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## Israel's Nuclear Strategy Ambiguity: Disclosure Doctrine - An Open Memorandum to Prime Minister Netanyahu

### Keywords

Israel, Comparative Law, Military Law, War, Politics

# ISRAEL'S NUCLEAR STRATEGY AMBIGUITY: DISCLOSURE DOCTRINE

## An Open Memorandum to Prime Minister Netanyahu

LOUIS RENE BERES<sup>1</sup>

Dear Mr. Prime Minister:

Shortly after coming to power, your predecessor, Shimon Peres, took the unprecedented step of *disclosing* Israel's nuclear capability. Responding to questions about the Oslo expectations and the extent of Israeli concessions, Prime Minister Peres remarked that he would be "delighted" to "give up the Atom" if the region would embrace a comprehensive and lasting peace. Although this remark was almost certainly not an expression of changed nuclear policy (i.e., the intent of the remark was not to enhance Israeli nuclear power but to enhance the "Peace Process"), it does point to an important national security question: Should nuclear disclosure now become a conscious policy choice for the State of Israel? This question, in turn, should be addressed *together with* a comprehensive and informed consideration of another associated question: What are the precise functions of Israeli nuclear weapons?

This Memorandum seeks to answer these vital and interrelated questions. The question of *disclosure* is not a simple "yes" or "no" issue (obviously the basic question was already answered by Peres's "offer"), but rather, the *extent* of the subtlety and detail with which Israel should now communicate its nuclear posture to minacious enemy states. Regarding the question of *nuclear function*, the issue is not the cost-effectiveness of a simple *End of the Third Temple* option, but rather a much more complex investigation of doctrine, deployment, de-

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1. Louis Rene Beres (Ph.D., Princeton, 1971) is the author of many books and articles dealing with Israel's nuclear strategy. He is a member of the Advisory Board of Nativ and The Center for Policy Research, and has lectured at the Dayan Forum, Likud Security Group, Likud Chamber, National Defense College, the Jaffee Center for Strategic Studies and the BESA Center for Strategic Studies. His strategic analyses have appeared in such publications as STRATEGIC REVIEW, MIDSTREAM, COMPARATIVE STRATEGY, WORLD POLITICS, INTERNATIONAL JOURNAL OF INTELLIGENCE AND COUNTERINTELLIGENCE, ISRAEL AFFAIRS, BULLETIN OF THE ATOMIC SCIENTISTS, STUDIES IN CONFLICT AND TERRORISM, PARAMETERS (U.S. Army War College) and SPECIAL WARFARE (JFK Special Warfare Center). Recent articles by Professor Beres have been co-authored with AMB. Zalman Shoval (VAND. J. TRANSNAT'L L.) and Col. Yoash Tsiddon-Chatto (TEMP. J. INT'L & COMP. L.). The June/July 1995 issue of MIDSTREAM featured what was to become a widely reprinted debate on the Middle East Peace Process between Professor Beres and Maj. Gen. Shlomo Gazit (Res.), former Chief of the IDF Intelligence Branch.

terrence and defense.

Both of these overriding questions must be raised and explored within the ongoing context of Oslo. The so-called "Peace Process" is now the critical environment within which Israel's nuclear policy must be fashioned and understood. Setting the parameters of Israeli military power, this codified pattern of asymmetrical concessions presently exhibits a principal imperative identified by Sun-Tzu in *The Art of War*: "Subjugating the enemy's army without fighting is the true pinnacle of excellence."<sup>2</sup> Strengthened by Oslo, Israel's Arab/Islamic enemies are rapidly reaching this pinnacle, while Israel is becoming ever more distant from it. With the Peace Process, the Palestinian Authority and its allies are subjugating the Israel Defense Forces (IDF) with virtually no risk to their own armies and terrorist operators.

During the middle-1980s, some students of Middle Eastern security issues began to speak plainly of Israel's nuclear strategy with particular reference to the question of disclosure.<sup>3</sup> Specifically, these scholars asked whether this strategy should continue to be *implicit*, deliberately ambiguous, and in the "basement," or whether it should be *explicit*, clearly articulated, and out in the open.<sup>4</sup> I entered the debate personally with a series of lectures at the Israeli Strategic Studies Centers in 1984 and 1985 (the first two hosted by Maj. Gen. Res. Aharon Yariv at Jaffee) and with the first edited book on the subject in 1986.<sup>5</sup> Today, this debate no longer seems vital to Israeli strategists as it is perfectly obvious that Israel has a significant number of nuclear weapons. That being the case, they reason, there really is nothing further to disclose. Israel is patently a member of the Nuclear Club and everyone already knows it. Case closed!<sup>6</sup>

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2. See SUN TZU, *THE ART OF WAR* 177 (Ralph D. Sawyer, trans., Westview Press 1994).

3. At that time, and even today, disclosure was treated generally as a *dichotomous* variable, i.e., only two options presented themselves: disclosure or nondisclosure. This memorandum is premised on the assumption, *inter alia*, that disclosure should be treated by Israeli defense planners as a *continuous* variable. This would allow planners to identify multiple disclosure options along a continuum of possibilities. They can also choose that particular *level* of disclosure that is presumed most gainful to Israeli nuclear requirements.

4. The principal scholarly publication in this genre is SHAI FELDMAN, *ISRAELI NUCLEAR DETERRENCE* (1982). My argument for disclosure is substantially different from Feldman's, rejecting any implicit comparisons with superpower nuclear deterrence and expanding the pertinent essential functions of Israeli nuclear forces.

5. See *SECURITY OR ARMAGEDDON: ISRAEL'S NUCLEAR STRATEGY* (Louis Rene Beres ed., 1986). This anthology is comprised of chapters by the following scholars: Alan Dowty; Gerald M. Steinberg; Avner Yaniv; Efraim Inbar; Zeev Eytan; Robert Harkavy; Avi Beker; Stephen J. Cimbala; Robert A. Friedlander; Burns H. Weston; and Avner Cohen.

6. A related argument suggests that disclosure could exacerbate the regional nuclear arms race, to Israel's distinct detriment. For example, Roger Molander and Peter Wilson

But there is a serious problem with such reasoning. The rationale for disclosure, of taking the bomb out of the "basement,"<sup>7</sup> would not lie simply in expressing the obvious. Rather, it would lie in the informed understanding that nuclear weapons can serve Israel's security in a number of different ways. All of these ways could benefit the Jewish State, more or less, to the extent that certain aspects of these weapons and associated strategies were disclosed. Indeed, as we shall now see, the pertinent form and extent of disclosure<sup>8</sup> could soon be more critical than ever before because of the current Peace Process.<sup>9</sup>

For the foreseeable future, Israel's state enemies - especially Iran<sup>10</sup>

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maintain that:

"[o]vert acceptance of Israel as a nuclear-armed state would undoubtedly further stimulate nuclear weapons programs among the Arab states and Iran so that a predictable sequel would be the eventual demand to grant legitimacy to, say, nuclear arsenals in Iraq and Iran."

See Roger Molander & Peter Wilson, *On Dealing With the Prospect of Nuclear Chaos*, THE WASH. Q., Summer 1994, at 19, 23-4. There is, however, no evidence to support this particular argument which could, by extrapolation, be used very erroneously and possibly with very grave consequences against disclosure.

7. *But see* SHLOMO ARONSON, THE POLITICS AND STRATEGY OF NUCLEAR WEAPONS IN THE MIDDLE EAST: OPACITY, THEORY AND REALITY 1960-1991, AN ISRAELI PERSPECTIVE IX (1992). (indicating that an alternative image for nuclear ambiguity has been "opacity" referring to "opaque nuclear cases"). This particular image is used to give undeclared bombs a greater analytic subtlety. *Id.* "The adjective 'opaque' is derived from physics. In this context, it can be used to describe what happens when one looks at an object through a certain type of crystal. Depending upon how you hold the crystal, you might not see the object clearly, it will be distorted. But if you hold the crystal 'properly,' you will see the object very clearly indeed." *Id.*

8. Although not developed in this memorandum, the *pertinent form and extent of disclosure* represent critical questions for future inquiry. What, precisely, should be the optimal means of disclosure in different circumstances and in relation to different objectives? What, exactly, should be the optimal levels of disclosure in these different circumstances and in relation to the seven different stated security functions of nuclear weapons?

