

Report from the Center for

PHILOSOPHY & PUBLIC POLICY

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Are We Cheating Our Children?

To make its research readily available to a broad audience, the Center for Philosophy and Public Policy publishes a quarterly newsletter: *QQ—Report from the Center for Philosophy and Public Policy*. Named after the abbreviation for "questions," *QQ* summarizes and supplements Center books and working papers and features other selected work on public policy questions. Articles in *QQ* are intended to advance philosophically informed debate on current policy choices; the views presented are not necessarily those of the Center or its sponsors.

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Life in any form that we can imagine depends on energy, and life as we know it depends on an enormous amount of energy. Our highly industrial, technological, consumer-oriented civilization requires vast quantities of fuel to warm and cool us, feed and clothe us, drive our engines and power our factories. The world's energy use has been increasing exponentially, with little sign of any imminent slackening; the last few generations have burned more fossil fuels than all previous generations combined. Even as the major industrial powers begin to question the desirability and possibility of limitless growth, Third World nations are hastening to build their own industrial plants and correspondingly accelerate their consumption of energy.

For how many more generations can this rate of energy use be sustained? Each generation cannot blithely burn more energy than the last and expect the generations that follow to be able to do the same. Viewed from a long-term perspective, the supplies of the most heavily relied upon fuels are literally running out; renewable sources of energy pose risks we are not yet able to predict or control, or have yet to be shown to be practicable for meeting the seemingly boundless energy needs of the contemporary world. Virtually all experts agree that supplies will continue to dwindle and risks will continue to mount, although there is far less consensus on workable alternative strategies.

Virtually everyone also agrees that it is wrong for the current generation to deplete exhaustible resources and produce inexhaustible hazards, bequeathing a future rich only in risk. Though philosophers debate the source and grounds of our obligations to future genera-

tions, few doubt the existence of the obligations themselves. Whether we explain them as obligations to respect the rights of future persons, or to maximize human happiness, or to produce a better world, the obligations limit our current range of energy choices, perhaps quite severely. No one takes seriously the view that the universe is ours, to plunder and despoil as we will.

But what exactly is the scope of our obligations to future generations? What is it that we owe them? For any use of nonrenewable resources involves leaving an irreversibly diminished inheritance, yet surely we are not obligated to forgo their use altogether. Nor is it possible to live contemporary life without passing on to our descendants certain long-lasting risks. The future, furthermore, is in many respects unknown and perhaps even unknowable. What can we owe to those who may live unimaginably different lives in an unimaginably altered world? The answers to these questions constrain our current choices of alternative energy policies.

Supply and Opportunity

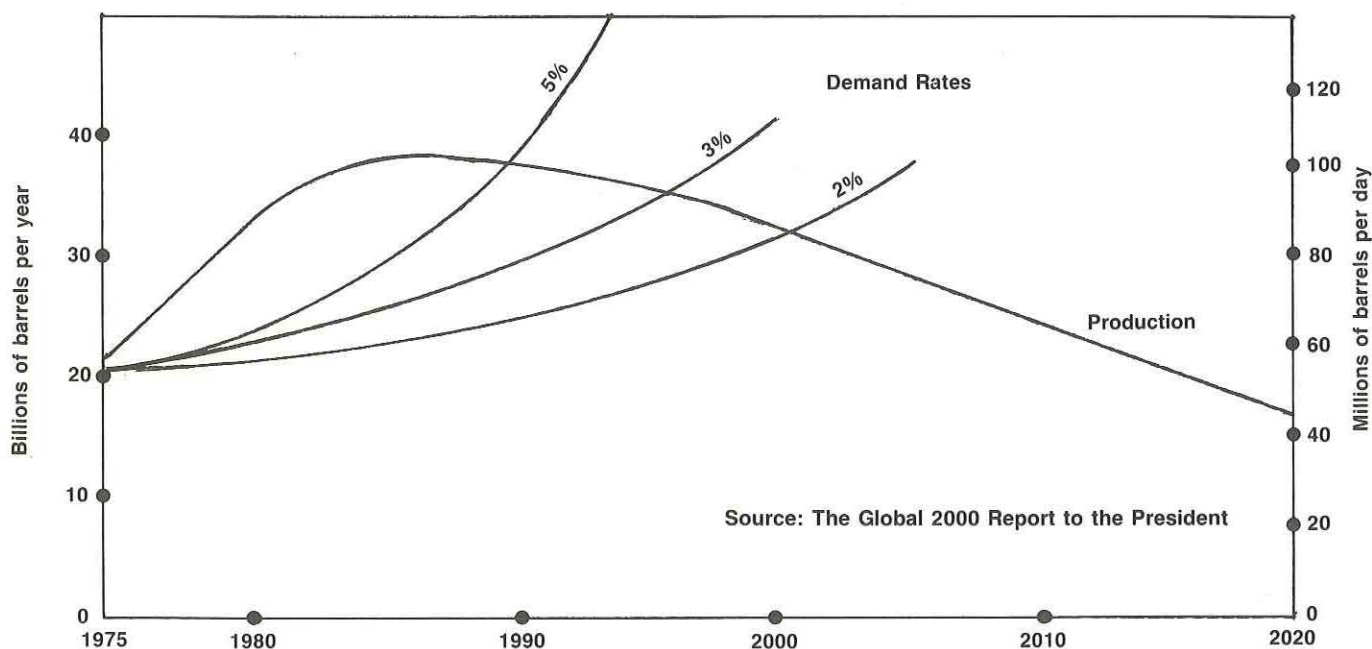
Two-thirds of the energy used in the world today draws upon the resources whose future supplies are most uncertain: oil and natural gas. David Bodde, Assistant Director for Natural Resources and Commerce in the Congressional Budget Office, estimates that "world oil use [in 1980 was] about 64 billion barrels per day . . . which would suggest a seventy-year supply," given ultimate world oil resources "in the neighborhood of 1600 billion barrels." The outlook for natural gas is less certain, but no more optimistic.

Bodde warns, "The transition away from oil and gas must certainly be completed within 100 years, and probably much sooner." The central question for designing a long-term energy policy is to determine how we will make this transition and who will pay the costs.

For our own generation, the question is not whether we should stop depleting the nonrenewable energy stock, since we could not abandon all use of these fuels, nor does justice require this of us. Earth's current inhabitants have rights, too, and if future generations can lay claim to a share of resources, so do we have our share. But what *is* our share, and how should we proceed, in fairness both to ourselves and to our heirs?

Philosopher Brian Barry argues that all generations have an *equal* claim on natural resources: "From an atemporal perspective, no one generation has a better or worse claim than any other to enjoy the earth's resources. In the absence of any powerful argument to the contrary, there would seem to be a strong presumption in favor of arranging things so that, as far as possible, each generation faces the same range of opportunities with respect to natural resources."

