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## THE FALLACY OF NUCLEAR DETERRENCE

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**JCSP 41**

***Exercise Solo Flight***

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**THE FALLACY OF NUCLEAR DETERRENCE**

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## **Introduction**

Conflicts have been a common occurrence throughout human history and it seems as if they are more present now than ever. They are nonetheless a simple yet cruel expression of human behavior and the clash between ideas and convictions. If one accepts as a basic premise that conflicts are the result of unreconciled wills, then it is worth analyzing when conflicts occur, or do not. As a matter of fact, the absence of an open conflict is not, in itself, representative of the absence of a conflict. It may simply be the symptom of something intangible and lying under the apparent serene surface.

The twentieth century has seen the apparition of modern weaponry, most of which was not even thought of only a few years before they were invented. The ones that stand above all are certainly nuclear weapons. With them came a new modern day theory called nuclear deterrence. It is not because they haven't been used since the end of World War II (WWII) that they are a testament to peace and prosperity. Nuclear deterrence, some claim, is responsible for the absence of a major state on state conflict with the possible outcome being the end of humanity altogether.

There is however another way to look at nuclear deterrence and argue that it isn't the only reason why no major conflict has occurred.<sup>1</sup> It could even be argued that nuclear deterrence as a concept is an empty shell since no state would rationally use them in a quest for world dominance when there will simply be no world left to dominate. Hence, the thesis of this paper is that nuclear deterrence is a fallacy that provides a false sense of security. A fallacy being defined by the use of invalid and poor logic to prove an argument (even though the argument may appear to be correct when in fact it isn't).

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<sup>1</sup> For the purpose of this paper, a major conflict will be defined as one between nuclear armed states.

[<sup>2</sup>][<sup>3</sup>][<sup>4</sup>] This paper will begin by setting the stage on some key concepts before illustrating this fallacy by demonstrating that the concept of deterrence refers to a psychological behavior which can only be disproven. It will contend that states that possess nuclear weapons simply do not have the willingness to use them in the face of the massive amount of damage they create and the absence of a guaranteed favorable outcome. Lastly, it will argue that the use of nuclear weapons is simply illegal and highly immoral when looked at from a modern day standpoint. These three elements will then illustrate why the accepted sense of security is in fact simply an illusion, or a James Stegenga would say:

“Nuclear deterrence as the ideological foundation for United States (and Western) security policy must, thus, be regarded as doubly unacceptable. Unacceptably unreliable, almost certain to fail eventually, with catastrophic consequences; unacceptably improper, morally bankrupt.”<sup>5</sup>

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<sup>2</sup> Harry J. Gensler, *The A to Z of Logic* (Lanham, Md.: Scarecrow Press, 2010)., p. 74.

<sup>3</sup> John Woods, *The Death of Argument : Fallacies in Agent Based Reasoning* (Dordrecht; Boston: Kluwer, 2004)., p. 3-23.

<sup>4</sup> Eemeren, F. H. van,Grootendorst, R., "Speech Acts in Argumentative Discussions a Theoretical Model for the Analysis of Discussions Directed Towards Solving Conflicts of Opinion," Foris Publications, p. 177.

<sup>5</sup> James A. Stegenga, "Nuclear Deterrence: Bankrupt Ideology," *Policy Sciences* 16, no. 2 (11, 1983), 127-145., p. 143.

## Setting the stage

In order to discuss nuclear deterrence, it is appropriate to anchor the discussion around those actors who possess (openly or not officially) nuclear weapons. The select group of nations currently in possession of these weapons is composed of: the USA, Russia, China, France, the UK, India and Pakistan. Israel is also suspected of possessing nuclear weapons but never officially admitted it possibly out of a desire to not exacerbate an arms race in the Middle East. Two countries are known to be actively developing nuclear weapons and they are Iran and North Korea. In the first case, there is ample evidence going back before the 1979 revolution to demonstrate an enduring desire to acquire these weapons while in the case of North Korea, the ambitions of the regime are less clear and open for speculation ranging from preventing a US sponsored invasion to establishing a regional hegemony (and possibly a combination of both).

First and foremost, as stated by Michael MccGwire “Nuclear deterrence theory was a purely western construct.”<sup>6</sup> This is an important distinction because deterrence works better if looked at from a western point of view. This is not to say that nations on the other side of the world would not recognize its validity however its basic tenets were born and rest with the western world. There are therefore two main schools of thought when it comes to nuclear deterrence. The first one refers to direct deterrence while the other one refers to extended deterrence. Although direct nuclear deterrence is easier to understand as it refers to the use in case of a direct threat or attack, extended deterrence, as defined by the Brookings Institute, is: [...] the ability of U.S. military forces,

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<sup>6</sup> Michael MccGwire, "Nuclear Deterrence," *International Affairs* 82, no. 4 (07, 2006), 771-784., p. 771.

particularly nuclear forces, to deter attack on U.S. allies and thereby reassure them [...]”.<sup>7</sup>

Understanding some of the basic premise of the concept of nuclear deterrence, the discussion will now focus on the behavioral aspect of deterrence.

