



The floor of the world

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Abstract

This book excerpt argues that the growth of nuclear weapons technology has concentrated the power to kill entire populations in the executive branch and made the US president effectively an elected monarch. A president, a Congress, or a Supreme Court could remedy this situation, but unless they act, the author writes, the US population will have to reacquire its powers of self-government by insisting on a re-establishment of the constitutional and social compacts under which the United States was founded.

Keywords

Flexible Floor Doctrine, nuclear weapons, *Thermonuclear Monarchy*

Imagine that there one day came to exist on Earth—sometime in the future—a solitary country with a new technology. The technology has let this solitary country station a door (or more precisely, a series of doors) under the floor of every other country in the world.

If the leader of the solitary country ever feels imperiled or impeded by another country, he can open the trapdoor and, in a single day, eliminate the population of that rival country. Because the arrangement of doors beneath each national floor is sectioned, the leader can alternatively choose to eliminate just part of the enemy country, a fourth of it, or a third of it; he might choose to open the doors beneath the floor of the opponent's military installations only, thereby eliminating those installations and, say, one-thirtieth of the country's population.

As a shorthand, this ingenious technology and the policies that enable its use might be called the Flexible Floor Doctrine, for it enables the leader not simply to make rapid decisions about the portion of floor to be dropped beneath the feet of any single enemy population but beneath a whole series of enemies. Reciting a few codes and performing a few stark hand gestures, the leader can open the trapdoors beneath one-quarter of the population in one nation, beneath one-half of the population in an adjacent nation, and beneath the entire population of a third allied nation located on the other side of the globe. Remarkably, he can do all this in a single hour of a single day. . . .

It might at first seem that, just as the Flexible Floor Doctrine confers overwhelming disadvantages on all the populations who reside on the flexible floor,

so it confers profound advantages on the population that resides on sturdy ground and whose scientists, engineers, and leaders have put the flexible floor plan into place beneath other peoples' feet. . . . But despite such apparent advantages, the population in the lever country is itself in mighty peril. The first peril is the possibility that once this technology is invented, another country (or two other countries, or three other countries) will obtain it and install a framework of doors under the original country's formerly secure floors. Second, because the central feature of the technology is that it allows One Person (the leader) to single-handedly retract life from beneath the feet of millions of people, some other One Person (a terrorist, a teenager, a criminal, a floor hacker) may gain access to the levers and so annihilate millions of people. Third, the original lever country can enter into economic competition with its opponent to deprive the opponent of the wherewithal to maintain the expensive flexible floor technology; but now that rusting technology of the former rival will be almost as dangerous as when used by the solitary state leader or stateless terrorist.

Even if the country that invented the original flexible floor technology remains the sole possessor of it (closely monitoring the rest of the world, interrupting any attempts to duplicate the technology, threatening annihilation if the offending country does not desist), a fourth and fifth peril remain. The fourth peril comes from what was originally set forth as an advantage. The inhabitants of the lever country need not be mindful of the flexible floor technology since they are not on the receiving end of the injury, are not themselves the ones controlling the levers, do not have

visual access to the subterranean apparatus, do not have access to information about its contemplated use by their leader, do not hear the complaints of foreign populations, or hear those complaints only as alarmist envy. Ignorant of the profound moral harm that has been set in place—an arrangement for the annihilation of tens of millions of people against which there can be no act of self-defense—how can the inhabitants of the lever country discover the way to undo or redress it?

The fifth peril re-enacts and compounds the fourth, magnifying the passivity of the home population, ensuring that citizens cannot take action against the unprecedented moral harm in which they are themselves steeped. The essential feature of the flexible floor technology—it locates in the hands of a solitary person the power to kill millions of persons—carries with it a momentous shift in the nature of government, for it means that the home population's power of, and responsibility for, self-defense has been lifted away from them and condensed into the head of government. Just as the flexible floor technology strips all foreign populations of the capacity for self-defense, so it has stripped the home population of the capacity for self-defense. . . .

Out-of-ratio weapons—any form of weapon that allows a tiny number of people to kill many millions of people—bring about the fourth and fifth perils simultaneously, an unprecedented moral harm and an atavistic and infantilizing form of government; both entail the elimination of the right of self-defense. The foreign population's right of self-defense is eliminated by the sheer mass-killing power located at the injuring end of the weapon; the home

population's right of self-defense is eliminated by the technological requirement for a small number of persons at the firing end of the weapon. So closely yoked are the two perils that eliminating one of the two harms would simultaneously eliminate the other.

If the home population could (as seems unlikely) burrow their way underground and dismantle the flexible floor technology, they would by that very act reacquire their own self-governing powers. Conversely, if they were to insist on the restoration of self-government, it could only be brought about by making the flexible floor disappear. The yoking of the two forms of repair is the subject of the many pages that follow. . . .

