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## Nuclear and Regime-Change Diplomacy: the Restorative Critique

**Abstract** AI weapons and space war must be more transparently and responsively regulated by nuclear surety regulatory regimes that embrace audit by foreign technical teams. Head-of-state and head-of-military hotlines between adversary states are keys to last resort diplomatic paths from war. Meddling in the politics of other countries induces blowback, terrorism, war. Many states do not meddle in the politics of other states; all states should commit to never doing so, especially not by violent means like assassinations, plotting coups, arming insurgents. Respecting democracy development by never interfering in another country's elections is in the long-run national interests of states.

**Keyword** Nuclear surety inspection · Hotlines · Electoral meddling · Assassinations · Coups

### Nuclear Diplomacy

We have seen moments of triumph with nuclear diplomacy in South Africa, for example. Like Desmond Tutu and Nelson Mandela, we can find the South African transition from Apartheid to be a restorative

transition, grounded in an African conception of restorative values as *ubuntu*.

There are countless low profile nuclear triumphs. One is sharing some technologies for prevention of accidental wars with nuclear powers such as Pakistan that have been reckless and at risk of employing terrorists inside their military.<sup>1</sup> Diplomats of nuclear weapons democracies are short-term political realists, who, unlike spymaster Barnard in South Africa, are oriented to what leaders want for the next election cycle. Political mileage seems difficult from big moves to upset conservative elements in electorates by banning nuclear weapons in nuclear weapons states. The evidence shows that almost every candidate in every US presidential primary promises increased defence spending to deter other great powers. If diplomacy were a profession with a more plural and long-term vision than short-term realism, it would be professionally active in curating the evidence of long-term nuclear risks in the community conversation as a matter for evidence-based scientific contestation in the way good chief health officers do with epidemic risks.

There is a professional imperative to engage democratic publics and political parties with the evidence from 79 years of empirical experience on the risks of nuclear war from accident, misunderstanding, miscalculation as revealed in scenario training exercises discussed in Chapter 7, the frequency of technical faults, mentally overwrought political or military leaders, spies operating inside nuclear weapons plants or facilities to threaten other countries with false flag signals of threat, appearances of nuclear threat caused accidentally or intentionally by cyber-ops, cyberterrorism or garden variety cybercrime that unintentionally compromises a missile defense system when it was actually targeting something commercial about a satellite. The military-industrial complex that makes its living from weapons programs assures publics that these risks are controlled by rigorous nuclear surety systems. I will argue that this is false a lot of the time. It only has to be false at one inopportune moment to cascade to a nuclear winter extinction event. When experts talk frankly to each other, as opposed to publicly, they always say: 'Despite the most elaborate precautions, it is conceivable that technical malfunction or human failure, a misinterpreted incident or unauthorized action, could

trigger a nuclear disaster or nuclear war' (US Soviet Accident Measures Agreement, September 1971).

## Nuclear Weapon Mishaps

This chapter will discuss how the incidence of disasters such as IT errors and failures of nuclear surety inspections to detect non-compliance are known to nuclear weapons states, and actively covered up. It is known that accidents were particularly common in the early decades of nuclear weapons with 1,200 significant incidents and accidents reported in the United States between 1950 and 1968, dropping later to 130 a year (Schlosser 2013, 329). During this transition, a distinction was made between loss, theft, or seizure of nuclear weapons (Empty Quiver incidents), damage to a weapon without any harm to the public or risk of detonation (Bent Spear incidents), and an accident that caused unauthorized launch or jettison of a weapon, a fire, an explosion, a release of radioactivity, or full-scale detonation (a Broken Arrow incident). Under-reporting has occurred across all these categories. The Atomic Archive reports only 32 nuclear weapons 'Broken Arrows' that have been declassified for the period 1950 to 1980. This includes six cases of losses of nuclear weapons that have never been recovered. Some of these are Russian rather than American.<sup>2</sup> There are many since 1980 though most have yet to be declassified (Maggelet and Oskins 2010; Eldridge 2020). On a regular basis, new incidents that are not on these lists are uncovered after years of cover-up. US nuclear bombs have been dropped by mistake; bombers with nuclear weapons on board have crashed, in one case carrying four nuclear weapons that caused formidable nuclear contamination (Union of Concerned Scientists 2015, 3).

One incident 20 miles from Cambridge University in England exposed several nuclear weapons to a raging fire that can be seen on the internet after a bomber crashed killing all crew. The official report of the incident quoted one officer: 'It was a miracle that one Mark 6 with exposed detonators (sheared) didn't go'. The meaning of this report was clear that if the exposed detonator that sheared had set off the high explosives inside 'the resulting explosion would have spread depleted uranium

across a wide area... one bomb detonating would have probably set off the other two' that were also fire-blackened by the incident. This was not a risk of a thermonuclear detonation, but rather of a Chernobyl-type incident endangering a substantial and heavily populated region of the United Kingdom. Five years later there was a fighter aircraft explosion; it accidentally dropped its fuel tanks on the tarmac; again a hydrogen bomb was dangerously engulfed in flames. These nuclear operations were then moved away from such a populated area. The most recent suspected but unconfirmed Broken Arrow incident occurred during the Ukraine War when the Russian flagship of its Black Sea fleet, the cruiser Moskva, was sunk by Ukrainian missiles with nuclear missiles feared on board (Stewart et al. 2022). Ukraine also destroyed large Russian bombers inside Russia that often have nuclear weapons on board. They were parked on an airfield for forward nuclear defense (Stewart et al. 2022). In 2023 Hamas rockets struck an Israeli military base where many nuclear weapons were stationed without hitting them.

Former US Defense Secretary William Perry reported that the United States has experienced at least three false alarms of incoming missiles and Russia at least two (Perry and Collina 2020, 47). Expert commentators always assumed there were others successfully covered up. Publication of information on the National Security Archive (2022) for the first time of incidents from the Carter presidency shows that there were at least three false alarms of missiles incoming to the United States in 1978, at least three in 1979 and at least two in 1980. One of these, on 9 November, 1979 involved NORAD missile warning display screens mistakenly indicating no fewer than 1,400 Soviet intercontinental ballistic missiles, information that simultaneously appeared on warning consoles at the Pentagon, Strategic Air Command, and elsewhere. As one reads the contemporaneous memo on the false warning from National Security Advisor Zbigniew Brzezinski, one can be excused for thinking that this was a unique, freak incident that would never happen again. But upon reading memos on all such false warnings of incoming nuclear missiles, they are all unique, freak incidents in their own way. This one resulted from mistaken use of a nuclear exercise tape on a NORAD computer. It was not detected until after air defense aircraft and the National Emergency Airborne Command Post had been launched. A year later

Brzezinski was awakened at 2.30 am by another warning of 220 Soviet submarine missiles incoming. Minutes after this initial alert, it was upgraded to a total Soviet attack of 2,200 warheads. This time the root cause of the error was a defective chip in a computer that was replaced at a cost of less than a dollar (Schlosser 2013, 367).

Threats have been made openly about the use of nuclear weapons at least twenty times by nuclear powers since Hiroshima and before the fusillade of threats during the current Ukraine war. Doubtless there were other threats on other occasions in secret diplomacy. These look like bluffs in retrospect. It is a dangerous thing to bluff about with other nuclear powers who are wary of the risk of believing that this time it is a bluff, when it is not.

Modelling of how many would die worldwide from nuclear winter and subsequent global famine from frozen fields is not unknowable. Models produce varied predictions on how many will die, but they are all catastrophic. Only some models for the most likely nuclear war (between Pakistan and India) predict an unprecedented impact on the ozone layer combined with a nuclear winter and famine for decades across the entire planet (Mills et al. 2014; Hess and Dale 2020; Jägermeyr et al. 2020; Helfand 2013). Another model concluded there might be no global nuclear winter and only regional environmental impacts from a Pakistan-India nuclear war (Reisner et al. 2019). We can reasonably predict such a war between the smaller nuclear powers would kill more people than World War II directly, and probably afflict two billion people around the world with famine (Witze 2020; Helfand 2013), a lot of them in China, many in the United States, and probably affect everyone in some way by a subsequent global economic recession and epidemics. As with all future nuclear wars, they will kill more people in countries that are not fighting the war than in countries that are.

On March 9, 2022, India accidentally launched a missile that struck Pakistan (Das 2022). It was a nuclear-capable form of missile jointly produced by India and Russia, but had no live nuclear warhead. Luckily it did not strike any aircraft in the high-density air traffic zones of its trajectory. It landed safely but near a Pakistan city. No one was injured, property damage was not major. The Indian government was so unaware in its monitoring of this accidental launch that it did not seem to track

it and did not appear aware that it had struck Pakistan until Pakistan advised them that they were preparing a retaliatory launch (Das 2022). That is not surprising because the flight time of a supersonic missile between India and Pakistan is only 6 minutes. India and Pakistan do have a hotline to advise each other of missile testing launches and where the missile might land. Paradoxically, this increases the danger from a fully accidental launch of the kind that occurred in 2022. It was not a test firing that went wrong; it was a launch that was not intended to happen at all. According to the Indian government statement, it was launched by ‘technical malfunction’. Alarm could easily have been more acute in Pakistan had they checked before the missile landed whether they had been advised of any test firings and received the answer that they had not been advised of any.

Former US Defense Secretary William Perry pointed out that former presidents Nixon and Kennedy made heavy use of pain medication that may have clouded their thinking at certain times of crisis and that President Reagan may have been suffering early effects of Alzheimer’s disease, testing his rationality at times during the final years of his Presidency (Perry and Collina 2020, 31). According to the CIA’s former Asia specialist, President Nixon ordered a nuclear strike on North Korea after a US spy plane was downed killing 31 Americans. Henry Kissinger then phoned the Joint Chiefs to secure their agreement ‘not to do anything until Nixon sobered up in the morning’ (Perry and Collina 2020, 80). When the 1991 coup attempt arrested Gorbachev, the plotters appointed an ‘unsteady and inebriated Yanayev’ as an interim Soviet president. He was given custody of the nuclear ‘football’ until the State of Emergency ended (Krepon 2021, 398). It is not just Presidents that have risky influence over nuclear weapons when drunk. A US National Academy of Science (1986: Part IV) study reported that there were then 120,000 members of the US military with access to nuclear weapons and a surprisingly high number of them had serious problems with abuse of alcohol, heroin, cocaine, marijuana, and other drugs.