### **Nuclear deterrence as a theory of human behavior**

Not everyone accepts the idea that nuclear deterrence is a theory of human behavior which can only be disproven. It is in fact counter-intuitive that, after so many crises averted, that they may not be the result of sound nuclear deterrence strategy. There are however a vast pool of supporters of the behavioral argument, one of which being the Nuclear Peace Foundation, a non for profit organization regrouping many Nobel Prize recipients and whose purpose is “To educate and advocate for peace and a world free of nuclear weapons [...]”. They advertise the behavioral hubris of nuclear deterrence in a video posted on the foundation’s website.<sup>8</sup>

Before engaging in the heart of the science behind psychology and behavior, it is important to define the concept of deterrence itself, let alone when tied to nuclear weapons. The US Joint Operating Concept (JOC) on deterrence operations defines deterrence as the ability to influence the enemy’s decision calculus through actions designed to deny him the benefits of said action, impose costs and encourage restraints.<sup>9</sup> It contends that “Deterrence is ultimately in the eye of the beholder: the adversary decision-maker.”<sup>10</sup> As argued by Colin Gray, deterrence is achieved only when the adversary decides or accepts to be deterred. He states that: “To deter is to persuade

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<sup>7</sup> Steven Pifer et al., "U.S. Nuclear and Extended Deterrence: Considerations and Challenges," *Brookings Arms Control Series* Paper 3 (May 2010)., p. 1

<sup>8</sup> Nuclear age peace foundation, "The Myth of Nuclear Deterrence," <http://www.wagingpeace.org/issues/nuclear-weapons/nuclear-deterrence/> (accessed 04/15, 2015).

<sup>9</sup> United States of America, Department of Defense, *Deterrence Operations, Joint Operating Concept, Version 2.0*, 2006)., p. 5.

<sup>10</sup> *Ibid.*, 56.

someone not to do something that they might well have done otherwise. Unless the intended deterree elects to cooperate and be dissuaded, deterrence does not work.”<sup>11</sup> This is a key tenet as it entails a reaction from another party which compels it to not undertake an action he would have chosen to do if left to him, hence the direct link to human psychology and behavior. Deterrence only works then if the other party can be deterred and, in order to achieve deterrence, there as to be something of value than can be taken away or a threat must be made by a party in a position to fulfill it.<sup>12</sup> Another condition necessary for deterrence to work is the ability to communicate with the adversary the costs and consequences of an action; which, in a case of state on state conflict, is usually achievable but may be more difficult if there is an absence of means to communicate. In sum, the whole point being that deterrence is based on the logical calculus that gains are greater than costs or, in some hypothetical and unlikely instance, that the other party has nothing to lose (which we will see later has never been the case when it pertains to nuclear weapons).

As stated in the introduction, one of the key elements of the thesis is that nuclear weapons provide a false sense of security. This affirmation falls from the fallacy itself and is grounded in the assumption that nothing will go wrong in the case of a conflict involving nuclear equipped parties. This assumption defies all forms of logic and would require perfect control over nuclear arsenals to become a fact; even inside of states of dubious reputations regarding safety standards or the full control over their military forces in charge of managing nuclear weapons. As already stated by Stegenga “It requires a great leap of faith in men and machines to remain so confident of nuclear

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<sup>11</sup> Colin S. Gray, "Gaining Compliance: The Theory of Deterrence and its Modern Application," *Comparative Strategy* 29, no. 3 (Jul, 2010), 278-283., p. 278.

<sup>12</sup> *Ibid.*, 278.

deterrence, to believe that in this critical arena Murphy's Law and all its corollaries can be forever avoided.”<sup>13</sup> Moreover, this logic is also based on involved parties being and remaining rational even when put under an immense amount of stress as can be anticipated when confronted with a potential nuclear threat. As an example, there is ample literature on the weaknesses of the launch on warning philosophy but suffice is to say that all nations in possession of nuclear weapons have not employed or openly discarded it<sup>14</sup>.

A crucial element of the fallacy of nuclear deterrence as an element which can only be disproven lies with the fact that it is exactly that. Simply stated by Brown and Arnold: “As with contraception, one can never be sure when deterrence has worked, only when it has not.”<sup>15</sup> More eloquently presented by Michael Rühle: “The overriding rationale of nuclear weapons is to deter conflict, yet since one can never prove for certain why an event has *not* occurred, the war-prevention function of nuclear weapons remains, strictly speaking, a mere assumption.”<sup>16</sup> The point here being that academics and practitioners recognized that there is no way to be sure if deterrence has worked or not, leaving ample room for the proponents of nuclear deterrence to argue that it actually did and still does. This therefore leaves the question entirely open for interpretation. However, in light of the other aspects already discussed, it is highly unlikely that nuclear deterrence alone could even remotely be the single cause behind the absence of a nuclear war. As we will see later, there is ample evidence to the contrary. This is not to say that

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<sup>13</sup> James A. Stegenga, "Nuclear Deterrence...", p. 136.