9. For an informed exploration of the Peace Process, see Louis Rene Beres, *The "Peace Process" and Israel's Nuclear Strategy*, 23 STRATEGIC REV. 35 (1995). The juridical core of this process is the Israel-PLO Agreement, known widely as the Declaration of Principles, concluded and signed in Oslo on August 19, 1993 and resigned in Washington, D.C. on September 13, 1993. Generating a codified exchange of Israeli-administered territories for Arab diplomatic guarantees, this process, *especially if it is now continued*, will assuredly *increase* Israel's overall dependence on nuclear weapons.

10. For a detailed consideration of the Iranian military threat to Israel, see Louis Rene Beres, *Israel, Iran and Nuclear War: A Jurisprudential Assessment*, UCLA J. INT'L & FOREIGN AFF. 65 (1996); Louis Rene Beres, *Israel, Iran and Preemption: Choosing the Least Unattractive Option Under International Law*, 14 DICK. J. INT'L L. 187 (1996); Louis Rene Beres, *The Iranian Threat to Israel: Capabilities and Intentions*, 9 INT'L J. INTELL. & COUNTERINTELL. 51, (1996); Louis Rene Beres, *Israel, Iran and Prospects for Nuclear War in the Middle East*, 21 STRATEGIC REV. 52, (1993); Louis Rene Beres, *Israel, Iran and Nuclear War: A Tactical Assessment*, SURVEY OF ARAB AFF. (1993).

and Syria<sup>11</sup> (but not excluding Egypt and Jordan) - continue to enlarge and improve their conventional and unconventional military capabilities. Although no one can conclusively predict that such improvements are underway with Israel especially in mind, it would be prudent for Jerusalem to assume the worst. Moreover, even if enemy state intentions do not yet parallel capabilities, this could change very rapidly. Here, for example, Iranian capabilities could *determine* intentions, occasioning chemical, biological<sup>12</sup> or nuclear first-strikes against Israel because of expected tactical advantages.

To protect itself against enemy strikes, especially those attacks with potential existential costs, Israel must exploit every component function of its nuclear arsenal.<sup>13</sup> In this regard, the success of Israel's efforts will depend in large part upon not only its particular configuration of *counterforce* and *countervalue* operations, but also upon the extent to which this configuration is made known in advance to enemy states. Consequently, before such an enemy is appropriately deterred from launching first-strike attacks against Israel, or before it is deterred from launching retaliatory attacks following an Israeli preemption, it may not be enough that it *knows* that Israel has nuclear weapons. It may also need to recognize that these Israeli weapons are sufficiently invulnerable to such attacks and that they are targeted at the enemy's own pertinent military installations. To fully understand the ambiguity or disclosure question,<sup>14</sup> we must first recall the theo-

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11. For a detailed consideration of Syria, Israel and the Golan Heights, see Louis Rene Beres & Zalman Shoval, *On Demilitarizing a Palestinian 'Entity' and the Golan Heights: An International Law Perspective*, 28 VAND. L. REV. 959, 959-71 (1995).

12. For Israel, biological weapons may be of somewhat *less* immediate concern than chemical weapons. Although a growing number of states have or are now developing capabilities to employ living organisms (such as anthrax, lassa fever, or typhus, as opposed to inert toxins), such capabilities would have limited military value. This is because their dispersal mechanisms are difficult to manage. A change of wind could make them as lethal to the attacker as to the intended victim and it is difficult to sustain the living organism in biological weapons in hot climates. At the same time, precisely because biological weapons are better suited for mass-destruction than for use as dedicated military instruments, they could hold out greater appeal to Israel's *irrational* state enemies.

13. The seven essential functions that will be addressed herein are as follows: (1) deterrence of large conventional attacks by enemy states; (2) deterrence of all levels of unconventional attacks by enemy states; (3) preemption of enemy nuclear attacks; (4) support of conventional preemptions against enemy state nuclear assets; (5) support of conventional preemptions against enemy state non-nuclear assets; (6) nuclear war fighting; and (7) the "Samson Option." For discussion of the "Samson Option", see Louis Rene Beres, *Israel and Samson: Some Tenuously Biblical Reflections on Strategy*, JERUSALEM LETTER/VIEWPOINTS, Feb. 1996, at 6 (Jerusalem Ctr. for Pub. Affairs, Jerusalem, Israel). Samson chose suicide by pushing apart the temple pillars. This is a misleading analogy because for states, the issue between "life" or "death" is not the same standard as for individual persons.

14. It is assumed throughout this piece that such an understanding requires an appropriate "strategic dialectic." In contrast to the standard literature in this field, which is

retical foundations of nuclear war and deterrence<sup>15</sup> as they pertain to Israel. These foundations concern prospective attackers' perceptions of both Israel's nuclear capability and Israel's willingness to utilize them. Removing the bomb from Israel's "basement" could, therefore, enhance Israel's nuclear deterrence and nuclear warfighting postures to the extent that it would heighten enemy state perceptions of Jerusalem's capable nuclear forces and its willingness to use these forces in reprisal for certain first-strike and retaliatory attacks.<sup>16</sup>

Mr. Prime Minister,

Let us look at these requirements more closely. To deter an enemy attack or post-preemption retaliation, Israel must prevent an aggressor, by threat of an unacceptably damaging reprisal or counter-retaliation, from deciding to strike. Here, security is sought by convincing the potential rational<sup>17</sup> attacker (irrational enemies are an altogether different problem) that the costs of a considered attack will exceed the expected benefits. Assuming that Israel's state enemies: (1) value self-preservation; and (2) always choose rationally between alternative op-

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generally satisfied with fundamental *reportorial* forms of investigation, my method will be to ask and answer questions, again and again, until core problems are confronted. Here, we will approach our problem as an interrelated series of thoughts. Each thought presents a complication that moves inquiry onward to the next thought. Contained in this strategic dialectic is an *obligation* to continue thinking, an obligation that, logically, can never be fulfilled completely (because of what is called the "infinite regress problem", but that must still be attempted as fully and as competently as possible. With such a dialectical form of investigation, we may focus upon appropriately dynamic and generic interactions and synergies.

15. For discussion on the expected consequences of nuclear war fighting, see LOUIS RENE BERES, *APOCALYPSE: NUCLEAR CATASTROPHE IN WORLD POLITICS* (1980); LOUIS RENE BERES, *MIMICKING SISYPHUS: AMERICA'S COUNTERVAILING NUCLEAR STRATEGY* (1983); LOUIS RENE BERES, *REASON AND REALPOLITIK: U.S. FOREIGN POLICY AND WORLD ORDER* (1984); LOUIS RENE BERES, *SECURITY OR ARMAGEDDON: ISRAEL'S NUCLEAR STRATEGY* (1986).

16. Contrary to the prevailing conventional wisdom, nuclear deterrence and associated forms of Israel's nuclear posture, including preemption, can fully *support* the authoritative expectations of international law. The adequacy of international law in preventing nuclear war in the Middle East will depend upon far more than certain formal treaties, customs, and general principles. It will depend, especially, upon the success or failure of particular national strategies in the region. If Israel's nuclear strategy should reduce the threat of nuclear war, either because of successful forms of nuclear deterrence or because of essential preemptive strikes, possibly with the aid of some apt measure of *disclosure*, this strategy should be considered as an authentic component of international law enforcement.

17. Even if it could be assumed that enemy state leaders will always meet the expectations of rational decision making, this would say nothing about the *accuracy* of information used in making rational calculations. Rationality refers only to the *intention* of maximizing specified values or preferences. It says nothing at all about whether the information used is correct or incorrect. Hence, rational leaders of enemy states may make calculation errors that could lead their states to war against Israel.

tions, they will always refrain from attacking an Israel that is believed willing and able to deliver an appropriately destructive response.<sup>18</sup>

Two factors must communicate such a belief. First, in terms of *ability*, there are two essential components: *payload* and *delivery system*. It must be successfully communicated to the prospective attacker that Israel's firepower and its means of delivering that firepower are capable of wreaking unacceptable levels of destruction. This means that Israel's retaliatory or counter-retaliatory forces must *appear* sufficiently *invulnerable* and sufficiently elusive to *penetrate* the prospective attacker's active and civil defenses. It need not be communicated to the potential attacker that such firepower and the means of delivery are *superior*. The capacity to deter need not be as great as the capacity to "win."

With the bomb kept silently in the basement, enemy states could conclude, rightly or wrongly, that a first-strike attack or post-preemption reprisal would be cost-effective. Were it made more plainly obvious to enemy states contemplating an attack that Israel's bombs met both payload and delivery system objectives, Israel's nuclear forces would likely better serve their overriding security functions.