President Nixon also had periods of clinical depression when Secretary of Defense Schlesinger instructed the Joint Chiefs of Staff to route ‘any emergency order coming from the president’—such as a nuclear launch order—through him first (Union of Concerned Scientists 2015, 6). In

1983, Soviet premier Andropov was unwell, indeed dying, depressed, and paranoid, equating President Reagan to Hitler and fearing a US preemptive nuclear strike. Reagan became concerned that this was not understood at the time and was puzzled by why the Soviets ‘are so paranoid about being attacked... we ought to tell them no one here has any intention of doing that. What the hell have they got that anyone would want?’ (Lewis and Stein 2018; see more generally, National Security Archive 2013). During that period of Andropov paranoia and one month into the final six months of his life when he was a permanently hospitalized General Secretary, Colonel Stanislav Petrov was the responsible Soviet officer validating early-warning satellite detection of NATO nuclear missile launches. On September 26, 1983 Popov detected five US missile launches. The Soviet early warning satellites were operating correctly; all systems then checked out correctly (Union of Concerned Scientists 2015, 3). His *duty* under Soviet early warning procedures was to report this, but in the few minutes he had to do so, he refused, simply because he thought ‘when people start a war, they don’t start it with only five missiles’. When others became aware of this, he insisted it was a false alarm. He actually had no evidence of this. Luckily for Petrov, it was discovered later that the ‘launches’ were an illusion produced by sunlight reflecting off tops of clouds. This near miss became known to US intelligence through a double agent. It stoked President Reagan’s fear that he would be President when the Biblical prediction of Armageddon occurred (Krepon 2021).

In a not dissimilar 1995 Moscow error where not five, but only one incoming missile was detected, advanced preparations for war did occur at the hands of President Yeltsin who was not paranoid in the way Andropov was, though he did count vodka consumption more by the bottle than the glass. The Russian early warning system detected a missile launch off the coast of Norway with characteristics similar to those of a US submarine-launched nuclear missile, allowing very few minutes for decision. Fearing it could be the nearest launch of a much larger attack from further afield, Russian forces were put on full alert. President Yeltsin activated his ‘nuclear football’ and retrieved launch codes preparing for a retaliatory launch. Fortunately, when Russian satellites did not reveal any additional launches from US missile fields, a false alarm began to be

suspected. It turned out to be launch of a Norwegian scientific rocket on a mission to study the aurora borealis. Norwegian notification of the launch had failed to land on the right Russian desk in a timely fashion (Schlosser 2013, 478). In an earlier Norwegian incident in 1960, it was the United States that suffered the false alarm which put its nuclear strike force on maximum alert. US radar was fooled by an unusual moonrise over Norway that it read as a large-scale attack (Union of Concerned Scientists 2015, 4).

A second Russian officer who, like Colonel Petrov, behaved treasonously to save the planet was Vasili Arkhipov (Wilson 2012). Only this century did we learn that this incident that pushed us nearest to nuclear Armageddon occurred inside a Russian submarine in the Caribbean during the Cuban Crisis. The cream of the US fleet was gathered in the Caribbean, with many nuclear weapons on board. Premier Krushchev had given discretion to his submarine commanders to fire their nuclear weapons to wipe out the US fleet without authorization from Moscow the instant war broke out. One sub was buffeted by a volley of depth charges from the US navy above. They were actually not depth charges that could sink a sub. They were practice rounds for training exercises. The Americans wanted to force the Russian sub to the surface without harm. This was misunderstood inside the bubble of a submarine designed for Arctic service where crew suffered temperatures as high as 50C in the Caribbean. The crew and its leadership believed war had started. The submarine Captain ordered loading the first nuclear weapon to fire at the US fleet. Protocols required agreement of two other officers on the sub to authorize nuclear launch. One agreed immediately with his captain; Arkhipov refused, again in circumstances where his orders required him to follow procedures to agree. US defense secretary of the time, Robert McNamara, made it crystal clear that had that nuclear missile been launched, US missile launches aimed at the Soviet Union would have launched. Nuclear escalation would have been uncontrollable. Bless you Arkhipov and Colonel Petrov, treasonous ethical criminals of this redemptive parable.

I now imagine a third parable of treason by a bad criminal. He has no nationality. He is a talented young hacker with mental health issues. He is recruited with an offer he can't refuse by cyber-ops of one of the



great powers. He joins a large team of hackers, many of them even more talented than himself. The job of the team is to come up with strategies for penetrating the nuclear missile systems of other nuclear powers. His new girlfriend helps him lovingly with his mental health issues in his stressful new job. She persuades him to become an Islamic State agent. He comes up with an idea for causing Islamic State's 'two great satans'—Russia and America—to destroy each other. He implements it.

Hawks of the great powers also reflect on the parable of the good criminal. The conclusion of the worst of them is that we *can* win a nuclear war because our side is capable of being more ruthless than the other side in requiring nuclear warriors to follow their orders. Putin thinks this way about his regime's ruthlessness. So did Saddam Hussein before he dismantled his WMD program. So does Kim Jong-un. The German and Japanese leadership thought this way in World War II, even if *we* thought it irrational to attack Pearl Harbor. Sadly, some of the worst of NATO's hawks think this way as well. They think they can make *their* Doomsday Machine more ruthless at Mutual Assured Destruction than Russia or China's Doomsday Machine by locking in algorithmically, in more cleverly ruthless ways than their enemies (Ellsberg 2017).

Reflecting on the risks of innovative AI cat and mouse, my hypothesis is that the planet has no chance of surviving the next century or two unless we follow through on what Kennedy and Krushchev began after the Cuban Missile crisis and what Gorbachev and Reagan took so much further after 1985. Like these leaders, our generation can set sail to continuously improve mutual assistance with nuclear surety and strategic arms reductions to bring us closer to the point where total abolition of weapons of mass destruction becomes a more plausible option than it is today.

Secretary Perry reported that Pentagon analyses showed that the President could be faced with 'false warnings of attack or lose the ability to control nuclear weapons' as a result of cyber-attacks (Perry and Collina 2020, 23). An incident occurred on October 23, 2010 when a launch control center at Warren Air Force Base, Wyoming lost contact for an hour with 50 Minuteman III Intercontinental Ballistic Missiles (Union of Concerned Scientists 2015, 4). No rash judgment was made that this was a Chinese or Russian cyber-attack to disable US launch systems

in advance of attack. The worry is that at a time of more geostrategic conflict than 2010, such an erroneous interpretation might occur. Head of the US Strategic Command, General C. Robert Kehler when asked before the Senate Armed Services Committee in 2013, insisted that US nuclear weapons were well protected against cyber-attack, but then acknowledged, 'We don't know what we don't know'. When asked if Russia and China were capable of preventing one of their nuclear missiles being launched by hackers, he said 'Senator, I don't know' (Union of Concerned Scientists 2015, 5). An honest answer. Along many possible pathways, the danger is blunder into nuclear war, more than rational decisions to be an aggressor. With such existential risks, we cannot accept the view that these risks are unknowable and there is not much that we can do about them. There is much to do about them.

For example, deadly simple sloth poses one preventable risk of mass killing. Sloth is something we can fix so long as we are not averting our eyes from the problem. The next section ponders sloth in nuclear surety inspection.

## **Nuclear Surety Inspection as Restorative Regulatory Diplomacy**

Nuclear surety inspections are something we know little about from any of the nuclear weapons states. Nuclear surety inspections mean safety and security inspections regarding nuclear weapons. It is to the credit of the United States that there have been some moments of transparency about its nuclear surety inspections. We might reasonably assume that states like Pakistan, Israel, and North Korea, where transparency is more wanting than in the United States, are more vulnerable to nuclear weapon blunders born of inspectorial sloppiness. Diplomats of most states are slothful about diplomatic negotiations to seek mutual assurance that there is adequate transparency about nuclear surety inspections. It is 'not my job' or 'above my paygrade'.

In August 2007 six advanced nuclear-armed cruise missiles were mistakenly loaded onto a B-52 bomber named 'Doom 99' at a North Dakota air base. In spite of various moments when protocols required

crew to verify that the missiles were not armed, no one checked for live weapons at any mandated stage. The plane with its nuclear-armed cruise missiles sat overnight on the tarmac in North Dakota, unguarded. Next day it flew 1500 miles across the United States to Louisiana where it sat on a tarmac there unguarded again for another 9 hours before a maintenance crew realized that it carried nuclear weapons that were live (Union of Concerned Scientists 2015, 5). There were 36 hours before maintenance became the first to realize that 6 live nuclear missiles had gone missing (Schlosser 2013, 473). Findings of dereliction of duty followed. This is not a story from Pakistan where mobile nuclear vehicles endlessly drive the highways to avoid Indian detection. In North Dakota, fear of them going missing into the hands of the Taliban or Islamic State is mercifully much less than on the highways of Pakistan.

The most worrying nuclear warhead incidents take a long time to leak, often by aging leakers who want to do the right thing before they die. By this time states can say that these were governance failures of a different era. We have seen that the most potentially catastrophic accidental cascades toward nuclear war during the Cuban Missile Crisis of 1962 did not leak until this century. It was not until 2021 that the New York Times leaked that in 1958, a time of Chinese artillery bombardment of Taiwan, the US high command had advocated and prepared for a nuclear first strike against China. Nuclear weapons were transported to Taiwan. President Eisenhower, the old general of D-Day, was terrified, and an unusually potent president for shutting down this Pentagon adventurism. The leaker of these secret documents was old and openly invited his prosecution. Perhaps then the first law of geopolitics should be:

Geopolitics is full of well concealed recklessness in incipient promotion of mass destruction.

Robert Dahl (1953, 1) wrote that it was a 'plain statement of fact' that 'the political processes of democracy do not operate effectively' with nuclear policy because it is subject to institutionalized and concentrated secrecy more ruthless than that commanded by any despot. No less an American Prometheus than Robert Oppenheimer really was playing with

fire when he sought to break out of that secrecy taboo. Oppenheimer was right that in a short space of years after Hiroshima the destructive power of atomic bombs would multiply a million-fold and the complexity of control would also multiply exponentially unless a simple, enforceable global ban on their use in war ever again was institutionalized immediately. There is a bigger risk that interacts with this first law, however. The second law of geopolitics could be expressed as:

Accidental nuclear war is a much higher risk than intended nuclear war. Indent, as in the first law that precedes it.

