Humanity, Morality, Legality

**The place for the moral case in the nuclear disarmament process**

There are some aspects of moral philosophy that are so simple and fundamental that they are part of our everyday lives and are almost universally accepted. In this context there is a kind of hierarchy, a logical sequence, which we need to understand.

First, when we say that life is sacred, we are articulating a universal human instinct which tells us to protect human life. You can regard this as the outcome of evolution and certainly, as I would, as part of our God-given humanity. We don't want people to suffer and die without cause. In short, people love one another. That is the humanitarian instinct. It should be no surprise that the recent progress towards a nuclear weapons ban derives from the global application of humanitarian principles rather a concern for national security.

Then there is morality. We move naturally from thinking that we don't want people to die to saying: You shall not kill. The moral law is a kind of codification of humanitarian instincts. It can be seen simply as standards to live by, which hold together the fabric of society, but, along with most people, I believe that the moral law incorporates fundamental autonomous principles like: You shall not kill.

Then we develop legal frameworks for implementation of the moral law in the complexities of everyday life. We say, for example, that people cannot carry offensive weapons. That is a law in the UK, and some other countries suffer from the lack of it.

So we do indeed legislate for morality, using local, national and international legislation as appropriate to the situation. By a process of continual development, applying this morality in response to emerging technological capabilities, we have a body of international law relating to offensive weapons.

The means for enforcement are sometimes not as good as we would like, but even so there are considerable historic and current benefits from weapons ban treaties. Enforcement is generally not by threat or use of violence but by moral, social and political pressure, sometimes also by economic sanctions and potentially by a reaching down of the law into everyday economic life. All sorts of otherwise good human activities are necessary for the production of

complex weapons systems. Transport, finance, insurance, manufacture and storage of components and materials are among the activities which can logically be banned if they are part of the process of producing or deploying an illegal weapon.

We already benefit from multilateral treaties which have been negotiated to ban anti-personnel mines, cluster munitions, and chemical and biological weapons of mass destruction. All these weapons are intrinsically inhumane and indiscriminate and therefore unacceptable, even by 'just war' criteria. Until recently the law relating to nuclear weapons has lagged behind. Thankfully, in multilateral negotiations at the UN, the Treaty on the Prohibition of Nuclear Weapons (TPNW) was adopted by a vote of 122 to 1 on 7th July 2017.

It will be a long road to total acceptance, ratification and effective implementation, but humanity has started on that road.

Alongside all the humanitarian considerations, the TPNW specifically acknowledges "the ethical imperatives for nuclear disarmament"**1**. This is indicating the path to follow in bringing our nuclear weapon states to accept the treaty. The power of this moral argument is evident at three levels:

1. Linked to the humanitarian consequences of nuclear weapons it is the prime reason for disarmament; taking precedence over economic, political, national security and military considerations.

2. The pro-nuclear mindset depends on a moral inconsistency. This is a critical point at which to approach the problem, with a powerful argument that can reach to all sectors of society, even the most conservative.

3. Finally, there is the status of the moral argument in the context of abolition. Abolition is for ever; otherwise it is ultimately meaningless. The moral rejection of nuclear weapons by all of humanity will be the reason why we can never collectively go back to them. There is quite a close analogy with abolition of slavery.

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Ref 1. from the Preamble to the UN Treaty on the Prohibition of Nuclear Weapons <http://undocs.org/A/CONF.229/2017/8>