# Nuclear War Avoidance

# Why It Is Time to Start Worrying, Again

Louis René Beres

In the aftermath of the US withdrawal from Afghanistan and in the face of growing strategic competition, complex existential issues of nuclear war avoidance remain front and center. The following article will examine the pertinent history of nuclear deterrence and the determinable risks of a future nuclear war. In the present moment, Russia's aggressions against Ukraine plainly underscore these grave risks.

The fox knows many things, but the hedgehog knows one big thing.

Archilochus, Fragments

Cited by Sir Isaiah Berlin, The Hedgehog and The Fox (1953)

#### In the Beginning

nce upon a time, beginning in the 1950s, nuclear war avoidance became human-kind's main survival imperative. This understandable rank-ordering was visible on evening news programs and in movies. Popular films such as *On the Beach*, *Fail Safe*, and *Dr. Strangelove* (or *How I Learned to Stop Worrying and Love the Bomb*) reinforced the reality that the prospects of a nuclear war were conspicuous, urgent, and infinitely perplexing. The beginning of the Cold War (today, perhaps, this should be called "Cold War I") reflected a more characteristic preference ordering of rich nations than poor ones, but one obvious fact always remained clear: if the world failed to prevent a nuclear war, all other indispensable human values would be imperiled. These other values included population stabilization, ecological stability, and justice/human rights. After Hiroshima and Nagasaki, no other atomic bombs existed anywhere on earth. *Prima facie*, in stark contrast to the present moment, those were very different times from the standpoint of nuclear deterrence.

In the "old days," scholars could still speak more-or-less reasonably about nuclear disarmament or denuclearization. From the standpoint of North Korea today, however, denuclearization would represent an irrational expectation. For Kim Jong Un, getting rid of

<sup>1.</sup> This article is dedicated to the memory of US Air Force General John T. Chain Jr., a former Strategic Air Command (SAC) commander and director of SAC's Joint Strategic Target Planning Staff. General Chain was a long-time personal friend and coauthor of Professor Beres, the author of this article. He died on July 7, 2021.

<sup>2.</sup> Louis René Beres, "Steps Toward a New Planetary Identity," *Bulletin of the Atomic Scientists* 37, no. 2 (February 1981), https://www.tandfonline.com/.

his extant atomic arms and infrastructures must remain contrary to Pyongyang's basic security requirements. Moreover, in June 2020, two years after the Singapore Summit, Kim's Foreign Minister Ri Son Gwon announced that any earlier expressed hopes for accommodation with then-US President Donald J. Trump had become untenable.

As the North Korea example shows, we don't yet live in a reasonable world; accordingly, realistic peace strategies should include various fundamental compromises. On specific matters of nuclear war avoidance, this means, inter alia, continuously refining threat-based strategies of escalation dominance and nuclear deterrence.<sup>3</sup> At an even more rudimentary level, citizens of nuclear and near-nuclear states accustomed to competitive postures of belligerent nationalism will need to achieve certain explicit transformations of strategic consciousness.

### Realpolitik

More precisely, these citizens and leaders should detach their accumulated hopes for immortality from the nation's geopolitical success. Throughout history, geopolitics— Realpolitik—have often been associated with personal and collective immortality. German historian Heinrich von Treitschke observed "individual man sees in his own country the realization of his earthly immortality." Earlier, German philosopher Georg Friedrich Hegel opined the state represents "the march of God in the world." This deification of Realpolitik, a transformation from a mere principle of action to a sacred end in itself, drew its originating strength from a doctrine of sovereignty first advanced in the sixteenth and seventeenth centuries.

Initially conceived as a principle of internal order, the doctrine of sovereignty underwent a specific metamorphosis, whence it became the formal or justifying rationale for international anarchy—that is, for the global state of nature. First established by Jean Bodin as a juristic concept in De Republica (1576), sovereignty became regarded as a power absolute and above the law. Understood in terms of modern international relations, this doctrine encouraged the notion that states lie above and beyond any form of legal regulation in their interactions with each other.

