Nuclear Weapons or Democracy

“Out of ratio” weapons are essentially ungovernable.

by Craig Lambert

The most fateful object yet to appear on this planet could be the “nuclear briefcase,” or “nuclear football,” a 40-pound titanium case containing top-secret information and tools that enable the president of the United States to launch a nuclear strike. The president carries authentication codes to assure recipients that the source of any nuclear orders is actually the Commander in Chief. When the president is away from the White House, a military officer with the nation’s highest security clearance (“Yankee White”) always remains nearby with this doomsday device, at times cabled to his wrist.

Due to the extraordinary secretiveness surrounding nuclear matters, Americans have no idea how many times presidents may have opened the nuclear briefcase or its equivalent. We do know that Eisenhower considered using nuclear weapons twice, during the Taiwan Straits crisis of 1954 and a flare-up over Berlin in 1959. Ike also delegated the power to launch a strike to certain military commanders if he were unavailable. Former secretary of defense Robert McNamara, M.B.A. ’39, LL.D. ’62, said, late in his life, that John F. Kennedy ’40, LL.D. ’56, came “within a hairbreadth of nuclear catastrophe” three times—this in a presidency lasting only 34 months. Lyndon Johnson contemplated deploying nuclear arms to prevent China from building them. Richard Nixon considered using them three times—other than in Vietnam—including one case in which North Korea shot down a U.S. reconnaissance plane in 1969.

“The crucial point is that there’s an interval of 30 or 40 years between those incidents and our learning about them,” says Elaine Scarry, Cabot professor of aesthetics and the general theory of value. “We wrongly assume that the Cuban missile crisis is the model: ‘when the world is at risk, we know it.’ Well, we don’t
know it. In eight of these nine cases, we didn’t have a clue. Do we want to simply guess about something like this, where millions of people stand to be killed? We assume there would have to be a huge problem for us to contemplate such a thing. Like, for example, shooting down a reconnaissance plane?

“It’s widely acknowledged that nuclear weapons are incredibly susceptible to accidental use or to seizure by a non-state actor or terrorist,” Scarry continues. “But what has been insufficiently recognized is the biggest danger of all: the belief that there is some ‘legitimate’ possession of these weapons, that we are safe as long as there’sgovernment oversight of them. In fact, they are utterly incompatible with governance.”

In her new book, *Thermonuclear Monarchy: Choosing Between Democracy and Doom* (W.W. Norton), Scarry argues that the very existence of nuclear arsenals is irreconcilable with the U.S. Constitution and in fact betrays the basic purpose of the social contract that governs any civil society: forestalling injurious behavior. “Nuclear weapons undo governments, and undo anything that could be meant by democracy,” she says. “They put the population completely outside the realm of overseeing our entry into war—or having a say in their own survival or destruction. We have to choose between nuclear weapons and democracy.”

In her book, Scarry asserts that the United States, “...a country formerly dependent on its population, its legislature, and its executive acting in concert for any act of defense—has now largely eliminated its population and its legislature from the sphere of defense, and relies exclusively on its executive.”

Nuclear weapons are monarchic. Along with other weapons of mass destruction, they are what Scarry calls “out-of-ratio” weapons: ones that give a very small number of people the power to annihilate very large numbers of people. “An out-of-ratio weapon makes the presence of the population at the authorization end [of an attack] a structural impossibility,” she writes. “New weapons inevitably change the nature of warfare,” she says, “but out-of-ratio weapons have changed the nature of government.”

In a practical sense, the speed and scale of an incoming nuclear attack make the notion of congressional authorization of war ridiculous; such arms are fundamentally beyond democratic control. “We had a choice: get rid of nuclear weapons or get rid of Congress and the citizens,” Scarry explains. “We got rid of Congress and the citizens.”

Since the bombings of Hiroshima and Nagasaki in 1945, American presidents have been well aware that having a finger on the nuclear trigger gives them monstrous power that dwarfs the pet-
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ty squabbles of day-to-day political life. During the 1974 impeachment proceedings of Richard Nixon, he told the press, “I can go into my office and pick up the telephone, and in 25 minutes 70 million people will be dead.”