A corollary from these laws is, as former Australian Foreign Minister Gareth Evans has expressed it in conversations with me:

‘Sheer dumb luck’ is the reason that neither nuclear accidents, nor the intent of mentally unbalanced leaders, have not yet caused mass catastrophe.<sup>3</sup>

We must inspire the next generation of regulatory researchers to do a particular kind of regulatory research to *make* better luck for the planet. That contribution will not be made by studying the governance failures of high-profile events like the Cuban Missile Crisis, nor the 1958 Taiwan nuclear tilt, because by the time the leaks occur, the case relates to yesterday’s governance, yesterday’s technologies. The senior players will be too dead to interview. The contribution I want to inspire is studying with a fine-tooth comb domestic incidents like Doom 99 that are less sensitive because they are domestic rather than international, and do *not* blow up to harm any person or international relationship. For such cases, researchers can get surprisingly good documentary evidence, albeit heavily redacted.

There had been earlier incidents before Doom 99 where nuclear weapons or sensitive parts of them had gone missing for a period while they’d been sent hither and thither, including to foreign countries not authorized to access that technology. Four years before Doom 99, in 2003, half of US Air Force units responsible for nuclear weapons failed their nuclear surety inspections even though they had advance warning of the inspections (Union of Concerned Scientists 2015, 5). One of the bomber wings that failed its nuclear surety inspection in 2003 was

that wing in North Dakota that left the live missiles unguarded on two tarmacs and flew them across America.

An Air Force Inspector General report found that the pass rate for nuclear surety inspections had been in decline for some time and hit an all-time low in 2003 (Union of Concerned Scientists 2015, 5). The Cold War was over; the political class had little interest in nuclear weapon regulation. The hypothesis I advance for future research is:

Neoliberal and unresponsive regulatory institutions for air and space threaten catastrophe.

I am a longstanding student of regulatory inspection. The evidence is reasonably good that old-fashioned street-level governance by inspection does work in areas related to safety. Just as with policing at hot spots of crime, this is about detection rather than the severity of punishment (Braithwaite 2022, Chapter 9). In contrast, evidence that it is sound policy to replace conversational inspections with desk audits or algorithmic auditing is thin, at least at this point. That is certainly not to deny that there are some things computers can control more reliably than humans—flying a plane safely in most circumstances is already one of them. Yet we know from quality empirical research on the Afghanistan war that *when there is a human interface*, drones regulated by computers are usually found to kill the wrong persons, in aggregate murdering high ratios of children and other non-combatants to intended targets (Braithwaite and D’Costa 2018). Mafia method is more horrible and confronting, but because it is more relational and street-level regulation, it is more reliable than drone targeting: The hit man has a brief conversation with a person in search of contextual evidence of targeting error, then he ends the conversational regulation of reliability with a bullet to the head.

The Rand Corporation does not agree with me on inspections. Rand leans toward what might be called a neoliberal view of deregulating the inspections that fetter the military-industrial complex, which founded Rand. In 2013 Rand produced a Technical Report for the US Airforce called ‘Charting the Course for a New Air Force Inspection System’. It opens under a heading entitled ‘Reducing the Inspection Footprint’:

The Air Force is seeking ways to reduce (1) the number of days each year that a wing is subject to some external oversight event, and (2) the resources consumed – by both inspectors and inspectees - for each event. To this end the Air Force has already begun synchronizing Inspector General inspections and functional assessments so that they occur on the same days. It also plans ... that fewer external inspectors and assessors are required and wing personnel spend less time preparing for and talking with those who come. (Camm et al. 2013, xiv)

The Air Force and Rand are not enthusiasts for conversational, relational regulation as they entertain prospects of less time-wasting talking to inspectors. Like Rand, readers might trust the US Air Force and also want to cut regulatory conversations about being meticulous with extreme surety risks.

It is amazing that the policy debates around how to regulate the surety of the US nuclear arsenal are so like those on the regulation of aged care in Australia, the United Kingdom, and the United States (Braithwaite et al. 2007). One of those shared themes between aged care and nuclear care is on the imperative for some inspections to be surprise inspections, contrary to the Rand recommendations. This came up in Major General Raaberg's report into this flight of six live nuclear warheads from North Dakota. The general found that the absence of no-notice inspections was one proximate cause. He reported:

Most units adequately prepare and stand poised when the Nuclear Surety ... team arrives. They have trained the 'A-Team' to meet the inspectors and the 'B Team' to be in the shadows when possible. (Raaberg 2007, 10)

It is almost beyond belief to regulatory scholars that the nuclear surety inspection system in the United States existed for 60 years without no-notice inspections, something that has been long demonstrated in fields like nursing home inspection to be essential for assurance (Braithwaite et al. 2007). No-notice inspections may or may not have been introduced after General Raaberg's report, or, as often happens, they may have been announced that they are an option that becomes a rarely implemented option. Reports so often recommend introduction of no-notice inspections that are accepted by governments, then after initial implementation

with vigor, over time no-notice inspections become infrequent as regulatory capture sets in again. The general used Doom 99 to open the lid on a widespread problem. He concluded that ‘the intricate system of nuclear checks and balances was either ignored or disregarded’ (Raaberg 2007, 10). ‘If the senior controller had accessed the software-tracking program (MUNSCON) to verify its status’ (p. 31) it would have been instantly apparent that nuclear weapons were moving about in breach of safety protocols. While algorithmic regulation was on tap to Air Force risk management, the algorithms were like fire alarms that switch off when the fire is hottest. General Raaberg reported that when staff came to the Special Weapons Flight meetings, not only were their computers not switched on, but they did not even have the printed maintenance schedule. They knew nothing of a 1978 form designed to counter this risk called the ‘Weapons Custody Transfer’ document. It had fallen into disuse. No one knew it was tucked away in a forgotten corner of a website for decades. The General reported ‘Every witness testified that they came to the Special Weapons Flight meetings with blank notebooks ... They relied on [an erroneous] set of slides produced by a very young Plans & Scheduling Airman (a one-striper)’ (Raaberg 2007, 14). The scary thing is that they behave just like we university professors attending conferences with blank notebooks staring at false or confusing PowerPoints!

What was required in this wing was a more conversational and restorative form of regulatory diplomacy. There is now a large empirical literature from other domains on the effectiveness of regulatory diplomacy that is restorative and responsive (Braithwaite 2022). A root cause of this surety breach, according to General Raaberg, was bullying. Robo-regulation or desk auditing cannot catalyze healing and transformation of a subunit that quakes in fear of a bully. The general reported: ‘Verbal testimony indicates that “X” was an ineffective leader who routinely chastised his personnel. His subordinates frequently worked through lunch ... he would keep them beyond normal work hours (without pay) in an effort to assert his dominance ... He created a hostile working environment’ in which subordinates could not go to him for help or advice. (Raaberg 2007, 35).

The literature rarely discusses military bullying as a possible cause of nuclear war. That is where regulation of recklessness can be important. We have already discussed how in the era of cyber-ops against securities markets, risk is palpable when a bullying Pakistan general can say that crash of the Karachi Stock Exchange that is inexplicable will be interpreted as an act of war by India (and should trigger nuclear alerts). This is a Karachi exchange highly prone to crash because its economy has defaulted recently and has been bailed out a total of 13 times by the IMF.

One way that US nuclear surety inspection is even more worrying than Australian Aged Care inspection concerns the depth of military-industrial complex entanglement illustrated through the Rand report. Lockheed Martin is a funder of space research at the two universities where I have recently worked (Australian National University and University of Maryland) and a huge player in nuclear weapons programs. It is the world's largest military contractor. In 2016 Lockheed Martin, which was managing a data base for the US department of defense *lost* 100,000 Air Force Inspector General Files, all its Freedom of Information requests, all records relating to Inspector General complaints, Inspector General investigations, and appeals (Wong 2016; Cassel 2016). All backups of these files were also corrupted (Weisgerber 2016)! The Air Force reported that the data had been lost in a crash not caused by attack from outside. A week or so later they found them again. This was not confidence-building with data so sensitive. But at least these files that I commend to regulation researchers for now are available again for some level of access under US Freedom of Information laws.

Brent Fisse and I long ago visited firms like Lockheed and McDonnell-Douglas to discuss what was their modus operandi in corrupting so many world leaders, as senior as Prime Minister Tanaka of Japan (Fisse and Braithwaite 1983). I have argued that it is better for universities to avoid funding by firms like Lockheed Martin and Boeing (that took over McDonnell-Douglas to become the world's second largest military contractor after Lockheed). These firms have such an interest in expanding sales of dangerous products that it is better to get them right out of being financially and collaboratively entangled with university aerospace researchers. Second, it seems important that independent



university regulatory governance researchers supplant corporate members of the military-industrial complex like Lockheed Martin and Rand (that was originally founded by McDonnell-Douglas with support from the US Air Force) as leaders of research and thinking on regulatory safety around weapons of mass destruction. One reason is that regulatory researchers connect governance up to a global imagination that transcends corporate interests and national security policy frames.

Cyber ops or even cybercrime in and around US (or Chinese, or Indian) nuclear command and control systems on earth or in space could spark a response that inadvertently escalates conventional conflict toward nuclear war. Someone targets a satellite for conventional reasons without realizing that satellite is secretly central to the launch of nuclear weapons. The essence of this book is that there are some simple solutions to the speed of coupled crises that are complex. One is simple, independent, transparent regulatory architectures that allow inspectors to arrive at air force bases on surprise checks that nuclear weapons are properly secured from cyber-attack, from incompetence, from military sloth, from bullies. These are not hard to mandate.