What can this possibly mean? Have not students of world politics always been instructed that their subject centers on some vague quality called power? These instructions have not been wrong, but they have generally failed to identify the greatest conceivable form of power. This is power over death or the promise of immortality. What meaning

<sup>3.</sup> Louis René Beres, "Nuclear Decision-Making and Nuclear War: An Urgent American Problem," War Room, November 8, 2018, https://warroom.armywarcollege.edu/; and Beres, "United States Nuclear Strategy: Deterrence, Escalation and War," Small Wars Journal, January 28, 2020, https://smallwarsjournal.com/.

<sup>4.</sup> Louis René Beres, "Looking Beyond Shadows: Death, Time, and Immortality," Horasis, November 4, 2021, https://horasis.org/.

<sup>5.</sup> Beres, "Looking Beyond Shadows."

could they bear for the citizens of a nation that has always prided itself on being practical, not intellectual? The short answer here is nuclear deterrence.

Nuclear deterrence is a game major world leaders may inevitably have to play. These leaders can choose to learn this complex game purposefully and skillfully or merely deal with it inattentively or inexpertly. Calculably gainful plays are theoretically possible, but these will be based upon variously enhanced capacities for threat assessments and strategic decisions. In the final analysis, as we should already have learned from history, including the unraveling of American power in Afghanistan, winning will not mean what we originally thought. It will not be about acquiring geopolitical supremacy and hegemony but about enabling systemic cooperation and a reassuringly continuous dynamic of de-escalation.

A viable global civilization is indispensable to every nation's plausible survival. Ultimately, however, such a civilization will be constructed upon much more than presumptively favorable balances of military power; it will be founded upon suitably fashioned visions of *human oneness*. "Civilization," writes Lewis Mumford correctly, "is the neverending process of creating one world and one humanity."

#### The Intellectual Core

All this refashioning will require many things seen by the fox, especially high-quality scholarship. Though our national foreign policy makers will insist this has always been the case, sending assorted flag officers to high-quality graduate programs is not nearly enough. Pertinent strategic inquiries should be more expressly grounded in logic and the scientific method, never in political clichés or seemingly learned syntax.

Foreseeably, controlling nuclear proliferation will become increasingly important and potentially overriding. Under no circumstances should any sane and capable scholar or policy maker ever recommend the further proliferation of nuclear weapons, a fallacy of strategic reasoning earlier called the "porcupine theory." Lest anyone think this sort of recommendation is absurd or inconceivable, a long history of nuclear porcupines—strategists and observers—correlates expanding nuclear proliferation with expanding global security.<sup>7</sup>

On its face, any such confused endorsement must represent the *reductio ad absurdum* of all possible intellectual misjudgments. Among component hazards, it would be problematic to assume nuclear deterrence credibility should be positively correlated with anticipated threat destructiveness. Indeed, from the standpoint of stable nuclear deterrence, the likelihood of an actual nuclear conflict between states could sometimes be inversely related to the plausibly expected magnitude of catastrophic harms. The former administration favored such vaporous threats as complete annihilation or total destruction over well-reasoned threats. Such proclamations, seemingly imagined as reasonable or tough,

<sup>6.</sup> Louis René Beres, "Getting Beyond Power Politics: Narratives for a Trust-Centered World Order," Horasis, January 24, 2021, https://horasis.org/.

<sup>7.</sup> Louis René Beres, "The Porcupine Theory of Nuclear Proliferation: Shortening the Quills," *Parameters* 9, no. 1 (July 4, 1979), https://press.armywarcollege.edu/.

could only have reduced US nuclear deterrent persuasiveness. This is only an informal presumption, however, because we are presently considering a unique or unprecedented event, one of inherently limited predictive capacity.

Another understanding of the probability of a nuclear war is utterly primary or axiomatic. It stipulates determinable differences in probability must depend at once on whether the particular war in question is intentional or inadvertent. A further division must then be made between an inadvertent nuclear war caused by miscalculation and one occasioned by accident, hacking, or computer malfunction. Apart from such antecedent conceptual divisions, no meaningful scientific estimations of nuclear war likelihood could ever be made.