Natural resources are valuable, however, only given technology and capital adequate to convert them into usable energy, and so each generation's share of resources must be determined in a fuller context. This means that our legacy to our descendants must include not only a decent share of the resources themselves, but a decent share of the technology and capital that make them valuable. For just as the present generation has no special claim to the resources, so it has no special claim to any but the incremental capital and technology it has contributed to its own vast in-



World maximum oil production at a medium depletion rate and world demand at three growth rates

heritance. As Barry points out, "Most of the technology and the capital stock embodying it are not by any stretch of the imagination the sole creation of the present generation; we cannot therefore claim exclusive credit for it." Even if the current generation cannot avoid depleting the world's stock of resources, it can—and ought to—avoid depleting its inherited stock of capital and technology.

Indeed, we can—and ought to—enhance and increase the stock of capital and technology we pass on, for in this way we can compensate to some degree for unavoidable resource depletion. This idea of

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compensation provides the cornerstone of intergenerational distributive justice. Thus Barry proposes: "Future generations are owed compensation in other ways for our reducing their access to easily extracted and conveniently located natural resources. In practice, this entails that the combination of improved technology and increased capital investment should be such as to offset the effects of depletion." David A.J. Richards, Professor of Law at New York University, offers a similar proposal: depletion of nonrenewable resources can be compensated if "concurrent with that depletion, a technology has been developed that will meet the depletion and make available to later generations . . . a technology that can secure from depleted resources at least as much (for example, energy) as would have been secured by the original resource." Barry's and Richards's proposals provide a minimal standard of just resource allocation across generations.

Two questions arise:

1) What if future generations have tastes and habits sufficiently different from ours, or develop sufficiently altered lifestyles or cultures, so that the resources we conserve for them don't give them the kinds of happiness or satisfaction they give us? For in some sense it isn't the resources themselves that matter, nor even the energy they can be converted to, but how the quality of human life is enhanced by their use. What matters, on this view, is not what productive opportunities we bequeath our descendants, but how much utility they derive from those opportunities, and it is equality of utility for which we should strive.

But, in practice, Barry argues, it is enormously difficult to determine how individual persons "convert the means of happiness into happiness itself," and so these kinds of differences should be disregarded in determining public policy. Economist Talbot Page also

opposes second-guessing the future in this way: "It seems sensible to focus on and limit our responsibility to what we can foresee and control. With some effort we can control the form of the heritage to be passed on to the next generation. It is beyond the control of the present generation to ensure that the next one will be happy or hard-working. . . . we can only assure them of certain opportunities for happiness that we foresee will be essential."

Barry maintains, moreover, that even if the practical difficulties of predicting future happiness were not insuperable, justice simply does not require equal distribution of utilities. "Justice consists in [everyone's] getting an equal crack at society's resources," not in everyone's getting the same measure of happiness from those resources. "We should not hold ourselves responsible for the satisfaction [future generations] derive from their opportunities." The opportunities are our concern; the satisfaction, theirs.

2) But what if the world changes in such a way that the resources we carefully conserve and pass on no longer provide a viable source of productive opportunity? Page calls attention to the possibility that "a great deal of effort and sacrifice could be spent preserving some part of the resource base that no one in the future might want."

Although our radical ignorance about the future keeps this possibility in view, Page suggests that it can be all but dismissed for "essential goods—conditions of basic health, alternative provision of energy sources, water, soil, space per capita, etc." It is extremely unlikely that such goods would ever be preserved for naught. And, "as an empirical matter, it appears that dependence on the physical resource base is growing, not shrinking." We may risk inefficiency by saving for our children, but by not saving we risk injustice. If we can avoid one only at the cost of the other—which is

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not at all certain—perhaps it is better to err on the side of behaving justly toward those who come after us.

What, then, does distributive justice across generations require of us? We should progress on the transition from nonrenewable to renewable resources and develop technology to make our nonrenewables go further. But those renewable resources that are currently best developed to meet our burgeoning fuel needs also carry with them the greatest intergenerational risks, and new technologies to extend the nonrenewables may create risks of their own. Supply and risk are in some cases traded off against each other: oil and

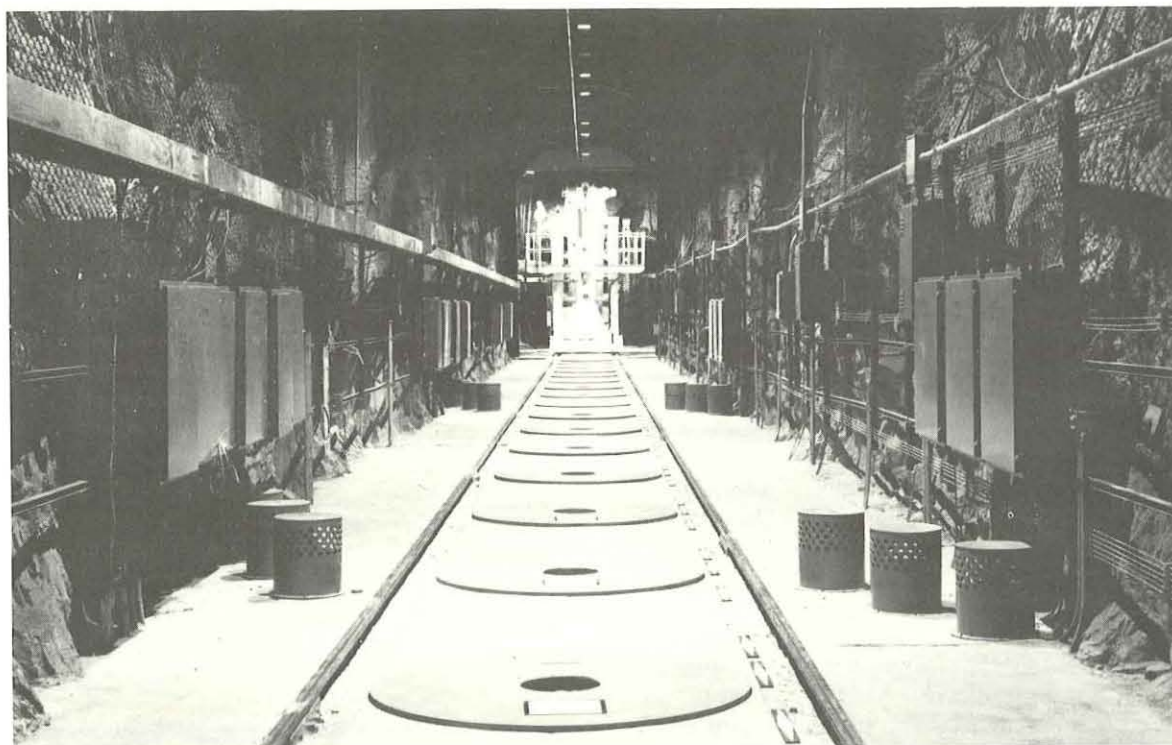
natural gas are relatively benign in their health and environmental impacts, but their supplies are in greater danger of exhaustion; coal and uranium are more plentiful, but their attendant risks are greater. Any plausible principles of intergenerational justice must address questions of risk as well.