## **Beyond Neocon or Realist Verities**

As we see with climate politics, with covid and vaccine nationalism, realist international relations theory, making America or Britain great again, is not fully realistic. Even regional hegemony is not realistic; it did Napoleon no good, nor Hitler, nor any of the men with such ambitions during the 30-Years War in Europe. Japan's projects for regional Asian hegemony were also duds. When we university scholars engage our Chinese friends in conversations about why regional Chinese hegemony is not in the interests of China, they sometimes retort: Coercive US diplomacy has managed stable regional hegemony over the Americas for more than a century; why not in Asia? University people must engage them with the counterpoint that American regional hegemony has not been stable. It has created the most violent region in the world, with the highest rates of police killings and common murders, the highest rates of covid, and massive contributions to climate catastrophe. The three

largest precautionary lenders from the IMF have been Latin American countries. Not so stable; not so pretty. So we scholars might engage our Chinese friends thus: Please do not do for Asia what the United States did for the Americas—that might blow back into violence inside China in the way violence engendered in Latin America persistently blows back into the United States. A US homicide rate that is higher than all other wealthy countries, a heroin, fentanyl and opioid epidemic that has made the United States the only developed economy that has suffered a decline in its life expectancy since 2015, these cause far greater loss of life than wars and terrorism for the United States. Great powers have less to fear from each other than from failures to work effectively with each other to tame global and regional threats to the wellbeing of their people.

Because risks of total war are nevertheless so catastrophic, we all have an interest in stability and balances of power that change at a pace societies have time to adjust to. Restorative diplomacy can accomplish that in combination with suites of institutional stabilizers that are learning institutions, yet tried and true, simple enough for poorer societies like North Korea or Pakistan. We need to defend simple regulatory institutions with stable foundations for learning how to sustain complex risk prevention, such as the WHO and the nuclear non-proliferation regime that, after all, has kept 95% of the world's states nuclear weapons-free, WHO making wonderful contributions to containing ebola inside Africa.

A problem with realism as a theory is that it conceives the hard power of states as the power that matters. Actually, restorative university to university diplomacy has better prospects of reshaping Chinese and US thinking in the long historical journey of contested governance ideas, and better prospects of reshaping it in an evidence-based way. One reason is, as Mahbubani (2022, 135) says, 'Chinese culture has revered scholars more than soldiers'. For centuries, China has not been militarist in the manner of Western societies that have been in the business of invading other countries. As Henry Kissinger (2011, 25) put it, foundations of Chinese military theory 'were laid during a period of upheaval when ruthless struggles between rival kingdoms decimated China's population. Reacting to their slaughter ... Chinese thinkers developed strategic thought that placed a premium on victory through psychological advantage and preached the avoidance of direct

conflict' (quoted by Mahbubani (2022, 133). This was the thought of Sun Tzu that, 'To subdue the enemy without fighting is the acme of skill'. Today that subordination is about the rising Chinese knowledge and infrastructural economy; the belt and road of infrastructure and of ideas. Universities can engage restoratively with it, because it needs national and international universities to succeed.

## Relational Excellence in Diplomacy

What is wrong with diplomacy as an evidence-based profession that in its day-to-day preoccupations fails to place these empirical questions at the center of public debate? While diplomats can reasonably say that the risk of nuclear war next year on the horizon of their political masters is slight, they well know that if they scale up slight annual risks to a hundred-year risk, based on an understanding that some risk cascades may have complex interactions to exponential effects, without diplomatic reform, risks of nuclear war during the next century are high. A professional craft only of the day-to-day leads to doom. Every country is likely to suffer the nuclear fall-out or the famine, the deep global recession, and the epidemics. The reason the profession of diplomacy neglects the deepest empirics of diplomatic risk is that it can be a supine profession that has the same pathologies of finance manifested as a profession (academically and as a practice) before the Global Financial Crisis. These were finance pathologies of short-termism, allowing hope to triumph over experience and evidence, of playing the game of pass the parcel cleverly, making hay until the music stops, and sloth. Some knock-on effects of both professional failings of evidence-based professionalism are shocking. It is disappointing also when climate change modelers, as they model global warming projections, fail to qualify their models in the public debate they lead by recognition that nuclear war is a long-term possibility, if not probability, that can reverse all these trends in well understood ways into catastrophic global cooling. We must 'follow the science', including the science of modeling nuclear winter, as we prescribe policies to keep climate and ecosystems in balance.

Although diplomacy can sometimes be a supine form of professionalism that smothers rather than enables fearless, robust scientific contestation of big questions, noble exceptions are many. No practicing diplomat or leader of a major party in Australia is interested in educating the Australian public that many Australians could die as a result of a nuclear war between India and Pakistan. Former US Secretary of Defense William Perry has done so, however, through his William J. Perry project.<sup>4</sup> So does Australia's distinguished former long-term Foreign Minister, Gareth Evans (2022). But the broader contemporary debate on this regional risk is muted and politically irrelevant in short-termist public discourse.

For a few years, citizens of the planet thought of the Paris Climate Conference as one of those profoundly redemptive moments for public diplomacy as a craft. There remains no doubt that at that diplomatic high watermark, many diplomats from diverse levels of many states and civil societies performed with diplomatic finesse. The negotiations were difficult, but the diplomacy was extraordinary in the way it brought formerly rogue states of the climate regime—China, Australia, India, Russia, and the United States—seemingly into the embrace of the prudence and decency of the regime. Paris sadly became a false dawn. President Trump quickly withdrew the state that had contributed most carbon to the carbon stock. But the washup was worse than old rogue states rampaging rogue again. Many states over-promised at Paris and under-delivered in the years since. Chapter 10 shows that over-promising and under-delivering on crisis risk prevention is a recurrent condition of the corrupted diplomacy of our present predicament. Climate falsehoods are amplified on internet platforms where advertising revenue flows from clicks on the news stories captive constituencies want to hear. On the other hand, climate diplomacy before, during, and after Paris demonstrated a full realization that diplomacy has become a networked activity of many webs<sup>5</sup>—business actors, universities, sub-national governments, movements of school children—who get on with it whatever states decide.

For all that, we must see the good within the bad, the diplomats who did work so hard and so nobly at Paris, plus William Perry, John Burton, and Gareth Evans, the Nobel Prize winning ICANNs of educating the

Australian public to the dangers of a Pakistan-India nuclear war, and conservative white South African spymasters and diplomats of nuclear disarmament who served their continent and the planet nobly.

Relational excellence has already been revealed in spymaster Barnard's relationship with Nelson Mandela and other ANC leaders. This was a key to understanding good and evil in the souls of spymasters. Now let us build this clue into a fundamental principle of redemptive diplomacy that can be generative. This principle involves redefining diplomacy as a craft of sustaining cooperative relationships with presumed enemies. History repeatedly disproves our presumptions on who are friends that help us and who are enemies. In international affairs, societies and networks do best to treat everyone as friends worthy of relational diplomatic investment at least at times, just as Churchill and Stalin came to acquire formidable affection for each other. This was when in 1945 Churchill developed his foolhardy 'Operation Unthinkable', vetoed by the Americans and Atlee's British Labour Party to persuade German forces to join with the Allies to defeat Russia. British Prime Minister Palmerston's (1848) time was not as effused with flux as the present, yet he was able to see from his vantage point of preoccupation with France as the old enemy: 'We have no eternal allies, and we have no perpetual enemies'. Palmerston's insight is why a relational diplomacy of frenemies is rational for diplomats with a long-term imagination. Populist vilification of enemies is unprofessional, not the stuff of statecraft. At best it serves only politicians myopically motivated by the next election.

## Public Diplomacy for Uncertain Times

Diplomats define public diplomacy as activities of one state to communicate a message to citizens of another that the first state wants to persuade them to believe. This book seeks to persuade diplomacy to throw off such statist shackles in the way it defines its craft. That must apply to public diplomacy as well. A better professional ethos for diplomacy would be built on a public diplomacy that embraces domestic and international citizens together with states in conversations about how to build peace, prosperity and contain crises; diplomacy with citizens and international

society rather than diplomacy for them, or that does things to them, and not diplomacy that marginalizes civil society.

Autesserre (2014) and many others have documented how diplomats in country at times of crisis often fail to understand what is going on at local levels because they hunker down for their security inside compounds. For example, Braithwaite and D'Costa (2018: 412–27) showed that when the people of Nepal took over the streets of the capital hand in hand with Maoist rebels who had agreed to surrender their weapons to a nonviolent transition from a monarchical system, Western diplomats were not out mixing with the crowd. They were hiding in their embassy compounds for fear of security risks. As a result of this professional timidity, Western embassies completely misdiagnosed the politics of the situation. In *Why Intelligence Fails*, Robert Jervis (2010) likewise found failure is about inadequate practical presence to listen. The remedy is conversations on the ground combined with variety in the ways that the dialogic crafts of intelligence and diplomacy become less sealed off from complex cacophonies of local voices.

A virtue of a very localized response to all types of crises is that at the local level the full richness in the diversity of voices can be heard. The voices excluded from higher levels of governance can be the most distinctive voices; they are important to hear because they are distinctive. Diversity in perspectives is a driver of complexity. So a simple principle for grappling with complexity is active strategies to avert exclusion, not only in diplomacy, but in life.

Jervis diagnosed a more general problem of truncated and siloed dialogue. US foreign affairs professionals had a vertical hierarchical approach to communication as opposed to a horizontal ethos that searches for radical pluralization of perspectives.<sup>6</sup> This extended even to cutting off academic experts on a country of concern. CIA analysts expected a chilly reception if they reached out to academics, especially contrarian ones. Their ethos meant they felt uncomfortable even talking with people without clearances about questions that puzzled them. This added up to a culture of evidence gathering without peer review. The culture of short briefing notes that could be fitted on a page or two meant that footnotes that cited sources for assertions (and sources that refuted

them!) that might be checked by peers came late to the US intelligence community.

Consequently, there is an imperative for diplomacy as a craft to learn from past mistakes to become a more relational and dialogic craft of testing ideas horizontally. Jervis (2010) concluded that the vertical thinking and communication patterns of intelligence analysis conduced to middle-of-the-road conservatism that missed early warning of revolutionary tipping points to crisis. Braithwaite and D'Costa (2018, Chapter 12) advocated a preventive diplomacy wiki approach to garnering more plural voices and ideas for prevention before crises spiral out of control.

