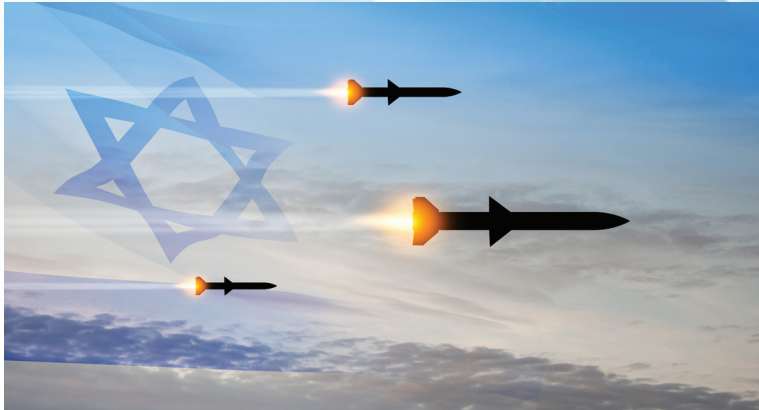




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Could Israel's Nuclear Deterrent Support “Escalation Dominance” Against Iran?

Louis René Beres



Mideast Security and Policy Studies No. 207

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EXECUTIVE SUMMARY

A direct and protracted war between Israel and Iran is now very likely. Whatever its nuances, any such conflict will drive each adversary to seek "escalation dominance." For the moment, such a war would pit an already nuclear Israel against a pre-nuclear Iran. Nonetheless, because all conceivable scenarios would be unprecedented, it is uncertain whether Israel's military advantage would translate into correlative advantages in terms of tangible war outcomes.

A key determinant of Israel's presumptive bargaining advantage would lie in immediate policy shifts from "deliberate nuclear ambiguity" to "selective nuclear disclosure."¹ The success of such shifts will depend, however, on the decision-making rationality² of the Iranian leadership and on whether Israel fixes its operational focus on the prevention of a nuclear war, either intentional or unintentional.

All things considered, the best time for Israel to ensure "escalation dominance" and a permanently non-nuclear Iran should be now, while its Islamist enemy is still pre-nuclear. Though Israel's recently tested (April 2024) capacity for missile defense against Iran was reassuring to Jerusalem,³ even the best active defenses can never offer Israel a full substitute for calibrated strategies of offense.⁴ Only by preparing for "escalation dominance" in its approaching war with Iran can Israel prevent a more catastrophic nuclear war. Finally, because Iran maintains close security ties with an already nuclear North Korea, Jerusalem will have to consider that non-Islamist state adversary in all its calculations.⁵

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The first step: Adapting Israel's nuclear strategy to Iran's non-nuclear threats

Though counterintuitive and scientifically unverifiable, Israel's nuclear strategy remains relevant to Iranian non-nuclear threats. Determining precise levels of strategic relevance, however, will be difficult during active warfare, and will depend on such "soft" explanatory factors as the rationality of the Iranian leadership⁶ and the anticipated destructiveness of Iran-inflicted non-nuclear harm. This critical dependence would apply to Iranian first-strike attacks, retaliatory attacks, and counter-retaliatory attacks.

These are bewildering and intersecting issues. It would be capricious to argue *ex nihilo* that Israel's nuclear deterrence posture should parallel prospective Iranian destructiveness (closely or partially) or that Iranian non-nuclear threats (whether issued solely by Iran, by Iran-based interstate alliances, or by Iranian terror group "hybrids") should be symmetrically countered.

Only one thing is certain: *appearances will be deceiving*. At first glance, a "symmetry hypothesis" could seem to make perfect sense. But strategic truth is excruciatingly complex and could quickly prove indecipherable. Because nearly all Israel-related nuclear scenarios would be *sui generis* (i.e., without precedent), nothing of any scientific value can be extrapolated from past events. All Israeli nuclear decision-makers can reasonably be asked to accept, as they attempt to determine usable probabilities, are competing iterations of subjective belief.⁷

Israel's core strategies will need to be informed not only by applicable history and law but also by philosophies of science. Meaningful assessments of hypotheses concerning "asymmetrical nuclear deterrence" and Israeli national security will need to be founded on *formal deductive examinations*. This imperative indicates *inter alia* that Israeli intelligence assessments devoid of verifiable empirical content could still be predictive. **Even in the midst of an ongoing war with Iran, these assessments will have to be supportable by all basic standards of logic-based examination: internal consistency, thematic interconnectedness, and dialectical reasoning.**⁸

Iranian threats of biological warfare, biological terrorism, electromagnetic weapons (EMP), or massive conventional attack

A good place for Israeli strategists to accelerate their time-urgent investigations would be within the "grey area" of Iranian non-nuclear threats that are still unconventional. Most obvious would be credible enemy threats of biological warfare, biological terrorism, and/or electromagnetic pulse ordnance (EMP) attacks. While non-nuclear by definition, biological warfare attacks could produce grievously injurious or near-existential event outcomes for Israel. In addition to causing serious human harm, biological warfare attacks could have a material impact on public fears and national decision-making. Similar effects could be expected from scenarios involving EMP ordnance.