### **Relevant Military Exercises**

In August 2021, the United States conducted or led expansive military exercises, including an exercise staged by the US Navy 5th and 2nd Fleets (close to the Mediterranean Sea and Black Sea, respectively), and Large Scale Global Exercise 21, led by the United States and Allied forces, focusing on the Indo-Pacific Ocean area. All exercises were conducted with China and Russia openly identified as hypothetical adversaries.

In response, China conducted one large-scale military exercise in the South China Sea during same period and another jointly with Russia in China's Northwest Region. Significantly, the United States conducted its exercises far from the US homeland, but China and Russia launched their exercises close to home. Cumulatively, such exercised maritime and troop movements expressed elements of a so-called Cold War II.

Looking ahead, both the air domain and outer space are apt to become further militarized, subject to steadily expanding nuclear war preparations and operations. The attendant and correspondingly greater risks of nuclear crisis and nuclear war are worrisome, especially a nuclear war by accident or miscalculation.

For decades, competent nuclear strategists have dealt with nuclear proliferation, including authentic thinkers who clearly understood that the variously staggering costs would outweigh any alleged benefits of nuclear proliferation. Seventeenth-century English philosopher Thomas Hobbes instructs that although international relations are conducted in a "state of nature," it is nonetheless a more benign condition than the condition of individual man in nature. With individual human beings, Hobbes reflects, "the weakest has strength enough to kill the strongest."8

With the advent and probable spread of nuclear weapons, however, there is no longer any reason to believe the international state of nature to be more tolerable. Most obvious in this connection are the proliferation-associated risks of inadvertent nuclear war, accidental nuclear war, nuclear war by irrationality or coup d'état, and nuclear war by miscal-

<sup>8. &</sup>quot;Leviathan, Chapter 1.13, Thomas Hobbes," Genius, accessed January 27, 2021, https://genius.com/.

culation. The prospects for irrational decision making by national leaders, including the president of the United States are just as concerning.<sup>9</sup>

To date, the underlying fragility of global geopolitics has been an incontestable presumption. Foreseeably, this will not change in any auspicious directions. The Westphalian system remains fundamentally unchanged. Westphalian dynamics stand in stark contrast to the legal assumption of solidarity between all states in their presumably common struggle against aggression and terrorism. It remains rooted in anarchy and is being worsened by chaos.

Although composed in the seventeenth century, Hobbes' *Leviathan* may still offer us a vision of this fearful condition in modern world politics. During chaos, which is a "time of War," "every man is Enemy to every man... and ... the life of man is solitary, poor, nasty, brutish, and short." <sup>11</sup>

Still, Hobbes believed the condition of nature in world politics was less chaotic than that same condition extant among individual human beings. This was because of what he had called the "dreadful equality" of individual men in nature concerning the ability to kill others. <sup>12</sup> This once-relevant differentiation has effectively disappeared with the continuing manufacture and spread of nuclear weapons, a spread soon apt to be exacerbated by an already-nuclear North Korea and by a nearly nuclear Iran.

#### **Changing Balance of World Power**

Historically, the idea of a balance of power—an idea of which the nuclear-age balance of terror is a variant—has never been more than a facile metaphor. In fact, it has never had anything to do with ascertaining true equilibrium. As such, a balance is invariably a matter of individual and subjective perceptions, and adversary states can never be sufficiently confident that strategic circumstances are meaningfully oriented in their favor. Consequently, each side in a still-Westphalian world order must perpetually fear it will be left behind. In essence, the continual search for balance, though traditionally reassuring, only produces ever-widening patterns of insecurity, inequality, and disequilibrium.

At the start of the first Cold War, the United States began to codify rudimentary orientations to nuclear deterrence and nuclear war. The world was tightly bipolar, and the clear enemy was the Soviet Union. Tempered by a shared knowledge of the horror that had ceased (temporarily) in 1945, each superpower understood a conspicuously core need

<sup>9.</sup> Louis René Beres, "What If You Don't Trust the Judgment of the President Whose Finger Is over the Nuclear Button?," *Bulletin of the Atomic Scientists*, August 23, 2016, https://thebulletin.org/.

