Reader's Response

"The Cruise Missile and the Neutron Bomb": Some Critical Reflections

Paul Ramsey

In his analysis of the moral aspects of the neutron bomb as a weapon of war, "The Cruise Missile and the Neutron Bomb: Some Moral Reflections" (Worldview, December, 1977), James T. Johnson quite correctly stresses its lesser after-effects upon human habitation. This he understands to be a requirement of "the principle of civilization" in "limited" war. But to explore this, he writes, "we must leave behind the idea that direct, intentional attack [in "just" war theory] means also immediate effect." The word "also" is puzzling. If the author had said that the principle of discrimination means not only immediate effects but long-term effects as well, that would have launched, perhaps, an endeavor to assimilate proportion (after effects) and discrimination (immediate effects) as principles in a limited-war theory.

Instead, the author's goal seems to be to ascribe lexical priority to proportion, where primacy was assigned to discrimination in "just" war theory. In order to stress the lesser after-effects (in terms of which the neutron bomb has much to be said for it), Johnson need not have given an entirely mistaken account of how one should analyze the immediate effects of this or any other weapon or act of war under the principle of discrimination.

Since all persons, civilians and combatants alike, in the target area are destroyed, he writes, the neutron weapon "is indiscriminate over the area of its effectiveness." That is entirely mistaken moral analysis. In the famous "rule of double effect," the two effects had to be simultaneous or immediate in the target area (if "target" means the "area of its effectiveness"). A military commander who directed a neutron bomb against combatants (e.g., a tank assault) should be faulted if nearby civilians were killed first, then the soldiers. He should, rather, posit with moral simultaneity the intended destruction of the assaulting army and the unavoidable civilian deaths he knowingly permits. Whether their number is proportionate, or for that matter whether combatabant destruction is excessive or not, is a judgment of proportion—as is also taking into account after or civilizational effects.

To make his point Johnson need not have misunderstood the immediacy of the good and evil effects in discriminate acts of war. It is the case now that large blast, low-intensity radiation weapons would kill all persons within a much larger "target" area (in Johnson's incorrect use of that word for "area of effectiveness"). A low-blast, enhanced radiation weapon is a more discriminating weapon because and only because it presumably would simultaneously narrow the radius of its effects on the intended target and of the "unintended" necessary collateral effects on anyone else within the scope of the destruction.

This initial, serious misunderstanding of the principle of discrimination is compounded when Johnson goes on to state that the "principle of charity" requires "that combatants be distinguished from noncombatants in war." In context, by "distinguished" he can only mean "separated," since the objection was that the neutron bomb is an indiscriminate weapon because its immediate effects are to kill everyone within its area of effectiveness. One need only (Continued on page 56)

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of history, society, government, neighborhood, especially as the subject of human rights should be taken very seriously indeed, comes to the forefront in foreign policy thinking. One who was a snob at heart and was too much occupied by the relationship between law and morality, but is clearly more at ease with legal theory than with mythical, perhaps ontological, understanding of reality itself. Dworkin can help protect us from the danger that the new human rights emphasis will be viewed as a strategic gambit or metaphor for renewed cold war. The subject of rights, Dworkin argues persuasively, is at the foundation of our understanding of history, society, government, neighborhood, and self.

Young Reinhold Niebuhr: His Early Writings—1911-1931
ed. by William G. Chrystal
(Eden Publishing House [St. Louis]; 250 pp.; $12.95)

Niebuhr was almost certainly the most politically influential religious thinker of his day, and students of his career will be grateful for this volume, which makes readily available the essays, sermons, and lectures by which his development can be traced. There are pitfalls here, such as Niebuhr’s enthusiasm for the Wandervogel, the German youth movement that he was confident “augurs well for the future of the nation” but turned out to be the vanguard of Nazism. John Murray Cuddihy’s recent critique of Niebuhr in No Offense: Civil Religion and Protestant Taste as one who was a snob at heart and was too eager to overcome the “provincialism” of his German Evangelical background receives considerable support from these documents, if that is the kind of argument one wants to make. But chiefly these writings are both complementary and complimentary to the later Niebuhr. He comes across as a young man of extraordinary intelligence, wide-ranging interests, and indomitable desire to relate religious insight to the world of his time and ours.