Israeli policies of calibrated nuclear reprisal for biological warfare (BW) attacks could be a compelling and effective deterrent against certain types of adversary. Such policies would not apply to threats issuing from terror groups that function alone; i.e., without recognizable state alignments. In such residual cases, Israel, lacking any operational targets more suitable for nuclear targeting, would need to fall back on the usual arsenals of counter-terrorist methods. Such a tactical retrogression would be required even if the terror group involved (e.g., Sunni Hamas, Shiite Hezbollah, Shiite Houthi) had credible nuclear threat capabilities. Because such terrorists might view their own deaths as a sanctifying expression of religious martyrdom,⁹ Israeli planners would have to draw upon continuously mutating psychological assessments.¹⁰

What about Iranian conventional threats that involve neither nuclear nor biological hazards but are still massive enough to cause Israel existential or near-existential harm? If it were considering the deployment of such weapons, Iran could reasonably calculate that Jerusalem would make good on a portion of its nuclear threats. Here, however, Israel's nuclear deterrent threat credibility could depend on coinciding shifts from "deliberate nuclear ambiguity" (the so-called "bomb in the basement") to "selective nuclear disclosure."¹¹

These doctrinal shifts should be declared immediately.

Other nuances will require correlating Israeli decisions. As a direct consequence of its diminished nuclear ambiguity, Jerusalem should signal its Iranian adversary that Israel would cross the nuclear retaliatory threshold to prevent acts of existential or near-existential aggression. In military parlance, Israel's shift to forms of selective nuclear disclosure would be intended to ensure the Jewish State's success in the expanding struggle for "escalation dominance."¹²

The deterrence advantages for Israel of moving from deliberate nuclear ambiguity to selective nuclear disclosure would lie, in part, in the signal it could telegraph to a still non-nuclear Iran. This signal would warn the adversary that Jerusalem is not limited to launching retaliations that employ massive and/or disproportionate levels of nuclear force. A timely Israeli move from nuclear ambiguity to nuclear disclosure could improve Israel's prospects for deterring large-scale conventional attacks with "tailored" nuclear threats.¹³ During the as yet inconclusive Gaza War, a not-yet-nuclear Iran might more readily fear new Israel-Sunni Arab alignments.¹⁴

Israeli nuclear deterrence benefits against non-nuclear threats could extend to threats of nuclear counter-retaliation. If, for example, Israel initiates the next and more protracted cycle of war with Iran – a survival-based initiative that could represent "anticipatory self-defense"¹⁵ under Westphalian international law¹⁶ - the likelihood of suffering a massive Iranian conventional retaliation might be diminished. In essence, by moving immediately from deliberate nuclear ambiguity to selective nuclear disclosure, Jerusalem could upgrade its overall deterrence posture vis-à-vis Iran.

“Escalation dominance” and inadvertent nuclear war

In their efforts to protect the Jewish State from deliberate nuclear attack, Israeli strategists should accept certain core assumptions of Iranian enemy rationality. But even if these assumptions are well-founded, there would remain the attendant danger of inadvertent nuclear war. This potentially existential danger could be produced by enemy hacking operations, computer malfunctions, or decision-making miscalculations (whether by Iran, Israel, or both). In the third

scenario, dangerous synergies could arise that could prove extremely difficult or even impossible to halt.

To an unforeseeable extent, the geostrategic search for "escalation dominance" by all sides to a potentially nuclear conflict would enlarge the risk of inadvertent nuclear war. These risks include the prospects of a nuclear war by accident and/or miscalculation. The solution here cannot be to simply wish away the common search for "escalation dominance" (*prima facie*, any such wish would be contrary to the logic of balance-of-power world politics),¹⁷ but to manage all prospective nuclear crises at their lowest possible levels of destructiveness. Wherever feasible, it would be best to avoid such crises altogether and to maintain reliable "circuit breakers" against strategic hacking or technical malfunction.

In the expanding cauldron of Middle Eastern chaos, Israel will need to assess and reassess its ties to certain Sunni Arab states. Among other things, Israeli nuclear strategists should ask about the Trump-era Abraham Accords:¹⁸

Have these agreements given Israel any greater cause for security confidence, or do they enhance "peace" only where there are no actual adversaries?

Have the Abraham Accords hardened the Middle Eastern Sunni-Shia dualism and thereby made Iran and its terror surrogates an even greater threat to Israel?

Though Israel has no regional nuclear adversaries at present, the steady approach of a nuclear Iran could encourage rapid nuclearization among such Sunni Arab states as Saudi Arabia, Egypt, and the United Arab Emirates (UAE).¹⁹ Moreover, following the turnover of Afghanistan to the Taliban and other Islamist forces and the strengthening of Pakistan's relations with Iran, non-Arab Pakistan will more likely become a direct adversary of Israel.²⁰ Pakistan is an already nuclear Islamic state with strong ties to China and Saudi Arabia. Pakistan, like Israel, is not a party to the Nuclear Nonproliferation Treaty (NPT).²¹ During the upcoming war with Iran, Jerusalem will need to keep an eye on Islamabad.