<sup>10.</sup> Treaty of Peace of Munster, October 1648, 1 Consol. T. S. 271; and Treaty of Peace of Osnabruck, October 1648, 1 Consol. T. S. 119.

<sup>11. &</sup>quot;Leviathan."

<sup>12. &</sup>quot;Leviathan."

<sup>13.</sup> Albert Wohlstetter, *The Delicate Balance of Terror* (Washington, DC: RAND Corporation, 1958), https://www.rand.org/.

to expand global cooperation (to wit, the United Nations) as a necessary adjunct to Westphalian conflict preparedness.

With the start of the nuclear age, American national security was premised on grimly primal threats of massive retaliation. Over time, especially during the Kennedy years, this bitterly corrosive policy was softened by subtler and more nuanced threats of flexible response. Along the way, a coherent and generalized American strategic doctrine was crafted, in increments, to accommodate systematically almost every conceivable kind of adversarial encounter. Scientifically and historically grounded, this doctrine was developed consciously and with deliberate prudence. But in its actual execution, much was actually left to visceral or seat-of-the-pants calculations. In this regard, the 1962 Cuban Missile Crisis speaks for itself.

As earlier generation defense intellectuals—Thomas Schelling, Bernard Brodie, Albert Wohlstetter, Herman Kahn, and others—already understood, strategic doctrine is a net. Only those who cast can reasonably expect to catch. Nonetheless, even the benefits of casting must remain subject to various considerations of individual human personality. In the terms of professional strategic thinkers, there would always remain an idiosyncratic factor. Looking ahead to potential nuclear war threats and crises, these idiosyncratic factors could interact in variously unforeseen ways with each other, creating correspondingly unseen synergies. In part, at least, these synergies can be anticipated and exploited.

In the face of such irremediable uncertainties, the point is not to prevent them altogether (that would be impossible) but to prepare for them diligently, comprehensively, and analytically.

#### Cold War II

For a time after the collapse of the Soviet Union, the world became increasingly multipolar. But we now seem to be witnessing the evolution of a second Cold War. There will likely be more conspicuous points of convergent interest and cooperation between Washington and Moscow this time. In principle, at least (e.g., current mutual concerns for controlling Jihadist terrorism), Cold War II could offer an improved context for identifying overlapping strategic interests. But now there are apt to be certain other primary players, most plausibly China.

Details matter. Even after the extension in force of the Treaty between the United States of American and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START), Moscow continues to reinvigorate its production of intercontinental ballistic missiles (ICBMs) and supporting infrastructures. This represents a predictable Russian response to fears America may be expanding its plans for expanded ballistic missile defense in Europe and (as corollary) for enlarging North Atlantic Treaty Organization blueprints to advance presumptively aggressive strategies of encirclement.

Strategic planners are also focused on already-nuclear North Korea and Pakistan and a prospectively nuclear Iran. Among other issues, Tehran's repeated calls for removing Israel as a state have been exterminatory; in law, they represent an "incitement to genocide." Military nuclear developments in North Korea, Pakistan, and Iran could ultimately prove synergistic, circumstances that are largely unpredictable and potentially even overwhelming. North Korean nuclear know-how could impact other regions of the world; for example Pyongyang has had significant nuclear dealings with Syria.

In the early 2000s, North Korea helped Syria build a nuclear reactor, which Israel later destroyed in 2007. Although, unlike the 1981 *Operation Opera* on a nuclear facility in Iraq, this preemptive attack in the Deir ez-Zor region of Syria, was presumptively a second expression of the so-called "Begin Doctrine," it also illustrated, because of the North Korea-Syria connection, a broader global threat to US ally Israel.<sup>14</sup>

Legal considerations of justice also factor in these matters. *Nullum crimen sine poena*; "No crime without a punishment," was a key principle of justice reaffirmed at Nuremberg in 1946 and likely originated in the Hebrew Bible and its *Lex Talionis* or law of exact retaliation.<sup>15</sup> Popular viewpoints notwithstanding, the Abraham Accords have had no discernible effects on preventing nuclear war in the Middle East.<sup>16</sup> If anything, Iran was only made more belligerent by the Accords' design to diminish Iranian power. Moreover, certain major Sunni Arab states—Egypt, Saudi Araba—may soon feel new incentives to nuclearize themselves. And with the Taliban now in control of Afghanistan, alreadynuclear Pakistan will likely become more influential in the region.