## The Ethos of Winning

When lives are lived in alienation, imbued with cultures of celebrity that glorify winning, being number one is a nationalist balm for alienated people who have not realized that life is for the joy of shared living with kindness rather than for winning. It is an ancient ideal to build a world that is more relational and healing of harms, where even the most profound harms elicit apology, forgiveness, collective memory for the hurt and lessons learnt from it, to build that better world for our children. Diplomacy cannot be relational and restorative without doing a lot of deep listening to adversaries, and without surprising old enemies by helping them in order to heal torn relationships with them. That was the genius of the Marshall plan. Germany, Italy, and Japan emerged from World War II as remarkably peaceful major powers with war-mongering pasts. While Versailles was not as punitive as Hitler's propaganda argued, there is little doubt that the ceremony at Versailles was a ritual of humiliation for the German leaders. The ethos of the historical event was punitive, while the ethos of Marshall was gifts for rebuilding and reconciliation rather than punishment (which was reserved only for German and Japanese war criminals under the new international criminal law first crafted at Nuremberg).

There is no contradiction between restorative justice and accountability. Restorative justice after war, as Desmond Tutu taught us, is justice

with love for those who suffered the war on both sides. Healing required gifts and social support to bring about change more than punishment. But accountability and truth-telling are also centrally important to restorative justice. These ideas are well developed in the restorative justice literature. A feature of restorative justice that is insufficiently discussed, however, is that it is not about winning. An important aspect of restorative criminal justice is that offenders accept responsibility for their wrongs and do their best to repair the harm. One pathway to this ideal is that third parties in the circle accept responsibility for how they contributed to the wrongdoing in non-criminal ways, for example by failing to prevent it. A classic restorative justice narrative about this is the school bully who does serious injury when he hits a child; he denies responsibility before the restorative encounter; then he shifts to accept responsibility when a respected friend catalyzes the restorative journey by saying that he wants to accept responsibility because he is a respected older boy who could have stopped the attack instead of walking by. With transitions from war as well as from bullying, it is normally best if everyone sees themselves as a loser from the wounds of violence, and that everyone can benefit from the restorative journey of healing those wounds. Both World Wars were wanting in the restorative justice of victors accepting their responsibility for war crimes.

Just as restorative justice does not position the defendant as a loser if convicted, a winner if acquitted, so the ethos of restorative diplomacy is of no winners or losers, but of healing conflicts through improved relationships and accountability that works best when it is shared—multiplex accountability. It looks to states to put up their hands and say we contributed to the Rwanda genocide, by failing to support investment in a large UN peace operation there, for example.

There are no winners of climate politics, nor in global pandemic prevention, no winners in nuclear war politics, nor in the more general diplomacy of war and peace, only some states that step up better to learn lessons from the last catastrophe, and launch preventive diplomacy attuned to how things have changed since then, in fellowship with diplomats from other nations. This involves creating the right kinds of institutional spaces for competition—such as competition in markets for vaccines to prevent pandemics, for markets that make economies



more robust to face the next recession—but also institutions that regulate competition, temper monopolies, to prevent excesses that cascade to catastrophe. No one wins the wars of covid diplomacy; every society can seek to give gifts to build a more capable World Health Organization that helps all societies to respond more effectively next time.

Diplomacy's ethos of winning is especially pathological among great power diplomats, because it conduces to world wars, at least since Napoleon, certainly since 1914. Great Powers perceive a history of winning diplomatic contests as underwriting their power. That is a correct perception looking back to eras of battleship diplomacy, but a prescription for mass extinctions today. Diplomatic excellence today is about strong states that help weaker states. Marshall is a light on the hill for that non-winner diplomacy of humility and generosity.

## **Interfering in the Domestic Politics of Others**

Deep listening followed by cooperatively working 'with' other societies to fix problems rather than doing things 'for' them or 'to' them cannot possibly happen when states covertly meddle in the domestic politics of other societies. Meddling is by definition 'doing to'. It is usually covert because it is criminal conduct under the laws of that country and often under international law. For example, most states have laws that require disclosure of election campaign contributions and forbid contributions from foreign states. So this can only be done covertly and illegally. Assassination of political actors in another country is murder under the criminal laws of all countries. So assassination is almost always covert. If a state flies hundreds of drone attacks into another country to kill targeted individuals, which inevitably results in collateral deaths to untargeted individuals as well,<sup>7</sup> that is also an invasion of that country, which is a crime of aggression in international law. The United States has flown hundreds of such sorties in Pakistan, Syria, Yemen, Libya, Somalia, and many other societies of the Global South. Unless it declares war against those countries to defend itself from them, these are war crimes at scale approved by US presidents. Israel is another country that has undertaken extrajudicial murders inside other countries against actors it

regards as enemies without declaring war against those countries. Russia, Rwanda, and North Korea have been among other countries responsible for extrajudicial assassinations in foreign countries in recent years. One should not be overly gloomy about the scale of this destabilizing problem that has always been with us. It is probably safe to suspect that the overwhelming majority of states have not been responsible for a single offshore assassination this century.

When states meddle by covert killing, they often dissemble with claims that this was likely a false flag operation, or they simply deny it. All countries are normally reluctant to admit that they launched drone attacks on enemy individuals in another country. Exceptions arise where a named target has been widely defined as a terrorist in international media discourse, Osama bin Laden for example. The United States claimed credit because even though it was legally murder and an invasion of the sovereignty of an allied state (Pakistan), the killing paid a domestic political dividend. It was viewed as just by most American voters even though it was extrajudicial, and even though the United States gave the victim no opportunity to surrender to be put before a court of law. How would the United States react if a Russian drone targeted officials of the Chechen government-in-exile who planned terror against Russian citizens, who live openly in the United States, and killed a US citizen as collateral damage? Russians complain that US reactions are hypocritical in precisely these ways (Beebe 2019, 56).

Another common and criminal form of meddling in the politics of another country is to bribe its politicians. Supplying weapons to insurgents or terrorists inside that foreign country opens paths to meddle. Another is to support the military operations of one side of a nascent civil war inside that country by flying drones to make strikes to support their operations without a declaration of war. Again the modus operandi is simply denial, to say that it is Ukrainians targeting drones that strike Crimea, not Americans. Imagine the following counterfactual in relation to the successful December 2022 attack on the Engels Airforce Base in Russia that seems to have badly damaged at least two Russian strategic nuclear bombers. Imagine one of those large Russian bombers had five nuclear weapons on board when it was destroyed. We know in the United States it is not uncommon for aircraft to sit on tarmacs loaded with live

nuclear missiles, so why could that not happen in Russia? There are many reasons why it could. Sometimes nuclear weapons are furtively moved from one air base to another to make enemy targeting more uncertain; sometimes they are moved from one base to another for particular kinds of maintenance on missiles undertaken on a base that has the workshops equipped for specialized technical work. In this scenario, after the five nuclear weapons are hit inside Russia, and if Russia decides to retaliate with a nuclear strike, it might consider striking NATO as well as Ukraine if it has intelligence that NATO personnel had been involved in targeting the strikes. That is why hands-on NATO involvement in targeting acts of war without a declaration of war is dangerous—even if a declaration of war is more dangerous. Now let us consider in turn the evidence on the effectiveness and ethics of all these forms of meddling one by one.

## Does Foreign Electoral Interference Work?

The short answer to whether foreign interventions in elections work is yes, remarkably well and often. Dov Levin's (2020a, b) empirical modelling of elections known to have had foreign interference, compared to control elections in which no documented foreign interference occurred, concluded that the interference shifted the vote by a surprisingly high average of 3 percentage points. Levin's study is impressive in the way it uses multivariate modelling to compare elections meddled with and not meddled with, in combination with qualitative analysis. Hybrid quantitative/qualitative diagnostics use, for example, exit polls on why voters changed their vote and whether this is connected to some dirty tricks campaign of the meddling country. The top meddlers are The United States and Russia/USSR meddled in 117 foreign elections between 1946 and 2000. Both Russia and the United States have meddled in Ukrainian elections since Ukrainian independence from the Soviet Union. How well this was done in different elections may have contributed to the oscillations between elections of pro-Russian Presidents favored by Ukraine's Russian speakers of the East, and pro-NATO Presidents favored in Ukraine's West and Central heartlands. We also know that Russia intervened clumsily in the 2016 US election, but with

sufficient impact according to Levin's careful research to conclude that 'but for' the Russian intervention, Hilary Clinton would have defeated Donald Trump in 2016.

The United States intervened in the Russian Presidential election of 1996 that re-elected the unelectable Boris Yeltsin with a startling level of effectiveness. The election consultants sent in by President Clinton to support Yeltsin oversaw early polling that was consistent with local polls indicating support of only 6% for a Yeltsin who by then had presided over a 40 + percent decline in Russian GDP, massive unemployment, inflation, a sharp decline in Russian life expectancy, steep rises in the crime and imprisonment rates, and privatization of the economy into the hands of utterly corrupt oligarchs who were mostly former communist apparatchiks. People accurately saw Yeltsin as an alcoholic, extremely unwell, unlikely to live long. The Communists and Yeltsin's other major opponents were ahead in the polling but also unpopular.

American meddling did assist with re-election of Yeltsin who anointed a successor, and stood down, handing Russia in 1999 to Vladimir Putin, plucked from obscurity before Yeltsin could see out his term. American consultants appointed to advise Yeltsin's campaign had abandoned hiring pop stars for endorsements and forcing a president with a heart condition.

to prance stupidly about the stage to pop music ... key aspects of the propaganda campaign became scaring the population with the prospect of civil war, and appealing to the Russian tradition of obedience and love for those in authority. . . the Americans turned to the most traditional, conservative, authoritarian stereotypes of mass consciousness. ... Fear of civil war was the decisive factor ... voters were given openly to understand that whatever happened, Yeltsin would not be going anywhere. If he won, he would stay in power by peaceful and 'legal' means, and if Zyuganov won, Yeltsin would still remain by means of a coup d'état. There really were plans for such a coup. This was later confirmed by generals Korzhakov and Kulikov, who were close to the president ... One way or another, the threat of repression and civil war, a threat which, since the events of 1993, had seemed absolutely real, exerted a decisive influence on the thinking of the masses. . . Finally, the alternative 'Either Yeltsin or the Communists' played a part. (Kagarlitsky 2002, 129-30)

The United States went to extraordinary lengths. President Clinton agreed to being berated on Russian television by Yeltsin ranting that US meddling in Russia was responsible for parlous circumstances of the country! For all the brilliant stops that were pulled out for Yeltsin in 1996, it may be doubtful that Yeltsin truly won that election; it likely required electoral malfeasance as well. Mikhail Gorbachev was one of many Russian leaders who opined that while the two previous elections in Russia were legitimate (including Yeltsin's first election as President), there has probably been no election in Russia without major electoral malfeasance since the Clinton meddling of 1996.<sup>8</sup> After Yeltsin won, he tamed the formerly free press with authoritarian strictures, terrorizing them with fear of being closed.