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know that there are civilians within the scope of lethal effects, not who or where they are, in order to know that the circle of destruction should be drawn as close to the legitimate military target as possible. I, therefore, intimated in the same issue of Worldview (“Consider the Morning Glory”) that the neutron bomb is a weapon that could be used to enhance discrimination in a possible future war.

Johnson’s real target at this point is the lexical priority of judgments about discrimination over judgments of proportion. He later writes that the principle of discrimination, when based on charity, “requires an absolute distinction between combatant and noncombatant.” Here the word “absolute”—as before the word “distinguished”—covers a confusion. Whether one believes that the principle of discrimination states a requirement of natural or common justice or believes (as I do) that discrimination in just war traditions is a derivative of justice illuminated by charity, is not at issue. That principle, in either case, requires that the wanted and the unwanted effects be simultaneous or immediate. To say this in no way diminishes the moral importance of taking long-range effects into account. To assume, as Johnson does, that civilizational effects are given proper weight if and only if primacy is ascribed to the principle of proportion is to beg a question that has to be proved. It is also unjust intellectual combat to obtain that easy victory by sending out—as a decoy to distract attention—a quite misleading
interpretation of the principle of discrimination.

Johnson seems to have a prejudice against the fact that biblical themes (e.g., *hesed*, *agape*, or charity) may have helped shape the principle of discrimination in the Western tradition concerning just conduct in war. His practical goal is praiseworthy, namely, to remove any impediment in the way of the emergence of a world justice that can be the foundation of international law in today’s world. That has to be a secular, or at least a common justice; distinctive Christian claims get in the way.

To this several things can be said in reply. First, perceptions of justice are always less than universal views. There is little empirical evidence that world community would be any closer—or at least a common justice; distinctive Christian claims get in the way.

Second, tradition of ethics is the best and also the most relevant way to be an ethical and political reasoner. This is rationally compelled to agree. This is called “foundationalism”; and it was a tradition of ethics and are not to be abstracted in context a reader might naturally understand the article as he did. That one exception has to do with my statement (p. 23, col. 1): “All persons in the target area who are not protected against neutron radiation will suffer these effects; the weapon is indiscriminate over its area of effectiveness.” I should not have used “indiscriminate” here, since in context a reader might naturally think, as Ramsey does, that I am using it in its technical moral meaning. This was not my intention; the last clause of the sentence quoted was meant simply as a rhetorical device, an appositive reiteration of the first part of the sentence to give it emphasis. An example of my use of this term in its technical moral sense comes a few sentences after the one at issue (p. 23, col. 2): “[D]iscrimination remains a moral term defining the choice...to use a given weapon or not, or to use it one way as opposed to another. When I use “discrimination” and its derivatives technically, I do not believe my usage differs from Ramsey’s.

Ramsey also faults my usage of “target area” when I should, he believes, use “area of effectiveness.” I grant that I use the two terms equivalently, but this is not idiosyncratic. Indeed, Ramsey’s criticism on this point seems against a great deal of evidence that he has an ally in every human heart. In any case, whatever a love-informed justice discerns, that is discerned to be just. For these reasons I am not at all reluctant to say that many things got into Western civilization because they were judged to be Christian, and are now so fundamentally a part of it that they cannot be removed without bringing the house down. Persons who in their lives bear, witness and vivify these aspects of our heritage, or who in their thinking keep them clear, are doing as much as anyone can to enhance the quality of that coming world civilization on which Johnson pins his hopes more than I.