The concentration of such outsized violent force in the hands of the American president (and of the leaders of the other eight nuclear powers) has, Scarry argues, largely undermined the three-part design of government that the framers of the Constitution created to separate legislative, judicial, and executive power. Instead, Washington has become like a three-handed poker game in which one player holds all the high cards and billions of chips.

In Article I, Section 8:11, the Constitution insists on a congressional declaration for war to take place, Scarry says, yet, “since the invention of atomic weapons, there has not been a formal congressional declaration of war.” (The closest case was Congress’s conditional declaration for the Gulf War.) *Thermonuclear Monarchy* describes the five cases of declared war in American history: the War of 1812, the Mexican War of 1846, the Spanish-American War, and the two World Wars. Scarry remarks on “how majestic Congress was in those cases.”

**The awesome power** that nuclear weapons invest in the executive branch essentially disables the legislative one, she writes. “[O]nce Congress was stripped of its responsibility for overseeing war—as happened the moment atomic weapons were invented—it was, in effect, infantilized....Now, six decades later, book after book has appeared describing Congress as ‘dysfunctional’ or ‘dead.’ Once Congress regains its authority over war, however, there is every reason to believe it will travel back along the reverse path, reacquiring the stature, intelligence, eloquence, and commitment to the population it once had.”

Civic stature and military stature are intimately linked. Scarry points to the passage of the Fifteenth Amendment, which enfranchised African-American men. It came on the heels of the Civil War, in which 180,000 black soldiers fought; given this, blacks could hardly be denied the right to vote. Similarly, the Twenty-Sixth Amendment, lowering the voting age from 21 to 18, was ratified after many teenaged soldiers had fought and died in the Vietnam War.

“It is tempting to think that a country with monarchic arrangements in the realm of nuclear war can maintain a more attractive form of government throughout the rest of its civil fabric,” she writes. “That would be a mistake. A country is its arrangements for national defense....”

The Constitution and, more generally, the social contract, purposely make it difficult to go to war. Scarry’s book makes clear that the social contract arises from the need to prevent the injuries that people living in groups so often cause one another. The solution involves putting brakes on the concentration of power. “The only way you can civilize force is to distribute it: give everyone a small share,” she says, adding that the Second Amendment’s insistence on the citizens’ right to bear arms underlines this principle. Urging that military powers be held within the social contract, John Locke similarly warned, she notes, that anyone is “in a much worse condition, who is exposed to the arbitrary power of one man, who has the command of 100,000, than he that is exposed to the arbitrary power of 100,000 single men.” Nuclear weapons eliminate individual soldiers; they condense the injuring power that formerly depended on thousands of soldiers into a single weapon, and place it at the disposal of a solitary leader.

“Actions that cause major injury, like going to war, require collective decisionmaking—which gives a great braking power,” she says. “You don’t want to put impediments in the way of the good things in life—things like liberty, lovemaking, party-going, studying, helping others. The social contract puts impediments in the way of one thing: injury.”

War surely causes more injury and death than any other action arising from human intentions, and the Constitution (written in the wake of the Revolutionary War) puts a double brake on warfare. War must pass through two gates to become a reality. One is Congress, with its responsibility (now shirked) to declare war. The second brake is the general population.

“The mere fact that you required the citizens to fight meant that the citizenry could say yes or no,” she explains. “A war doesn’t get fought if the population doesn’t want it fought.”

“People like to say, ‘Soldiers obey—they do what they’re told,’” she continues. “It’s not true. Soldiers do what they are told, but they do it thoughtfully—and sometimes they don’t. The War of 1812 ended when it did because the population, including soldiers and sailors, did not feel strong support for it. There were soldier strikes all over England and Canada at the

**Injury and Beauty**

**This spring,** Elaine Scarry is teaching two courses: a purely literary class on the three Brontë sisters, and “The Problem of Consent,” drawing examples from literature, medicine, political philosophy, and the law, and enrolling students from the Law School as well as the College. Though her home base is Harvard’s English department, Scarry has never limited her scholarship to literature.