Risk and Neutrality

In ordinary cases we think that it is wrong to impose harm on innocent persons, or to impose a significant risk of harm, without first obtaining their free and informed consent. We think that it is wrong to impose

seriousness of intergenerational risk imposition.

In the first place, there is obviously no way to obtain the free and informed consent of future persons to risks created by current energy policies, so this basic condition on risk imposition cannot possibly be met in the intergenerational case. Second, the present generation reaps most of the benefits from the energy produced, while future generations bear most of the risks. Writes Barry: "With some examples such as nuclear power plants, the benefits and risks are asymmetrically distributed across time: the benefits disproportionately occur while the plant is producing electricity, and the risks continue in some form for thousands of years,



DOE Photo

Spent Fuel Storage Test Facility

The toxic radioactive wastes generated by commercial nuclear power and defense nuclear activities will be with us for millennia to come.

risks on unconsenting others even when those put at risk receive as a result still greater benefits. Even less, of course, do we think that risks can be imposed that benefit the risk-imposers at the risk-bearers' expense. At the very least, where harm is unavoidable and consent unobtainable, compensation is owed the sufferer, as a matter of justice.

These widely accepted principles governing risk imposition apply, if anything, with greater force when risks are imposed across generations. Although temporal distance does increase uncertainty about the possible consequences of our actions (who can say how likely it really is that radioactive wastes produced today will cause cancer five hundred generations hence?), two other factors heighten the moral

until the radioactivity of the waste decays to a safe level." Richards concludes: "This divergence of benefit and burden, combined with the future generation's lack of any voluntary choice in the matter, appears to make intergenerational cases of foreseeable risk imposition morally more questionable than comparable intratemporal cases . . . and any cost-benefit analysis that suppresses or ignores this moral feature is flatly unethical."

These considerations suggest a principle of intergenerational neutrality: A policy is considered neutral if the risks it imposes on future generations are not greater than the risks they would otherwise face if we did not adopt this policy. Applying the neutrality principle to the disposal of long-lasting toxic wastes from

nuclear power plants, Thomas B. Cochran, Staff Scientist at the Natural Resources Defense Council, argues that risks of nuclear power are to be assessed by comparing the risks of the processed radioactive wastes with the risks of the unmined ore. He proposes, "Nuclear operations of all types should be conducted so the overall hazards to future generations are the same as those that would be presented by the original unmined ore bodies utilized in those operations." This standard could be met by emplacing wastes in an artificial "ore body" with characteristics identical to those of the original unmined ore. Unless Cochran's strict standard can be met in some such way, the risks otherwise imposed on future generations by nuclear power suffice to rule it out of consideration.

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Cochran's proposal for nuclear waste disposal may seem too narrowly focused, however, when we consider the perhaps equally grave and certainly shorter-term risks created by nuclear power's leading alternative. Although coal, unlike nuclear power, is nonrenewable, supplies are bountiful enough to provide energy for centuries. But the burning of coal and other carbonaceous fuels causes a dangerous build-up of atmospheric carbon dioxide (CO₂); the eventual global warming predicted if CO₂ build-up continues could ultimately melt the polar ice caps, causing major flooding and agricultural dislocation. Furthermore, CO₂ build-up may approach ominous levels even in some of our lifetimes. According to Bodde, "The range of uncertainty may be greater for CO₂ than for radioactive waste, but to the extent that a problem exists, it is likely to impinge upon us in the next fifty to two hundred years."

Thus Bodde argues that the risks from nuclear power cannot be assessed independent of the whole constellation of risks posed by alternate forms of energy use—or indeed, by the whole complex of technology that drives and sustains modern life. He replies to Cochran that "if our moral concern is the preservation of equal opportunity for future generations . . . then our duty is to create solutions to the disposal of radioactive waste in the context of the other threats to human existence, rather than in isolation. This implies a more holistic approach than has heretofore been taken."

Neither of the two leading alternatives to the most rapidly diminishing nonrenewables, then, provides an easy solution to the problem of intergenerational justice. It may be impossible to avoid leaving the world a substantially riskier place than we found it, though,

again, we should apply our technological ingenuity to reducing the risks produced and pass on added capital as a compensation fund for the future victims of our current choices.

Facing the Future

Bodde suggests three "necessary elements of any energy policy that would seek equality of opportunity for future generations":

- resource-balancing strategies that assess the risks of nuclear power and carbon dioxide in the context of the overall energy picture;
- technological progress to ensure compensation for depletion of nonrenewable resources;
- nurturing of institutions, national and international, whose scope and capabilities match the nature of the social and technical problems before them.

This last element of Bodde's program may be the most essential. He writes: "National institutions tend to select some problems (such as radioactive waste) for detailed attention while neglecting others (such as CO₂ build-up) . . . because we tend to work on that for which the societal instruments exist." National institutions are already in place to address, if not to resolve, the problem of nuclear waste disposal; atmospheric CO₂, by contrast, does not respect national boundaries and so cannot be handled by institutions on a national scale. "It seems clear that our obligation to future generations includes the building of institutions of sufficient scope to deal with the problems we bequeath them."

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The way we produce and distribute energy has much to do with how we live the rest of our lives; it may have even more to do with how future generations live theirs. Energy is power, and oil power, coal power, and nuclear power can translate into economic and political power, as events of the past decade have made only too clear. Adequate institutions to control and contain this power may be the energy-related legacy that we should most endeavor to leave behind us.

The views of David Bodde, Brian Barry, David A.J. Richards, Talbot Page, and Thomas B. Cochran are drawn from their chapters in Energy and the Future, edited by Douglas MacLean and Peter G. Brown, Maryland Studies in Public Philosophy (Totowa, N.J.: Rowman and Littlefield, 1983). To order, see page 15.

Doubts About Deterrence

One might think that after more than a third of a century of deterrence policies, there could be no question about what deterrence is or how it works. "And yet," laments Theodore Draper, writing in the *New York Review of Books*, "everything that is being done or recommended, from no-first-use to preparing for a nuclear endurance contest, is supposedly in the interest of deterrence. It may yet equal liberty for the number of crimes committed in its name." In an age of sophisticated technologies, including thousands of super-powerful weapons, precision targeting, and remote sensing, and in the midst of dizzying debates about the wisdom of freezes or no-first-use or the varieties of equivalence and superiority, we seem to be fueling some doubts about what nuclear deterrence is, whether and how it works, and whether the risks are morally acceptable.

As an initial step toward making sense of deterrence policies, we should distinguish between two basic kinds of nuclear deterrence. The first has as its goal preventing nuclear war. This is usually understood to mean that we should *possess* nuclear weapons as an essential part of a strategy that will deter their *use*. A different kind of deterrence aims at preventing something other than nuclear wars. For the United States, this normally means threatening to use nuclear weapons as part of a strategy to contain Soviet expansion or aggression, although nuclear deterrence has been considered also as a way of influencing the behavior of nations other than the U.S.S.R.