James T. Johnson Responds

Paul Ramsey’s interpretation of what I wrote is so different from what I thought I had said that his letter caused me to reread my article. I still do not see how, with one exception, he could have understood the article as he did. That one exception has to do with my statement (p. 23, col. 1): “All persons in the target area who are not protected against neutron radiation will suffer these effects; the weapon is indiscriminate over its area of effectiveness.” I should not have used “indiscriminate” here, since in context a reader might naturally think, as Ramsey does, that I am using it in its technical moral meaning. This was not my intention; the last clause of the sentence quoted was meant simply as a rhetorical device, an appositive reiteration of the first part of the sentence to give it emphasis. An example of my use of this term in its technical moral sense comes a few sentences after the one at issue (p. 23, col. 2): “[D]iscrimination remains a moral term defining the choice...to use a given weapon or not, or to use it one way as opposed to another. When I use “discrimination” and its derivatives technically, I do not believe my usage differs from Ramsey’s.

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The other issues Ramsey raises are different and more substantial. On them I believe we do differ significantly, and this is a proper place to identify those differences.

1. Ramsey appears to believe I have, in introducing the question of long-term effects, sold out discrimination to proportionality. Only immediate effects, on his terms, can count as discriminating or nondiscriminating; long-term effects are by definition matters of proportion calculation. My point is that the long term has also to be considered within the category of discrimination (p. 23, col. 2). Thus I can agree completely with Ramsey when he writes that a military commander should “posit with moral simultaneity the intended destruction of the assaulting army and the unavoidable civilian deaths he knowingly permits” (emphasis added).

Where long-term effects are knowable at the time of the moral decision, they are relevant, not simply as questions of proportion but also as questions of discrimination. Nor is this such a strange
argument in the just war context, though it does not fit the definition of double effect Ramsey employs.

The point I am making first appears in Deuteronomy 20: 19-20, where the cutting of food-producing trees as an act of war is prohibited. Ramsey’s sources for what counts as just war doctrine—Augustine and Thomas Aquinas—concentrated on immediate effects, and Thomas’s doctrine of double effect, which Ramsey is using, did not take account of the implications of this prohibition. This is Augustine’s and Thomas’s problem (and Ramsey’s), not one of the just war tradition, which is defined by a great deal more reflection than these men’s writings incorporate.

I grant that, historically, the idea introduced in Deuteronomy 20 did not emerge again in just war thought until the modern era: specifically, with John Locke, who at least for me belongs within the just war tradition. As Locke argued the point, whether or not the fathers are legitimately open to the punishments and reprisals that war brings, their children (and their children’s children) are not. This, for Locke, limits what a just conqueror may do toward an unjust enemy nation that it has beaten and now controls. More generally, belligerent rights to proceed against combatants in war do not extend to harming persons after the war as well. Far from making more of proportionality by introducing the question of long-term effects, I am suggesting that it directly concerns the moral criterion of discrimination whether, for example, children are born mutants as a direct result of weapons-produced radiation their parents received in wartime. My difference with Ramsey is over what counts as discrimination, and it is not until after I treat this matter that I even turn to the principle of proportion. (The roots of my position are defined in my Ideology, Reason and the Limitation of War [Princeton, 1975], chap. IV, where I treat Locke and Vattel on war.)

2. The above has to do with the absolute criterion of discrimination, which I (with Ramsey, I believe) take to be at the heart of just war theory. But when one turns to the theory of limited war, the relative criterion of proportionality is at center stage. I define the idea of limited war by reference to the eighteenth-century pattern of warfare, and there one encounters a concern for noncombatant immunity. And at the root of the concern for protecting such persons lies considerations of proportionality. Now, noncombatant protection employs a principle of discrimination. But discrimination here is not defined absolutely but relatively, because it depends on the principle of proportion. When I use “absolute” to define the charity-based concept of discrimination Ramsey employs, this is aimed at avoiding confusion—not, as Ramsey has it, covering it.