<sup>14</sup> The launch on warning philosophy can be loosely described as the launch of a retaliatory nuclear strike upon warning of an incoming strike. In this scenario, a state will not wait for a nuclear detonation before launching its own retaliatory strike.

<sup>15</sup> Andrew Brown and Lorna Arnold, "The Quirks of Nuclear Deterrence," *International Relations* 24, no. 3 (09, 2010), 293-312., p. 298.

<sup>16</sup> Michael Rühle, "NATO and Extended Deterrence in a Multinuclear World," *Comparative Strategy* 28, no. 1 (01, 2009), 10-16., p. 10.



deterrence is not in itself a valid concept. Only a fool would argue that you can never prove deterrence. The question here is that nuclear deterrence does not work and there is no direct correlation between deterrence and nuclear weapons themselves, a position echoed by Alexei Arbatov when he states that:

“The idea of nuclear deterrence has become so much a part of international military and political relationships that it is perceived everywhere as quite rational, even inevitable. We agree that nuclear deterrence is, of course, less irrational than nuclear war, especially war between nuclear powers. If, however, we approach the problem not from a purely military and strategic standpoint but from a sociopolitic alone, we cast serious doubt on the rationality of deterrence.”<sup>17</sup>

Using the same line of reasoning, if nuclear deterrence was a sound and workable concept, some authors argue that it would be reasonable for every country to have nuclear weapons. Amongst others, Brown and Arnold state that: “If one subscribes to the notion that nuclear weapons and their delivery systems are just ‘strategic nuclear deterrents’ and not usable weapons, it is difficult to see why they should not be permitted to any nation that wants them – the more deterrence in the world the better.”<sup>18</sup> As the international community is struggling to rein in nations who want to develop nuclear weapons, it is intuitively counter-productive to encourage the creation of more nuclear weapons, especially in light of the tremendous danger they represent.

Groups not discussed thus far are non-state actors, mainly terrorist organizations who want to possess nuclear weapons for criminal or political purposes. The difficulty in dealing with terrorist organizations is that there are too many with various ideologies and they can't be deterred in the traditional sense by an opponent with nuclear weapons.

These organizations could certainly find a use for nuclear weapons as described by

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<sup>17</sup> Alexei Arbatov, "Nuclear Deterrence and Proliferation: The Dialectics of "Doomsday Weapons", "*Russian Politics & Law* 44, no. 5 (Sep, 2006), 35-60., p. 40.

<sup>18</sup> Andrew Brown and Lorna Arnold, "The Quirks of Nuclear Deterrence...", p. 307.

Arbatov: “Terrorists need nuclear weapons not for deterrence but for direct use against and blackmail of individual countries and of the entire civilized world. Nuclear deterrence by states, in its turn, has no power against terrorists.”<sup>19</sup> The inability for a state to deter a terrorist organization is also something echoed by Brown and Arnold who argue that retaliation would be both inadequate and infeasible: “So terrorists lack the rationality, command structure and values necessary to be deterred. They also present no large targets for retaliation so that a national nuclear response [...] is not fitting.”<sup>20</sup> The problem posed with the possible acquisition of nuclear weapons by terrorists groups is intimately tied to better control of the worldwide nuclear arsenal and a strong argument for total de-nuclearization. In the end, if nuclear weapons are simply non-existent, then the likelihood of terror groups using them is that much reduced. This is however probably more of the domain of wishful thinking rather than practical application but nonetheless a valid argument for the zero nukes militants.

A final element supporting the argument that nuclear deterrence is a theory of human behavior which can only be disproven (ie, it does not work in real life), is the fact that many draw false conclusion based on a perfect past meaning the avoidance of World War III as a result of the Cold War. Although this is an easy to reach conclusion, it does not sustain the test of critical analysis. As Ward Wilson argues, seventy years of peace is a too short span of time to conclude that nothing will even happen and the absence of a black swan is in no way a proof that none exist.<sup>21</sup> As stated by Gray: “[...] many people claim that the Cold War “long peace” was kept, substantially, by nuclear deterrence. That may be so, but we do not really know. Sometimes, I suspect that we survived the Cold

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<sup>19</sup> Alexei Arbatov, "Nuclear Deterrence and Proliferation...", p. 52.

<sup>20</sup> Andrew Brown and Lorna Arnold, "The Quirks of Nuclear Deterrence...", p. 306.

<sup>21</sup> Ward Wilson, *Five Myths about Nuclear Weapons* (Boston: Houghton Mifflin Harcourt, 2013), 187.