One set of questions, of course, is whether these different goals are compatible or whether pursuing one undermines the other. Does a policy that threatens to use tactical weapons against Soviet tanks in Europe, for example, make nuclear war between the superpowers more likely? Behind such strategic questions, however, lie several philosophical issues. Moral problems are raised about the use, or the threat of using, nuclear weapons, especially weapons targeted to destroy a nation's cities and its economic base. Nuclear deterrence also raises certain philosophical paradoxes, concerning the relationship between intentions, actions, and outcomes.

Detering Nuclear War

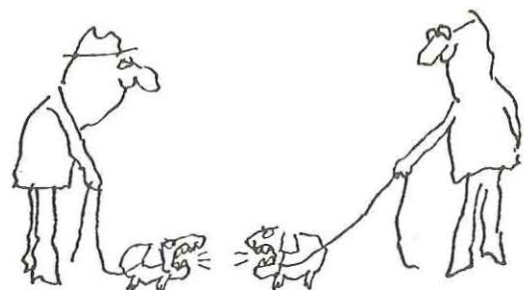
First and foremost, we must avoid all-out nuclear war. There is no debate about this need. By current estimates, the superpowers have over 17,000 strategic warheads aimed at each other and their allies. If these

arsenals were unleashed, they might conceivably destroy human life on the planet. Nobody knows for sure; nobody wants to find out.

For years it was accepted that possessing enough weapons to destroy the major cities and industrial capacity of a country in retaliation for a nuclear attack was both necessary and sufficient to deter that country's use of nuclear weapons. That assumption apparently no longer holds, as both superpowers have deployed weapons far in excess of that amount and threaten to deploy still more. Some experts now argue that a threat of first use or a capability to fight and prevail in some imagined prolonged nuclear conflict are vital parts of a successful deterrent threat. At the other extreme, it has been argued that strategic weapons have little deterrence value over possible conventional and economic sanctions and the prospect of the far-flung damage that would follow were any of the major powers to be destroyed. In a debate this wide open, we cannot very well ease our moral qualms about the use of nuclear weapons by appealing to "hard-headed realism" about how the world really works, for how our possessing strategic weapons influences the behavior of other nations is part of what is at issue.

The moral problems of strategic deterrence include the threat to noncombatants, which appears to violate principles of *jus in bello* (if not the actual laws of war). One of the ironies of deterrence policies is that the decision to engage in nuclear war must be made by a very small number of people, but that to deter such a decision our weapons threaten very large numbers of people—even entire civilian populations. Some (large number of) persons are threatened as a means to influence the actions of others. For utilitarian moral theories, this may be an acceptable practice, but then

From "The Use and Misuse of Game Theory"
by Anatol Rapoport.



Bark and counterbark

this very fact has become one of the standard reasons for objecting to utilitarianism as a moral theory.

The Christian moralist John Bennett once asked how a nation can "live with its conscience and know that it is prepared to kill twenty million children in another nation if worse should come to worst?" ("Moral Urgencies in the Nuclear Context," in Bennett, ed., *Nuclear Weapons and the Conflict of Conscience*). Another Christian moralist, Paul Ramsey, agreed that such a threat to innocents is wrong, even if it is a successful deterrent. Ramsey suggested the analogy of deterring reckless automobile drivers by tying babies to their front bumpers (*The Just War: Force and Political Responsibility*). But Michael Walzer rejects these arguments and objects to the analogy. Walzer argues that the moral wrong of actions that harm innocent people is not a reason also to condemn actions that only threaten or risk harming. Ramsey's innocent babies are not only being exposed to terrible risks; they are also being forced to endure a terrifying experience, which is an actual harm. Nuclear deterrence, according to Walzer, imposes threats that simply do not impinge on our lives in the way the analogy would require, for we continue to lead normal lives: "It is in the nature of new technology that we can be threatened without being held captive" (*Just and Unjust Wars*).

Surely, though, the technologies that enable us to impose such risks on others without holding them captive are not thereby acceptable. If the potential danger is irreversible, or if the harm cannot be compensated, the imposition of risk itself may be unacceptable. An extortionist who threatens to fire a gun into a crowd is morally horrible, whether or not he actually shoots anyone. Some further questions have recently been raised, moreover, about whether the threat of nuclear war itself might not be producing certain harmful psychological effects in children.

The paradoxes of nuclear deterrence involve adopting as public policy a strategy that one hopes will never be enacted and increasing the credibility of one's threats or intentions in order to reduce the likelihood that they will actually be carried out. These paradoxes arise in conflict situations where the outcome depends on the actions of more than one agent. Each actor determines its course of action partly in response to its beliefs about the beliefs and intentions of the other

actors. Thus, to attain the desired goal, an actor may find it rational to adopt as a strategy the pursuit of some other, perhaps even conflicting, goal, if such pursuit will send signals that induce a desired response from the opponent. In order to succeed, however, bluffs must be believed, so they must be made believable. This may require a willingness to act them out.

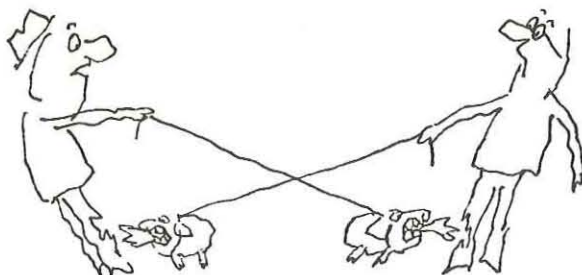
It is in such a setting, following this kind of reasoning, that our deterrence policies are formed. Thus, in order to avoid ever actually having to wage a nuclear war, we have prepared to fight ever bigger, more complex, and more destructive wars. Thus, too, at least some opponents of a no-first-use policy argue that willingness to launch first decreases the chance of another nuclear war.

The general theory of deterrence was developed long ago, but there has always been some question about how well it applies in the nuclear context. It has never been very adequately shown that all the assumptions of rationality basic to game theory apply very well to the political world in which security policies and emergency decisions must be made, in which mistakes and accidents are possible, in which new actors and options can appear suddenly and alter the game, and in which the game itself has important moral dimensions.

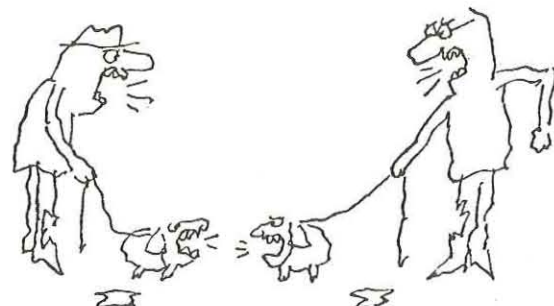
Deterring Soviet Aggression

Even as nuclear weapons were being developed in the 1940s to be used by the United States against Japan, debate was under way in this country about how these weapons would figure in a post-war policy to restrain Soviet aggression in Europe. It was decided that the United States would (1) monopolize its technological secret and (2) control virtually all of the world's high-grade fissionable material. Thus, the United States would (3) successfully deter Soviet aggression in Europe with the threat, or even the preemptive use, of atomic bombs.