From the beginning, she says, her work has focused on two areas: “the problem of injury, and why it is so hard to get people to care about it;” and “the great pleasure of beauty and creation.” The first of Scarry’s 10 books, *The Body in Pain* (1985), offered a searching exploration of physical pain in medical, military, legal, scientific, and literary contexts. *Dreaming by the Book* (1999) inquired into how poets get readers to form vivid mental images. On *Beauty and Being Just* (1999) argued that encounters with beauty “call us either to educate ourselves, or to try to repair the injuries of the world.” Since 1987, she has been researching the issues involving consent to war expounded in *Thermonuclear Monarchy;* in recent years she has lectured on its themes at law schools and humanities forums.
end of World War I; Winston Churchill wrote to Lloyd George saying he wanted to go into Russia to support the Whites against the Reds, ‘but the soldiers won’t let me.’ A big reason the South lost the Civil War was that 250,000 soldiers deserted; every time Robert E. Lee looked over his shoulder, he saw a smaller army. Soldiers ratify a war.”

The secrecy that cloaks nuclear policy and the technical aspects of nuclear arms—what happens in the private huddles between a president and his advisers, for example—keeps these policies insulated from any genuine, searching critique, she believes. Even the weapons themselves remain sequestered in deep-sea waters, high in the sky, or at remote land locations in Wyoming, Montana, or North Dakota, for example. It can be difficult even to communicate with the military personnel trusted to oversee them.

The USS Rhode Island is one of 18 Ohio class submarines armed with nuclear ballistic or guided missiles that patrol the world’s waters. Its armaments can destroy all human, animal, and plant life on a continent. When deeply submerged, as in wartime or any moment of high political tension, Scarry writes, “...it can only receive in very, very small amounts of information very, very slowly. In fact, the first three letters of the hyphenated message would have taken fifteen minutes to arrive, and the submarine would have had no way to confirm its receipt of the letters.” The information gets conveyed, she explains, “…in Extremely Low Frequency (or ELF) waves, giant radio waves each 2500 miles in length that can (unlike any other band of the electromagnetic spectrum) penetrate the ocean depths. Until 2004, ELF waves were launched by a giant antenna in Michigan and Wisconsin that is eighteen acres in size.” (The Navy has not disclosed the successor to ELF.)

The nuclear–armed submarine, then, is an obscenely powerful engine of destruction and death that, at the most critical moments, seems all but incommunicado. Thermonuclear Monarchy builds on this: “…to say nuclear weapons are ‘ungovernable’ is to say that they are unreachable by the human will, the populations of the earth have no access to them... The membrane that separates us from their lethal corridors is one-directional: the weapons may suddenly unzip the barrier, erupt into our world, eliminate us; but we cannot, standing on the other side, unzip the barrier, step into their world, and eliminate them.” She elaborates: “People say, ‘Once something is invented it can’t be un-invented.’ What are we talking about? These things we’ve invented can kill and destroy the whole earth, but we can’t get rid of them! Of course we can.”

The Ohio class submarines nicely epitomize the furtiveness of the nuclear world. Eight new ones were launched between 1989 and 1997, during the years of the so-called “peace dividend.” Each of these subs carries nuclear weapons with eight times the total blast power expended by all Allied and Axis countries in World War II. The 14 Trident II SSBNs (ballistic-missile launching submarines) have, among them, the firepower to kill all life on 14 continents. “There are only seven continents,” Scarry dryly remarks. Even so, news reports did not cover the launching, christening, and commissioning of any of these submarines, even in the states whose names they bore.

The shroud of secrecy keeps the general citizenry ignorant of basic facts about the nation’s nuclear arrangements. Most Americans do not realize that the country has a first-use policy. A 2004 poll found that the majority estimated that the United States has 200 nuclear weapons; the actual current figure is 7,700. Meanwhile, 73 percent of Americans say they want the total elimination of nuclear weapons, as do similar proportions of Russians and Canadians.

The United States and Russia are now reducing their stockpiles of nuclear warheads in accordance with negotiated agreements. This is a positive step, Scarry says, though she cautions that the reductions in forces “may simply be a way to retire obsolete weapons to make way for newer ones.” (Twelve more Ohio class submarines are slated for construction between 2019 and 2035.)