On September 1, 2021, Israel officially moved into the US Central Command's (CENTCOM) area of responsibility. Having taken over from European Command (EUCOM), Jerusalem has since defined its upgraded security role as defending US and Israeli interests simultaneously. This countervailing power will be directed at Iran-backed anti-Israel insurgents (especially Hezbollah and Houthi) and at Iranian nuclearization. This power will also need to be directed at an already-nuclear proxy of Iran: North Korea.

“Palestine”, preemption, and nuclear threats to Israel

Longer-term issues of Israeli nuclear deterrence against non-nuclear threats could be affected by Palestinian statehood.²² To wit, while rarely mentioned in the same breath as nuclear war, the creation of Palestine could meaningfully affect Israel's imminent war against a still non-nuclear Iran. If Israel's war against Iran were fought or continued after that enemy state became nuclear, the presence of a Palestinian state could negatively affect the correlation of military forces in the region.

It is supportable to argue that once Palestine came into formal or *de jure* existence as a sovereign state,²³ any prior shift in Israel's nuclear strategy from *deliberate nuclear ambiguity* to *selective nuclear disclosure* would reduce Jerusalem's incentive to engage in war with Iran. But this expectation would make strategic sense only if Israel were first willing to believe that its nuclear deterrent threat, as a consequence of this shift, was being taken with greater seriousness by Iran. On its face, any such determination would be problematic at best.

Several corollary problems will soon need to be considered. First, how would Israel's leadership *know* that taking its bomb out of the “basement” had improved its nuclear deterrence posture regarding Iran? To an unpredictable extent, the credibility of Jerusalem's nuclear threats would be contingent upon the varying severity of different provocations. It might prove believable if Israel were to threaten nuclear reprisals for provocations that endanger the physical survival of the state, but it would almost certainly be unbelievable to threaten such reprisals for relatively minor territorial infringements or for almost any level of terrorist attack. Whatever analysts might

conclude on such questions, because there exist no relevant past events, judgments of probability regarding the decisions of Israel's planners can represent only what Oswald Spengler called "glorified belief" (*The Decline of the West*).

There are other problems. To function successfully, Israel's nuclear deterrent, even after the conspicuous removal of the bomb from the "basement", would have to appear secure from Iranian preemptive strikes. Accordingly, Israel would need to be especially wary of "decapitation" – the loss of the "head" of its military command and control system as a result of Iranian strikes.

If Iran remains unpersuaded by Jerusalem's sudden shift away from deliberate nuclear ambiguity, it could initiate non-nuclear strikes that weaken or eviscerate Israel's *order of battle*. These strikes could include use of radiation dispersal weapons or electromagnetic pulse weapons (EMP). Also to be taken seriously by Jerusalem are the possibilities of an Iranian and/or Hezbollah conventional missile attack on Israel's nuclear reactor at Dimona.

Imminence of war and Iranian vulnerabilities

In weighing different arguments concerning the effect of Palestine upon Israeli nuclear deterrence, attention should be directed toward (1) Israel's presumptions about the imminence and longevity of unconventional war; and (2) Israel's long-term expectations regarding Iranian strategic vulnerability. Should Israel's leaders conclude that the creation of Palestine would make an imminent unconventional war more destructive and that Iranian vulnerability to Israeli strikes would diminish, Jerusalem's inclination to strike massively against Iran could be increased. To a still-indecipherable extent, Israel's tactical/operational judgments on striking first would be affected by antecedent decisions on nuclear strategy. *Inter alia*, these critical decisions would concern "counter value" vs. "counterforce" targeting issues.

If Israel should opt for nuclear deterrence based on an "assured destruction" ("counter value") strategy, Jerusalem would likely choose a relatively small number of weapons that might be relatively inaccurate. A "counterforce" strategy, on the other hand, would

require a larger number of more accurate weapons, ordnance that could destroy even the most hardened enemy targets. To an extent, “going for counterforce” could render Israeli nuclear threats more credible. This conclusion would be based largely on the assumption that because the effects of war-fighting nuclear weapons would be more precise and controlled, they would also be more amenable to actual use. This very calculation already animates Pakistan’s strategy vis-à-vis India.

Other things being equal, openly war-fighting postures of Israeli nuclear deterrence would likely encourage Israeli defensive strikes. If counterforce targeted nuclear weapons were ever fired, especially in a proliferated regional setting, the resulting escalation could produce extensive counter value nuclear exchanges. Even if such escalations were averted, the collateral effects of counterforce detonations could prove devastating.