Nuclear weapons conform to the flexible floor model in four ways. One: They exist in a state of steady readiness to retract life from beneath the feet of many millions of people. Two: Their use is monarchic. The country that deploys the most powerful nuclear arsenal—a country formerly dependent on its population, its legislature, and its executive acting in concert for any act of defense—has now largely eliminated its population and its legislature from the sphere of defense, and relies exclusively on its executive.

Of these two features, the first concerns the foreign populations at the receiving end of the injury, the second concerns the home population at the inflicting end of the injury, and each contains a corollary that carries us to the third and fourth points. Three: The foreign populations, having lost the capacity for self-preservation (traditionally identified as the most inalienable of natural rights and the ground of all other rights), have ceased to be, with respect to their own survival, rights-bearing persons and

therefore have no standing to voice what from their perspective looks like a large-scale injustice. Four: Members of the home population, having lost their responsibility for their own defense, have become unmindful that the weapons even exist, and can therefore secure neither their own safety (rescuing themselves from monarchy) nor the safety of any foreign people (as they could in the past by declining to go to war against a given country). . . .

The [United States] nuclear arsenal includes, but is by no means limited to, 14 Ohio-class submarines, each carrying the equivalent in injuring power to 4000 Hiroshima blasts.¹ Each one of the 14 ships carries enough power to destroy the people of an entire continent, to do this as a solo performance, without the assistance of its 13 fellow ships. The precise arithmetic of this blast power can be hard to keep in mind. But one pair of numbers is easy to grasp: the Earth has seven continents; the United States has 14 Ohio-class submarines.

The US population often imagines that the arsenal came into being during the Cold War with Russia and that its importance ended with the fall of the Berlin Wall in 1989. But of the 14 Ohio-class ships, eight were built, christened, and commissioned after the fall of the Berlin Wall. . . .

These eight ships—just the eight built since the fall of the Berlin Wall—carry the equivalent of 32,000 Hiroshima bombs. Each holds within its sleek contours eight times the full-blast power expended by Allied and Axis countries in World War II (this includes, in addition to the nuclear weapons dropped on Hiroshima and Nagasaki, the firebombing of 67 other Japanese cities, the firebombing of Leipzig and Dresden, the

bombing of Pearl Harbor, the nightly bombing of London, and six years of artillery fire on beaches, woodlands, hillsides, and cities). Together, the eight ships built since the fall of the Berlin Wall carry 64 times the total blast power expended by all sides in World War II.² The launching, christening, and commissioning of these ships was not covered in news reports, not even in the states whose names are borne on the ships along with their heavy cargo.

Also unreported during this same period were the voices of foreign populations—an illustration of the corollary cited above: The people who stand to be injured have no standing to make their words audible to the nuclear country. In 1995, 78 countries from the UN General Assembly asked the International Court of Justice to provide a judgment about the illegality and inhumanity of nuclear weapons.

Among the petitioners were countries that had signed the nonproliferation treaties on the assumption that countries owning nuclear weapons would soon begin to give them up. The Fourth Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons had written, in its final document in 1990, that “insufficient progress has been made towards the complete elimination of nuclear weapons” by those states in possession of them. Individual nations—including Islamic countries such as Qatar—explicitly cited the dismay of the nonproliferation treaty signers in their formal written statements to the International Court. North Korea and India, neither of which yet possessed nuclear weapons in 1995, both wrote to the International Court of Justice urging the court to judge such weapons illegal.

Many countries addressing the International Court expressed their conviction that international covenants, treaties, and protocols are violated by the possession, threatened use, or use of nuclear weapons. Sweden, Iran, and Egypt each noted that weapons that inflict disproportionate suffering are prohibited by the 1868 Declaration of St. Petersburg and the Geneva Protocols of 1925, 1949, and 1977. The Republic of the Marshall Islands—reminding the court that atolls such as Bikini are still contaminated by the 66 atomic bombs the United States tested there—argued that nuclear weapons also violate the 1907 Hague Conventions prohibiting weapons whose effects trespass across the borders of neutral countries. India focused on the many ways in which nuclear weapons fail to follow “rules of proportionality” in international warfare, and argued that nuclear weapons violate the United Nations Charter itself, whose fundamental purpose is to restrict force. Japan—describing itself as the only nation that has suffered nuclear attack—argued that nuclear weapons contradict the philosophic foundations underlying international law.