### Whither China, India, and Russia?

More-or-less plausible issues of enemy irrationality will emerge in all these increasingly ambiguous cases. Expressions of decisional irrationality could take different or overlapping forms. These include a (1) disorderly or inconsistent value system; (2) computational errors in calculation; (3) an incapacity to communicate efficiently; (4) random or haphazard influences in the making or transmittal of particular decisions; (5) and the internal dissonance generated by any structure of collective decision making—assemblies of pertinent individuals who lack identical value systems and/or whose organizational arrangements impact their willing capacity to act as a single or unitary national decision maker.

Regarding such special situations where leadership elites in Beijing, Islamabad, Delhi, Tehran, or elsewhere might sometimes value presumed national or religious obligations more highly even than national physical survival, the precarious logic of de-

<sup>14.</sup> Louis René Beres, "Israel's Preemption Lesson: 10 Years Later, Operation Orchard Shows the Value of Preemptive Strikes, *U.S. News & World Report*" September 6, 2017, https://www.usnews.com/.

<sup>15.</sup> Louis René Beres, "A Crime without a Punishment," Washington Times, July 16, 2013.

<sup>16.</sup> US Department of State (DOS), "The Abraham Accords," n.d., accessed January 24, 2020, <a href="https://www.state.gov/">https://www.state.gov/</a>; Bill Chappell, "Sudan and Israel Agree to Normalize Relations in U.S.-Brokered Deal," National Public Radio, October 23, 2020, <a href="https://www.npr.org/">https://www.npr.org/</a>; and DOS, "Joint Declaration: the Kingdom of Morocco, the United States of America, and the State of Israel, December 22, 2020, <a href="https://www.state.gov/">https://www.state.gov/</a>.

terrence could fail. Such failure need not be incremental and manageable. It could be sudden and catastrophic.

Any such fearful scenario is perhaps improbable, but it is by no means inconceivable. This hesitancy-conditioned probability calculation is effectively mandated by variously fixed limitations of science. As indicated earlier, one can never speak reliably about the probability of unique events. Fortunately, of course, there has never been an authentic nuclear war.

### **Synergies and Nuclear Doctrine**

Pertinent synergies could clarify or elucidate the world political system's current state of entropy and could become conceptually dependent upon each national decision-maker's time horizon. Again, leaders of the United States and its Allies and partners must understand the various possible interactions or synergies between changing adversaries and their ties to China, Syria, and Russia. A new question should arise in managing such strategic threats: Will Cold War II help our imperiled planet or hurt it even more? Such queries will always represent intellectual not political questions. Above all, they will need to be addressed at suitably analytic levels.

Strategic policies must deal with a variegated assortment of subnational threats involving weapons of mass destruction (WMD) terrorism. Until now, insurgent enemies were sometimes able to confront states with serious perils and in various theatres of conflict, but they were never actually capable of posing any catastrophic hazards to a nation's homeland. Now, however, with the steadily expanding prospect of WMD-equipped terrorist enemies—possibly, in the future, even well-armed nuclear terrorists—humankind could face dire strategic situations.<sup>17</sup>

For the United States, the post-withdrawal situation in Afghanistan portends heightened chances of WMD terrorism against the homeland and certain Allies and partners. Adversarial particulars remain unclear, but the resurgence of ISIS-Khorasan and the strengthening of other Islamist groups may bode ill for rational enemy decision making.

To face such an unprecedented security situation, national leaders will need to arm themselves with properly fashioned nuclear doctrine and policies. Such doctrine and policies should never represent seat-of-the-pants reactions to ad hoc threats. Instead, because generality expresses a trait of all serious meaning in science, such doctrine and policies should be shaped according to broad categories of strategic threat. In the absence of such previously worked-out conceptual categories, human leadership responses are almost certain to prove inadequate or worse.