The explosion of the first Soviet-built atomic bomb in 1949 exposed (1) and (2) as horrible miscalculations. What should we say about (3)? Many experts believe that the threat of nuclear weapons does deter aggression, and that without that threat "much war and



Bite and counterbite



Escalated conflict

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much death would inevitably result," as Edward Luttwak suggests in his *Commentary* article, "How to Think About Nuclear War." Luttwak denies that "the small risk of nuclear war is a greater evil than the virtual certainty of the large-scale death in great-power wars no longer deterred."

One might wonder, however, whether nuclear weapons deter at all. They have not prevented Soviet aggression into Hungary or Afghanistan; nor have they kept the United States out of Central America or Argentina out of the Falklands. Nuclear weapons seem not to have had any impact where the superpowers indirectly confronted each other, such as in Vietnam; and from 1945 to 1949, when the United States had the world's only nuclear weapons, they seem to have had little discernible effect on Soviet moves in eastern Europe. That there has been no war in Europe since 1945 might also be explained without nuclear deterrence, by appealing to economic interdependence and other factors, which might also sufficiently deter belligerent activities in the future.

"In order to avoid ever actually having to wage a nuclear war, we have prepared to fight ever bigger, more complex, and more destructive wars."

Some people believe, moreover, that there is something inherently wrong with using any nuclear weapons, even weapons that might conceivably be less destructive than nonnuclear weapons that would accomplish the same goals. These critics regard nuclear weapons, like biological weapons, as having a special moral dimension. They favor banning their use in toto, and not on a case-by-case assessment of potential risks.

Nuclear weapons have been treated as different from the start, long before arsenals achieved the size at which their potential for universal destruction was seriously contemplated. In the bombing of Hiroshima, according to Walzer, the Japanese people experienced warfare which "was actually limitless in its horrors." This was true of a bomb which might now be considered merely tactical, one that was orders of magnitude smaller in its destructive potential than today's strategic warheads. This was true even though, as Walzer points out, fewer people were killed at Hiroshima than in the earlier firebombing of Tokyo. In Hiroshima, civilians "were killed with monstrous ease. One plane, one bomb: . . . Atomic war was death indeed, indiscriminate and total." This event, not Tokyo or Dresden, inaugurated a new age of war.

The more frequently heard objections to using tactical nuclear weapons, however, are strategic. They are based on the fear that the use of tactical nuclear weapons would raise considerably the risk of escalation

into all-out nuclear war. This fear of escalation is one of the main reasons given for supporting a no-first-use policy.

Interestingly, the belief that tactical nuclear weapons carry with their use an especially high risk of escalation presupposes a belief about the special moral nature of all nuclear weapons. The risk of escalation is so high because the use of even tactical nuclear weapons in a conflict would violate a moral taboo. It would cross an important qualitative or moral barrier about acceptable weapons. Once this barrier is transgressed, it is feared, further escalations might be more likely because they would then involve changes only of degree, not of kind. A similar fear is also expressed in the concern over nuclear proliferation and nuclear terrorism by third-world nations and subnational groups.

Ironically, even those who reject such arguments and advocate deploying tactical nuclear weapons in Europe sometimes rely in their own defense on the existence of such a barrier or taboo. Consider Luttwak: "By far the most likely outcome is that a war would end very soon if any nuclear weapons, however small, were actually to be detonated by any side on any target. The shock effect on leaders on both sides . . . and also the devastating psychological impact upon the forces in the field would likely arrest the conflict there and then." If Luttwak is right, then tactical nuclear weapons would be effective precisely because of the tremendous moral and social opprobrium that now attaches to the use of nuclear weapons per se. Their effectiveness as deterrents would be directly proportional to the moral horror of their use, and our ability to preserve peace in Europe by their means would depend on our ability to convince the world that we were prepared to use them.

Of course we might have doubts about this scenario. The effect of using tactical nuclear weapons might be instead, as defenders of no-first-use believe, to invite a nuclear response and to make escalation more likely once one side appears to have declared that no holds are barred. But even if deterrence works in the way Luttwak suggests, the kind of dilemma upon which his argument depends means that deep moral doubts will remain.

—Douglas MacLean

Announcing a conference:

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Polymaking Philosophers

Since at least the time of Socrates, philosophers have been trying both to understand the world and to change it. Although Socrates himself was executed for his services as "gadfly" and questioning conscience of the state, quite a few philosophers through the subsequent centuries (Leibniz, Hume, Bentham, Mill) distinguished themselves in political and diplomatic posts or exercised considerable influence as social and legal reformers.

In this century philosophy has been increasingly accused of arid abstraction, of occupying itself exclusively with technical linguistic puzzles that have no bearing on large and enduring human concerns. Thus it has been charged that philosophers no longer have any special contribution to make to the governing of just states. But philosophers continue to seek positions in the design and administration of public policy, and they continue to believe that their philosophical training, and in some cases their philosophical convictions, have significant application in the policy arena. QQ spoke to six philosophers who now hold posts on Capitol Hill, in the administration, or as congressional lobbyists; they came to their current positions by varied routes and handle different responsibilities from different philosophical and political perspectives. But they agree that philosophy has had a clear value in enhancing the contribution they are able to make in their new roles.

Philosophy Goes to Washington

Philosopher John Hare came to Washington because he had just finished writing his book, *Ethics and International Affairs*, and decided that to write further on the subject he needed more understanding of how the political process worked. After a year as a Congressional Fellow, he moved to his current staff position on the Subcommittee on Europe and the Middle East of the House Committee on Foreign Affairs. Jerry Segal, who developed an interest in political activity during the years of the anti-war movement, went back to school for a masters' degree in public affairs after four years of teaching philosophy at the University of Pennsylvania. He first worked on the House Budget Committee and then moved to the Agency for International Development (AID), where he is now Senior Advisor for Agency Planning.

Roger Pilon and Ernest Loevinsohn both left philosophy for public policy as a natural outgrowth of long-

standing political involvements. Pilon, long active in Republican party politics (at one time even "raising eyebrows" as a "legitimate Republican election judge in the city of Chicago," while a graduate student in philosophy there), spent several years at conservative/libertarian think tanks before being tapped by the Reagan administration transition team for a policymaking post at the Office of Personnel Management. Loevinsohn, a committed anti-hunger activist during graduate school and while teaching philosophy at Rice University, "jumped at" a proffered chance to join Bread for the World, a Christian citizens' lobby against hunger.

Vanda McMurtry landed his jobs as senior legislative assistant to Congressman Lee Hamilton and professional staff member of the Joint Economic Committee after surveying a "pretty grim" job market in academic philosophy and "coming on down to Washington to see what [he] could find." Four months of knocking on doors paid off, and he has worked for Hamilton for the past five years. Col. Michael Wheeler, Staff Secretary to the National Security Council, took a "serendipitous" detour from his military career to earn a Ph.D. in philosophy from the University of Arizona and then taught philosophy and political science for five years at the Air Force Academy before returning to a series of military staff assignments and administrative roles.