The United States argued the opposite. Its executive branch filed a formal statement, co-authored by the Department of State and the Department of Defense, defending the legality of nuclear weapons. It argued that owning nuclear weapons was not illegal. It argued that threatening to use nuclear weapons was not illegal. It argued that using those nuclear weapons—even using them first—was not illegal. It enumerated and rejected as inapplicable to nuclear weapons each and every international protocol, treaty, declaration, and human rights instrument intended

to diminish suffering, as well as covenants intended to protect the Earth, such as the 1985 Vienna Convention for the Protection of the Ozone Layer, and the 1992 Rio Declaration on Environment.³

The UN Charter restricting force was also quickly set aside. The US executive branch acknowledged that the UN General Assembly had passed many resolutions declaring nuclear weapons “contrary to the UN Charter.” But it then dismissed these resolutions, telling the court that “the General Assembly does not have the authority to ‘legislate’ or create legally binding obligations on its members.” Finally, the US executive rejected the 1948 UN Convention on the Prevention and Punishment of the Crime of Genocide. In its written statement to the court, the United States argued that “the deliberate killing of large numbers of people is not sufficient to establish this offense” of genocide; genocide only takes place if the aggressor sets out to destroy “in whole or in part, a national, ethnical, racial or religious group, as such.”

The court case went on for many days. On none of these days was it front-page news in the United States; on almost none of these days was it page-15 news, or even page-23 news, in the United States. Like the always-invisible submarines and like the almost-invisible land and air missiles that are concentrated in states with sparse populations (Wyoming, Montana, North Dakota), the foreign populations who stand to be injured remain invisible and inaudible, even when mounting a major case at the International Court of Justice.

Although the US postal system is designed to receive foreign mail, any letter from abroad containing a message about nuclear weapons seems to become a dead letter. If the message is sent by

telephone, the line goes dead. Maybe somewhere there is a giant storage silo into which—day by day over six decades—there has steadily fallen the layer upon layer of unread letters, petitions, and prayers from foreign voices describing injuries suffered and future injuries feared, the aspiration for international rules of symmetry, and the sense of symmetry betrayed. There, muffled in the thick residue of paper, will be found the echoing dismay of the people who once lived on Bikini island (who began calling out to us in 1946 and have called out to us every year since); the eloquent legal briefs from India and Iran and many other countries; the unopened and unread pages of Masuji Ibuse’s exquisite and excruciating *Black Rain*, its parasols and cherry blossom petals drifting between thousands of other paper layers. Maybe the sheer weight of unread mail will one day press the paper into wood and create a giant ark, the ark of unheard voices. The ark of unheard voices is on a collision course with the ark that cannot hear voices, our nuclear submarines.

One of the persistent features of nuclear technology is that it constantly reenacts at one location any weakness that occurs at another location. The super-sentient American population prides itself on its alertness—rightly, for many people receive and answer 300 e-mails a day while talking on a cell phone, listening to the radio, and driving a car. Yet this super-sentient population cannot hear voices coming from outside the circle of its own horizon. As foreign voices do not reach the home population, so the voices of the home population, in their occasional lonely protest against our nuclear weapons, fall outside the perimeter of what their own government leaders can hear. This inability to receive

incoming signals is literalized in the weapons themselves.

Take the USS *Rhode Island* (or any one of the other 13 Ohio-class submarines). Empowered to destroy a continent, the Trident submarine is an Olympian feat of technological ingenuity. Yet when it is deeply submerged (and in wartime or any time of great political tension it must remain deeply submerged) it can o-n-l-y-r-e-c-e-i-v-e-t-i-n-y-a-m-o-u-n-t-s-o-f-i-n-f-o-r-m-a-t-i-o-n-v-e-r-y-v-e-r-y-s-l-o-w-l-y. In fact, the first three letters of the hyphenated passage would have taken 15 minutes to arrive, and the submarine would have had no way to confirm its receipt of the letters.

The information is carried in extremely low frequency (or ELF) waves, giant radio waves each 2,500 miles in length that can (unlike any other band of the electromagnetic spectrum) penetrate the ocean depths. Until 2004, ELF waves were launched by a giant antenna in Michigan and Wisconsin that is 18 acres in size. As ELF waves begin their circuit around the Earth, they travel between the surface of the Earth and the lower edge of the ionosphere, which together act as wave guides or rails. An ELF signal is often officially described as “a bell ringer”: It tells the submarine to come up closer to the surface where it can receive a large volume of data quickly. (The rich data are relayed by the TACAMO system: TACAMO stands for Take Charge and Move Out; it involves a plane hovering over the ocean swirling its antenna, a two-mile-long wire, as though it were a lasso; it is not without its own extravagant communication problems.) But this means that added to the 15 minutes it takes to receive the ELF message is the time it takes the submarine to reach the

new location, the upper layers of water it had been cautiously avoiding. Furthermore, evidence suggests that the ELF signals, in addition to serving as a bell ringer, are also relied on for the transmission of primary commands (the order to fire a weapon, the order to interrupt the firing of a weapon). The actual situation is still more meager than the 15-minute, three-letter-long message suggests. So possible is it that even this message will not get through that standing Navy weapons procedure has during certain periods been premised on the absence of any outside message at all. The commander of a ship during those periods had the ability to launch nuclear weapons without an order from the civilian government.