The second factor of nuclear communication for Israel concerns *willingness*. How may Israel convince potential attackers that it possesses the resolve to deliver an immense destructive retaliation and counter-retaliation? The answer to this question lies, in part, in Israel's demonstrated strength of commitment to carry out such an attack and in the precise nuclear weapons that would be available. Here, too, continued nuclear ambiguity could create the impression of an *unwilling* Israel. Conversely, movement toward some as-yet-undetermined level of disclosure could heighten the impression of an Israel that is willing to follow through on its nuclear threats.

What then, are the plausible connections between a more openly declared nuclear capability and enemy state perceptions of Israel's nuclear deterrence? One such connection concerns the relation between disclosure and perceived vulnerability of Israeli nuclear forces from preemptive destruction. Another such connection concerns the relation

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18. My analysis is consistent with standard definitions of rationality in world politics. I assume a unitary, value-maximizing decision maker with (1) one set of specified goals, (2) one set of perceived options; and (3) a single estimate of the consequences that ensue from each alternative. Thus, the enemy-state decision maker is assumed to evaluate alternatives in his strategic environment on the basis of his preferences among them; to operate according to a preference-ordering that is consistent and transitive; and to always choose the preferred alternative. An often ignored problem with rationality assumptions is that they concern only preference-maximizing *intentions*. An enemy state may meet all of the requirements of rationality, but still commit errors in calculation that undermine deterrence.



between disclosure and perceived capacity of Israel's nuclear forces to penetrate the attacking state's active defenses. Disclosure could represent a rational and prudent option for Israel to the extent that enemy states are made appropriately aware of Israel's nuclear capabilities. The operational benefits of disclosure would accrue from deliberate flows of doctrinal information about such matters as dispersion, multiplication and hardening of nuclear systems and about some other technical features of certain nuclear weapons systems. Above all else, such carefully controlled flows would serve to remove enemy doubts about Israel's nuclear force capabilities, doubts which—if unchallenged—could undermine Israeli nuclear deterrence.

Removing the bomb from Israel's basement might also heighten enemy state perceptions of Jerusalem's willingness to make good on its nuclear retaliatory threats. For example, by releasing information about its nuclear weapons that distinctly identified "usable" forces, Israel could remove enemy doubts about Jerusalem's nuclear resolve. Here, a prospective attacker, aware that Israel could retaliate and generate intolerably high levels of civilian casualties (possibly because of enhanced radiation<sup>19</sup> and/or sub-kiloton weapons) would be more likely, because of Israel's disclosure, to believe Jerusalem's nuclear threats.

This brings us directly to the doctrinal question of *counterforce* and *countervalue*. Counterforce strategies are those which target an enemy's strategic military facilities and supporting infrastructures. Such strategies may be dangerous not only because of the collateral damage they could produce, but also because they could heighten the likelihood of enemy first-strikes. Should Israel be "going for counterforce" with its nuclear weapons? If so, enemy knowledge of such movement could encourage preemption planning by certain enemy states, but it could also enhance the power of Israel's nuclear deterrent (because counterforce-targeted nuclear weapons are more likely judged as usable). Depending upon Jerusalem's rank-ordering of nuclear strategy values and its expectations concerning enemy state reactions, disclosure, or taking the bomb out of the basement, could be more or less purposeful for Israel.

In contrast, countervalue strategies refer to the targeting of an enemy's cities and industries; in effect, the targeting of civilian popula-

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19. The neutron bomb is often regarded as an especially unwholesome form of nuclear weapon. Yet, because its lethality is projected largely via radiation rather than through concussion and heat, the neutron bomb could prove to be *especially usable*, and with all attendant deterrent benefits. These issues were raised years ago in the context of U.S. and NATO nuclear doctrine. The classic defense of nuclear radiation weapons was offered by Samuel T. Cohen, who developed the technical-military concept of the neutron bomb in 1958. See Samuel T. Cohen, *Whither the Neutron Bomb? A Moral Defense of Nuclear Radiation Weapons*, PARAMETERS J. OF THE U.S. ARMY WAR C., June 1981, at 19-27.

tions. Should Israel be content with developing the relatively inaccurate apparatus of such an assured destruction posture, it could probably limit the prospect of *preemptive* enemy first-strikes. This prospect could even be limited further if the assured destruction posture were accompanied by open and fairly precise disclosure of Israel's non-threatening nuclear stance. At the same time, should this posture fail to deter concerted enemy first-strikes, or enemy retaliations for Israeli preemptions, its intrinsic damage-limiting inferiority to a counterforce capability could produce much larger casualty figures. As we will soon see, excessive countervalue targeting could impair Israel's nuclear war-fighting needs.<sup>20</sup> If, on the other hand, Israel were to begin with a declared nuclear counterforce posture, enemy state perceptions of inevitable war with Israel could be enlarged. With such perceptions, belligerent leaders would have to decide whether or not it would be more gainful to await an Israeli preemption or whether to strike first themselves. Aware of this, Israel's leaders must determine not only the optimum configuration of countervalue and counterforce, but also the most favorable means and levels of disclosure.

How should Israel choose in the aftermath of surrendering territories in exchange for "peace?" If Jerusalem should opt for nuclear deterrence based on mutually assured destruction, it would run the risk of "losing" any nuclear war that might arise. If it should choose counterforce measures, certain enemy states could feel especially threatened, a condition that would likely heighten the actual prospects of nuclear weapons use.

In making its nuclear choices, Israel will have to confront a paradox. Credible nuclear deterrence, essential to security and survival—especially in a world made even more dangerous by the end of Israeli strategic depth and by the incremental creation of Palestine<sup>21</sup>—would require *recognizably* usable nuclear weapons. If, after all, these weapons were inappropriate for any reasonable objective, they would not deter. Yet, the more usable the weapons become in order to enhance nuclear deterrence—a usability communicated more or less effectively by a

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20. This is because weapons allocated to countervalue targeting functions would necessarily take the place of counterforce targeted nuclear weapons.

21. For earlier writings by this author on the probable impact of a state of Palestine upon Israeli strategies and security, see Louis Rene Beres, *After the Gulf War: Israel, Palestine and the Risk of Nuclear War in the Middle East*, 19 STRATEGIC REV. 48 (1991); Louis Rene Beres, *Israel, Palestine and Regional Nuclear War*, 22 BULL. PEACE PROPOSALS 227 (1991); Louis Rene Beres, *The Oslo Accords and Israel's Nuclear Strategy*, 5 GEO. COMPASS 74 (1995); Louis Rene Beres, *A Palestinian State and Israel's Nuclear Strategy*, 31 CROSSROADS: INT'L SOCIO-POL. J. 97 (1991); Louis Rene Beres, *A Palestinian State: Implications for Israel's Security and the Probability of Nuclear War*, 4 BULL. JERUSALEM INST. W. DEF. 3 (1991); Louis Rene Beres, *The Question of Palestine and Israel's Nuclear Strategy*, 62 POL. Q. 451 (1991).

shift away from deliberate ambiguity—the more likely it is that they will actually be utilized. Although this paradox would appear to recommend, *inter alia*, the deployment of the least-harmful forms of usable nuclear weapons, the likely absence of coordinated agreements with enemy states on deployable nuclear weapons points toward a different conclusion: Unless Israel were to calculate that the more harmful weapons would produce greater hazards for *its own population* as well as for target states, there would be no tactical benefit for Israel to opt for the least injurious usable nuclear weapons.

Regarding issues of nuclear usability, an excellent study has been offered by two target planners and theater force analysts at Los Alamos National Laboratory. While interested exclusively in the improvement of U.S. nuclear strategy, the arguments presented by Thomas W. Dowler and Joseph S. Howard II pertain instructively to Israel. In their analysis, Dowler and Howard evaluate nuclear weapons with very low yields ranging from 10 to 1000 tons. Seeking nuclear weapons whose power is “effective but not abhorrent,” the authors detail the particular benefits of “micronukes” (weapons with a yield on the order of 10 tons or 20,000 pounds of high explosive); “mininukes” (weapons with a yield of about 100 tons); and “tinynukes” (weapons with a yield of about 1000 tons or one kiloton).<sup>22</sup>

For Israel, a micronuke employed as an earth-penetrating warhead [hereinafter EPW] could destroy all but the hardest command bunkers. Deliverable by gravity bombs, tactical cruise missiles or tactical surface-to-surface missiles, an EPW could also be used effectively to neutralize airfields.