In general, though, my point in the discussion of the primacy of proportionality in limited-war theory is to argue something with which Ramsey clearly agrees: that long-term effects have to be counted in when one is making calculations of proportionality. But I confess to being deeply puzzled by his insistence that the long term belongs only here; if immediate effects must be considered under both the jus in bello criteria, why must not long-lasting effects also be considered under both? Ramsey seems not able to allow this to occur; consider the first paragraph of his letter. There he makes much of my use of “also,” suggesting “not only” instead. Now, my sentence to which he refers still seems meaningful to me, but if Ramsey wants me to use “not only, O.K. His “not only” version seems to me to say the same thing as my “also” version. But I cannot accept the conclusion he advances: that if this is what I mean, I must launch an endeavor to assimilate proportion and discrimination together. Again I am arguing that long-term effects must be considered, in exactly the same ways as immediate effects must be considered, under both separate categories. I would welcome further explication from Ramsey as to why this is not possible.

3. I am so mystified by the last part of Ramsey’s letter, beginning with his suggestion that I am prejudiced against biblical themes in just war thought, that I hardly know how to answer it. One should at least be able to recognize one’s own thoughts in the words of one’s critics. And I have thought, in any case, that laying two theories alongside each other so as to compare them was a perfectly defensible intellectual gambit. But now I am told I was wrong about that. Come now. Professor Ramsey!

Indeed, my mystification regarding this part of the letter is only a higher power of the mystification I have felt at the first part. Ramsey seriously misreads the plain sense of what I say, notably on pages 23 and 24, and he compounds this by attempting to fit my argument, which is based in a concept of just war tradition more comprehensive than his, into his rather narrower vision. What Ramsey repeatedly represents as “mistaken” in my account is “mistaken” only in the sense that it differs from what he takes to be the normative tradition of just war. To reiterate something that is in the final section of my article: Ramsey’s interpretation of just war thought stands as an achievement of great significance; yet it represents a particular perspective. To understand the relation between a charity-based theory, which Ramsey’s is, and other versions of just war thinking that are not charity-based requires, among other things, the ability to distinguish between them. I fully share with Ramsey the conviction that it is erroneous to think of religious input as something outside of culture (cf. p. 26, col. 2). But where there is a coherent body of theory and practice, like the limited-war example, which is notably different from authoritative views on what religion is and requires, then that is precisely where attention should be focused in order to illuminate the ways in which religious influence is or may be transmitted, and vice versa.

To return to the main point of the article. When a new weapon is introduced, it is time to ask whether and how it may be used morally. To take the case of the neutron bomb, my discussion of which mainly concerns Ramsey, I have argued that both discrimination and proportion are to be brought to bear on the question of its long-term effects. I have further argued that both a charity-based just war theory like Ramsey’s, where the primacy is given to an absolute principle of discrimination, and a non-charity-based theory like that of limited war, where the primacy is given to proportion and the principle of discrimination is therefore relative, produce their own reasons why this weapon is a morally better one to use in wartime than those it is designed to replace. I have, finally, reflected on the limits of a charity-based ethic to define acts of non-Christians, both inside and outside Western “Christian” tradition. This is what the article dealt with, despite the present interchange, and I welcome further response to these arguments.
Amnesty International Prisoners of the Month

Each month Amnesty International selects the cases of individual prisoners of conscience as its "political prisoners of the month." This month the worldwide human rights organization is working on behalf of three prisoners, in Egypt, Bulgaria, and Indonesia. For further information on what can be done to help these, and other, prisoners, contact Amnesty International, 2112 Broadway, New York, N.Y. 10023.

Ahmed Fu'ad Negm, Arab Republic of Egypt

Ahmed Fu'ad Negm, a forty-eight-year-old poet, was arrested in January, 1977, following the countrywide food riots in Egypt. He was later released pending trial, but rearrested on November 16 after attending an illegal political meeting with several students at Ain Shams University in Cairo. On November 29 Negm and twenty-one other political detainees began a hunger strike in protest against their detention and unsatisfactory prison conditions.

