to unilateralism to the detriment of the U.N. which is still a forum for the community of nations to come together and promote peace and work for a just peaceful world.

In this connection we have to mention that the U.S has started a new kind of war called preventive war going beyond just war criteria when there is no clear immediate threat of aggression, especially with WMDs which has thrown international law (law that governs relations between sovereign nations) into disarray. The concept of pre-emption is so relative that it can be stretched to dangerous and stupid extent that it can lead to the mighty defining the justness of wars. It will lead to the principle of might is right. Possession of WMDs is might. The mighty can possess and use WMDs and justify them. In this connection the observation of Michael Quinlan is pointed: " It would be objectionable in principle and dangerous in practice that the decision of virtually a single dominant power should establish a major new rule for such intervention and judge what requires should be viewed as awful

---

<sup>10</sup> *An Evaluation of Nuclear Deterrence*, Pax Christi Bishops in the United states, June, 1998, quoted by Ninan Koshy in his paper to CATS IV, 8.

<sup>11</sup> Quoted by Ninan Koshy , CATS IV, 8.

enough to be caught by it and determine what corrective action should be taken." (The *Tablet*, 19 July 2003, p. 4). This will also lead to the law of force rather than force of moral law and international law. The moral reasoning behind just war theory stands for the force of moral law of humanity to protect people and promote peace. The moral reasoning in just war theory is in consonance with the N.T., preferred option for non-violence. Just war theory is not a moral philosophy or theology of war. Its foundation is a philosophy and theology of peace and harmony with attention to justice and wellbeing of people. There is an inbuilt-presumption in the theory against war and a call to build peace.

We must make it clear to ourselves that all modern wars even without the use of WMDs are unjust because they kill non-combatants and destroy people's sources of livelihood and life-support structures. It is ironic that Bush and Tony Blair went to wage war in Iraq without the use of WMDs to remove WMDs of Saddam, which were not there, and their war has left the country of Iraq and its people in a mess and misery.

The purpose of just war is not the promotion of war but to prevent and limit war. Even in the historical situation of the necessity of armed defense as a last resort, the presumption is that use of force is not good. Hence its use is hedged in by many conditions. The goal is peace. Since all wars have become evil, which the moral reasoning of just war has exposed, our commitment is not to pursue wars under the rubric of just war but to work for peace. As Thomas Rees observes in *America* (March 24, 2003, p. 11) "Today Catholicism adheres to a rich theology of peace, of which Just War is only part". We need to develop a rich theology of peace with resources of cultures and religions and strategies of peace-making both locally and globally.