Recent scientific work on the “nuclear winter” (the hypothetical climate change following a nuclear exchange), Scarry reports, indicates that any country launching a nuclear attack would be committing suicide—rendering the weapons, in effect, unusable. An exchange that exploded as little as 0.015 percent of the world’s nuclear arsenal—say, between lesser nuclear powers like India and Pakistan—could leave 44 million dead immediately—and one billion more people likely to perish in the following month, given the effect on food supplies and the disruption of agriculture.
During the Cuban missile crisis, President John F. Kennedy stated that the United States had no quarrel with the Cuban people or the Soviet people. But, Scarry says, “These weapons are not designed for a showdown of political leaders. They are going to massacre the citizens. No weapon ever invented has remained unused. Does anyone think that in the next 100 years, one of these governments that has them, won’t use them?”

In a 2005 Foreign Policy essay, “Apocalypse Soon,” Robert McNamara bluntly declared, “U.S. nuclear weapons policy [is] immoral, illegal, militarily unnecessary and dreadfully dangerous.” Scarry agrees, and declares, “Nuclear weapons have to be gotten rid of, worldwide. But this cannot be done if the United States is just sitting there with this huge arsenal, which dwarfs what any other nation has. We worry about Iran and North Korea and the huge existential threat if these countries get nuclear weapons. What is mysterious, though, is that we fail to see the huge existential threat that we pose to the world with what is by far the most powerful nuclear arsenal anywhere.”

In 1995, 78 countries asked the International Court of Justice to declare nuclear arms illegal. In response, the U.S. Departments of Defense and State jointly argued that using, and even making first use of, nuclear weapons does not violate any treaty regarding human rights or the environment. Nor would the death of millions via a nuclear attack violate the 1948 UN convention on genocide; they asserted that “genocide” applies only to the annihilation of national, ethnic, racial, or religious groups.

Scarry instead suggests that the United States act in concert with other nuclear nations, all using their constitutions, to dismantle and permanently eliminate these weapons. The first step, she says, is “reanimating our awareness that we are responsible—we are in control, or should be in control, of our self-defense.” Restoring the military draft would help return responsibility for decisions about war to the whole population, and make political leaders far more accountable to the citizenry. “Little by little, the importance of the Constitution has been obscured,” she states. “We should require Congress to oversee our entry into war. A president who does not get a congressional declaration should no longer be president. That is absolutely an impeachable offense. The population has to see how important this provision is.” Furthermore, in negotiations for nuclear disarmament, “if those who are negotiating know that the population is insisting that these weapons be eliminated—rather than just leaving it up to a handful of negotiators—that will help them as negotiators.

“There is no transparency if you’re waiting 30 or 40 years to get the information,” she continues. “Presidents ought to report about close calls, for example. Maybe each year in the State of the Union address, the president should have to say how many times a nuclear option was considered in the past year. And we ought to feel that it is our responsibility to ask about these things. History has to show that we tried.”

In an earlier book, Scarry analyzed the events of 9/11, showing how the citizens on Flight 93 were able to act effectively to disrupt the terrorists’ planned mission. “They deliberated, they actually voted, and they acted to bring down that plane,” she says. “Whereas the Pentagon could not even defend the Pentagon, let alone the rest of the country: their habits and training were all directed toward this idea of war with a foreign country. The fighter jets at first flew off away from the coast, in the wrong direction. But terrorists like the shoe bomber—undone by fellow passengers. The so-called Christmas bomber in Detroit—undone by passengers. The Times Square car bomb—an ordinary vendor noticed something wrong.”

Perhaps millions of citizens will find something wrong with a far greater bomb threat, and defuse it. Scarry ends the first chapter of Thermonuclear Monarchy with a challenge. “The two artifacts, the social contract and the nuclear array, are mutually exclusive,” she writes. “To exist each requires that the other be destroyed. Which one will it be?”

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The USS Wyoming, an Ohio-class nuclear ballistic-missile armed submarine, transits the Intracoastal Waterway in 2009.