In making its nuclear choices, Israel will have to confront a paradox. Credible nuclear deterrence, essential to Israeli security and survival in a world made more dangerous by the creation of Palestine,²⁴ would require “usable” nuclear weapons. If, after all, these weapons are patently inappropriate for any reasonable objective, they will not deter. At the same time, the more usable such nuclear weapons become in order to enhance nuclear deterrence, the more likely it is that at one time or another, they will be fired. While this paradox would seem to suggest the rationality of Israel’s deploying only the least-harmful forms of usable nuclear weapons, the fact that there can be no coordinated agreements with Iran on deployable nuclear weapons points to a different conclusion.

Unless Israel were to calculate that more harmful weapons would produce greater hazards for its own population as well as for target populations, there would exist no tactical benefit to opting for the least injurious nuclear weapons. For the moment, at least, it appears that Israel has rejected any nuclear warfighting strategies of deterrence in favor of a still-implicit counter-value engagement posture. But this could change in response to the pace and direction of any ongoing Israel-Iran war and of Iranian nuclearization.

Israel's national "will"

In view of what is now generally believed throughout the Middle East (and, indeed, all over the world), there is every reason to assume that Israel's nuclear arsenal exists and that Israel's enemies share this assumption. The most critical question about Israel's nuclear deterrent, however, is not about *capability*, but *will*.²⁵ How likely is it that Israel, after launching non-nuclear strikes against Iranian hard targets, would respond to enemy reprisals with a nuclear counter-retaliation?

To answer this core question, Israel's decision-makers will first have to put themselves into the shoes of the Iranian leaders. Will those leaders calculate that they can afford to retaliate massively against Israel; i.e., that such retaliation would not produce a nuclear counter-retaliation? In asking this question, they will assume, of course, a non-nuclear retaliation against Israel.

Depending upon the way the enemy decision-makers interpret Israel's perceptions, they will accept or reject the cost-effectiveness of a non-nuclear retaliation against Israel. This means it is likely in Israel's best interests to communicate the following strategic assumption to all its existential enemies: *Israel could be acting rationally by responding to Iranian non-nuclear reprisals to Israeli attacks with a nuclear counter-retaliation*. The plausibility of this assumption would be enhanced if enemy reprisals were to involve chemical, biological, or EMP weapons.

All such "glorified belief"²⁶ calculations assume enemy rationality. In the absence of calculations that compare the costs and benefits of all strategic alternatives, what will happen in the imminent Israel-Iran war must remain a matter of conjecture. The prospect of irrational judgments in such a conflict is always plausible, especially as the influence of Islamist/jihadist ideology remains determinative among the Iranian decision-making elites. Still, the dangers of a nuclear war will obtain even among fully rational adversaries. These include both deliberate and inadvertent nuclear war.

Israel's nuclear deterrent should always remain oriented toward dominating escalation at multiple and intersecting levels of conventional and unconventional enemy threats. For this to work, Israeli strategic planners should always bear in mind that intra-war operational success will depend on prior formulations of suitable national doctrine or strategic theory.²⁷ In the end, the truest forms of Israeli power will have to reflect a triumph of mind over mind, not just of mind over matter.

The primacy of “power over death”

The most persuasive forms of military power on planet Earth are not guns, battleships, or missiles. Rather, they are promises of “life everlasting” or personal immortality.²⁸ To a large proportion of human beings, their most important value is a presumptive *power over death*. Lamentably, people all over the world regard the corrosive dynamics of belligerent nationalism as a path to immortality.²⁹

Why else, in essentially all global conflict (both international and intranational), would each side seek so desperately to align with God? The loudest nationalistic claim is always manipulatively reassuring: “Fear not,” citizens and subjects are counseled, “as God is on our side.” In our present analytic context, what promise can possibly prove more heartening to Israel's enemies and fearsome to Israel?

Ultimately, Israel's most compelling forms of strategic influence will derive not from high technology weaponry but from the advantages of intellectual power. These always overriding advantages must be explored and compared according to two very specific but overlapping criteria of assessment: law and strategy. In certain circumstances, these complex expectations might not be congruent or “in synch” with each other, but contradictory. Here, the underlying “mind over mind” challenges to Israel would become exceedingly difficult. Nonetheless, successful decision-making outcomes can still be kept in plain sight and remain credible.

What will be required will be a theoretical appreciation of decisional complexity³⁰ and a corresponding willingness to approach all issues from convergent standpoints of science,³¹ intellect, and dialectical analysis.³² In principle, at least, cumulative policy failures could

produce broadly existential outcomes. Acknowledging this, Israel's policy planners and decision-makers should strive to ensure wherever possible that the beleaguered country's nuclear deterrent could protect against large-scale non-nuclear attacks.³³ A first step in reaching this assurance should be the systematic application of formal decision theory to the "Iran problem," a deductive task that would (1) not depend on historical precedent or data; and (2) give informed support to Israeli leadership decisions on nuclear deterrence and "escalation dominance." For Israel, the primary battlefield with Iran should always be viewed as an intellectual rather than a territorial arena.

Despite endless jihadist threats of its annihilation, Israel has never issued any expressly nuclear threats to Iran or its proxies. But the times we are now living in are more strategically uncertain than ever before, and Israel's optimal path to managing a catastrophic war with Iran should be to keep that aggressor non-nuclear. It follows, among other things, that Jerusalem should prepare to use graduated nuclear threats against Iran *in extremis*.