<sup>17.</sup> Bennett Ramberg, Destruction of Nuclear Energy Facilities in War (Lexington, MA: Lexington Books, 1980); Ramberg, "Attacks on Nuclear Reactors: The Implications of Israel's Strike on Osiraq," Political Science Quarterly 97, no. 4 (Winter 1982–83), https://www.jstor.org/; and Ramberg, "Should Israel Close Dimona? The Radiological Consequences of a Military Strike on Israel's Plutonium-Production Reactor," Arms Control Association (website), September 3, 2008, https://www.armscontrol.org/.

With regard to synergies, such portentous intersections could occur between certain military and nonmilitary threats. For example and prospectively most ominous, would-be synergies between nuclear proliferation and disease pandemic could pose variously grave threats. In the conceivably worst case, a man-made plague of nuclear war would coincide with a natural plague of pathogens. Any such "force multiplication" should be prevented at all costs.

### The Question of Rationality

All strategic policies have been founded upon some underlying assumption of rationality. Rationality and irrationality have now taken on specific meanings. More precisely, an actor (state or substate) is presumed determinedly rational to the extent its leadership always values national survival more highly than any other conceivable preference or combination of conceivable preferences.

Conversely, an irrational actor might not always display such a determinable preference ordering. We Americans have always presumed our enemies—states and terrorists—would invariably value their continued survival more highly than any other preference or combination of preferences. But this core assumption can no longer be taken for granted.

Confronted, inter alia, with *Jihadist* enemies, states, and terrorists, world leaders must quickly understand our primary threats to retaliate for first-strike aggressions could sometimes fall on deaf ears. This recalls the issue of Palestinian statehood and nuclear risk. For Israel, the main problem with a Palestinian state would not lie in its prospective nuclearization but rather its generally weakening effect on the Jewish state. Along somewhat similar lines of reasoning, the loss of Afghanistan did not create any specifically nuclear war risks for the United States per se. But it does contribute to an incremental diminution of US military influence (especially in the region). Moreover, Islamic Pakistan, which is already nuclear, has been strengthened by the American loss and could, among other reactions, become more expressly risk tolerant on various strategic challenges issuing from India.

This holds true whether we would threaten massive retaliation or instead, the more graduated and measured forms of reprisal termed "nuclear utilization theory." Conspicuous preparations for nuclear war fighting should be conceived not as distinct alternatives to nuclear deterrence but as essential and even integral components of nuclear deterrence.

Some years ago Colin Gray, reasoning about US-Soviet nuclear relations, argued a vital connection exists between "likely net prowess in war and the quality of prewar deterrent effect." Elsewhere, responding to this writer, Gray said essentially the same thing.

<sup>18.</sup> Colin Gray, "National Style in Strategy: The American Example," *International Security* 6, no. 2 (Fall 1981): 35, <a href="https://www.jstor.org/">https://www.jstor.org/</a>; and Gray, "Presidential Directive 59: Flawed but Useful," *Parameters* 11, no. 1 (March 1981): 34.

"Fortunately, there is every reason to believe that probable high proficiency in war-waging vields optimum deterrent effect."19

Ultimately, sensible nuclear doctrine must recognize the critical connections between law and strategy. From the formal standpoint of international law, certain expressions of preemption or defensive first strikes are known as anticipatory self-defense.<sup>20</sup> Expecting possible enemy irrationality, when would such protective military actions be required to safeguard the human homeland from diverse forms of WMD attack? Prima facie, this is now an all-important question.