In the long run of history, we might ask how much Russia has gained by meddling in Ukraine and US elections and how much the United States gained by meddling in Ukraine and Russian elections. How much is this meddling by both sides benefitting the people of Ukraine, Russia, and the United States today? This is a good question even though all these instances of meddling did change election outcomes in the desired direction. Just as with the successful electoral meddling of Russians and Americans in Ukraine's elections and each other's elections, more generally one kind of criminal meddling can be complicated by a different and countervailing form of criminal meddling by one's enemy. For example, one reason why the illegal US invasion of Iraq brought a pro-Iranian government to power for the first time in Iraq's history may be Iran's vote-buying in the 2010 Iraq election (Ignatius 2010).

Levin's (2020a, b) data suggest that electoral interventions are the most common kind of meddling in the affairs of other countries. He records 89 cases of US electoral meddling between 1946 and 2000, but only 53 significant military interventions (involving deployment of over 500 troops) by either the United States or Russia during this period, and only 59 covert US-imposed regime changes via assassinations, sponsoring of coups, or arming/aiding dissident groups during this period (O'Rourke 2018). CIA and KGB records of self-evaluations of successes and failures in interventions suggest elections may be the most common kinds of meddling because they have the highest success rate at lowest cost. For example, neocon and Clinton administration legends urge us to believe

that the illegal bombing of Belgrade helped topple Serbian President Milošević. Yet quite a bit of evidence, including Aleksandar Marsavelski and my Peacebuilding Compared interviews with the Serbian resistance to Milošević, suggests the reverse. Bombing civilians by the West was actually a setback for the pro-Western resistance. However, US meddling in the 2000 Yugoslav election was estimated by Levin's (2020a, b, 234) model as decisive in the final downfall of Milošević.

Italy is the country that experienced most electoral interventions, twelve, eight by Washington and four by Moscow between 1946 and 2000. Fear of Communist Party participation in Italian coalition governments negotiated after hung elections was the prime motive. When Levin (2019) added Soviet cases of meddling in democratic elections to the US cases, he built supplementary evidence of impetus for democratic breakdown as a consequence of Soviet meddling. When it comes to election meddling, Moscow has been a huge destroyer of democratic institutions, but the United States twice as frequently sets out to corrupt democracies. The Soviets were like the United States in supporting authoritarian, anti-democratic, regime changes that they believed served their interests. The Levin data suggest that NATO-Russia competition has been an important driver of democracy decimation. After the great wave of democratization that followed Gorbachev's *glasnost* and *perestroika*, there followed decades of democracy decline significantly driven by intelligence agencies persuaded that this was effective. There is limited evidence of the majority of countries ever interfering in other countries' elections since the end of the Cold War. I have already argued that ASEAN has a more ethically sensible and reconciliatory approach to international affairs than NATO or Russia. There is an absence of evidence in the empirical studies I traverse in this chapter by Levin (2020a, b), Downes (2021), Lee (2020), and others that any of the 10 ASEAN members (nor its prospective 11th member) have been found to have intervened in the elections of another country since the onset of the Cold War, or to assassinate foreign leaders or support coups. My own fieldwork interviews suggests Vietnam was meddling half a century ago in the appointment of leaders in Cambodia, and then invaded in 1979.

## Violent Interventions in Foreign Domestic Politics

Many Iranian liberals blame the United States (and NATO) for the oppression they suffer under the current Iranian regime. This analysis of Iranian democrats is that Iran had a reasonably responsive social democratic government under Prime Minister Mossadegh. It was recovering from French, British, Russian, and Ottoman colonialism across its old Persian empire well enough compared to other Middle Eastern countries. British intelligence services and the CIA formed the view that Mossadegh was acting against the interests of Western oil majors. So they orchestrated a coup to put the Shah of Iran back on his throne to dominate the Iranian people to submit to the interests of Western corporations. Details were declassified in 2013 (Ervand 2013). The Shah's coup was sufficiently oppressive to induce a revolution to overthrow him led by liberals, social democrats, and a marginalized Kurdish minority, a revolution quickly captured by clerical oligarchs with a violent, exclusionary ideology. The Ayatollahs imprisoned the liberals and social democrats because they enjoyed superior organizational bases in the society that had not been crushed by the Shah. In contrast, democratic organizational bases of opposition in the trade unions and tribal structures had been crushed.

Leftists in Chile likewise came to blame the United States for afflicting them with the murderous dictatorship of General Augusto Pinochet after the US telecommunications giant ITT persuaded a US President to mobilize CIA support against the elected government of Salvador Allende that was acting against the interests of ITT. Allende was murdered in the Pinochet coup. There were other cases of coups inspired by American corporations in even more vividly embarrassing ways. United Fruit CEO Eli Black jumped from the top floor of his PanAm Building office in New York City after the media documented his corrupt payments to Honduran politicians. These leaders had come to power in a coup against leaders who acted against United Fruit interests on land reforms to benefit peasants, minimum wages laws, and banana taxes. There were even more violent consequences of corruption by United Fruit in Guatemala where the CIA and United Fruit organized

a coup to overthrow the elected social democratic government of Jacobo Abenz. United Fruit's CEO persuaded another US President that Abenz was a communist. Regime-change meddling in Latin America engendered shadow governments of business cronies entangled with military elites. They saddled generations with elections that were fixed so their puppets won, and with death squads who assassinated politically popular left leaders.

I have already discussed how the Church Committee hearings in the US Congress exposed these and other US coups and assassinations in the 1970s and ushered in an era under Presidents Carter, Reagan, George H Bush, and Bill Clinton during which the United States behaved like the majority of countries in adoption of a policy that foreswore against ever assassinating or fomenting a military coup against a democratically elected foreign leader. Mostly there was US compliance with this policy for a quarter of a century.

A different kind of violent intervention in foreign domestic politics is well illustrated by the Russian intervention in Crimea and the Donbas region of Ukraine in 2014 to arm and train a separatist army to destabilize Ukraine. Melissa Lee's (2020) study, *Crippling Leviathan*, shows that such interventions to militarily fragment sovereign control over territory is a qualitatively different kind of intervention than a regime-change intervention. But as with Donbas in 2014, it can greatly weaken a state that becomes vulnerable to corruption and organized crime, can destabilize the targeted national government, and serve the short-term interests of the foreign power that meddles in this way. Consolidation of control over all of a state's territory is fundamental to stability and to aversion of endless civil war and terrorism.

## Catastrophic Success

US regime-change interventions were concentrated in non-aligned states during the Cold War and were not more likely to help democratic than non-democratic states stay on top (with 44 of 64 covert interventions supporting authoritarian forces) (O'Rourke 2020, 101). Data on US



covert operations (which include both regime change and regime maintenance objectives), reveal US covert intervention decreased the likelihood that a targeted state would become a democracy by approximately 30% over the next 20 years (Berger et al. 2013). De Mesquita and Downes (2006, 632; see also Downes 2021, Chapter 2) concluded that interveners best secure their goals by installing autocracies or a ‘rigged-election democracy’ in the targeted state. Crushed democratic impulses and institutions best deliver the concessions foreign interveners demand because their puppets need not cater to the preferences of the median voter to remain in power.

The conclusion that great power regime-change interventions shackle longer-run hopes for democracy, especially social democracy, is supported by qualitative and quantitative research. That literature sustains the conclusion that if what the United States was attempting in the late twentieth century was intervention for democracy promotion, it was not good at it (Meernik 1996; Hermann and Kegley 1998; Peceny 1999; de Mesquita and Downes 2006; Scott and Pearson 2007; O’Rourke 2018; Downes 2021). Incompetence continued this century with botched US interventions to influence Afghanistan elections failing to achieve whatever outcomes NATO powers were attempting to achieve there. They certainly failed to sustain democracy (Shane 2018).

Alexander Downes (2021) studied all instances (120) of foreign-imposed regime changes over the past two centuries (to 2008). Foreign-imposed regime change doubled the likelihood of civil war over the next ten years in leadership change cases, and tripled it in cases where leadership change was combined with institutional change. Regime change can also induce interstate war. As Mearsheimer (2018, 142, 169) puts it, in the age of nationalism, ‘occupation almost always breeds insurgency’. Leadership change also increases the likelihood of subsequent violent removal of the leader who benefited from the regime change (Downes 2021). Downes argues that the historical record is clear that foreign interventions to topple disliked regimes are costly for the intervener and more likely to cause counterproductive blowback than the intended successful imposition of their hegemonic will. While one might expect the replacement client installed to state leadership after foreign intervention to align with the preferences of the intervener, they do not become more

aligned with intervener voting records at the United Nations; nor do they acquire similar alliance portfolios (Downes 2021). Foreign-sponsored regime change is likely to cause the military to disintegrate, disperse to the countryside to help train and launch insurgencies. Imposed leaders tend to get into quandaries between supporting their foreign sponsor versus domestic demands for political change. Iraq post-invasion became a classic case of this that ended with an Iraq more aligned with Iran than the United States.

Downes found that the United States has been the most consistent recidivist regime changer of the past two centuries, with the Soviet Union a distant second, followed closely by Britain, Germany, and France, with Austria seventh on this list and Italy ninth. Guatemala and El Salvador fill out that list, being both common victims and perpetrators of foreign regime change. Honduras tops the list of countries that have been most recurrently targeted by foreign-induced regime changes, followed by Afghanistan, then Nicaragua and Dominican Republic third and fourth and Guatemala and El Salvador both being among the eight most targeted countries. The data show that regime change has been overwhelmingly a game played by the NATO states and Russia and particularly widely in Latin America. Of the 153 regime-change interveners, not one was China, though we should contest the dataset by pointing out that the 1951 agreement of the Dalai Lama to join Tibet to China, followed by flight of the Dalai Lama from Tibet under military pressure in 1959, was effectively, if not technically, a foreign regime change.