Immediately, to best ensure that Israeli paths to escalation dominance remain navigable, Jerusalem will need to implement far-reaching shifts from "deliberate nuclear ambiguity" to "selective nuclear disclosure." For the moment, there would appear to be no more promising way to protect the Jewish State from an unconventional and eventually nuclear war with Iran. Such implementation could also serve Israel's security needs vis-à-vis a nuclear North Korea functioning as an Iranian military proxy, as well as prospectively nuclear Sunni Arab states such as Egypt or Saudi Arabia.

Though the rationale for Sunni state nuclearization would be national self-defense against a nearly nuclear Shiite state adversary in Tehran, this does not mean these Arab states would suddenly become "friends of Israel". On the contrary: It could signal the dawn of a worst-case scenario in which the beleaguered Jewish State (a country that is half the size of America's Lake Michigan) finds itself facing additional nuclear foes. *Ipsa facto*, as Israel prepares for its imminent war with Iran, this scenario should be prevented by Jerusalem using all legal means and at all bearable costs.

Notes

1 The author's first comprehensive examination of this issue was: Louis René Beres, *Security or Armageddon: Israel's Nuclear Strategy* (1986). But see also the more recent: Louis René Beres, *Surviving Amid Chaos: Israel's Nuclear Strategy* (2016; 2nd ed., 2018). <https://paw.princeton.edu/new-books/surviving-amid-chaos-israel%E2%80%99s-nuclear-strategy>

2 Expressions of enemy irrationality can take different or overlapping forms. These include a disorderly or inconsistent value system; computational errors in calculation; an incapacity to communicate efficiently; random or haphazard influences in the making or transmission of decisions; and the internal dissonance generated by any structure of collective decision-making (i.e., assemblies of individuals who lack identical value systems and/or whose organizational arrangements affect their willingness and capacity to act as a unitary national decision maker).

3 See authoritative assessment at BESA (Israel): <https://besacenter.org/operation-true-promise-irans-missile-attack-on-israel/>

4 Says Carl von Clausewitz: “Defensive warfare does not consist of waiting idly for things to happen. We must wait only if it brings us visible and decisive advantages. That calm before the storm, when the aggressor is gathering new forces for a great blow, is most dangerous for the defender.” (See *Principles of War*, 1812). A similarly timeless argument was made much earlier by ancient Chinese military thinker Sun-Tzu in *The Art of War*: “Those who excel at defense bury themselves away below the lowest depths of Earth. Those who excel at offense move from above at the greatest heights of Heaven. Thus they are able to preserve themselves and attain a more complete victory.” See also Louis René Beres, Harvard Law School, *Harvard National Security Journal*: <https://harvardsj.org/2013/10/24/lessons-for-israel-from-ancient-chinese-military-thought-facing-iranian-nuclearization-with-sun-tzu/>

5 See: Louis René Beres: <https://www.jns.org/the-north-korean-threat-to-israel/>

6 In world politics and law, a state or insurgent group is rational to the extent that its leadership always values collective survival more highly than any other conceivable preference or combination of preferences. Of

course, an insurgent/terrorist force will not always display such a clarifying preference ordering. Current examples regarding Israel are Sunni Hamas and Shiite Hezbollah.

7 See: Anatol Rapoport, *Strategy and Conscience* (1964). Says Rapoport, in an early observation that now applies to Israel, Iran, and nuclear war avoidance: "Formal decision-theory does not depend on data.... The task of theory is confined to the construction of a deductive apparatus, to be used in deriving logically necessary conclusions from given assumptions."

8 The term "dialectic" originates from the Greek expression for the art of conversation. A common contemporary meaning is method of seeking truth by correct reasoning. From the standpoint of shaping Israel's deterrence strategy vis-à-vis Iran, the following operations should be regarded as essential but nonexclusive components: (1) a method of refutation conducted by examining logical consequences; (2) a method of division or repeated logical analysis of genera into species; (3) logical reasoning using premises that are probable or generally accepted; (4) formal logic; and (5) the logical development of thought through thesis and antithesis to a fruitful synthesis of these opposites.

9 In the case of many Hamas terrorist leaders, however, it is manifest that living life far from conflict in five-star Qatari hotels is preferable to "martyrdom." For these unheroic figures, the "sacrificial" death of a *shahid* is sacred as long as the cherished "martyr" is someone else.

10 See, for example, Louis René Beres, "Martyrdom and International Law," *Jurist*, September 10, 2018; and Louis René Beres, "Religious Extremism and International Legal Norms: Perfidy, Preemption and Irrationality," *Case Western Reserve Journal of International Law*, Vol. 39, No.3., 2007-2008, pp. 709-730.