In its capacity to receive signals, the Trident submarine exists in a pre-technological realm. The men on the ship are like the inhabitants of a tiny medieval village on a remote mountainside. With luck, the villagers receive light flashes from a lantern on a faraway peak. On many nights, they see no flashes at all. The signal can only contain a syntactically simple message (“yes” or “no”) whose context the villagers may or may not correctly guess. Yet despite its primitive level of communication, this encapsulated village has enough power to destroy a continent.

Both the United States as a country and any one of its Trident submarines are characterized by a vast capacity to injure and a low capacity to receive information that may bear on the question of whether those who will receive the injury have done something so deserving. A message to the submarine that says, “Ignore the previous order; we just learned our enemy has not committed any injustice against us” can

perhaps be folded into a three-letter code. But it can be transmitted only very slowly and without certainty that it will reach its destination.

If our technological ability to receive information were as spectacular as our technological ability to injure is spectacular, would the use of nuclear weapons seem better? More justified? More accurate? More likely to be targeted at 100 million people truly deserving of this death? Probably not. Calling attention to our low level of comprehension may therefore seem beside the point, since even with the most full and most accurate information in the world, the use of a massive killing weapon would be unjustified. But that is just the point: With the most complete and most accurate information in the world, it would soon become self-evident that maintaining an arrangement for killing the world's people is an abomination; the contraction of information at the firing end of a nuclear weapon is therefore an essential part of its design; without it, the weapon would cease to exist. It is not, then, that full perceptual acuity would make genocidal power tolerable—just the reverse: It is full perceptual acuity that would make immediately legible the scale of the moral error in our weapons arrangements. Lacking full comprehension, we must learn to appreciate the depth of the moral error with our eyes half closed and our ears not yet able to hear.

This coupling of maximum power to injure and minimum power to hear outside voices leads us once again to the observation that the weapon has two ends (as does the weapons system designed around the weapon, and the form of government designed around the weapons system). Millions of people reside at the receiving end of the

injury; only a handful of people reside at the end where the injury is authorized: The voices of millions—both foreign and domestic—are excluded from this zone. Imagine if this structure were reversed: Imagine a system of defense whose target of injury was the smallest number of people possible and where information gathering and authorization were distributed to the largest number of people.⁴ Does that sentence have an odd ring? Let us hope not, for what it describes is democracy.

We have claimed that nuclear weapons approximate the flexible floor model in four respects, and have set out to illustrate each of the four. So far we have illustrated two: the readiness of our nuclear weapons to retract life from beneath the feet of the world's people on all seven continents; and the corollary to this, the fact that by depriving foreign people of any power of self-defense, we deprive them of any standing that might make their voices audible to us—whether by letter, poem, novel, resolution, or court plea. Two further points remain to be briefly illustrated, the conversion of the home country's government to a monarchic form of rule that places all defense in the executive branch of the government; and the corollary incapacitation of the population, which—now largely oblivious to all questions of defense—cannot rescue themselves from monarchy and cannot rescue foreign people from the abiding threat of horrifying injury, or from the actual infliction of that injury.

Forms of government based on symmetry and distribution of power require weapons that entail symmetry and distribution of power. If an out-of-ratio weapon comes into being in the midst of a symmetrical form of government,

one of the two must give way to accommodate the other. Either the out-of-ratio weapon must be renounced and dissolved, enabling the symmetrical government to survive; or the symmetrical form of government must be renounced and dissolved, replaced with an out-of-ratio government whose shape can accommodate the shape of the new out-of-ratio weapon. The second outcome has taken place in the United States following the invention of atomic weapons.

During his 1974 impeachment proceedings, President Richard Nixon told reporters, "I can go into my office and pick up the telephone, and in 25 minutes 70 million people will be dead." His statement was a stark—but completely accurate—description of presidential power. Since the invention of atomic weapons, the United States has had a presidential first-use policy: It was in place, but not yet codified into a single, formal written doctrine, during the presidencies of Harry Truman, Dwight Eisenhower, John F. Kennedy, Lyndon Johnson, Richard Nixon, and Gerald Ford, and then became codified during the presidency of Jimmy Carter in Presidential Directive 59, which has continued in force through the presidencies of Ronald Reagan, George H. W. Bush, Bill Clinton, and George W. Bush, and is in place today. Many people in the United States think of the country's nuclear weapons as retaliatory "defense" weapons. But the first-use policy presumes what its name states, that the United States will use them first. The effort that a president would have to exert to execute a first-use strike is minimal, as President Nixon's statement accurately records. The "nuclear briefcase" that contains the communication codes for the presidential launch of nuclear weapons has

been kept since 1963 within arm's reach of each successive president. It at all times resides in one of two places: either in the same room with the president or in the immediately adjacent room. When the president travels, the nuclear briefcase travels too: When President Carter went camping with his family in Idaho, their raft was accompanied by a neighboring raft carrying the "black bag"; after President Reagan was shot on March 30, 1981, he was carried to George Washington Hospital in a motorcade that also carried the nuclear briefcase and its military attendant.