We have seen that foreign electoral interference can likewise be a ‘catastrophic success’. Levin (2020a, b) shows that overt great power attempts to shape elections are as common as one in nine competitive elections in the world between 1946 and 2000. Their success was real but also catastrophic, as illustrated by revelations from analysis of surveys about US electoral meddling, as well as Levin’s models. Such analyses indicated that US meddling turned a 1992 Israel election to install Yitzhak Rabin, only to have him assassinated in 1995 after advancing a Palestinian peace process that has never since moved forward. In aggregate across more than a hundred cases of US and Russian electoral interference, meddling increased terrorist group emergence between

1968 and 2000 by 11% and levels of domestic terrorism by an average of 152% in the next ten years for the targeted country (between 1970 and 2000) (Levin 2020a, b). Successes that indeed were catastrophic.

Downes discusses an 'elite consensus' about the US literature, particularly since defeat in Afghanistan, that if only COIN (counterinsurgency doctrine), or this or that aspect of intervention policy, had been done better, institutional and leadership regime-change cases would have succeeded. If this were true, however, it would be possible to pick out more cases beyond the 1945 regime changes where leadership and institutional change produced the long-run successes of the Marshall Plan. In that US elite consensus literature, blame tends to be placed on the difficulty of 'nation building'. The more evidence-based inference is that foreign intervention to coerce regime change is the problem. Nation building is certainly difficult in the hands of UN peacekeeping operations as well. It has many failures. We have seen, however, that studies of large numbers of peacekeeping cases convincingly show a high statistical success rate overall. Multidimensional UN peacebuilding operations where war-torn states commit to a peace agreement and UN peacekeeping are highly cost-effective at building peace, economic recovery, and prospects of democracy (Walter et al. 2020). This is in stark contrast to militarized regime change. Few public investments are more effective than UN peacekeeping for building a stronger world economy with less suffering (Collier 2009, 96). Miserliness in support for societies struggling to reconcile and recover from conflict in ways that have consensual support makes no sense. At the same time, there is an evidence-based case for cost savings by desisting from interfering militarily in other countries, desisting from interfering in their elections, and in their regime choices in general.

Lindsey O'Rourke's (2020) data analysis concluded that the United States intervened covertly ten times as frequently as overtly, and that it often takes a long time before declassification of cabinet records and other disclosures provide sufficient evidence to confirm formerly unconfirmed covert cases. In the O'Rourke data set, cases were not counted unless US policymakers explicitly stated in official records that their objective was regime change. It therefore ignores CIA dark operations

that political leaders did not support or know about and that therefore were never discussed in a way that appeared on the public record. O'Rourke documented 64 covert regime-change campaigns during the Cold War, with overt ones like Cuba counting among a minority of six cases. Even the Bay of Pigs invasion, Operation Mongoose and its multiple attempts to assassinate Castro were at one time covert matters. Other kinds of foreign interventions that fell short of regime-change were the proxy insurgencies studied by Melissa Lee (2020) that (as in 2014 Russian support for Eastern Ukraine separatists) deprived the target of full consolidation of its state by loss of control of one region of it. When foreign powers destabilize other states through supporting insurgencies, this weakens targeted state consolidation of authority and development. But it can weaken it so badly that when the intervener gets their preferred successor regime, that regime also fails when it inherits a Leviathan that remains 'crippled' by the insurgency.

In sum, whether by assassination, supporting military coups, unravelling consolidation of a state's control of its territory, proxy civil war, corruption of foreign politicians, or election interference, success is common in pulling off the desired change. So often the new regime cannot or will not deliver the actual policy changes desired by the meddling state, however, and the final outcome is blowback that leaves the intervener worse off, often catastrophically so as Downes (2021) shows. Seeking to control another country by doing things 'to' it, to manipulate it, is a bad idea. Deep listening to foreign stakeholders mired in conflicts with a philosophy of restorative diplomacy is the better policy for building up a state's bank account of diplomatic capital. This is the policy followed by UN peace operations when they best succeed.

## **John Mearsheimer Redeemed, Transcended**

Have you ever wondered why most people, left or right, detest or adore University of Chicago realist, John Mearsheimer (2018)? Personally, I admire him. He has constructed a distinctive theoretical position in international relations. He is assiduous about collecting evidence to refine it, endlessly provides fresh empirical insights about the war in

Ukraine for example, and he nurtures a fertile social science of bold theory and rigorous testing of it. My problem is that his bold theories are more relevant to the Napoleonic world than the Asian century. The theoretical contribution of this book is less systematic, more tentative than Mearsheimer's. It is no more than an incipient contribution that would only amount to something if other scholars and practitioners joined arms on the restorative and responsive diplomacy construction site to collectively create something more systematic and more rigorously tested over time. At the end of that day, perhaps the theory will prove empirically wrong.

I admire the integrity of Mearsheimer's refusal to use weasel words when the logic of his theory leads to politically unpopular conclusions. My thinking, nevertheless, is that Mearsheimer's unpopularity in many quarters is a clue to why relentless realism is wrong. Restorative diplomacy will seem soft, perhaps off with the fairies, or just restating liberal institutionalism without adding anything new. Restorative ideas are much older than liberal institutionalism. When Gandhi said, almost a century ago, 'Be the change you want to see in the world', his Southern theory of peacemaking was not mimicking Northern theories of liberal institutionalism; liberal institutionalism as an IR theory had not yet been formulated. Mearsheimer throws away the virtue of being the change you want to see in the world. He insists states pursue power; Great Powers pursue domination of the world system and regional hegemony. If Great Powers pursue something different, seek to pretend to act virtuously by flying in the face of those realities, they enact bad policy. It is bad policy to enact empty gestures that displace realist action that can make a difference to the situation.

A problem is that any world leader who walks the Mearsheimer talk will be as unpopular as Mearsheimer himself. My argument is that US Presidents are less effective diplomatically when they say: 'Let me be honest, I am a politician who does what is best for becoming more powerful; my country is a country that does what makes it more powerful'. To the extent that they adopt a more restorative way of being and enacting statecraft, they are more effective. If they want other countries to respect democracy, they are best not to meddle in other countries'

democracies, indeed to condemn such meddling when detected as a matter of deep principle.

The value that responsive regulatory theory adds to restorative justice theory applied to diplomacy is that it says be Gandhian, restorative, at the base of a responsive governance pyramid as the preferred strategy. Be patient in staying on the Gandhian course. But if this fails so repeatedly that the terrorist is about to press the button on his suicide vest and a sniper is on hand who can shoot him, shoot him. However, in shooting him, take care that you have done a quick scan that rules out less punitive resolutions. If humankind learns to survive by all states ratifying treaties to destroy WMDs and a state covertly breaks out to start building nuclear weapons, have a detection regime that will detect this. Then have responsive regulatory pyramids clearly on display to the rogue state in policy documents of many states. These policies must demonstrate will and strategy to escalate deterrence and incapacitation against rogue WMD states if they remain unresponsive to restorative diplomacy. Remind them that if they surrender the weapons, escalated sanctions will end. They will be forgiven and rewarded, Marshall-Plan-style. There could be some moral hazard in that, but moral hazard is curtailed by the fact that protracted recalcitrance would have already elicited a prolonged period of lost diplomatic capital and painful escalation of costs from a chokepoint regulation of denied access to financial and other platforms, for example (Tusikov 2017).

Chokepoints are hubs in complex embedded networks that control access to other hubs that make the network buzz. China wanted its 5G corporate champion Huawei to dominate 5G telecommunication hubs to deliver command over chokepoints. Network advantages were delivered by a company founded and still headquartered in La Hulpe, Belgium, the SWIFT financial system. SWIFT attracted almost universal global adoption of its channeling of bank transactions. This enabled a chokepoint for the United States and EU to cut Iran off from the SWIFT network at huge cost to the Iranian economy. SWIFT payments in turn depend on US banks empowered by their control of the dollar as the reserve currency and foreign assets held in US dollars. The aim was to bring Iran to the table for a nuclear deal. Meta Platforms Inc., Google, Microsoft, and other platform goliaths all

control economically and informationally strategic chokepoints (Tusikov 2017). Newspapers, advertisers, influencers, political lobbyists, musicians, corporations small and large, and ordinary consumers all occasionally fear platform chokepoints. Network topographies create complex archipelagos of asymmetries that contingent controllers of chokepoints can cut to powerless and powerful users alike. Chokepoints are increasingly strategic in cyberspace. An undersea cable that connects Taiwan to international financial flows is a physical chokepoint for the Taiwan economy. Obversely, the world recently learnt that Taiwanese domination of the advanced chip market (mostly via one company, Taiwan Semiconductor Manufacturing Corporation), delivers Taiwan a clever supply-chain chokepoint capability against the world economy for the moment. For a briefer moment during covid, the Pfizer Corporation commanded a chokepoint. Before that, two Turkish immigrants to Germany held the chokepoint through the patent of the family firm they founded, BioNTech. A seafaring union can allow ships to keep sailing but choke unloading at a dock, gradually building pressure as ships back up at ports. The Khyber Pass, Suez Canal, the Panama Canal, and the Bosphorus matter as chokepoints, which is why Crimea matters and so many wars discussed in this book are fought at these places. As important as internet platform chokepoints have become, it is still probably supply-chain chokepoints that can deliver the most devastating array of chokepoints to a wide coalition of states, corporations, and civil society actors. Network analysis AI will identify network bottleneck opportunities more systematically and cleverly in future than in the past for nonviolent and violent strategies of political struggle.

I have theorized this escalation of which chokepoint sanctions are only a part of the theory of minimally sufficient deterrence. It is a theory that explains why another University of Chicago social scientist, Gary Becker, was wrong in modelling that helped win his Nobel Prize in economics partly for work on deterrence of criminals. Societies that are heavy handed with deterrence, more realist about crime if you will, do not have lower crime rates. Societies that refuse to use capital punishment do not have high crime rates; nor do societies with extremely low imprisonment rates. Abolish police entirely and crime will go up because there will be detection failure; abolish punishment entirely and crime

will go up because minimally sufficient punishment will be absent. The best policy is iterative discovery of how to calibrate minimally sufficient deterrence and maximum possible reliance on non-punitive alternatives like restorative justice and social capital building (Braithwaite 2022).