11 See Louis René Beres, at INSS (Tel Aviv): [file:///C:/Users/lberes/AppData/Local/Temp/adkan17_3ENG%20\(3\)_Beres.pdf](file:///C:/Users/lberes/AppData/Local/Temp/adkan17_3ENG%20(3)_Beres.pdf)

12 Embedded in attempts to achieve this success would be credible threats of "assured destruction." This term references the ability to inflict "unacceptable damage" after absorbing an attacker's first strike. In the traditional nuclear lexicon, *mutual assured destruction* (MAD) describes a stand-off condition in which an assured destruction capacity is possessed by both (or all) opposing sides. *Counterforce strategies*

are those that target only an adversary's strategic military facilities and supporting infrastructure. Such strategies could be dangerous not only because of the *collateral damage* they might produce, but also because they could heighten the likelihood of first-strike attacks. *Collateral damage* would refer to harm done to human and non-human resources as a consequence of strategic strikes directed at enemy forces or military facilities. Even such "unintended" damage could quickly involve large numbers of casualties/fatalities.

13 In effect, Israel's posture of deliberate nuclear ambiguity was already breached by two of the country's prime ministers: first, by Shimon Peres on December 22, 1995; and second, by Ehud Olmert on December 11, 2006. Peres, speaking to a group of Israeli newspaper and magazine editors, stated publicly: "...give me peace, and we'll give up the atom. That's the whole story." When, later, Olmert offered similarly general but also revelatory remarks, they were described widely as "slips of the tongue."

14 It's now a very delicate regional balance of power for Israel to negotiate. A Salafi/Deobandi (Sunni) Crescent has emerged over a period of years to challenge the Shiite Crescent. The objective is an attempt by Al Qaeda and other Salafi/Deobandi Islamist groups to counter the Crescent created by Iraq, Syria and Lebanon. *Inter alia*, the fall of Afghanistan to the Taliban suggests still-growing Salafi/Deobandi power vis-à-vis Israel, Iran, and the United States.

15 This lawful option can be found in customary international law. The most precise origins of *anticipatory self-defense* in such authoritative law lie in the *Caroline*, a case that concerned the unsuccessful rebellion of 1837 in Upper Canada against British rule. Following this case, the serious threat of armed attack has generally justified certain militarily defensive actions. In an exchange of diplomatic notes between the governments of the United States and Great Britain, then U.S. Secretary of State Daniel Webster outlined a framework for self-defense that did not require an antecedent attack. Here, the jurisprudential framework permitted a military response to a *threat* so long as the danger posed was "instant, overwhelming, leaving no choice of means, and no moment for deliberation." See: Beth M. Polebaum, "National Self-defense in International Law: An Emerging Standard for a Nuclear Age," 59 N.Y.U.L. Rev. 187, 190-91 (1984) (noting that the *Caroline* case had transformed the right of self-defense from an excuse for armed intervention into a legal doctrine). Still earlier, see: Hugo Grotius, *Of the Causes of*

War, and First of Self-Defense, and Defense of Our Property, reprinted in *2 Classics of International Law*, 168-75 (Carnegie Endowment Trust, 1925) (1625); and Emmerich de Vattel, *The Right of Self-Protection and the Effects of the Sovereignty and Independence of Nations*, reprinted in *3 Classics of International Law*, 130 (Carnegie Endowment Trust, 1916) (1758). Also, Samuel Pufendorf, *The Two Books on the Duty of Man and Citizen According to Natural Law*, 32 (Frank Gardner Moore., tr., 1927 (1682)).

16 The Peace of Westphalia (1648) concluded the Thirty Years' War and created the still-existing state system. See: *Treaty of Peace of Munster*, Oct. 1648, 1 Consol. T.S. 271; and *Treaty of Peace of Osnabruck*, Oct. 1648, 1., Consol. T.S. 119. Together, these two treaties comprise the "Peace of Westphalia." Incontestably, ever since this Peace put an end to the last of the major religious wars sparked by the Reformation, the "state system" has been ridden with strife and calamity. As a global "state of nature" characterized by interminable "war of all against all" (a *bellum omnium contra omnes*), the legacy of Westphalia has proven disappointing and frightful.

17 The idea of a *balance of power* - an idea of which the nuclear-age *balance of terror* is a modern variant - has never been more than facile metaphor. Oddly, it has never had anything to do with ascertaining equilibrium. As such, balance is always more-or-less a matter of individual subjective perception. Adversarial states can never be fully confident that strategic circumstances are actually "balanced" in their favor. In consequence, each side perpetually fears that it will be left behind, creating ever-wider patterns of world system insecurity and disequilibrium.

18 See <https://www.state.gov/the-abraham-accords/> Also to be considered as complementary in this connection is the *Israel-Sudan Normalization Agreement* (October 23, 2020) and *Israel-Morocco Normalization Agreement* (December 10, 2020).

19 The existential dangers posed by Iran could be more or less effectively balanced by a new Sunni Arab nuclear capability in Riyadh, Cairo or Abu Dhabi. In that ironic circumstance, Jerusalem might conclude that certain expressions of selective Arab nuclearization would represent a benign or even helpful development. In the longer term view, however, Jerusalem would be forced to decide which adversary or pair of adversaries was potentially more intolerable, and whether or not some form of preemption might once again be required.