War more by luck than judgment.”<sup>22</sup> As such, the past is not always the best indicator of the future and Wilson uses the analogy of the turkey which lived for a thousand days predicting that the next thousand will be fine only to find out that it was kept alive to be slaughtered on Thanksgiving next weekend. In short, it’s not because it worked in the past that the absence of a nuclear conflict is the result of nuclear deterrence or that it even works now considering that it can never be proven: “It ought to be clear to all of us that deterrence - really a form of applied psychology - is historically, psychologically, and politically naive to a dangerous degree; our confidence in it is quite unwarranted.”<sup>23</sup> Having considered at length and concluded that nuclear deterrence is overrated, the next section will discuss the willingness, or lack thereof, of nuclear equipped states to use them in a conflict.

### **States and their willingness to use nukes**

A prominent figure of US policy, former Secretary of State and National Security Advisor to Presidents Nixon and Ford, Doctor Henry Kissinger recognized, in an interview given in 1958, that the US would not be willing to use nuclear weapons even if it faced an existential threat.<sup>24</sup> What he argued is that the destruction of major American cities would not be worth any military objective and that a piece meal approach would be used to settled major conflicts between the US and the USSR. This illustrates the difficulties associated with the willingness for heads of states of nuclear powers to make this rationale decision and send thousands of lives to a certain death in order to gain a military advantage (with no guarantee of a total victory). If no one is willing to use

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<sup>22</sup> Colin S. Gray, "Gaining Compliance...", p. 281.

<sup>23</sup> James A. Stegenga, "Nuclear Deterrence...", p. 136.

<sup>24</sup> C-Span3 - History, "Henry Kissinger on Nuclear Deterrence," <https://www.youtube.com/watch?v=8SJikzUwwOY> (accessed 04/15, 2015).

nuclear weapons in the end, then the threat of use is therefore a bluff; one that no leader has ever been called up on however this illustrates again the fallacy of nuclear deterrence and the false sense of security it provides.

The democratic nature of the western democracies are in fact a hindrance in the decision making process regarding the employment of nuclear weapons. Firstly, democratic governments have to answer to the population once in a while, and popular vote can be swayed by their actions or a well-organized opposition campaign during an election for example. Since the first goal of political parties in a democracy is to seize and remain in power, they have to remain sensitive to these issues. As Ralph Sanders stated: "The decision-making processes of dictatorial regimes, such as Iran's, enjoy an advantage. Because Israel is a functioning democracy, its political and military leaders would lack freedom of action in a crisis."<sup>25</sup> Secondly, even non-democratic governments have a regime survival instinct "The United States could certainly find itself under threat from an irrational or self-destructive leader, but history does not suggest that the probability is high or the implications are entirely bleak. After all, even irrational leaders can consider costs."<sup>26</sup> Lastly, democratically elected leaders, such as President Obama, want to leave a legacy of their time in office which will make the world a better place hence why his administration is working hard to the "[...] outlawing of nuclear arms [...]."<sup>27</sup>

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<sup>25</sup> Ralph Sanders, "Israel and the Realities of Mutual Deterrence," *Israel Affairs* 15, no. 1 (01, 2009), 81-97., p. 90.

<sup>26</sup> James H. Lebovic, "The Law of Small Numbers: Deterrence and National Missile Defense," *Journal of Conflict Resolution* 46, no. 4 (08, 2002), 455-484., p. 459-460.

<sup>27</sup> Winston P. Nagan and Erin K. Slemmens, "Developing U.S. Nuclear... p. 47.

Pushing further into the idea of a rogue regime using nuclear weapons, doing so would mean political suicide and quite possible the end of said regime as presented by Yoshihara and Holmes:

“States are not interested in self-immolation; even the most bizarre and morally odious regimes will moderate their behavior if their core interests are threatened. [...] examples of national suicide are scarce, even though certain states may take enormous risks in pursuit of their political goals.”<sup>28</sup>

The end game for a suicidal regime would entail massive retaliation in the form of conventional strikes and quite likely military invasion (as we have seen in Iraq for example), a regime change, sanctions (as we are seeing in the case of the Russian-Ukrainian conflict), embargo (as we are seeing with Iran and North Korea) and pariah status with all that comes with being isolated by the international community. As articulated by Lebovic: “In the end, adversary threats to launch nuclear missiles might save a regime but not its conventional warmaking capability.”<sup>29</sup> As in the case for Iran, Sanders argues that: “It is hard to believe that when Iranian leaders are confronted with ‘pushing’ the nuclear button they will abandon all rationality. Extremist statements might pay off politically when no one faces a real nuclear war.”<sup>30</sup> As for North Korea, Hyeongpil Ham and Jaehak Lee state that: “North Korea will consider using its nuclear weapons only in a very limited, minimal manner for fear of an all-out war or nuclear retaliation.”<sup>31</sup> There is a general consensus that most nuclear or would-be nuclear states are not assessed as being fully committed to using them.