## **International Law and Targeting**

Decision makers and commanders face pertinent jurisprudential issues. Recalling that international law is part of the law of the United States, how could anticipatory military defense actions be rendered compatible with conventional and customary obligations? In the words of Justice Horace Gray, delivering the judgment of the US Supreme Court in Paquete Habana (1900), "International law is part of our law, and must be ascertained and administered by the courts of justice of appropriate jurisdiction."<sup>21</sup> This critical matter must be raised. Moreover, the specific incorporation of treaty law into US municipal law is expressly codified at Article 6 of the US Constitution, the so-called Supremacy Clause.<sup>22</sup>

From the standpoint of international law, it is always necessary to distinguish preemptive attacks from preventive ones. Preemption is a military strategy of striking first in the expectation that the only foreseeable alternative would be to be struck first oneself. A preemptive attack is launched by a state that believes enemy forces are about to attack. On the other hand, a preventive attack is not launched out of any genuine concern about imminent hostilities but rather for fear of some longer-term deterioration in a prevailing military balance.

In a preemptive attack, the enemy action's anticipated duration is presumptively very short; in a preventive strike, the anticipated interval is considerably longer. A related problem here is the practical difficulty of accurately determining imminence and the correlated problems of postponement. To the point, delaying a defensive strike until an imminent threat would be tangibly ascertainable could sometime invite an existential harm. A pertinent state's resort to anticipatory self-defense could be nuclear or nonnuclear and be directed at either a nuclear or nonnuclear adversary. By definition, any such resort involving nuclear weapons on one or several sides could prove catastrophic.

<sup>19.</sup> Gray, "Flawed but Useful," 34.

<sup>20.</sup> For the sources of international law, see: "History," International Court of Justice (website), n.d., accessed January 24, 2022, https://www.icj-cij.org/; and Statute of the International Court of Justice, art. 34, para. 1, 59 Stat. 1031, T.S. No. 993, 3 Bevans 1153, 1976 Y. B. U. N., 1052.

<sup>21.</sup> US Supreme Court, The Paquete Habana, 175 U.S. 677 (1900), https://supreme.justia.com/.

<sup>22.</sup> Tel-Oren vs. Libyan Arab Republic, 726 F. 2d 774 (1984).

General John T. Chain, former USAF Strategic Air Command chief and Joint Strategic Target Planning Staff director to whom this article is dedicated, recognized that world leaders must understand that any proposed national strategic doctrine should consider and reconsider the key issues of nuclear targeting. Relevant operational concerns here would concern vital differences between the targeting of enemy civilians and cities (so-called countervalue targeting) and targeting of enemy military assets and infrastructures (so-called counterforce targeting). Plausibly, most national leaders still do not realize that the actual essence of massive retaliation was always an unhidden plan for countervalue targeting.

Any such partially resurrected doctrine could sound barbarous or at least inhumane, but if the alternative were less credible systems of nuclear deterrence, certain explicit codifications of countervalue posture might still represent the best way to prevent millions of civilian deaths from nuclear war or nuclear terrorism.

Ultimately, neither preemption nor countervalue targeting could ever guarantee absolute security for planet Earth. It is nonetheless imperative that America put serious strategic thinkers back to work on these and other critically related nuclear warfare issues. Prescribed thinking should generally be dialectical. The dialectician, says Plato, is the special one who knows how to ask and then answer vital questions.

### **Deeper Issues**

#### The Soul

Further, global rescue must always go beyond narrowly physical forms of survival. At stake is not just the palpable survival of Homo sapiens as a distinct animal life form, but also the species' essential *humanitas*, that is, its sum total of individual souls seeking redemption. Sigmund Freud and Carl Jung both thought of the soul as the intangible essence of a human being, its *humanitas*. Neither Freud nor Jung ever provided any precise definition of the term, but it was never intended by either in some ordinarily familiar religious sense. For both psychologists, it represented a recognizable and critical seat of mind and of passions *in this life*.

Interestingly in the present analytic context, Freud explained his predicted decline of American civilization by invoking various express references to soul. Freud was disgusted by any civilization so apparently unmoved by considerations of true consciousness (e.g., awareness of intellect, literature, and history); he even thought the crude American commitment to perpetually shallow optimism and material accomplishment would inevitably occasion sweeping emotional misery.

#### Chaos

For now, however, too few have displayed any meaningful understanding of the less tangible but still vital variant of human survival—chaos. Whether described in the Old Testament or other major sources of ancient Western thought, chaos can also be viewed

as a source of human betterment. In essence, chaos prepares the world for all things, both sacred and profane.