20 Seventeenth-century English philosopher Thomas Hobbes instructs that although international relations (the state of nations) is in the state of nature, it is nonetheless more tolerable than the condition of individual men in nature. This is because with individual human beings, “the weakest has strength enough to kill the strongest.” Now, with the advent of nuclear weapons, there is no reason to believe the state of nations remains more tolerable. Rather, nuclear weapons are bringing the state of nations closer to the true Hobbesian state of nature. See, also, David P. Gauthier, *The Logic of Leviathan: The Moral and Political Theory of Thomas Hobbes* (Oxford: Oxford University Press, 1969), p. 207. As with Hobbes, Pufendorf argues that the state of nations is not quite as intolerable as the state of nature between individuals. The state of nations, reasons Pufendorf, “lacks those inconveniences which are attendant upon a pure state of nature...” And similarly, Spinoza suggests “that a commonwealth can guard itself against being subjugated by another, as a man in the state of nature cannot do.” See, A.G. Wernham, ed., *The Political Works, Tractatus Politicus*, iii, II (Clarendon Press, 1958), p. 295.

21 See: <https://www.un.org/disarmament/wmd/nuclear/npt/>

22 For much earlier original writings by this author on the prospective impact of a Palestinian state on Israeli nuclear deterrence, see: Louis René Beres, “Security Threats and Effective Remedies: Israel’s Strategic, Tactical and Legal Options,” Ariel Center for Policy Research (Israel), ACPR Policy Paper No. 102, April 2000, 110 pp; Louis René Beres, “After the ‘Peace Process:’ Israel, Palestine, and Regional Nuclear War,” DICKINSON JOURNAL OF INTERNATIONAL LAW, Vol. 15, No. 2., Winter 1997, pp. 301-335; Louis René Beres, “Limits of Nuclear Deterrence: The Strategic Risks and Dangers to Israel of False Hope,” ARMED FORCES AND SOCIETY, Vol. 23., No. 4., Summer 1997, pp. 539-568; Louis René Beres, “Getting Beyond Nuclear Deterrence: Israel, Intelligence and False Hope,” INTERNATIONAL JOURNAL OF INTELLIGENCE AND COUNTERINTELLIGENCE, Vol. 10., No. 1., Spring 1997, pp. 75-90; Louis René Beres, “On Living in a Bad Neighborhood: The Informed Argument for Israeli Nuclear Weapons,” POLITICAL CROSSROADS, Vol. 5., Nos. 1/2, 1997, pp. 143-157; Louis René Beres, “Facing the Apocalypse: Israel and the ‘Peace Process,’” BTZEDEK: THE JOURNAL OF RESPONSIBLE JEWISH COMMENTARY (Israel), Vol. 1., No. 3., Fall/Winter 1997, pp. 32-35; Louis René Beres and (Ambassador) Zalman Shoval, “Why Golan Demilitarization Would Not Work,” STRATEGIC REVIEW, Vol. XXIV, No. 1., Winter 1996, pp. 75-76; Louis René Beres, “Implications of a

Palestinian State for Israeli Security and Nuclear War: A Jurisprudential Assessment," *DICKINSON JOURNAL OF INTERNATIONAL LAW*, Vol. 17., No. 2., 1999, pp. 229-286; Louis René Beres, "A Palestinian State and Israel's Nuclear Strategy," *CROSSROADS: AN INTERNATIONAL SOCIO-POLITICAL JOURNAL*, No. 31, 1991, pp. 97-104; Louis René Beres, "The Question of Palestine and Israel's Nuclear Strategy," *THE POLITICAL QUARTERLY*, Vol. 62, No. 4., October-December 1991, pp. 451-460; Louis René Beres, "Israel, Palestine and Regional Nuclear War," *BULLETIN OF PEACE PROPOSALS*, Vol. 22., No. 2., June 1991, pp. 227-234; Louis René Beres, "A Palestinian State: Implications for Israel's Security and the Possibility of Nuclear War," *BULLETIN OF THE JERUSALEM INSTITUTE FOR WESTERN DEFENCE (Israel)*, Vol. 4., Bulletin No. 3., October 1991, pp. 3-10; Louis René Beres, *ISRAELI SECURITY AND NUCLEAR WEAPONS*, PSIS Occasional Papers, No. 1/1990, Graduate Institute of International Studies, Geneva, Switzerland, 40 pp; and Louis René Beres, "After the Gulf War: Israel, Palestine and the Risk of Nuclear War in the Middle East," *STRATEGIC REVIEW*, Vol. XIX, No. 4., Fall 1991, pp. 48-55.

23 Contending Palestinian authorities still remain unable to meet codified expectations of statehood identified at the 1934 *Convention on the Rights and Duties of States*. This "Montevideo Convention" is the treaty governing statehood in all applicable international law. Jurisprudentially, Palestine still remains a "Non-Member Observer State."