Although no date has yet been set for Negm's trial, his case will appear before a military tribunal rather than a civil court.

Ahmed Fu'ad Negm had been arrested several times before, either for membership in an illegal political organization or because of his poetry, which has often been critical of the government.

He is detained at Tora prison, and AI is particularly concerned for his health. He is known to be suffering from a chronic stomach ulcer, which reportedly started to hemorrhage during his detention.

Stefan Wladimirov Gusenko, Bulgaria

Stefan Wladimirov Gusenko, a fifty-year-old electrician, was arrested on September 18, 1976, and sentenced to three years' imprisonment for distributing "anti-Communist literature." Before his trial on December 28, 1976, Gusenko was kept in solitary confinement at the central prison in Sofia, Bulgaria, and his wife and two children, aged twelve and fifteen, were not allowed to see him.

According to AI information, Gusenko was tried, charged, and sentenced only for possessing and distributing Western literature to his friends. He was known at work and by his friends to have criticized working conditions and violations of human and civil rights by the Bulgarian authorities.

The two articles in the Bulgarian penal code under which Mr. Gusenko was reportedly sentenced prescribe nonviolent activities. Article 108 carries a term of up to eight years' imprisonment for individuals who "intend to weaken the power of the Bulgarian People's Republic, propagate fascist or antidemocratic ideologies, support acts against the People's Republic or publicly incite these acts, or if they disseminate derogatory statements that harm the social order, or disseminate literature that advocates any of these practices." Individuals who "disseminate untruthful statements that could incite mistrust amongst the Bulgarian people of the power of the state, or confusion in society" are liable to a term of up to two years' imprisonment under Article 273.

Wladimirov Gusenko's present place of detention is not known to AI. His wife and relatives are apparently under constant surveillance and reportedly have been harassed by members of the Bulgarian secret police.

Mrs. Nurtjahja Murad, Indonesia

Nurtjahja Murad, aged forty-two, was born in West Sumatra, Indonesia. At an early age she moved to Jakarta and, after completing her studies, became a teacher of Indonesian. In 1959 Mrs. Murad obtained a scholarship to study Russian language and literature at the Lumumba University in Moscow. After graduating in mid-1965 she returned to Indonesia a few weeks before the abortive coup in October of that year. She is married to Murad Aidit, the younger brother of the late Communist party chairman D.N. Aidit.

Soon after the attempted coup Mr. Aidit was arrested and detained for two years. During this time Nurtjahja Murad taught in a secondary school and supplemented her income by part-time work as a dressmaker to support her four children. Her husband was released in 1967 but rearrested in September, 1968, along with Nurtjahja Murad, who took her fifth and newly born child into detention with her. The couple were arrested along with several other graduates of Soviet and Eastern European universities, who were regarded as security risks because of their academic training in Communist countries.

Nurtjahja Murad had not played a political role in the Soviet Union or in Indonesia after her return. The accusations against her probably relate to her status as wife of Murad Aidit, who was more politically active than she, and as sister-in-law of the chairman of the Indonesian Communist party (PKI).

After about nine months in detention camps in Jakarta, Mrs. Murad was transferred to Bukit Duri prison in May, 1969, and placed in solitary confinement. In 1970 she suffered a severe attack of gallstones and was in the hospital for forty days. On her return to Bukit Duri she was again placed in isolation, and her health deteriorated. Only in early 1971 was the isolation decree lifted.

In 1971 Mrs. Murad was moved to Plantungan Women's Detention Camp in Central Java and in November, 1976, transferred to Bulu prison in Semarang with forty-five other women from Plantungan. These women, none of whom has been formally charged or tried, are kept in isolation. They were not released in the December, 1977, amnesty in Indonesia, since the authorities allege they are political "diehards."

Murad Aidit, however, did benefit from the amnesty and has returned to Java after being imprisoned on the island of Buru.