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<sup>28</sup> Toshi Yoshihara and James R. Holmes, *Strategy in the Second Nuclear Age: Power, Ambition, and the Ultimate Weapon* (Washington, DC: Georgetown University Press, 2012), 250., p. 19.

<sup>29</sup> James H. Lebovic, "The Law of Small Numbers:...", p. 462.

<sup>30</sup> Ralph Sanders, "Israel and the Realities...", p. 91.

<sup>31</sup> Hyeongpil Ham and Jaehak Lee, "North Korea's Nuclear Decision-Making and Plausible Scenarios," *Korean Journal of Defense Analysis* 25, no. 3 (09, 2013), 399-413., p. 410.

In terms of political will in general, there is simply no appetite to unleash a nuclear war. Stegenga describes it as “[...] the thermonuclear threat is a bluff that the leadership would not actually carry out [...]”<sup>32</sup>. Furthermore, Arbatov indicates that “[...] another contradiction implicit in nuclear deterrence: it implies the readiness to unleash nuclear war. Fortunately, for the past half-century, this apocalyptic paradox has remained theoretical [...]”<sup>33</sup>. Simply stated, there is no reason to use them and this has been eloquently stated by Joseph Cirincione, President of the Ploughshares Fund, a public grant-making foundation focused on nuclear weapons policy and conflict resolution, who admitted that there is just no scenario to use them.<sup>34</sup> This hesitation is certainly tied to the enormous and devastating consequences associated with nuclear weapons. They are just too great to be borne by leaders; many of whom could just not live with the thought of killing a massive amount of civilians:

“In a BBC radio interview 40 years after he held responsibility as Minister of Defence, Dennis Healey claimed that he would not have issued the order to retaliate with a submarine-launched nuclear weapon in the aftermath of a devastating nuclear attack on the United Kingdom ‘because most of the people you kill would be innocent civilians.’”<sup>35</sup>

Another aspect making it more complex for nations to exercise nuclear deterrence is the fact that it is not simply a matter of the US versus the USSR. In the post-Cold War world (sometimes referred to as the second nuclear age), there is a “[...] multiplicity of nuclear powers linked together by varying levels of cooperation and conflict.”<sup>36</sup> This situation, some authors argue, has made it more difficult to enter into a relation of “deterrence-

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<sup>32</sup> James A. Stegenga, "Nuclear Deterrence...", p. 142.

<sup>33</sup> Alexei Arbatov, "Nuclear Deterrence and Proliferation...", p. 40.

<sup>34</sup> Carnegie Council for ethics in international affairs, "Nuclear Deterrence is Not Stable, an Interview with Joseph Cirincione," <https://www.youtube.com/watch?v=AgdTKWDeRDU> (accessed 04/15, 2015).

<sup>35</sup> Andrew Brown and Lorna Arnold, "The Quirks of Nuclear Deterrence...", p. 302.

<sup>36</sup> Gregory D. Koblenz, "Strategic Stability in the Second Nuclear Age," *Council of Foreign Relations*, no. Council Special Report No. 71 (November 2014), p. 3.

deterree” and is summarized by Yoshihara and Holmes when they say that: “The entry of new players has multiplied the number and types of deterrent interactions that take place in the international system, which has yielded a newly complex geometry of deterrence.”<sup>37</sup> Already not willing to engage in a nuclear conflict, the absence of a clear view on deterrence and its side effects is certainly not a factor contributing to increase the willingness of world leaders to use those weapons in the first place.

An element which has had strange and counter-intuitive positive effect on states possessing nuclear weapons is the fact that they tend to act more responsibly, refraining from unleashing the unthinkable, raising the nuclear provocation threshold and finding solutions to their problems through other means. As articulated by James Pasley:

“Overall, the perceived impact of nuclear weapons on crisis situations basically has been twofold: first, it is generally assumed that nuclear weapons lead states to behave in a more prudent and constrained fashion, and second it has been argued that nuclear weaponry provides a tacit raising of the "provocation threshold", thereby lengthening the crisis escalation "ladder" adversaries must climb before arriving at interstate warfare.”<sup>38</sup>

This situation is certainly the result or at least tied to the fact that no nation can expect to launch or detonate a nuclear weapon without the world knowing about it. As stated by Lebovic: “[...] a land-based missile cannot be fired at the United States without revealing the country from which it was launched [...]”<sup>39</sup> There are simply no more places to hide and an act of war triggered by a nuclear weapon would bring about some of the consequences already discussed. Lastly, and to close off this section on the political will of government to use nuclear weapons, a point can be made that they are wholly useless

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<sup>37</sup> Toshi Yoshihara and James R. Holmes, *Strategy in the Second Nuclear Age...*, p. 229.