The American population tends to assume that its own level of worry about nuclear war corresponds to the president's contemplated use of the weapons: If we are thinking about nuclear war, he too must be thinking about it; if it has not so much as crossed our minds, it has probably not crossed his. The first of these two "if" clauses is certainly right; the second is just as certainly wrong.

The US population and President Kennedy were both acutely conscious of the proximity of nuclear war during the Cuban Missile Crisis (though it is only over many decades that the population learned how gravely close we came). But most people would have a hard time naming a crisis other than the Cuban Missile Crisis where one of our presidents has carried us to the verge of nuclear war, because in no instance other than the Cuban Missile Crisis has a president openly addressed his population during the crisis. Just as the population is not needed for carrying out the injury, so we are not privy to the president's deliberations on the matter. An out-of-ratio weapon requires that anything that might get in the way be gotten out of the way; an out-of-ratio

weapon makes the presence of the population at the authorization end a structural impossibility.

Following President Harry Truman's use of an atomic weapon in Hiroshima and Nagasaki, a sequence of presidents considered using it again. President Eisenhower seriously contemplated using an atomic weapon in 1954 in the Taiwan Straits as he did again in the 1959 Berlin crisis. (We know this not because during the conflict the president discussed the matter with the full Congress or the population but because 30 years after Eisenhower's death his presidential papers were released to a library archive.) President Kennedy three times—once in Cuba, twice in lands unspecified—came very close to using nuclear weapons against the Soviet Union. (We know this not because the president addressed the population in all three periods but because 40 years after his death, his secretary of defense, Robert McNamara, has stated that during the Kennedy administration, the country came “three times within a hair's breadth of nuclear war with the Soviet Union.”)

President Lyndon Johnson contemplated a preemptive nuclear strike against China to prevent that country from developing nuclear weapons; the US population was informed of this event 34 years later. President Nixon contemplated using nuclear weapons three times other than in Vietnam, as he stated in an interview thirteen years after he left office; he did not specify time and place. The White House tape that records Nixon's conversation with Henry Kissinger about the possibility of using a nuclear weapon in North Vietnam was released to the public 28 years after he left office.

The crises just enumerated fall between 1954 and 1974; with the exception

of the Cuban Missile Crisis, the dates on which the public first received small shreds of information about these nuclear crises go from 1985 to 2004. The fragments of information we may eventually receive about the contemplated use of nuclear weapons by later presidents—Gerald Ford, Jimmy Carter, Ronald Reagan, George H. W. Bush, Bill Clinton, George W. Bush, and Barack Obama—are likely to arrive only haphazardly and slowly over the next 30 years. None of these later presidents has stated that he did not, during his time in office, consider using a nuclear weapon. None of these presidents has asked that the military officer carrying the nuclear briefcase stop following him around. None of these presidents has directed the fleet of Ohio-class submarines to return to their Atlantic home port in Kings Bay, Georgia, or their Pacific home port in Bangor, Washington; day and night the ships move under waters all over the world. Eight of the 14 ships were completed while presidents Bush and Clinton were in office; the overall number is 14 rather than what was for a time 18 because the four oldest have now been phased out of ballistic missile service and instead carry nuclear-armed cruise missiles. President George W. Bush directed nuclear engineers to complete a next-generation submarine by 2030, a next-generation Intercontinental Ballistic Missile by 2020, and a next-generation heavy bomber by 2040. There is no indication that President Obama has interrupted the ongoing work on these new sea-based, land-based, and air-based delivery systems. They are scheduled to arrive at just about the time we will begin to learn what nuclear catastrophes were contemplated in the early years of the 21st century—unless, of course, the

catastrophe takes place, in which case we will already know.

In some of the nuclear crises, the 30-years-out-of-date archive lets us begin to gauge how close the president came to initiating nuclear war; in other instances, we continue to reside in the region of speculative conversation, clearing our throats and trading uninformed guesses about—what was the subject again?—oh yes, about whether our country did or did not take steps to annihilate millions of people on a region of Earth we cannot even name. Our two “if” clauses—if we are thinking about nuclear war, the president must also be thinking about it; if it does not cross our minds, it must not be crossing his—lead to a kind of magical thinking whereby we hope to keep foreign populations safe by not thinking about our own weapons, or thinking about them only three decades after the crisis is over.