Should deterrence fail to prevent a launch of enemy missiles carrying nuclear or other mass-destruction warheads at Israeli forces, either as a first-strike attack or as an enemy retaliation for Israeli preemption, Israel would require an adequate defensive capability. To acquire such a capability, Israel could benefit from an anti-tactical ballistic missile [hereinafter ATBM]<sup>23</sup> carrying a mininuke warhead. Seeking to destroy incoming warheads in flight (simply knocking the

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22. See Thomas W. Dowler & Joseph H. Howard II, *Countering the Threat of the Well-Armed Tyrant: A Modest Proposal for Small Nuclear Weapons*, 19 STRATEGIC REV. 34 (1991).

23. Presently the Arrow interceptor is the centerpiece of Israel's planned ballistic missile defense system, part of a cooperative program with the United States Department of Defense, Ballistic Missile Defense Organization. The joint project began in May, 1986 when Israel and the U.S. signed a memorandum of understanding. However “successful” Arrow might ultimately be in tests, it is altogether likely that offensive weapons technology exploited by Israel's enemies would enjoy an overwhelming advantage, especially if their incoming warheads were nuclear. Considered together with prospects of enemy irrationality, this suggests a compelling argument for ongoing Israeli preparation for pertinent preemption options.

missile off-target might not neutralize its capacity to inflict great harm on Israeli forces), a mininuke fired by Israel could provide the needed power. Such power could prove vital because an incoming nuclear, chemical or biological warhead must be destroyed as far from its target as possible.

Once an armed conflict had actually broken out between Israel and certain enemy states, tinynuke warheads with yields of about 1000 tons could prove effective against tank and troop units. True battlefield weapons rather than agents of indiscriminate mass destruction, these tinynukes—deliverable by tactical air-to-air surface missile, tactical surface-to-surface cruise or ballistic missile, or artillery round—could eliminate any company-sized unit. Intended for very precise operations against known troop formations, these weapons would release lethal radii on the order of 500 meters against tank crews and 600 meters against infantry, artillery and support troops. As for the collateral damage and safe standoff radii of these tinynukes, they would range only to about 1500 meters. Moreover, utilized as airbursts, they should produce no significant local fallout.<sup>24</sup>

Mr. Prime Minister,

Returning to the original doctrinal question of countervalue versus counterforce, Israeli planners must commence prior investigations of enemy state inclinations to strike first and in retaliation, and of associated inclinations to strike all-at-once or in stages. Should these planners assume, for example, that certain enemy states in the process of "going nuclear" are apt to strike in an unlimited mode—i.e., to fire all nuclear warheads—Israeli counterforce-targeted nuclear warheads, used in retaliation or in counter-retaliation, would likely hit only empty missile silos. In such circumstances, Israel's only rational application of counterforce doctrine would be to strike first itself.

If, for whatever reason, Israel were to reject the preemption option, given the above assumptions there would be no good reason to opt for counterforce. From the standpoint of compelling intra-war nuclear deterrence, a countervalue strategy could prove substantially more purposeful under such assumptions. Should Israeli planners assume that enemy states "going nuclear" are apt to strike first and to strike in a limited mode, holding some significant measure of nuclear firepower in reserve for follow-on strikes, Israeli counterforce-targeted nuclear warheads, used in retaliation, could have meaningful damage-limitation effects. Here, counterforce operations could serve both an Israeli preemption or, should Israel decide, for whatever reason, not to preempt, an Israeli retaliatory strike. Moreover, should an Israeli first-strike be intentionally limited, perhaps because it would be coupled with a guaran-

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24. See Dowler & Howard II, *supra* note 22.

tee of no further destruction in exchange for an end to hostilities, such operations could serve an Israeli counter-retaliatory strike. This is the case because Israel's attempt at intra-war deterrence could fail, occasioning the need for follow-on strikes to produce essential damage-limitation.

In order to examine fully whether Israel would be better served by continued ambiguity or by disclosure (and if the latter, by what degrees of disclosure), students of Israeli nuclear strategy must first identify and understand the *reasons* behind Israel's nuclear forces. What, then, are these particular reasons? Why, exactly, does Israel need nuclear weapons? Once we can answer these antecedent questions we will be able to determine if Israel's bomb should remain in the basement or if it should be brought, more or less, into the country's "upper floors." In essence, therefore, future scholarship in this area should be directed by the following hypothesis: *If Israel moves beyond "deliberate ambiguity" to certain apt forms of "disclosure," its nuclear forces will be better able to fulfill their seven essential security functions.*

This does *not* imply, however, that if these seven essential functions were fulfilled, Israel would necessarily be secure. Although I have hypothesized that various and incremental levels of disclosure could enhance Israel's nuclear deterrent and associated nuclear functions, Israel should never give up its territory on the assumption that it could rely entirely upon its nuclear threat. Nuclear weapons, appropriately configured and disclosed, are necessary to national survival, but they are not sufficient. Even a nuclear armed state needs a *broad* range of weapons that are purposeful to the entire foreseeable spectrum of possible harms. It follows that those Israelis who currently argue for a withdrawal to the 1949 borders because Israel has nuclear forces are altogether mistaken. Israel must not become the first and only case in history of a state *totally dependent* upon nuclear threats.

Optimally, Israel will take steps to maintain its all-important conventional deterrence while, at the same time, ensuring that its nuclear deterrence is informed by *doctrine*. Should this doctrine be left implicit, as has been the Israeli case of "deliberate ambiguity" for decades, enemy states would need to reconstruct expectations about Israeli capabilities and intentions. Should this doctrine be made explicit, as would be the case if the bomb were removed from the "basement," these enemy states could extrapolate expectations from this doctrine directly. Of course, it is conceivable that more explicit articulations of Israeli nuclear strategy would be distrusted or even discounted, but disclosure would at least provide Israel with an opportunity for some input into enemy state calculations.

For Israel, the advantages of disclosure would likely be greater with respect to the deterrence of unconventional attacks than with respect to deterrence of large conventional attacks. This is because the

presumed plausibility of Israeli nuclear reprisal is apt to be greater when unconventional weapons are used for aggression. A different assumption about disclosure's advantages vis-a-vis large conventional attacks could be reasonable if Israel were to couple its nuclear retaliatory threats with far-reaching conventional disarmament and/ or with further territorial concessions. However, such coupling, would represent a tragic and potentially irretrievable error for the Jewish State.

No less tragic for Israel would be a decision to accept internationally-imposed limitations on its nuclear arsenal, limitations that had been urged especially by Egypt<sup>25</sup> and the United States<sup>26</sup> with the approach of the Nonproliferation Treaty Review Conference (NPT) back in April 1995. With such a decision, the question of disclosure would become moot. After all, *volitional* denuclearization consistent with expected NPT commitments would leave Israel with nothing to disclose. Consequently, Israel's deterrence requirements would all have to be met with conventional threats and/or U.S. "extended deterrence." This would not be possible!<sup>27</sup>

Mr. Prime Minister,

Israel requires both conventional and nuclear weapons, complementary forces and doctrines to preserve the Third Temple into the next millennium. Significantly, the Peace Process endangers both interrelated requirements. Already, this Process, spawning shrinking strategic depth, has curtailed the capacities of Israel's conventional arms. For the very immediate future, it also threatens the capacities of Israel's nuclear weapons, a situation that would not only leave the bomb in the basement, but bury it there.

One last word about essential Israeli nuclear deterrence of enemy unconventional attack, a need that could be served more or less effec-

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25. See Abdel Monem Said Aly, *In the Shadow of the Israeli Nuclear Bombs: Egyptian Threat Perceptions*, BROWN J. OF WORLD AFF. 151 (1996). Aly is Director of the Al-Ahram Center for Political and Strategic Studies in Cairo. *But cf.* Louis Rene Beres, *Where the Shadow Really Falls: Why Israel Must Have Nuclear Weapons*, BROWN J. OF WORLD AFF. 127-38 (1997) (responding to Aly's article).

26. The U.S. pressure upon Israel to join the Nonproliferation Treaty brings to mind the special foolishness of "extended nuclear deterrence" for Israel. Israeli planners should understand that, for the United States, the central role of nuclear deterrence has declined, and that extended deterrence is increasingly defined as *conventional*. This American view flows largely from President Bush's 1991 decision to eliminate ground-and sea-based tactical nuclear weapons. See Charles T. Allan, *Extended Conventional Deterrence: In From the Cold and Out of the Nuclear Fire?*, THE WASH. Q., Summer 1994, at 203 (discussing a comprehensive and insightful examination of extended conventional deterrence).