The Wages of Philosophy

Although these six philosophers came to their present positions from different routes, all agree that the skills they developed while studying and teaching philosophy have proved enormously useful in the varied kinds of work they have since pursued. McMurtry explains that "in working with the Congress, coming up with ideas, communicating ideas, analyzing ideas, and arguing about ideas are of the utmost importance," and he credits his philosophical background for developing his analytic and argumentative skills to their fullest usefulness. Wheeler agrees that "the ability to write, to articulate thoughts, and to think logically is crucial to the policy environment." Loevinsohn particularly stresses the linguistic facility that has carried over from his philosophical work. In a last-minute fight over the wording of an amendment to a recent foreign assistance authorization bill, he was "beckoned into the back room" and asked

on short notice to come up with "a verbal formula that got most of what we wanted while avoiding an objection raised by the administration." Within moments the new language was in place, and Loevinsohn says: "I couldn't have done it so quickly without training in linguistic philosophy."

Above and beyond the specific application of analytic, argumentative, and linguistic skills,

"In working with Congress, coming up with ideas, communicating ideas, analyzing ideas, and arguing about ideas are of the utmost importance."

• • •

"The ability to write, to articulate thoughts, and to think logically is crucial to the policy environment."

transplanted philosophers appreciate the heightened sensitivity to concepts and values that is a legacy of their philosophical training. Hare notes that "Some of the concepts we have to work with here, such as human rights, or less familiar concepts, such as winning a war, are common coin in political discussions. Yet they have a long philosophical background. By being sensitive to that background, one is better able to see the implications of these discussions." As an example of the role philosophical concepts play in setting policy, he cites the disagreement between the Reagan and Carter administrations over whether economic rights count as human rights, and the difference this has made in their foreign policy toward Central America.

"Most of the people who work in policy areas are trained in the social sciences and don't have the vocabulary for dealing with value issues; dealing with value issues doesn't fit in with their sense of identity as value-free analysts."

Segal feels that philosophical training has given him "a greater ease at raising value questions. Most of the people who work in policy areas are trained in the social sciences and don't have the vocabulary for dealing with value issues; dealing with value issues doesn't fit in with their sense of professional identity as value-free analysts." Segal's willingness to address fundamental objectives of public policies gives him a somewhat different role in an environment where "most discussion is about means, rather than basic values."

In a similar sort of carryover, Wheeler's exposure to

research in the philosophy of anthropology and the presuppositions of cross-cultural studies has sensitized him to the complexities of understanding "the motivations and conditions of cultures significantly different from one's own." This kind of sensitivity, he believes, is critical in a world in which we have diplomatic relations with over 150 nations. His philosophical training has also helped prepare him to address the moral dilemmas he faces as a practicing Catholic, influenced by recent developments in the Church's moral teaching on nuclear armament, since he has had and plans to have more military assignments involving strategic nuclear weapons.

In at least some cases, philosophers have brought with them to their policy-oriented jobs substantive moral and political positions that they developed while studying and teaching philosophy. Pilon and Loevin-

Loevinsohn recalls one amendment he proposed and saw passed that appropriated \$43 million of emergency food aid. That single accomplishment enabled him to feel, 'If I died tomorrow, it would be okay; I'd done something that made life worthwhile.'

sohn both wrote doctoral dissertations defending views that now motivate and animate their present work. Pilon's University of Chicago dissertation, "A Theory of Rights: Toward Limited Government," developed views that he obtains "immense satisfaction" from being able to apply. His practical experience working to restrain and curtail what he perceives to be governmental excesses has convinced him "more than ever that government should not be involved in many of the activities in which it is currently involved. . . . [By working in government] I learned a posteriori what I suspected a priori." Loevinsohn's Princeton University dissertation on justice in international relations put forth moral positions on the duties of affluent to underdeveloped nations that he tries to realize in drafting and influencing legislation. As a philosopher, Loevinsohn defended the thesis that to aid those who are starving is a moral obligation, and not a discretionary matter of charity.

Benefits and Burdens

The benefit of their new situation most commonly cited by policymaking philosophers is the immediacy of the satisfactions they derive from policy-oriented work. McMurtry comments that while "professors spend years writing a book or see students fifteen years from now develop into good philosophers, here the horizon is much closer. The issues on the national agenda are very pressing, and they are all dumped on the Congress." Much of his workday is taken up with

attending to unexpected emergencies of all kinds, and while such work is exhausting, it is intensely gratifying as well. Loevinsohn recalls one amendment he proposed and saw passed that appropriated \$43 million of emergency food aid, largely to Africa. That single accomplishment enabled him to feel that "if I died tomorrow it would be okay; I'd done something that made life worthwhile." While he can imagine that philosophers could feel an analogous satisfaction in their research, "the time lag is a little longer."

For Hare, the best part of working in the government "is the access to information . . . I'm overwhelmed with information. It just comes pouring in every day." McMurtry, hailing politics as "very fun," enjoys the degree of public contact his job affords. And Pilon grants that an additional benefit of working as a policymaker rather than as an academic is "the tremendous increase in income over the academic world."

But the transition is not accomplished without any sense of loss, and many of those who have left the academic environment miss keenly the time and leisure for reflection and independent scholarly pursuits. The same access to information that is one of the policy world's chief benefits is also one of its banes: Hare confesses that at times he resents the sheer bulk

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of paper flow; Pilon agrees that his tussles with the bureaucratic paper avalanche ("that we in the Reagan administration are trying to reduce") leave him "very little time to reflect and keep abreast of current events in the intellectual world." Segal worries that "One pays an increasingly heavy toll the longer one is completely cut off from an academic environment. Over the years, I have come to appreciate both the value of being able to do research in an academic setting and the value that teaching has for one's own thinking." In a bureaucratic environment, "psychological freedom of thought is increasingly constrained by bureaucratic standards of relevance." And the work does not let up: McMurtry has taken one vacation in the past five years.

The ideal solution contemplated would be some sort of compromise between the immediate satisfactions of actively influencing policy and the reflective leisure enjoyed in the university. Pilon notes that he has been able to take advantage of at least some of the wide array of conferences and lectures that Washington has to offer while giving lectures himself from time to time. Segal would like to see some "permanent division of

time," whereby he could maintain "a foot in each arena." He would welcome an opportunity to teach on a regular basis (he is currently teaching one day a week at the University of Maryland), but fears that if he returned permanently to academia he would miss the stimulation of his involvement in policy. Wheeler voiced interest in someday teaching a seminar on a subject such as nuclear deterrence, where he could weave in his diverse interests in history, bureaucratic politics, international relations, and philosophy, as well as drawing on his practical experience. McMurtry daydreams about teaching a class part-time if the demands of his current position could be relaxed to permit that arrangement. A full professional life, it was felt, can straddle academia and the wider world beyond.

"Over the years, I have come to appreciate both the value of being able to do research in an academic setting and the value that teaching has for one's own thinking. . . . Psychological freedom of thought is increasingly constrained by bureaucratic standards of relevance."