Documentary evidence of our population’s collective, nearly tour-de-force ability to abstain from mentioning aloud our own nuclear weapons exists in the period leading up to and through the 2003–2005 phase of the war in Iraq.⁵ Day by day over 400 days, American newspapers and journals were laden with statements about whether Saddam Hussein’s Iraq certainly did, probably did, probably did not, or certainly did not own a nuclear weapon; but among these tens of thousands of articles, one looks in vain for even a solitary allusion to our own vast nuclear arsenal, to the fact that we own, in addition to 3,100 Trident I and Trident II warheads designed for our Ohio-class submarines (with a total blast power of 273,000,000 tons of TNT), land-based ICBM nuclear warheads with a total blast power of 503,000,000 tons of TNT, and air-based nuclear warheads

for the B-2 and B-52 bombers equaling 410,000,000 tons of TNT.

It is tempting to think that a country with monarchic arrangements in the realm of nuclear war can maintain a more attractive form of government throughout the rest of its civil fabric. That would be a mistake. A country is its arrangements for national defense; or in the words of Patrick Henry at the Virginia ratification debates, “It has been repeatedly said that the great object of national government [is] national defense.” The structures imposed on us by thermonuclear monarchy are structures that penetrate all the way down to the deepest details of civil life.

Of all the presidents who have held office since the invention of nuclear weapons, Richard Nixon has been the most open about the shift in the form of government they impose. His lawyer before the federal court during the Watergate hearings opened with the following words: “The President wants me to argue that he is as powerful a monarch as Louis XIV, only four years at a time, and is not subject to the processes of any court in the land.” Nixon’s sense that his country had endowed the executive branch with monarchic powers was also visible in his attempt to dress the White House guards in elaborate royal uniforms, described by Paul Fussell:

First, the hat: a black plastic semi-shako with visor. It rose a full seven inches, and Washington hadn’t seen its like since the British and Germans fought us in the 1770s. Then there was the tunic: high-collared, cream-colored, double-breasted, with a heavy gold fourragère . . . hanging from the right shoulder. Belt and pistol holsters were of shiny black, apparently “patent” leather.

Thomas Paine had written in 1776 that if you ask anyone in the United States if he

believes in monarchy, he'll just start laughing. Ask anyone today in the United States if he believes in monarchy and he will also laugh. Paul Fussell precedes his factual description of the uniforms with the statement "The new uniforms are hard to describe without laughing." Indeed, the uniforms were subjected to such immediate and widespread derision that they quickly vanished from the White House.⁶

But one of the reasons why the country has been tardy in addressing the severe problem of thermonuclear monarchy is precisely that the struggle against monarchy seems like a struggle won long ago and in no need of being debated today. (Isn't monarchy something we laugh at?) Can it really be the case that we need to start all over and rewrite Locke's *Second Treatise of Government* or Paine's *Common Sense*? Do we need to reawaken our scorn for patriarchy, a scorn already in full bloom by the 17th and 18th centuries, a scorn that has surely grown stronger and more self-assured with each passing century, decade, and year? How might we even debate the matter? Such a debate would require the recitation of principles to which we have already achieved such widespread agreement that anyone beginning to re-announce the basic principles of constitutions or social contract would appear to have lost his or her mind and would be scolded for platitude.

How, then, have we arrived at a thermonuclear monarchy whose ludicrous nature only becomes visible to us if a president—out of a lucky convergence of candor and bad taste—makes the lineaments of the ludicrous monarchy (let us call it a "ludocracy") visible? No one faults Richard Nixon for contemplating using nuclear weapons on four

occasions, only for comparing himself to Louis XIV, for dressing White House police in the lavish insignia of royal subjugation, for spying on the rivals to his throne, and for lying to Congress. As moral errors, we will someday see, these acts are incomparable with the error of accepting a post that involves firing nuclear weapons, an assignment not only Nixon but each of our post-atom bomb presidents has accepted: Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford, Carter, Reagan, Bush, Clinton, Bush, Obama. Louis XIV was powerless compared to each of these men. That insight is Nixon's gift to us; it is precious; let us not (once we recover from our laughter) set it aside cavalierly.

Far from feeling angry with a succession of presidents for their unblinking willingness to step up into the post of thermonuclear monarch, the population has often been asked to feel sympathetic with their terrible burden. Nixon did not often appear to be worried by his power to inflict global harm (indeed, he sometimes seems to have boasted of it). But the portrait that survives from the Kennedy era—and that has come to be generalized to the presidential office irrespective of occupant—is of a president weighed down by the gravity of his nuclear decision making. It is difficult to decouple the words "Cuban Missile Crisis" from the photograph of Kennedy in dark silhouette, seen from the back, looking out a large White House window, its etched black-and-white lines evocative of the gravity of his decisions.

The distress of presidential deliberation—not the distress of hundreds of thousands who stand to be annihilated or so badly burned they only half survive—becomes the focus of sympathy. The tragic lineaments of the nuclear

arrangements, like their comic lineaments, are all spent on, absorbed into, the personal narrative of the president. . . .