<sup>38</sup> James F. Pasley, "Chicken Pax Atomica: The Cold War Stability of Nuclear Deterrence," *Journal of International & Area Studies* 15, no. 2 (12, 2008), 21-39., p. 24

<sup>39</sup> James H. Lebovic, "The Law of Small Numbers:...", p. 460.

because they are offensive weapons by definition, it's either "use them or lose them" and we have just seen that there is simply no will to use them. Moreover, although this element will not be discussed at length, there are so many economic interdependencies in the world today that nations and heads of state would seriously think about the second and third order effects before using these weapons of mass destruction. When an economic turndown in a small country like Greece has ripple effects across the world, one can imagine how much the world economy would be affected by a nuclear war.

The next myth to dispel is the belief that they are effective weapons. Included in this concept is the idea of a second strike capability. The idea of preserving a second strike capability works against the principle of deterrence in the sense that if deterrence worked, then why would one need to protect a retaliatory strike capability. MccGwire has argued that ballistic missile defense and other second strike capabilities have had the opposite effect of creating an arms race "[...] where each side sought to ensure it could absorb a first strike and then retaliate."<sup>40</sup> Coupled with this notion is the policy of no first use adopted by certain country such as China or the concept of minimal deterrence which boils down to how many nuclear weapons a nation needs to meet an arbitrary threshold above which another state can be considered deterred. As stated by van Eekelen "China remains committed to the policy of no first use of nuclear weapons and pursues a self-defensive nuclear strategy and will never engage in a nuclear arms race with any other country."<sup>41</sup> This policy is only theoretical and Brown and Arnold are of the opinion that "The shelter of nuclear umbrella repudiates the policy of no-first-use"<sup>42</sup> meaning that the

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<sup>40</sup> Michael MccGwire, "Nuclear Deterrence...", p. 776.

<sup>41</sup> van Eekelen, Dr. Willem F., "The Definition of a National Strategic Concept," *Geneva Centre for the Democratic Control of Armed Forces* (2010), 1-24., p. 15

<sup>42</sup> Andrew Brown and Lorna Arnold, "The Quirks of Nuclear Deterrence...", p. 303.



extended deterrence concept is in fact a guarantee that nations cannot abide by their no-first-use commitment.

On the aspect of minimal deterrence, some authors (see Daniel Arce and Todd Sandler<sup>43</sup>) have presented mathematical models to define how many is just enough which is, in fact, an attempt to explain human behavior through a mathematical model with all the pitfalls this approach entails. However, no other argument can be as compelling as the fact that nuclear deterrence has failed many times in the past. Ward Wilson makes a strong case on the reason for Japan's surrender at the end of WW II which he affirms is tied to the Russian invasion of the Manchuria and not the bombing of Hiroshima and Nagasaki. He states that the Japanese used the pretext of nuclear weapons to surrender to the US instead of being annihilated by succumbing to the brutal Red Army of Stalin.<sup>44</sup> His argument is therefore that deterrence, or the destruction of more Japanese cities did not work to compel Japan to surrender. He and other authors argue of more cases where deterrence failed. Wilson talks about the Cuban missile crisis and the blockade ordered by Kennedy when in fact his order could have triggered a nuclear response from Khrushchey, or the Korean War, the blockade of Berlin and even the Iraq war<sup>45</sup>. Brown and Arnold argue that "Mao referred to nuclear weapons as 'paper tigers' [...]"<sup>46</sup> and also that "[...] Stalin was not worried about escalation to a wider war because he 'reckoned that the American administration was not run by frivolous people who would start a nuclear war over such a situation'"<sup>47</sup> referring to the blockade of Berlin.

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<sup>43</sup> DANIEL G. ARCE and TODD SANDLER, "Deterrence: Credibility and Proportionality," *Economics & Politics* 21, no. 3 (11, 2009), 384-408.

<sup>44</sup> Ward Wilson, *Five Myths about Nuclear Weapon...*, p. 31.

<sup>45</sup> *Ibid.*, 67.

<sup>46</sup> Andrew Brown and Lorna Arnold, "The Quirks of Nuclear Deterrence...", p. 302.

<sup>47</sup> *Ibid.*, 301.

A topic already briefly discussed earlier in this paper is the potential loss of control over nuclear weapons either by accident or miscalculation. This is an area where nothing must be left to chance for the potential outcome is unbearable. There have already been grim reminders associated with nuclear disasters as a whole when one looks at Chernobyl or Fukushima. Journalist and author Malcolm Gladwell summarized the inherent dangers associated with a complex system when he stated that: “[...] high technology accidents may not have clear causes at all. They may be inherent in the complexity of the technological systems we have created.”<sup>48</sup> He wrote this referring to the tragedy of space shuttle Challenger however the technical complexities of a spacecraft is certainly at a similar level than the one of nuclear weapons. It further amplifies the urging need for worldwide support and commitment towards non-proliferation and reduction (or complete destruction) of current stockpiles.