Those interviewed agreed that there is more than one path leading to a successful career in policy and more than one path leading out from academic training in philosophy. Wheeler praises "the traditional British approach to public service, where one receives a liberal education and then enters public service and receives on-the-job training through nuts and bolts experience," valuing his broad philosophical background over a narrowly focused program of technical career training. McMurtry urges philosophers to consider a

"Philosophers in particular and humanist professors generally define themselves too narrowly. It's a big mistake to think that philosophical training is only relevant in a university."

broader range of options for applying their philosophical expertise, commenting that "Philosophers in particular and humanist professors generally define themselves too narrowly." His advice to those embarking on their careers today: "Follow your inclinations and you'll be a lot happier. Go ahead and study philosophy, and then see how you can work with what you've learned." He concludes: "It's a big mistake to think that philosophical training is only relevant in a university."

Being Here

There is a widespread tendency to be unsympathetic to complaints that illegal aliens in this country are not being treated as well as other U.S. residents or, indeed, particularly well at all. Illegal aliens by definition violated this nation's laws in order to establish their residence here; thus, it is felt, they need not be extended any special consideration as a result of that residence. For if they do not like conditions in the United States, they are perfectly welcome to go back wherever they came from; they need not do us any favors by prolonging their illegal stay. A similar line of argument is addressed to alien workers who are here legally, under current or proposed guestworker programs. Foreign workers are invited here on our terms—if they do not like the terms, they do not have to accept them. Other desperate unemployed foreigners will be more than willing to come in their stead. On this view, we offer prospective residents a set of terms, which they can take or leave as they choose. There are no minimally acceptable terms that they are guaranteed.

In *Plyler v. Doe* the Supreme Court recently reaffirmed that *all* U.S. residents, however they came to reside within U.S. geographical limits, are entitled at the very least to the equal protection of our laws. Writing for the majority, Justice William Brennan ruled: "... The protection of the 14th Amendment extends to anyone, citizen or stranger, who is subject to the laws of a state. . . . That a person's initial entry into a state, or into the United States, was unlawful, and that he may for that reason be expelled, cannot negate the simple fact of his presence within the state's territorial perimeter. Given such presence, he is subject to the full range of obligations imposed by the state's civil and criminal laws. And until he leaves the jurisdiction—either voluntarily or involuntarily. . . —he is entitled to the equal protection of the laws that a state may choose to establish." Judith Lichtenberg, Research Associate at the Center for Philosophy and Public Policy, calls this ruling "a benign Catch-22": "those with no right to be here have rights in virtue of being here."

Some minimal standard, then, sets a floor on terms that legal and illegal aliens may be offered. What is this standard? What rights may aliens in our midst claim simply in virtue of the sheer fact that they are *here*?

Equal Protection and Illegal Aliens

Lichtenberg, in "Within the Pale: Aliens, Illegal

Aliens, and Equal Protection," explains that equal protection means that the state may never treat a protected individual as a "moral inferior," as a nonperson. "It means, first, that the state may not treat one person's or group's interests differently from the similar interests of another person or group; it cannot matter more *per se* that A goes hungry than that B does. . . . Second, not treating a person as a moral inferior means that one may not ignore or utterly dismiss his interests, for that would be to treat him as if he didn't matter, as if he were not a person with feelings, concerns, and projects of his own." If illegal aliens are within the pale of equal protection, their interests, too, must be taken into consideration in establishing government policy: that a policy would affect them adversely *matters* in assessing that policy; it counts as one reason against it.

Equal protection does not mean, however, that the interests of those protected may not be overridden by the weightier interests of others; they must be placed on the scales, but they need not determine the final balance. Lichtenberg notes that legitimate governmental interests and goals may in many cases pull against the claims of individuals and groups, and where state interests are weighty and compelling, other "claims must themselves be substantial to resist the pull." The claims of illegal aliens, furthermore, must be particularly substantial to outweigh the competing claims put forward by the state. Lichtenberg recognizes that unlimited immigration to the United States may well "constitute a threat to essential features of American society." To the extent that aliens do pose such a threat, "to that extent it is legitimate to discriminate against them."

What rights emerge from this complicated balancing process of interest against interest? In which cases, if any, do the claims of illegal aliens carry the day? *Plyler v. Doe* gives one of the clearest examples: in it, the Court protects the rights of illegal alien children to a free public education, striking down tuition requirements imposed on them by the state of Texas. Here the children's interests at stake clearly outweighed any opposing claim of the state. The Court argued that denying these children a basic education would "impose a lifetime hardship" on them, marking them with "the stigma of illiteracy . . . for the rest of their lives." The drain placed on Texas's financial and educational resources, moreover, was negligible. And Lichtenberg doubts that such an obviously shortsighted and imprudent course could possibly be in the state's true interest: "It is harmful to the society itself

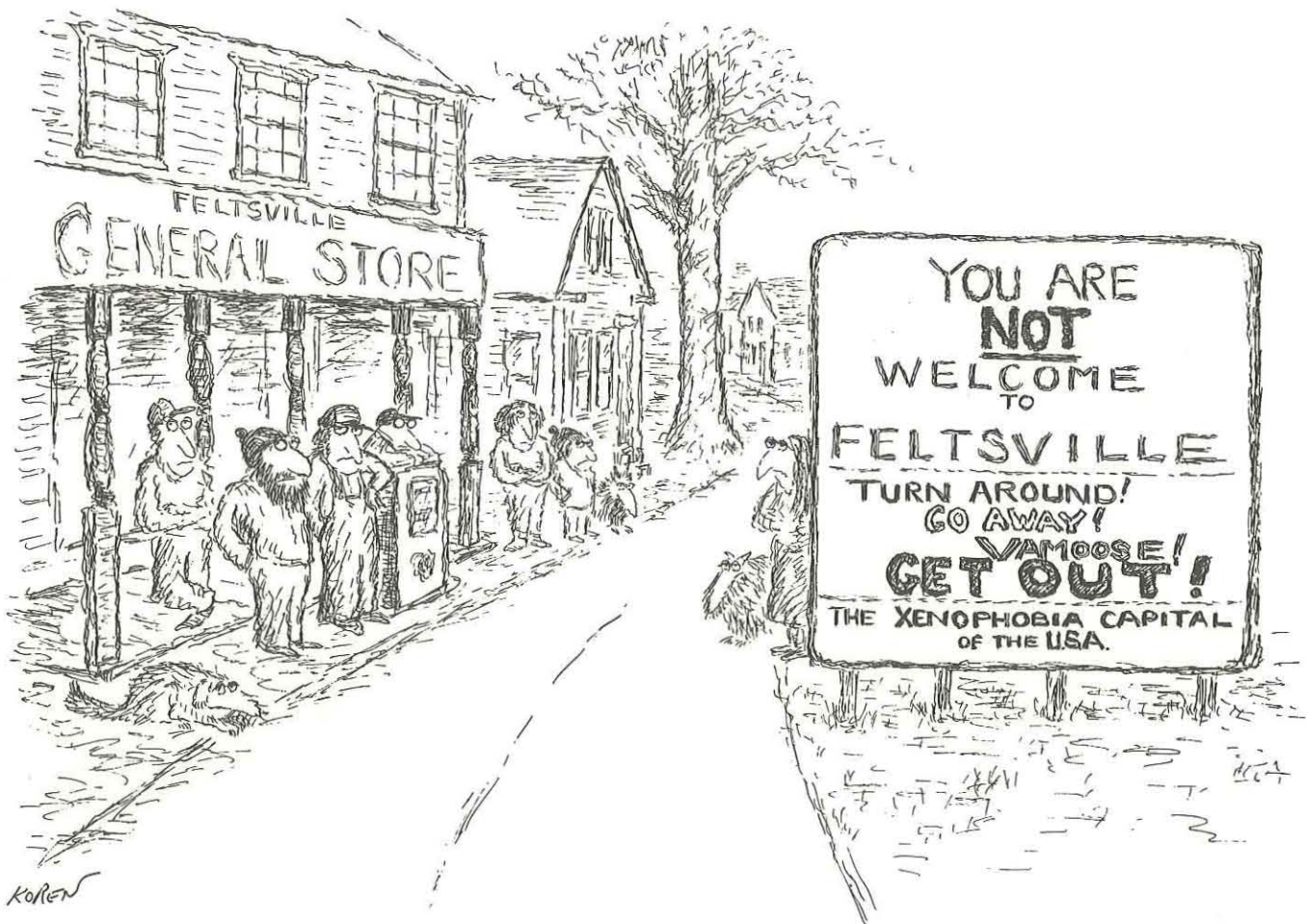
to permit the creation or perpetuation of a 'permanent underclass' of people who make no contribution to and have no stake in the common life." Finally, even if the state has a legitimate interest in expressing its disapproval of unlawful activity, the children of illegal aliens have not chosen to break any law, and so the sins of their parents should not be set in the scales against them.