The willingness to speak with reverential hushed tones of the “awful” responsibilities of being president in a nuclear age is apparent in Theodore Sorensen’s book about John Kennedy, *Decision-Making in the White House*:

[The] breadth and scope of presidential decisions cannot be matched in any large corporation or Cabinet department, or even in the halls of Congress. For the President alone is ultimately accountable for the lives of more than 2.5 million American servicemen, for the deeds of 2.5 million federal employees, and he alone is ultimately held accountable to 190 million citizens, to more than 40 foreign allies and, in a very real sense—as custodian of the nuclear trigger—to all men and to all mankind.

Once the romance and thrill of picturing such a colossus fades away and we recover our senses, we may ask how it can be that a man of Sorensen’s reading and understanding—or more to the point, a man of John Kennedy’s vast reading and understanding—could not be revolted by, not revolt against, a situation that allows one man “alone” to be “ultimately held accountable. . . to all men and to all mankind.”

John Kennedy’s attorney general and brother, Robert Kennedy, wrote an account of the Cuban Missile Crisis—*Thirteen Days*—that he left unfinished. A note at the end of the book tells us what has been left undone:

It was Senator Kennedy’s intention to add a discussion of the basic ethical question involved: what, if any, circumstance or justification gives this government or any government the moral right to bring its people and possibly all people under the shadow of nuclear destruction. He wrote this book in the summer and fall of 1967 on the basis of his

personal diaries and recollections, but never had an opportunity to rewrite or complete it.

Is the missing chapter missing because (as the author of the note believes) Robert Kennedy died prematurely? Or is it missing because, even had Robert Kennedy been graced with a hundred years of life, no positive answer could ever be intelligently provided. To the question “What, if any, circumstance or justification gives this government or any government the moral right to bring its people and possibly all people under the shadow of nuclear destruction?” the only reasonable answer is: There can be no circumstances or justification that give this government or any government the moral right to bring its people and possibly all people under the shadow of nuclear destruction. It is easy to hear, in one’s imagination, such a sentence being spoken aloud with John Kennedy’s cadences and pronunciation. Would that he—or any of our presidents—had spoken it.

It would take a president of the stature of Lincoln to straighten out our current military arrangements. Because the population has been disempowered, disabled, for the last 60 years—because we, like foreign populations, have been frozen in structures of thermonuclear subjugation—we might think we must wait for a president to undertake the work of repair. The needed repairs are, in fact, ones that can be carried out by a president, a Congress, or a Supreme Court, and it does not seem unreasonable to hope that one, two, or all three branches of government will eventually assist us. In the meantime, however, the population must reacquire its own powers of self-government and carry out the repairs. Amazingly, a set of

tools exists to let us undertake, and even complete, the repair. . . .

It is as if there had suddenly fallen from the skies into our midst an object—a dazzlingly beautiful object, like shards of many-colored glass—that would let us undertake the needed repair, requiring only that we bend over and pick it up. The object that lies on the ground at our feet is the United States Constitution, and the way it outlaws nuclear weapons (or any out-of-ratio weapon that decouples the military might of the country from the population) is the subject of Part One of this book. To reacquire our democratic country and to release us from an unspeakable moral error we need only take this object in our hands and use it. It seems breathtaking that such a device could be ready at hand. At the same time, the fact that it is already in existence, and so readily available for use, increases the obligation of the population to repair the present situation. If we fail to do so, people in the future will say of us, “Though the vast nuclear arsenal was imposed on them, yet every citizen of the country had within easy reach—lying beside the front doorway, resting inside a hallway drawer, sitting in a vest pocket—the tool that would have enabled them to dismantle it.” . . .

The oppressive features of monarchy will sometimes be cited in these pages as we try to recall exactly why it was we wanted our country to be a democracy and in indicting the present thermonuclear monarchy under which we now suffer. But the opposite is not the case: It is not the case that the full horror and deformation of government existing in thermonuclear monarchy is descriptive of monarchies that lack out-of-ratio weapons, whether of the present or

past. Thermonuclear monarchy is far more atavistic than the term “monarchy” alone can ever imply. It carries us back to a territory that is not just anterior to democracy but anterior to social contract altogether. At the International Court of Justice, where 78 countries asked for a decision on the illegality of nuclear weapons, Judge Christopher Gregory Weeramantry stated that “the use or threat of use of the weapon is unlawful in all circumstances without exception” and observed that to permit any threatened use of nuclear weapons is to erase all international and national law: “A world order dependent upon terror would take us back to the state of nature described by Hobbes in *The Leviathan*.” Thermonuclear monarchy is more grave, more dark, more dangerous than any tyranny that has ever operated on Earth.