27. For an excellent assessment of these issues, see Gerald M. Steinberg, *Israel, Egypt and Nuclear Policy*, JERUSALEM LETTER/VIEWPOINTS, June 15, 1995, at 6 (Jerusalem Ctr. for Pub. Affairs, Jerusalem, Israel).

tively by some apt measure of disclosure. Normally, strategic planners, examining the requirements of nuclear deterrence, distinguish carefully between conventional and unconventional attacks. For Israel today, however, such a sharp distinction could be misleading and dangerous. From now on, it is unlikely that enemy states would launch large conventional attacks against Israel unless these states had backup unconventional (possibly, but not necessarily nuclear) forces. This means that the capacity of Israeli nuclear deterrence will now always have to be assessed vis-a-vis enemy state unconventional weapons. Hence, the question of disclosure will now *always* have to be asked ultimately in reference to nuclear deterrence of unconventional weapons.

It is conceivable, especially after Israel's ongoing surrender of territories, that some combination of enemy states, still effectively non-nuclear, could conclude that a combined conventional attack against Israel would be gainful. To prevent such a conclusion, thereby maintaining successful nuclear deterrence, Jerusalem would need to convince these enemy states that their prospective combined conventional assault could elicit a full nuclear reprisal. This task could be made easier by appropriate communications to enemy states concerning disclosure, including purposeful communications of Israel's awareness that the conventional/unconventional threshold might still be breached first by the *conventional* enemy state attackers. Although it is likely that this task could also be made easier because of Israel's already-truncated strategic depth, the net effect of such truncation for Israel would surely be negative. Halting the misnamed "Peace Process" should therefore be a clear and overriding strategic imperative.

Mr. Prime Minister,

Over the years, there has been surprisingly little open discussion in Israel on the topic of the Jewish State's nuclear strategy and nuclear program. Now, however, as the Oslo Process approaches a critical stage, Israel's dependence upon nuclear weapons will certainly be enlarged. Moreover, as the question of "deliberate ambiguity" versus disclosure represents an important component of Israel's nuclear strategy, this question, too, will demand increased scrutiny. With this in mind, let us now proceed to our second basic issue, the *functions* of Israeli nuclear weapons and policy.

#### Why Israel Needs Nuclear Weapons

Although much has been written about the alleged configuration of Israel's nuclear arsenal, and about the rationale of such frightful weapons, not a single systematic examination of this rationale has ever been published. Hence, both supporters and opponents of Israel's presumed nuclear force appear to share a naive view that the sole purpose of this force is as a last resort operation, as an instrument of vengeance to be activated only when the State of Israel is already beyond rescue. As the

following analysis makes clear, however, this view is certainly wrong. While the "Samson Option"<sup>28</sup> has its proper place in Israel's nuclear posture, it is a relatively minor place, one overshadowed by the far more essential requirements of deterrence and preemption.

Why, then, does Israel need nuclear weapons? Here is a serious and comprehensive answer:

1. Israel needs nuclear weapons to *deter* large conventional attacks by enemy states. The effectiveness of such Israeli nuclear deterrence will depend, among other things, upon: (a) perceived vulnerability of Israeli nuclear forces; (b) perceived destructiveness of Israeli nuclear forces; (c) perceived willingness of Israeli leadership to follow through on nuclear threats; (d) perceived capacities of prospective attacker's active defenses; (e) perceptions of Israeli targeting doctrine; (f) perceptions of Israel's probable retaliatory response when there is an expectation of non-nuclear but chemical and/or biological counter-retaliations; (g) disclosure or continued nondisclosure of Israel's nuclear arsenal; and (h) creation or non-creation of a Palestinian state.

2. Israel needs nuclear weapons to *deter* all levels of unconventional chemical, biological, or nuclear attacks (CBN). The effectiveness of these forms of Israeli nuclear deterrence will also depend, on the factors enumerated in paragraph 1. In this regard, Israel's nuclear weapons are needed to deter enemy *escalation* of conventional warfare to unconventional warfare and of one form of unconventional warfare to another (i.e., escalation of chemical warfare to biological warfare, biological warfare to chemical warfare, or biological/chemical warfare to nuclear warfare).

3. Israel needs nuclear weapons to *preempt* enemy nuclear attacks. This does not mean that Israeli preemptions of such attacks would *necessarily* be nuclear (more than likely, they would, in fact, be non-nuclear), but only that they *could* be nuclear. Of course, should Israel ever need to use its nuclear forces for such a purpose, it would signify the failure of these forces as a *deterrent* (as per number 2, above). Significantly, such failure is increasingly plausible because of the problematic nature of nuclear deterrence in general and in the particular circumstances present in the Middle East.

4. Israel needs nuclear weapons to support conventional preemptions against enemy nuclear assets. With such weapons, Israel can maintain, explicitly or implicitly, a threat of nuclear counter-retaliation. Without such weapons, Israel, having to rely entirely on non-nuclear forces, might not be able to deter enemy retaliations for the Israeli pre-

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28. See Louis Rene Beres, *Israel and Samson: Some Tenuously Biblical Reflections on Strategy*, JERUSALEM LETTER/VIEWPOINTS, February 1996, at 6 (Jerusalem Ctr. for Pub. Affairs, Jerusalem, Israel).



emptive attack.

5. Israel needs nuclear weapons to support conventional preemptions against enemy non-nuclear conventional, chemical, or biological assets. With such weapons, Israel can maintain, explicitly or implicitly, a threat of nuclear counter-retaliation. Without such weapons, Israel, having to rely entirely on non-nuclear forces, might not be able to deter enemy retaliations for the Israeli preemptive attack.

6. Israel needs nuclear weapons for nuclear warfighting. Although, in the best of all possible worlds, this need will never have to arise, it cannot be discounted. Rather, it must be taken seriously by Israeli planners and decision-makers. Among the probable paths to nuclear warfighting are the following: enemy nuclear first-strikes against Israel; enemy non-nuclear first-strikes against Israel that elicit Israeli nuclear reprisals, either immediately or via incremental escalation processes; Israeli nuclear preemptions against enemy states with nuclear assets; Israeli non-nuclear preemptions against enemy states with nuclear assets that elicit enemy nuclear reprisals, either immediately or via incremental escalation processes. Other pertinent paths to nuclear warfighting include accidental, unintentional, or inadvertent nuclear attacks among Israel and regional enemy states and even the escalatory consequences of nuclear terrorism against the Jewish State.<sup>29</sup> As long as it can be assumed that Israel is determined to endure, there *are* conditions where Jerusalem could resort to nuclear warfighting. This holds true if: (a) enemy first-strikes against Israel would not destroy Israel's second-strike nuclear capability; (b) enemy retaliations for Israeli conventional preemption would not destroy Israel's nuclear counter-retaliatory capability; (c) Israeli preemptive strikes involving nuclear weapons would not destroy enemy second-strike nuclear capabilities; and (d) Israeli retaliation for enemy conventional first-strikes would not destroy enemy nuclear counter-retaliatory capabilities. It follows, from the standpoint of Israel's nuclear requirements, that Jerusalem should prepare to do what is needed to ensure the likelihood of (a) and (b) above, and avoid the possibility of (c) and (d).

7. Israel needs nuclear weapons for the "Samson Option." Although such a use of nuclear weapons, by definition, would be profoundly catastrophic, Israel apparently understands that it would be better to "die

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29. See Louis Rene Beres, *Confronting Nuclear Terrorism*, 14 HASTINGS INT'L & COMP. L. REV. 129 (1990); Louis Rene Beres, *On International Law and Nuclear Terrorism*, 24 GA. J. INT'L & COMP. L. 1 (1994); LOUIS RENE BERES, ISRAEL, THE 'PEACE PROCESS' AND NUCLEAR TERRORISM: A JURISPRUDENTIAL PERSPECTIVE, 18 LOY. L.A. INT'L & COMP. L.J. 767 (1996); Louis Rene Beres, *Preventing the 'Blood-Dimmed Tide': How to Avoid Nuclear Terrorism Against the United States*, 24 STRATEGIC REV. 76 (1996); Louis Rene Beres, *The United States and Nuclear Terrorism in a Changing World: A Jurisprudential View*, 12 DICK. J. INT'L L. 327 (1994).

with the Philistines" than to die alone. This understanding is much more than a matter of Jewish honor and of a refutation of the so-called "Masada complex" (suicide without punishment of the aggressor). It *could*, depending upon the awareness by enemy states, represent an integral and indispensable element of Israel's nuclear deterrent. Moreover, the biblical analogy is somewhat misleading. Samson chose suicide by pushing apart the temple pillars, whereas Israel, using nuclear weapons as a last resort, would not be *choosing* suicide or even necessarily committing suicide. For states, the criteria of "life" and "death" are hardly as clear-cut as they are for individual persons. Finally, it is essential that Israel's leaders, in considering possible uses of nuclear weapons, regard the Samson Option as one to be precluded by correct resort to all other nuclear options. Stated differently, a resort to the "Samson Option," by Israel, would imply the complete failure of all other options and of the failure of its nuclear weapons to provide essential national security.