As its conspicuous etymology reveals, chaos represents the yawning gulf or gap wherein nothing is, but where all civilizational opportunity must originate. Appropriately, the great German poet Friedrich Hölderlin observed "there is a desert sacred and chaotic which stands at the roots of the things and which prepares all things."23 Even in the pagan ancient world, the Greeks thought of such a desert as logos, a designation that indicates to us it was presumed to be anything but starkly random or without conceivable merit.

#### In the End

The first time after the Cuban Missile Crisis that a world leader will face an authentic nuclear crisis, the response should flow seamlessly from broad and previously calibrated strategic doctrine. It follows that national leaders should already consider how this complex doctrine should best be shaped and codified. Whatever the particulars, these leaders must acknowledge at the outset the systemic nature of our world order problem. "The existence of system in the world," says French philosopher Pierre Teilhard de Chardin, "is at once obvious to every observer of nature, no matter whom."24

Any planetary system of law and power management that seeks to avoid nuclear war must recognize a significantly underlying axiom: as egregious crimes under international law, war and genocide need not be mutually exclusive. <sup>25</sup> On the contrary, as one may learn from history, war could sometimes be undertaken as an efficient manner of national, ethnic, racial, or religious annihilation. <sup>26</sup> This was almost certainly the case with respect to Germany's World War II aggressions, crimes oriented deliberately to Adolph Hitler's always primary war against the Jews. When the war in question becomes nuclear, the argument must become unassailable.

In light of Russia's 2022 war against Ukraine, it is time to start worrying again about nuclear war avoidance, but this time, just worrying will not be enough. The only reasonable use for nuclear weapons on this imperiled planet will still be as controlled elements of dissuasion and never as actual weapons of war. The underlying principles of such a rational diplomatic posture go back long before the advent of nuclear weapons. In his oft-studied classic On War, ancient Chinese strategist Sun-Tzu reminds succinctly, "subjugating the enemy's army without fighting is the true pinnacle of excellence."27

<sup>23.</sup> Louis René Beres, "Convergence and Chaos: Intersecting Security Threats to the United States," Jurist, November 30, 2020, https://www.jurist.org/.

<sup>24.</sup> Pierre Tielhard De Chardin, The Phenomenon of Man (New York: Harper Perennial, 2008).

<sup>25.</sup> Convention on the Prevention and Punishment of the Crime of Genocide, January 12, 1951, 78 U.N.T.S. 277.

<sup>26.</sup> Lucy S. Dawidowicz, The War Against the Jews: 1933-1945 (New York: Penguin Random House, 1986). 27. Sun Tzu, The Art of War, trans. Samuel B. Griffith (Oxford: Oxford University Press, 1963).

There can be no more compelling strategic dictum. This distilled wisdom represents the "one big thing" for US strategists, commanders, and policy makers to know. It would be best not to have any enemies in the first place, of course, but such residually high hopes would be without any intellectual foundation. They would always remain unsupportable.

The unwelcome outcomes in Afghanistan and recent Russian invasion of Ukraine do not portend heightened nuclear warfare prospects per se, but they do suggest a generally widening diminution of American power. Among other things, this diminution could spawn various regional or even global crises that bring the United States into a much larger ambit of WMD scenarios, ones involving both war and terror. Even if the United States does not become involved in any such crises directly, other states or even the wider world could quickly become entangled in extremis atomicum.

Immediately, to whatever extent possible, national leaders should make all appropriate intellectual and analytic preparations for nuclear war avoidance. In carrying out this responsibility, especially careful attention should be directed to the scenarios of inadvertent nuclear war, as well as narratives pertaining both to accidental nuclear conflict and to a nuclear war resulting from miscalculation. All the while, prospects for a deliberate nuclear war should never be downplayed; preparations for credible nuclear deterrence must be continuously maintained at the highest possible levels. To meet this urgent requirement, leaders of nuclear and near-nuclear states must first acknowledge the recurrent seriousness of a global atomic threat. This is not a time for any leadership complacence. Instead, it is an optimal time to "start worrying again."

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