Two staggering inventions exist side by side. One is the social contract: Most elaborately known to us through the 17th- and 18th-century writings of Hobbes, Locke, and Rousseau, it ricochets forward and backward across the centuries; it has rich antecedents in medieval Europe, in ancient Greece, and still further back in Hebrew culture; just as it has an array of forward-moving descendants in the ceaselessly proliferating democratic constitutions that emerge throughout the 18th, 19th, 20th, and 21st centuries. The other giant artifact on which almost as much human ingenuity has been spent is the nuclear array, all land-based, sea-based, sky-based missiles that carry the warheads to their destination, all orbiting, rotating, and fixed antennas and aerials that link the warheads to the small number of men who control and direct them. Though much younger than the social contract,

this second artifact is spreading throughout the world almost as rapidly, reappearing in ever-new, seemingly insuppressible forms. Each of the two artifacts, left to itself, will proliferate. Each brought to bear on the other, will bring that other to a dead halt.

The two artifacts, the social contract and the nuclear array, are mutually exclusive. To exist, each requires that the other be destroyed.

Which one will it be?

Editor's note

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Notes

1. Each Ohio-class submarine has 24 missiles; each missile has 8 warheads; hence each ship has a total of 192 warheads. The Trident II warhead (Mark 5 W87) can be either 300 or 475 kilotons. Three hundred kilotons times 192 warheads equals 57,600 kilotons, or 57.6 megatons. The weapon used in Hiroshima was between 12 and 15 kilotons; therefore, a middle figure of 13.5 kilotons can be used. More arithmetic: 57,600 kilotons divided by 13.5 kilotons is 4266; therefore, each Ohio-class submarine carries the injuring power of 4266 Hiroshimas. If the submarine instead uses a 475-kiloton Trident II warhead, the submarine carries the injuring power of 6755 Hiroshima explosions.
2. Sixty-one countries participated in World War II. The number given here—each submarine as eight times the World War II figure—is conservative. The total blast power of World War II has been calculated as three megatons by the International Commission on Nuclear Non-Proliferation and Disarmament. Using that figure, a single Ohio-class submarine has 19 times the total blast power expended in World War II.
3. The United States' arguments against the applicability of these protocols sometimes center on original intent. For example, the St. Petersburg Declaration forbidding weapons "that render death inevitable" was written with antipersonnel weapons in mind, not with weapons that merely have "a high probability of killing persons in its immediate vicinity." In general, the United States dismisses international rules on one of two bases: (1) Nuclear weapons are not included in the text (either because the text predates the invention of nuclear weapons or postdates the invention of nuclear weapons but fails to include a specific clause), or (2) If nuclear weapons are explicitly mentioned, that explicit mention constitutes not a prohibition but an "aspirational goal." While an array of arguments are put forward to explain why international protocols and covenants are inapplicable to a determination of the legal status of nuclear weapons, the United States provides a single, overarching argument that recurs throughout the document: The use of nuclear weapons belongs to the future and therefore a formal ruling would constitute "judicial speculation about hypothetical future circumstances."
4. This goal of minimal injury was explicit at the time of the writing of the US Constitution (see Chapter 2) and is still today a stated goal of the US military. For example, the three overarching rules of war in the Navy are symmetry, chivalry, and necessity. Necessity, far from serving to excuse brutality, is understood as a brake on injuring: It requires there be used, in any conflict, only the smallest amount of force needed for accomplishing the goal. Necessity, symmetry, and chivalry are each starkly out of line with nuclear weapons; and some of the most articulate objections to US nuclear weapons have come from members of the Navy. Objections to nuclear weapons may also contribute to the low retention rate of nuclear submarine officers, as reported to Congress.
5. Another period that illustrates our collective willingness to suppress questions about our

own nuclear weapons is the day of September 11, 2001, and its immediate aftermath. On 9/11, President Bush—who was in Texas when the World Trade Towers were hit—immediately boarded Air Force One but delayed returning to Washington because he was advised that the White House might be a terrorist target. Of the many Air Force bases in the United States where he might have landed that day, the president chose to land at Offutt Air Force Base, Nebraska. Prior to 9/11, *The New York Times* described Offutt Air Force Base as the nerve center of America's nuclear strike force, not only against the Soviet Union but against terrorist states or rogue leaders who threaten to use nuclear, chemical, or biological weapons. Did President Bush stop at Offutt Air Force Base because nuclear retaliation was among the options on the table that day and in the days following? Neither

Congress nor the media nor the public nor even the 9/11 investigative commission appears ever to have mentioned the nuclear status of Offutt or asked a single question about it.

6. Fussell surmises that they were donated to a high school marching band—a plausible destination since the spectacle of royal uniforms can be tolerated, even enjoyed, when wholly decoupled from any aspiration to physical force.

Author biography

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