Some argue that tactical nuclear weapons offer a better perspective in using nuclear weapons as part of a conflict with inflicting only a minimal amount of damage. This could be a valid counter-argument if it wasn't that it is somewhat shortsighted. The first element to consider is that a nation using tactical nukes would actually cross the nuclear threshold and from that point forward, quite possibly entice a nuclear response from the adversary (if he is capable of it or possibly from a state providing extended deterrence). This may also very well mean international condemnation and possibly the attribution of a pariah state status with all that comes with it (isolation, embargo, sanction, etc). Secondly, as highlighted by Koblentz, there are other ways to deliver precision effects in the battle space such as: “A suite of nonnuclear technologies,

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<sup>48</sup> Malcolm Gladwell, *What the Dog Saw and Other Adventures*, Back Bay ed 1 (New York: Back Bay Books/Little Brown & Co., 2010; 2009), p. 282.

including missile defense, antisatellite weapons, long-range precision strike systems, and cyber weapons, have emerged that have the potential to undermine strategic stability.”<sup>49</sup> And let’s not forget that, as Clausewitz said: “A show of force [...] can accomplish its purpose without firing a single shot”.<sup>50</sup>

Finally, there is a belief inside of the US thinking that “Nuclear weapons provide the President with the ultimate means to terminate conflict promptly on terms favorable to the US.”<sup>51</sup> Nothing can be further from the truth and it has been amply demonstrated thus far that the use of nuclear weapons offers no guarantee to terminate a conflict or that it will even be on terms favorable to the US. This thinking is simply wrong and contributes to fuelling the hubris of security which further proves how much of a fallacy it is. Having looked at both the behavioral fallacy and the false sense of security provided by the unwillingness of governments to use nuclear weapons, the last element to discuss is their legality and equally important, their morality.

### **Nukes are illegal and immoral**

In 1996, the International Court of Justice (ICJ) provided an advisory opinion regarding the legality of the use of nuclear weapons. It looked at all the sources of international justice and came up with a split decision regarding the legality of their use. The Court pretty much said that it couldn’t find a clear expression, in the law, of their unlawfulness; however, rendering a split decision, it strongly erred on the side of saying that they are in fact an illegal weapon to use. As a matter of fact, three of the seven judges who voted against declaring them completely illegal did so because they believed

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<sup>49</sup> Gregory D. Koblenz, "Strategic Stability...", p. 21.

<sup>50</sup> Antulio Joseph Echevarria, *Clausewitz and Contemporary War* (Oxford England ; New York: Oxford University Press, 2007), 210., p. 136.

<sup>51</sup> United States of America, Department of Defense, *Deterrence Operations...*, p. 39.

that there are simply no reasons to use nuclear weapons meaning that the survival of the state was not a justifiable reason: “President Bedjaoui indicated that the fact that the Court was unable to go any further should not in any way be interpreted as leaving the way open to the recognition of the lawfulness of the threat or use of nuclear weapons.”<sup>52</sup> Nuclear weapons supporters will continue to claim that they can be lawfully used under article 51 of the UN Charter, when exercising the right of self-defense. Even that argument is weak and doesn’t stand the test of the ICJ:

“President Bedjaoui considered that "self-defence -if exercised under extreme circumstances in which the very survival of a State is in question - cannot engender a situation in which a State would exonerate itself from compliance with the '*intransgressible*' norms of international humanitarian law". According to him, it would be very rash to accord, without any hesitation, a higher priority to the survival of a State than to the survival of humanity itself.”<sup>53</sup>

MccGwire summarized it eloquently by stating that: “Deterrence dogma made it ‘moral’ to put the world at risk, as the West pursued the chimera of total security.”<sup>54</sup> In his mind and the minds of ten of the fourteen judges of the ICJ, no nation can legally use nuclear weapons.

President Bedjaoui and the ICJ’s opinion is shared by other authors such as Nagan and Slemens who argue that: “[...] the awkward truth about nuclear arsenals is that they cannot be reconciled with the fundamental keynote expectations of the U.N. Charter and modern international law. They are, or should be, unlawful, and this insight should guide future U.S. policy.”<sup>55</sup>

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<sup>52</sup> International Court of Justice, "Legality of the Threat Or use of Nuclear Weapons, Advisory Opinion of 8 July 1996," <http://www.icj-cij.org/docket/files/95/7497.pdf> (accessed April, 7, 2015)., p. 99.

<sup>53</sup> *Ibid.*, 99.

<sup>54</sup> Michael MccGwire, "Nuclear Deterrence...", p. 778.

<sup>55</sup> Winston P. Nagan and Erin K. Slemmens, "Developing U.S. Nuclear... p. 63.