Let us examine the deterrence options.

We have seen that Israel needs nuclear weapons, among other purposes, to deter large conventional attacks and all levels of unconventional attack by enemy states. Yet, the effectiveness of nuclear weapons in meeting these needs is limited and exceedingly problematic. Indeed, even if Jerusalem should move toward partial or full disclosure of its nuclear weapons, Israel cannot reasonably rely upon nuclear deterrence for survival.

Aware of these limitations, Israel must nonetheless seek to strengthen nuclear deterrence such that an enemy state will always calculate that a first-strike upon the Jewish State would be irrational. This means taking steps to convince the enemy state that the cost of such a strike will always exceed the benefits. To accomplish this important objective, Israel must convince prospective attackers that it maintains both the *willingness* and the *capacity* to retaliate with nuclear weapons. Where an enemy state considering an attack upon Israel would be unconvinced about either one or both of these essential components of nuclear deterrence, it might choose to strike first, depending upon the particular value or utility it places upon the expected consequence of such an attack.

Regarding *willingness*, even if Jerusalem were prepared to respond to certain attacks with nuclear reprisals, enemy failure to recognize such preparedness could provoke an attack upon Israel. Here, misperception and/or errors in information could immobilize nuclear deterrence. It is also conceivable that Jerusalem would, in fact, lack willingness to retaliate, and that this lack of willingness is perceived correctly by enemy decision-makers. In this case, Israeli nuclear deterrence would be immobilized not because of "confused signals," but because of signals that had not been properly distorted.

Regarding *capacity*, even if Jerusalem maintains a substantial arsenal of nuclear weapons, it is essential that enemy states believe these weapons to be distinctly usable. This means that if a first-strike attack is believed capable of destroying Israel's arsenal, the Jewish State's nuclear deterrent will be immobilized. Moreover, even if Israel's nuclear weapons were configured such that they could not be destroyed by an enemy first-strike, enemy misperceptions or misjudgments about Israeli vulnerability could still occasion the failure of nuclear deterrence. A further complication here concerns enemy state deployment of anti-tactical ballistic missile defenses, which might contribute to an attack decision against Israel by lowering the attacker's expected costs.

The importance of "usable" nuclear weapons must also be examined from the standpoint of probable harms. Should Israel's nuclear weapons be perceived by a would-be attacker as very high yield, indiscriminate, "city busting" weapons, rather than minimal-yield, warfighting weapons, they might not deter. Contrary to the uninformed conventional wisdom on the subject, successful nuclear deterrence, to the extent possible, may actually vary *inversely* with perceived destructiveness. It follows that Israeli nuclear deterrence requires not only secure second-strike forces, but also forces that could be used productively in war.

All this brings to mind the crucial connections between disclosure, doctrine and deterrence. To the extent that Israel's strategic doctrine actually identifies nuanced and graduated forms of reprisal—forms calibrating Israeli retaliations to particular levels of provocation—disclosure of such doctrine (at least in its broadest and most unspecific contours) could contribute to Israel's nuclear deterrence. Without such disclosure, Israel's enemies will be kept guessing about Jerusalem's probable responses, a condition of protracted uncertainty that *could* serve Israel's security for a while longer, but—at one time or another—might fail altogether.

Mr. Prime Minister,

In looking over nuclear weapons and nuclear deterrence, Israeli planners must also pay close attention to the assumption of rationality.<sup>30</sup> Assessments of Israeli nuclear deterrence always assume a rational state enemy. But the assumption of rationality is enormously

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30. Israel's planners should be reminded of M. Unamuno's instructive remark about the philosopher Hegel. "Hegel made famous his aphorism that all the rational is real and all the real rational; but there are many of us who, unconvinced by Hegel, continue to believe that the real, the really real, is *irrational*, that reason builds upon irrationalities." For Israel, faced with the prospect of unconventional aggression from enemy states, it would be prudent to "build upon irrationalities," i.e., upon the expected irrationalities of an increasingly formidable configuration of enemies. See MIGUEL DE UNNAMUNO, *TRAGIC SENSE OF LIFE* 5 (1921).

problematic. There is, in fact, absolutely no reason to assume that prospective attackers of Israel will always choose among possible options according to careful comparisons of expected costs and expected benefits. As long as such enemies are increasingly capable of missile attacks upon Israel and so long as Jerusalem is unable to intercept these attacks with near-perfect or possibly even perfect reliability, this means that Israeli dependence upon nuclear deterrence could have altogether catastrophic consequences.

Where should Israel go from here? Recognizing the fatal limitations of any Peace Process, the Jewish State *must* now seek security beyond the protections offered by nuclear deterrence. It must, as we shall see, prepare for preemption against pertinent military targets. Although many will find even such preparation "aggressive" or "uncivilized," the alternative may well be to accept destruction of the Jewish State as inevitable. Moreover, as I have written widely in professional law journals,<sup>31</sup> the right of preemption is well-established under international law.

Mr. Prime Minister, let us examine the preemption options.

We have seen that among other purposes, Israel needs nuclear weapons to undertake and/or to support various forms of preemption. In making its preemption decisions, Israel must determine whether such essential defensive strikes, known jurisprudentially as expressions of anticipatory self-defense,<sup>32</sup> would be tactically cost-effective. This would depend upon a number of critical variables, including: (a) expected probability of enemy first-strikes; (b) expected cost of enemy first-strikes; (c) expected schedule of enemy unconventional weapons deployment; (d) expected efficiency of enemy active defenses over time; (e) expected efficiency of Israeli active defenses over time; (f) expected efficiency of Israeli hard-target counterforce operations over time; (g) expected reactions of unaffected regional enemies; and (h) expected U.S.

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31. See Louis Rene Beres & Col. Yoash Tsiddon-Chatto, *Reconsidering Israel's Destruction of Iraq's Osiraq Nuclear Reactor*, 9 TEMP. INT'L COMP. L.J. 437 (1995).

32. For scholarly examination of anticipatory self-defense, with particular reference to Israel, see Louis Rene Beres, *Preserving the Third Temple: Israel's Right of Anticipatory Self-Defense Under International Law*, 26 VAND. J. TRANSNAT'L L. 111 (1993); Louis Rene Beres, *After the Gulf War: Israel, Preemption and Anticipatory Self-Defense*, 13 HOUS. J. INT'L L. 259 (1991); Louis Rene Beres, *Striking 'First': Israel's Post Gulf War Options Under International Law*, 14 LOY.LA. INT'L & COMP. L.J. 1 (1991); Louis Rene Beres, *Israel and Anticipatory Self-Defense*, 8 ARIZ. J. INT'L & COMP. L. 89 (1991); Louis Rene Beres, *After the Scud Attacks: Israel, 'Palestine,' and Anticipatory Self-Defense*, 6 EMORY INT'L L. REV. 71 (1992); Louis Rene Beres, *Israel, Force and International Law: Assessing Anticipatory Self-Defense*, 13 JERUSALEM J. INT'L RELATIONS 1 (1991). For an examination of assassination as a permissible form of anticipatory self-defense by Israel, see Louis Rene Beres, *On Assassination as Anticipatory Self-Defense: The Case of Israel*, 20 HOFSTRA L. REV. 321 (1991).

and world community reactions to Israeli preemptions.