There is an engaging literature on just enough nuclear weapons to secure minimally sufficient nuclear deterrence. Risks of nuclear explosion accidents might be reduced as a result of lower numbers of nuclear ignition points, and reduced risks of nuclear winter from a major escalation (Erästö 2022). An additional facet of moves to minimal sufficiency is the move from indiscriminate nuclear targeting of urban areas to narrowed targeting of enemy military assets, including nuclear infrastructure. This is called the shift to counterforce targeting and away from countervalue targeting in which value is measured by magnitudes of civilian genocide (Erästö 2022). The good news is that most nuclear weapons states have moved historically to be close to a strategy of minimally sufficient nuclear deterrence. Major exceptions are the United States and Russia, though they have moved away from countervalue targeting and did hugely reduce the number of nuclear weapons at their disposal in the late twentieth century. So the theory of minimally sufficient deterrence is not just a pie in the sky theory of authors like me who risk being perceived as idealist peaceniks; it can be, and effectively has been, applied to nuclear deterrence, albeit with recent reversals.

The voraciousness of the military-industrial complex is an obstacle to actually attaining minimally sufficient nuclear deterrence. Nuclear weapons innovations have historically been solutions looking for problems, or rather for targets. Whenever a new US nuclear weapons system came on line, targeters went looking for something else to hit in China or Russia (Krepon 2021, 388). This was a cynical conclusion as great a hawk as Dick Cheney reached when he was Secretary of Defense in 1989. He asked for a briefing in which red dots were laid over a map of the Soviet Union for different types of targets. Eventually 10,000 dots were laid. Forty of these dots targeted the city of Kyiv, each nuclear explosion hugely bigger than for Hiroshima. Some were targeting transport infrastructure in Kyiv, others electricity grids, defense bases, command and control centers, bridges, and so on, to produce a grossly redundant wipeout of the city from the face of the earth. This was cobbled



pseudo-strategy that was purely additive overkill. It followed the money and the innovation that flowed from military-industrial bounty, rather than following any semblance of coherence.

Consider restorative and responsive regulation as a completely different approach to how minimally sufficient deterrence is achieved and to regulatory theory for individual and organizational conduct (Braithwaite 2022). Probably readers do not need convincing that corporations strive to increase their power in the form of profit. A well-designed pyramid for corporate crime makes it rational for the corporation to voluntarily comply, and then makes it rational for the corporation to punish itself if it cheats on voluntary compliance, because compliance is a better outcome than corporate capital punishment at the peak of the pyramid, for example. Corporations tend not to want to escalate up to corporate capital punishment in which the company is put out of business and the CEO loses her job. At the foundation of thinking prudently about how to deter corporations, individuals, or states, realist international relations theory posits a fundamentally correct observation about human behavior. This verity is constitutive of the behavior of states ruled by humans. They pursue power. Individuals do that, according to Alfred Adler's (1964) psychological theory, from a very young age. If children are to survive, they must begin the process of winning independence from the power of their mother over them so they can survive on their own initiative without her nurture.

Thomas Hobbs (1641) and David Hume (1875) were political theorists who worried that this power-seeking makes knaves of some human beings and the organizations they build. Even if most people are not knaves, but virtuous, we must design our institutions so they can cope with the worst-case scenario, knavery. The 'one-eyed' man who would be king with a nuclear bomb in a world where everyone else has destroyed nuclear weapons is such a worst-case scenario. Knaves ride roughshod over others to build power and wealth. There are, nevertheless, grave dangers in following the advice of Hobbes and Hume by crafting diplomacy that is fit for knaves, based on power-assertion and distrust. The trouble with institutions that assume people or organizations will not be virtuous is that they destroy virtue. The problem with treating people as knaves is that they are more likely to become knaves. A great deal of

different kinds of social science research suggests this is true (e.g., Putnam 1993; Levi 1988; Braithwaite et al. 2007).

But what about when individual or state actors are knaves, or just rational calculators, rather than virtuous citizens? Trust will be abused, the vulnerable suffer. It is the dynamic features of regulatory institutions that must respond to this problem. First, we try being Gandhian rather than Hobbesian; we seek to elicit trust by being trusting and trustworthy. When experience proves this trust to be misplaced, strategy changes from assuming that the regulated actor is a virtuous citizen to assuming that she is a rational calculator (Kagan and Scholz 1984). At that point a deterrence strategy might be mobilized and then escalate to something that bites more than a slap on the wrist. Often, however, the rational-actor assumption will prove just as flawed as the virtuous-citizen assumption. It might be incompetence that is the cause of non-compliance. Perhaps the state fails to meet its greenhouse emission targets because its bureaucracy is incompetent; its environmental engineers lack knowhow. Deterrence cannot cure incompetence. A supportive consultancy strategy, or transfer of technology, might. It lends a helping hand so the tardy state can hit its emission targets. This is the basic idea of the regulatory pyramid: dialogue and trust first; thereby get the efficiency and character-building benefits of trust in most cases; but motivate trust as obligation by signaling clear preparedness to escalate intervention to progressively less trusting interventions when trust is abused. The paradox of the pyramid is that by signaling willingness to escalate to draconian distrust, regulators can increase the proportion of regulatory activity that is based on trust. Desire to avoid severe sanctions channels more of the regulatory game down to the cooperative base of the pyramid (Ayres and Braithwaite 1992). Experimental and other kinds of social science shows that escalating deterrence escalates defiance and anger as well as deterrence (Braithwaite and D'Costa 2018: 94–100). Whether things get better or worse with escalation to war or punishment depends on whether it is the deterrence curve or the defiance curve that is steeper. Responsive regulatory theory helps with this dilemma by a preference to avoid it with restorative diplomacy, and by restorative diplomacy that has been shown to make escalation more legitimate when punishment is a last resort, when trust has been tried first. This means

that restorative and responsive governance delivers better prospects that the defiance curve will be less steep than the deterrence curve.

The governance pyramid that escalates intervention is a general model of how societal and state actors can move toward a more trust-based culture because fail-safe regulatory mechanisms swing into play when trust is abused, when restorative diplomacy is abused. Responsive regulatory theory assumes the motives that underlie abuse of power are diverse. Hence the remedies layered above restorative diplomacy in the pyramid must also be diverse, and the strategy must respond promptly to non-responsiveness with a new kind of remedy more appropriate to the context. We know on the basis of much empirical evidence that if we treat people like knaves, they will be more likely to become knaves; if we behave as knaves ourselves, others are more likely to act as knaves toward us. The implication of responsive regulatory theory is that by economizing on deterrence we make deterrence work better. This contradicts realist theory that says capability for deterrence maximizes power and power maximization is the path to security. Restorative and responsive governance implies spending less on acquiring weapons, more on rewarding states that desist from playing with fire by renewing their compliance with principles of international law.

Restorative and responsive regulatory theory conceives violent rule breaking as sometimes a failure to understand why the law is important, sometimes calculative utility maximization, sometimes incompetence, sometimes irrational resistance to reason (as with a psychopathic mass murderer). The weaknesses of the trust model are covered by the strengths of the rational-actor model, the weaknesses of the rational-actor model by the strengths of an incapacitation model. But the trust model is privileged and a first resort. Super-deterrence at the peak of the pyramid that disarms and incapacitates is a genuine collaborative capability, but a last resort. The idea is to institutionalize tough deterrence and distrust while enculturating nonviolence and trust.

Classical thinkers on nonviolence and restorative diplomacy like Gandhi and his disciple Martin Luther King seem to realists to theorize insufficient escalation to violence. In practice they did not reject violence in extreme situations. King was persuaded to carry a gun. Gandhi concurred on sending Indian troops to defend Kashmir when

Pakistan forces invaded in 1947. At some point, most real actors are like these two theorists of the last resort in being realists. King and Gandhi had simply failed to theorize how dynamic escalation to violence, to war, can be crafted dynamically, and with clarity, about how escalation to minimally sufficient deterrence can work as a last resort. It can paradoxically empower nonviolence at the base of regulatory pyramids where most of the diplomatic work that matters is done.

## Notes

1. As a former US Ambassador to Pakistan put it: ‘Our major concern is not having an Islamic militant steal an entire weapon but rather the chance that someone working in Government of Pakistan facilities could gradually smuggle enough material out to eventually make a weapon’. Or as another Obama Administration official put it: ‘We fundamentally believe that we cannot afford a country with 80 to 100 nuclear weapons [many more today] becoming the Congo ... There is a sense that other places in the world can go to hell, but not this one’. Quoted in David O. Smith (2014, 275).
2. See the record of Broken Arrows in [atomicarchive.com](https://www.atomicarchive.com/almanac/broken-arrows/index.html): <https://www.atomicarchive.com/almanac/broken-arrows/index.html>. (Accessed September 29, 2023).
3. I am grateful to former Australian National University Chancellor and former Australian Foreign Minister, Gareth Evans (2022, 65), who insisted in commenting on my draft that his preferred expression was ‘sheer dumb luck’.
4. William J. Perry Project, Bill Perry’s South Asia Nuclear Nightmare. Downloaded 27 January 2022: [https://www.youtube.com/watch?v=yWLGatD\\_V0](https://www.youtube.com/watch?v=yWLGatD_V0).
5. This was John Burton’s (1972) neglected vision of diplomacy from his time heading the Australian Department of Foreign Affairs in the 1940s that did prioritize peace diplomacy in Kashmir that had at that time excellent prospects of preventing future wars between India and Pakistan had there been stronger great power support for Australian mediation (Braithwaite and D’Costa 2018, Chapter 6).

6. Pluralization of perspectives by ‘asking different questions’ is one of Jennifer Berger and Keith Johnston’s (2015, 13) *Simple Habits for Complex Times*. Active listening to answers and reframing through the multiple perspectives thereby gleaned is one of their simple habits of mind that stretch leadership capacities to cope with complexity.
7. This spillover problem has been particularly well researched for US drone attacks in Pakistan against members of the Taliban there. (Braithwaite and D’Costa 2018, Chapter 6).
8. Gorbachev probably reflected the general view in Russia when he said in his book, *The New Russia*, that ‘There have been no fair and free elections in Russia since ... the election of 1991 when Boris Yeltsin became the first president of Russia’ (Gallagher 2017; see also Kramer 1996).

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