The ICJ is also clear on the fact that “States do not have unlimited freedom of choice of means in the weapons they use.”<sup>56</sup> and that “[...] it cannot be concluded [...] that the established principles and rules of humanitarian law applicable in armed conflict did not apply to nuclear weapons.”<sup>57</sup> The International Committee of the Red Cross (ICRC) report on “Weapons that may cause unnecessary suffering or have or have indiscriminate effects”<sup>58</sup> reiterates the principles of protection against civilian casualties and the prohibition to cause unnecessary suffering<sup>59</sup>. It specifically discusses incendiary weapons as a weapon causing unnecessary suffering and having indiscriminate effects and affirms that: “*Nuclear weapons* are, in effect, incendiary explosive weapons of great power.”<sup>60</sup> Furthermore, the UN third “Protocol on prohibition or restriction on the use of incendiary weapons” further amplifies the ICRC declaration by stating that:

“It is prohibited in all circumstances to make the civilian population as such, individual civilians or civilian objects the object of attack by incendiary weapons. It is prohibited in all circumstances to make any military objective located within a concentration of civilians the object of attack by air-delivered incendiary weapons.”<sup>61</sup>

All these arguments highlight how unlawful the use of nuclear weapons would be. Having therefore discounted the legality of the use of nuclear weapons, the focus will now shift to discussing the morality of their use since some argue that they prevent the loss of many lives for the price of sacrificing a few. It’s the old adage of killing some to

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<sup>56</sup> International Court of Justice..., p. 97.

<sup>57</sup> *Ibid.*, 98.

<sup>58</sup> International Committee of the Red Cross, *Weapons that may Cause Unnecessary Suffering Or have Indiscriminate Effects*, (1973): .

<sup>59</sup> *Ibid.*, para 21 and 24.

<sup>60</sup> *Ibid.*, para 47.

<sup>61</sup> United Nations, *Third Protocol on the Prohibition Or Restriction on the use of Incendiary Weapons*, (1980): ., art 2.

save many more which is hardly justifiable considering the myriad of other options that exist.

As highlighted by Stegenga:

“Nuclear deterrence involves or contemplates, first, actions difficult if not impossible to reconcile with the moral obligations and codes supposed to govern states and statesmen in the global community. Deterrence doctrine openly contemplates the deliberate killing of tens of millions of people, most of them innocent noncombatants.”<sup>62</sup>

It is hardly ethically justifiable to send millions of innocent lives to a certain death; it is furthermore unacceptable to create massive collateral damage in this day and age. This is even more relevant when considering that the massive killing of civilian population and destruction of property doesn't win wars. Ward Wilson clearly illustrated it when he discussed Japan's surrender<sup>63</sup> and Arbatov amplifies by saying that “The act of retaliation is irrational, first, because the massacre of some other country's population will not restore one's own dead citizens to life or restore one's own destroyed material values.”<sup>64</sup> The destruction of enemy's war machine is possibly the only sure way to end a conflict and even though nuclear weapons could play a role in achieving that objective, there is no guarantee it will.

Because nuclear weapons are not cheap to develop and maintain, they divest a significant amount of public funds towards their stewardship; taking away funds from social and other programs. Although not the strongest argument against their immorality, this is nevertheless an issue recognized by some key world leaders one of which being President Eisenhower when he stated that “Every gun that is made, every warship

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<sup>62</sup> James A. Stegenga, "Nuclear Deterrence...", p. 137.

<sup>63</sup> Ward Wilson, *Five Myths about Nuclear Weapon...*, p. 64.

<sup>64</sup> Alexei Arbatov, "Nuclear Deterrence and Proliferation...", p. 40.

launched, every rocket fired, signifies in the final sense a theft from those who hunger and are not fed, those who are cold and are not clothed.”<sup>65</sup>

In sum, Stegenga best stated the weakness of the moral ground nuclear deterrence proponents stand on when he wrote “When its intellectual properties are tested against social science knowledge and its moral implications are judged against moral principles, nuclear deterrence is found to be an alarmingly shaky cornerstone.”<sup>66</sup>

### **Conclusion**

This paper argued that nuclear deterrence was a fallacy providing a false sense of security. It has been demonstrated that it is in fact a fallacy because it is based on the employment of flawed arguments to convince the population of its validity. Firstly, nuclear deterrence being a human behavior concept can only be disproven and it has been argued here that there is no reason to believe that it actually works. Secondly, the willingness to use nuclear weapons by states has been reduced to nothing more than a bluff. Lastly, there is ample literature highlighting the illegality and immorality of the employment of nuclear weapons and the concept of nuclear deterrence. In summary: “The general opinion was that the western strategy of deterrence was based on a deficient model of interaction: analytically weak, politically crude, and normatively bias.”<sup>67</sup> In short, nuclear deterrence fails on two fronts. First, it cannot be proven that it works; second, if states use them, then it’s a proof that deterrence failed and herein lies the fallacy and false sense of security.

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<sup>65</sup> James A. Stegenga, "Nuclear Deterrence...", p. 139.

<sup>66</sup> *Ibid.*, 128.

<sup>67</sup> Michael MccGwire, "Nuclear Deterrence...", p. 782.

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