Regarding preemption options, Israel's overall question is this: As Jerusalem must plan for such forms of anticipatory self-defense, against *which* particular configurations of hard targets should they be directed and *when* should they be mounted? If it is assumed that enemy states will only add to their chemical, biological, and nuclear arsenals, and that these additions will make effective Israeli preemptions more and more difficult, if not altogether impossible, rational Israeli strategy would seem to compel Jerusalem to strike defensively as soon as possible. If, however, it is assumed that there will be no significant enlargement or deployment of enemy unconventional weapons over time, this may suggest a diminished rationale for Israel to strike first.

Israel's inclinations to strike preemptively in certain circumstances could also be affected by the steps taken by prospective target states to guard against Israeli preemption. Should Israel refrain too long from striking first, enemy states could implement protective measures that would pose additional hazards to Israel. These measures include the attachment of certain launch mechanisms to nuclear weapon systems, and/or the adoption of "launch-on-warning" policies. Such policies would call for the retaliatory launch of bombers and/or missiles on mere receipt of warning that a missile attack is underway. Requiring a launch before the attacking warheads actually reached their intended targets, "launch-on-warning" policies clearly carry grave risks of error.

Ideally, Israel would do everything possible to prevent such measures from being installed in the first place, especially because of the expanded risks of accidental or unauthorized attacks against its armaments and population centers. Yet, if such measures should become a reality, Jerusalem might still calculate that a preemptive strike would be cost-effective. This is because an expected enemy retaliation, however damaging, might still appear *less unacceptable* than the expected consequences of enemy first-strikes.

Perhaps the single most important factor in Israeli judgments on the preemption option will be the *expected rationality* of enemy decision-makers. If, after all, these leaders could be expected to strike at Israel with unconventional forces irrespective of anticipated Israeli counter-strikes, deterrence, as we have already seen, would not work. This means that enemy strikes could be expected even if enemy leaders understood that Israel had *successfully* deployed its own nuclear weapons in survivable modes, that Israel's weapons were entirely capable of penetrating enemy active defenses, and that Israel's leaders were altogether willing to retaliate.

Faced with an irrational enemy bent upon unconventional aggression, Israel could have no effective choice but to abandon reliance on traditional modes of nuclear deterrence. Even if it is not faced with an

irrational enemy, however, Israel will have to plan carefully for preemption options, planning that must take into account Jerusalem's nuclear weapons. In the course of such planning, it will be important to recognize that enemy capabilities and intentions are not separate but interpenetrating, interdependent and interactive. This means: (1) capabilities affect intentions and vice-versa; and (2) the combined effects of capabilities and intentions may produce policy outcomes that are greatly accelerated and/or are more than the simple sum of these effects.

Let us consider the particular dangers from Iran. For the moment, those who would downplay the Iranian threat to Israel often argue that Teheran's unconventional capabilities remain problematic and/or that its willingness to attack Israel—fundamentalist ideologies notwithstanding—is assuredly very low. Yet, over the next several years, that country's development of chemical, biological, and nuclear weapons could be substantial, creating conditions whereby a first-strike against Israel might be construed as altogether rational. Whether correct or incorrect in its calculations, an Iranian leadership that *believes* it can strike Israel with impunity, near-impunity or at least without incurring *what it defines* as unacceptable costs, could be strongly motivated to undertake such a strike. Such motivation would be heightened to the extent that Iran remained uncertain about Israel's own preemption plans. Here, Iranian capabilities would affect, and possibly even determine, Iranian intentions.

The Iranian threat to Israel might, on the other hand, originate from a different direction. In this scenario, Iran's intentions toward the Israel, irremediably hostile and perhaps even genocidal,<sup>33</sup> could animate Teheran's development of unconventional military capabilities. Here, representing genuinely far-reaching international hatred rather than mere bluster and propagandistic bravado, Iranian diatribes against Israel would ensure the production and deployment of extraordinarily destructive forces, weapons and postures that could threaten

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33. For writings on the subject of genocide, see LOUIS RENE BERES, *AMERICA OUTSIDE THE WORLD: THE COLLAPSE OF US FOREIGN POLICY* (1987); LOUIS RENE BERES, *PUNISHING GENOCIDE AND CRIMES AGAINST HUMANITY AFTER THE GULF WAR: IRAQI CRIMES AND INTERNATIONAL LAW* 41 (1992); LOUIS RENE BERES, *REASON AND REALPOLITIK: US FOREIGN POLICY AND WORLD ORDER* (1994); Louis Rene Beres, *After the Gulf War: Iraq, Genocide and International Law*, 69 U. DET. MERCY L. REV. 13 (1991); Louis Rene Beres, *Genocide, State and Self*, 18 DENV. J. INT'L L. & POL. 37 (1989); Louis Rene Beres, *International Law, Personhood and the Prevention of Genocide*, 11 LOY. L.A. INT'L & COMP. L.J. 25 (1989); Louis Rene Beres, *Genocide, Law and Power Politics*, 10 WHITTIER L. REV. 329 (1988); Louis Rene Beres, *Genocide and Power Politics: The Individual and the State*, 18 BULL. PEACE PROPOSALS 73 (1987); Louis Rene Beres, *Genocide and Genocide-Like Crimes*, in *INTERNATIONAL CRIMINAL LAW* 27 (M. Cherif Balliouni, ed., 1986); Louis Rene Beres, *Justice and Realpolitik: International Law and the Prevention of Genocide*, 30 CHITTY'S L.J. 223 (1982).

the Third Temple. What I have been describing are circumstances where Iranian intentions could affect, and possibly even determine, Iranian capabilities—circumstances that now warrant careful attention in Jerusalem.

But what if Iran's intention toward Israel were *not* irremediably hostile or genocidal? What if its public bombast were not an expression of genuinely belligerent motivations, but a position designed entirely for *intranational* and *international* political consumption? The short and obvious answer to these questions is that such shallow and contrived intentions would not impact Iranian capabilities vis-a-vis Israel. Yet, upon reflection, it is likely that even unauthentic expressions of intent could, over time, *become* authentic, and that repeated over many years, in the manner of an incantation, such expressions could become self-fulfilling.

It follows that it would be premature for Israel to draw comfort from the argument that Iranian intentions are effectively harmless. Rather, such intentions could decisively impact capabilities over time. Backed by appropriate nuclear weapons, preemption options, therefore, must remain open and viable to Israel.

An important factor in our discussion of intentions, capabilities and preemption options is the increasingly problematic Peace Process. Conventional wisdom has been quick to suggest that this process, by demonstrating and codifying Israel's commitment to peaceful settlement of disputes, diminishes the enemy (Iranian) threat. After all, wouldn't world public opinion uniformly condemn Iran for any act of aggression directed against Israel? And wouldn't, therefore, Iranian aggressive intentions be reduced or even removed, a change that could slow down Teheran's pertinent unconventional militarization and consequently the overall danger to Israel from that enemy state?

Probably not! The conventional wisdom may be wrong, or merely partial. Following the Oslo Agreement, Israel's inclination to preempt enemy aggression has likely been diminished. After all, the entire global community would frown upon such preemption in the midst of an ongoing, incremental search for "peace" in the region.

If Iran should recognize these effective inhibitions on Israeli preemption options (and there is every reason to believe that they *would* recognize these inhibitions), that enemy state could calculate as follows: "As our (Iranian) militarization will be less threatened by Israeli preemptive attack during the Peace Process, we (Iran) should *increase* our capabilities—especially our unconventional weapons capabilities—as quickly as practicable." Such a calculation, as we now know, could enlarge Iranian intentions to attack Israel and could make cost-effective hostile actions by Iran that would not otherwise even have been considered or even have been possible.

If the Peace Process produces a Palestinian state, the effects on enemy capabilities and intentions, and therefore on Israeli preemption options, will be significant. Here, Israel's substantial loss of strategic depth could be recognized by enemy states as a significant military liability for Jerusalem. Such recognition, in turn, could worsen enemy intentions against Israel, occasioning an accelerated search for capabilities and consequently a heightened risk of war.

Israel could foresee such enemy calculations and seek to compensate for the loss of territories in a number of different ways. Jerusalem could decide that it was time to take its bomb out of the "basement" as a deterrence-enhancing measure,<sup>34</sup> but this might not be enough of a productive strategy. It could, therefore, accept a heightened willingness to launch preemptive strikes against enemy hard targets, strikes backed by Israeli nuclear weapons. Made aware of such Israeli intentions, intentions that would derive from Israel's new territorial vulnerabilities, enemy states could respond in a more or less parallel fashion, preparing more openly and more quickly for nuclearization and/or for first-strike attacks against the Jewish State.