24 The argument that a Palestinian state would be more benign because it could be "demilitarized" is unsupportable in strategic, political, and jurisprudential terms. See Louis René Beres, "Why the Allen Plan and Palestinian Demilitarization Could Never Protect Israel," *Israel Defense*, 16 July, 2017. Earlier law journal articles on this limitation include: Louis René Beres and Zalman Shoval, "Why a Demilitarized Palestinian State Would not Remain Demilitarized: A View Under International Law," *Temple International and Comparative Law Journal*, Winter 1998, pp. 347-363; and Louis René Beres and Zalman Shoval, "On Demilitarizing a Palestinian 'Entity' and the Golan Heights: An International Law Perspective," *Vanderbilt Journal of Transnational Law*, Vol. 28, No.5., 1995m pp. 959-972.

25 The modern philosophic origins of "will" are discoverable in the writings of Arthur Schopenhauer, especially *The World as Will and Idea* (1818). For his own inspiration, Schopenhauer drew upon Johann

Wolfgang von Goethe. Later, Friedrich Nietzsche drew just as importantly upon Arthur Schopenhauer. Goethe was also a core intellectual source for Spanish existentialist Jose Ortega y Gasset, author of the singularly prophetic twentieth-century work, *The Revolt of the Masses (Le Rebelion de las Masas;* 1930). See, accordingly, Ortega's very grand essay, "In Search of Goethe from Within" (1932), written for *Die Neue Rundschau* of Berlin on the centenary of Goethe's death. It is reprinted in Ortega's anthology, *The Dehumanization of Art* (1948) and is available from Princeton University Press (1968).

26 "Belief," says Oswald Spengler in his *The Decline of the West* (1918), "is the one great word against metaphysical fear."

27 "Military doctrine" is not the same as "military strategy." Doctrine "sets the stage" for strategy. It identifies various central beliefs that must subsequently animate any actual "order of battle." Among other things, *military doctrine* describes underlying general principles on how a particular war ought to be waged. The reciprocal task for *military strategy* is to adapt as required in order to best support previously-fashioned military doctrine.

28 In world politics, says philosopher Alfred North Whitehead, any deeply-felt promise of immortality must be of "transcendent importance." See his *Religion in the Making*, 1927.

29 In the nineteenth century, in his posthumously published lecture on Politics (1896), German historian Heinrich von Treitschke observed: "Individual man sees in his own country the realization of his earthly immortality." Earlier, German philosopher Georg Friedrich Hegel opined, in his *Philosophy of Right* (1820), that the state represents "the march of God in the world." The "deification" of *Realpolitik*, a transformation from mere principle of action to a sacred end in itself, drew its originating strength from the doctrine of sovereignty advanced in the sixteenth and seventeenth centuries. Initially conceived as a principle of internal order, this doctrine underwent a specific metamorphosis, whence it became the formal or justifying rationale for international anarchy - that is, for the global "state of nature." First established by Jean Bodin as a juristic concept in *De Republica* (1576), sovereignty came to be regarded as a power absolute and above the law. Understood in terms of modern international relations, this doctrine encouraged the notion that states lie above and beyond any form of legal regulation in their interactions with each other.

30 At the same time, strategists cannot be allowed to forget that theoretical fruitfulness must be achieved at some more-or-less tangible costs of "dehumanization." Accordingly, Goethe reminds in *Urfaust*, the original *Faust* fragment: "All theory, dear friend, is grey, And the golden tree of life is green." Translated by Professor Beres from the German: "*Grau, theurer Freund, ist alle Theorie, Und grun des Lebens goldner Baum.*"

31 In the words of Jose Ortega y'Gasset: "Science, by which I mean the entire body of knowledge about things, whether corporeal or spiritual, is as much a work of imagination as it is of observation.... The latter is not possible without the former." (*Man and Crisis*, 1958).

32 This does not mean trying to account for absolutely every possible variable. Clarifications can be found at "Occam's Razor" or the "principle of parsimony." This stipulates preference for the simplest explanation still consistent with scientific method. Regarding current concerns for Israel's nuclear strategy, it suggests, *inter alia*, that the country's military planners not seek to identify and examine every seemingly important variable, but rather to "say the most, with the least." This presents an important and often neglected cautionary, because all too often, policy-makers and planners mistakenly attempt to be too inclusive. This attempt unwittingly distracts them from forging more efficient and "parsimonious" strategic theories.

33 See: RESOLUTION ON THE DEFINITION OF AGGRESSION, Dec. 14, 1974, U.N.G.A. Res. 3314 (XXIX), 29 U.N. GAOR, Supp. (No. 31) 142, U.N. Doc. A/9631, 1975, *reprinted in* 13 I.L.M. 710, 1974; and CHARTER OF THE UNITED NATIONS, Art. 51. Done at San Francisco, June 26, 1945. Entered into force for the United States, Oct. 24, 1945, 59 Stat. 1031, T.S. No. 993, Bevans 1153, 1976, Y.B.U.N. 1043

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