Some critics of the Court's decision in *Plyler v. Doe* have charged that a broad array of other federal services, such as food stamps and Medicaid, will now also have to be made available to those who enter this country in defiance of its laws. But each case must be weighed separately. It may be that other benefits represent less vital interests than education, or that providing them to illegal aliens would cost vastly more than the state is able to pay. Various benefits offered to illegal aliens might spur unlawful migration and sanction

widespread lawlessness. And adults who break the law cannot claim that their illegal act should not be held against them. These are all considerations that might provide decisive reasons against treating illegal aliens on a par with legal residents. But equal protection means that there will always be reasons on the other side as well. And sometimes, as in *Plyler v. Doe*, these will be the reasons that determine what we, as a nation, should do.

Guestworker Rights

If even illegal aliens are within the pale of equal protection, how are we bound to treat legal aliens, particularly workers we have expressly invited to come among us as participants in the American labor force? Some 30,000 foreign workers currently take part in the



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"H-2" temporary worker program, filling primarily low-level seasonal jobs; and temporary foreign worker or guestworker programs are frequently proposed as components of an overall package of immigration legislation. Part of the attractiveness of these programs to many employers is that foreign workers are willing to live and work on terms that would be unacceptable to most American citizens. But the terms that we are required to offer them would seem to be considerably better than the worst possible terms we can get them to take.

Equal protection means that American policymaking must proceed on the assumption that, while they are on American soil, these workers matter just as

"Those with no right to be here have rights in virtue of being here."

citizen workers do. This has not been the case through much of the history of foreign worker programs in this country. Manuel García y Griego, writing in *The Border That Joins*, edited by Peter G. Brown and Henry Shue, gives a portrait of the importation of Mexican workers to the United States that indicates how thoroughly and systematically the interests of these workers were disregarded. Through the period of the official *bracero* program (1942-1964), and the years preceding and following, the United States consistently manipulated Mexican workers for its own interests—actively recruiting Mexican labor during times of boom, and rounding up and deporting Mexican labor during times of bust—usually with little or no regard to the effects of such recruitment and deportation on the workers themselves.

The Mexican *bracero* workers faced additional abuse and exploitation, furthermore, in substandard working and living conditions, which frequently violated even the less than generous terms set by the contract program. What protests were raised against this pattern of abuse, according to García, centered on the adverse effects it might be having on American labor market conditions. The interests of the Mexican workers were perceived as simply less important.

Equal protection does not exhaust the moral limits on how we may treat invited foreign workers, however. In testimony before the Subcommittee on Immigration, Refugees, and International Law of the House Committee on the Judiciary, Henry Shue, Director of the Center for Philosophy and Public Policy, proposed three fundamental principles that should govern the design of any proposed guestworker program:

- 1) Respect for the integrity of the family dictates that people not be required by law to live in sep-

aration from their families for any greater period of time than absolutely necessary.

- 2) The principle of no taxation without representation dictates that people not be required by law to pay for the conduct of policies in which they have no voice (and from which they receive few benefits).
- 3) Respect for individual liberty dictates that people not be required by law to move in and out of countries regardless of their own choices except for the strongest possible reasons.

These principles are violated by any temporary worker program which does not provide for prompt reunification of workers with their families, which levies taxes upon workers without providing any minimal system of effective self-government, or which shuttles workers back and forth from country to country without allowing them the option to apply for permanent residence in the country of employment.

Shue grants that foreign workers need not be granted all the rights and privileges of full American citizenship. There are good reasons, for example, why foreigners should not be allowed to vote on certain matters of national policy, such as foreign policy toward their own country; nor is it unreasonable to believe that foreign workers need an initial period of acquaintance with their new society before they are in a position to make sound judgments about broad social issues. But Shue points to the success of Swedish experiments with allowing migrant workers to vote in local elections, and concludes that temporary residents should be allowed to help "decide the issues that most directly affect their lives."

Shue's three principles, then, set somewhat stringent conditions under which the United States is able to invite foreign workers into its labor force. If the conditions seem too exigent, we must seek other ways in which to meet our labor needs or reexamine the extent to which we truly need imported labor. For once people are invited onto our territory, they are able to make claims upon us, claims for a decent minimum of hospitality, and for a decent minimum of justice.

The positions discussed in this article are drawn from: "Within the Pale: Aliens, Illegal Aliens, and Equal Protection," by Judith Lichtenberg, forthcoming in the *University of Pittsburgh Law Review*, Vol. 44, No. 2 (Spring, 1983), Symposium Issue on Immigration and the Constitution; "The Importation of Mexican Contract Laborers to the United States, 1942-1964: Antecedents, Operation, and Legacy," by Manuel García y Griego, in *The Border That Joins: Mexican Migrants and U.S. Responsibility*, Maryland Studies in Public Philosophy, edited by Peter G. Brown and Henry Shue (Totowa, N.J.: Rowman and Littlefield, 1983); and Henry Shue's testimony before the Subcommittee on Immigration, Refugees, and International Law of the House Committee on the Judiciary, October 14, 1981. To order *The Border That Joins*, see page 15.

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