Taken by itself, a Palestinian state would affect the capabilities and intentions of both Israel and its enemies. But if such a state were created at the same time that Israel reduced or abandoned its nuclear weapons capabilities, the impact could be even more substantial. This scenario should not be dismissed out of hand. Depending upon Israeli government responses to Egyptian and other demands, it could become *very* real.

What would happen if Israel were to relinquish its nuclear options by acceding to enemy demands and by accepting a Palestinian state? Under such circumstances, Israel would not only be vastly more vulnerable to enemy first-strikes, it would also be deprived of its essential preemption options. This is the case because Israeli counter-retaliatory deterrence would be immobilized by reduction or removal of its nuclear weapons potential and because Israeli preemptions could not possibly be one hundred percent effective against enemy unconventional forces. A less than one hundred percent level of effectiveness could be tolerable if Israel had an operational anti-tactical ballistic missile (ATBM) capability, but such a capability is presently unavailable and is forseebly doubtful.<sup>35</sup>

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34. See LOUIS RENE BERES, SECURITY OR ARMAGEDDON: ISRAEL'S NUCLEAR STRATEGY (1986); Louis Rene Beres, *Israel's 'Bomb in the Basement': A Second Look*, 2 ISRAELI AFFAIRS 112 (1995).

35. Israel's current anti-missile defense programs include the Arrow ATBM; the Theater High Altitude Area Defense (THAAD); Boost Phase Intercept (a multi-layered system designed to destroy enemy missiles in their initial flight phase); and the Nautilus Program (a survivor of the U.S. Strategic Defense Initiative aimed to evaluate lasers as a



Mr. Prime Minister, let us examine Israel's nuclear warfighting options.

However much scholars may wish to deny it, Israel needs nuclear weapons, among several other essential purposes, for actual nuclear warfighting. Should nuclear deterrence and/or preemption options fail, Israel's "hard target" capabilities could be critical to national survival. These capabilities, of course, would depend, in part, upon appropriate nuclear weapons.

What, exactly, would be "appropriate?" Instead of Armageddon type weapons, Israel needs to develop precision, low-yield nuclear warheads that could reduce collateral damage to acceptable levels and hypervelocity nuclear warheads that could overcome enemy active defenses. Israel would also benefit from the use of radio-frequency weapons, nuclear warheads that are tailored to produce as much electromagnetic pulse as possible, destroying electronics and communications over wide areas.

Regarding the nuclear weapons needed by Israel for nuclear warfighting, Jerusalem requires an intermediate option between capitulation on the one hand and resorting to inappropriately large nuclear weapons on the other. To define and better understand this intermediate option, Israeli planners could extrapolate productively from an excellent study prepared by two well-informed target planners and theater force analysts at Los Alamos National Laboratory. Although directed toward United States nuclear strategy only, the compelling arguments cited earlier by Thomas W. Dowler and Joseph S. Howard II pertain instructively to the problem at hand, i.e., Israeli security and nuclear warfighting options.<sup>36</sup>

Of course, all such discussion will be objectionable to people of feeling and sensitivity. It would, after all, be far better (and certainly more "correct") to speak of nuclear arms control or sustainable nuclear deterrence than of nuclear warfighting. Yet, the Middle East remains a particularly dangerous neighborhood, and failures to confront the most terrible possibilities could bring the most horrific harms. For Israel, a state that yearns for peace and security more than any other in this neighborhood—a state born out of the ashes of humankind's most terrible crime—genocide looms both as a memory and as an expectation.<sup>37</sup>

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tactical air defense against rockets, mortars and unmanned reconnaissance vehicles).

36. See Dowler & Howard II, *supra* note 22.

37. War and genocide need not be mutually exclusive. According to Articles II and III of the Genocide Convention, which entered into force on January 12, 1951, genocide includes any of several acts "committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such." Convention of the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, T.I.A.S. No. 1021, 78 U.N.T.S. 277, (1951). If Israel is recognized as the institutionalized expression of the Jewish People (an

Resisting the short-term temptations of *security regimes* and *confidence building measures*, its leaders must always plan accordingly.

Mr. Prime Minister, let us examine the *Samson Option*

We have seen that Israel needs nuclear weapons, additional to the other essential rationales already discussed, for "last resort" purposes. Although this is certainly the least important need—since, by definition, actual resort to the Samson Option would reveal failure and collapse of all essential security functions—it is not unimportant. This is because Israeli *preparation* for last resort operations could play a role in enhancing Israeli nuclear deterrence, preemption and warfighting requirements, and therefore—at least in part—*reducing the risks of regional nuclear exchanges*.

Regarding prospective contributions to Israeli nuclear deterrence, preparation for a Samson Option could help to convince would-be attackers that aggression would not prove beneficial. This is especially the case if Israeli preparation were coupled with some level of *disclosure*, and if Israel's pertinent Samson weapons appeared to be sufficiently invulnerable to enemy first-strikes. In view of what strategists sometimes call the "rationality of pretended irrationality," Samson could also aid Israeli nuclear deterrence by demonstrating a willingness to take existential risks.

In relation to prospective contributions to preemption options, preparation for a Samson Option could convince Israel that essential defensive first-strikes could be undertaken with diminished expectations of unacceptably destructive enemy retaliations. This would depend, of course, upon antecedent Israeli decisions on disclosure, on Israeli perceptions of the effects of disclosure on enemy retaliatory prospects, on Israeli judgments about enemy perceptions of Samson weapons vulnerability, and on enemy awareness of Samson's counter-value force posture. As in the case of Samson and Israeli nuclear deterrence, last-resort preparations could assist Israeli preemption options by displaying a willingness to take certain existential risks. But Israeli planners must be mindful here of pretended irrationality as a double-edged sword. Brandished too *irrationally*, Israeli preparations for a Samson Option could encourage enemy preemptions.

Regarding prospective contributions to Israel's nuclear warfighting options, preparation for a Samson Option could convince enemy states that a clear victory would be impossible to achieve. But here, it would be important for Israel to communicate to potential aggressors the following understanding: Israel's countervalue-targeted Samson weapons are additional to (not at the expense of) its counterforce-targeted war-

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expression that would include national, ethnical, racial and religious components), acts of war intended to destroy the Jewish State could certainly be genocidal.

fighting weapons. In the absence of such communication, preparations for a Samson Option could effectively impair, rather than reinforce Israel's nuclear warfighting options.

Mr. Prime Minister,

Whether one likes it or not, Israel needs nuclear weapons. These weapons are required to fulfill essential deterrence options, preemption options, warfighting options, and even the Samson Option. It follows that such weapons should not be negotiated away in formal international agreements, especially in the midst of any so-called "Peace Process." It follows as well that particular nuclear weapons policies should now be made in cumulative conformance with: (a) the examined benefits of disclosure; and (b) the seven pertinent options that have been discussed and, more broadly, with the ever-changing strategic environment of regional and world power configurations. In the final analysis, regrettable as it may appear, the ultimate structure of Israeli security will be built largely upon the foundations of nuclear weapons, and not on *security regimes*, *confidence building measures*, or illusory peace processes.<sup>38</sup> Should these foundations be constructed carefully, with due regard for underlying theoretical soundness, they could assure that nuclear weapons will never be used in the Middle East.

In the best of all possible worlds, such reaffirmation of *Realpolitik* would be vulgar and inappropriate. Yet, we do not live in an optimal world order, and individual states—still operating within the self-help seventeenth-century dynamics fashioned at Westphalia after the Thirty Years War—have an overriding obligation to endure. To meet this obligation, as indeed it must, the State of Israel must never lose sight of an antecedent requirement: the obligation to understand, maintain and use its essential military power.

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38. For devout Muslims, "peace with Israel was and still remains nothing less than a poison threatening the life-blood of Islam, a symptom of its profound malaise, weakness and decadence." ROBERT S. WISTRICH, *ANTI-SEMITISM: THE LONGEST HATRED* 227 (1991). The Prophet is said to have predicted a final war to annihilate the Jews, saying: "The Hour [i.e. salvation] would not come until you fight against the Jews; and the stone would say, 'O Muslim! There is a Jew behind me: come and kill him'." ARAB THEOLOGIANS ON JEWS AND ISRAEL: EXTRACTS FROM THE PROCEEDINGS OF THE FOURTH CONFERENCE OF THE ACADEMY OF ISLAMIC RESEARCH 49-51 (D.F. Green, ed., 1976) (cited in WISTRICH, *supra*, at 23).

