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## In Search of the Nuclear Taboo

### Past, Present, and Future

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*In collaboration with the Atomic Energy Commission (CEA)*

**William C. Potter**

*Winter 2010*



**Security Studies Center**

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***In Search of the Nuclear Taboo:  
Past, Present, and Future***

*William C. Potter*



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## *Proliferation Papers*

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Though it has long been a concern for security experts, proliferation has truly become an important political issue with the last decade, marked simultaneously by the nuclearization of South Asia, the weakening of international regimes and the discovery of frauds and traffics, the number and gravity of which have surprised observers and analysts alike (Iraq in 1991, Libya until 2004, North Korean and Iranian programs or the A. Q. Khan networks today).

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# Introduction

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One of the most puzzling – if positive – phenomena of the past half century is the non-use of nuclear weapons. The puzzle relates to the absence of use despite the demonstrated technical effectiveness of the weapon, the enormous size of nuclear weapons stockpiles globally, the spread of nuclear weapons to states in most regions of the world, the centrality of nuclear weapons in the strategic doctrines and operational war plans of a growing number of states with very different cultures, political systems, and military traditions, and the observation of the tradition of non-use despite the lack of international legal prohibitions – unlike those in place with respect to chemical and biological weapons.

This essay seeks to probe the underpinnings of nuclear weapons restraint, the strength and durability of the so-called nuclear “taboo” – especially in light of the rise of non-states actors who covet nuclear weapons for purposes other than deterrence – and the most likely paths by which existing restraints might be breached, broken, or dissolved. Particular emphasis is placed on alternative futures as a number of other studies, including several important new volumes, have explored in depth the sources of non-use.<sup>1</sup>

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This essay was initially presented at an Ifri workshop held on November 24, 2008.

<sup>1</sup> See, for example, Nina Tannenwald, *The Nuclear Taboo: The United States and the Non-Use of Nuclear Weapons Since 1945*, Cambridge, Cambridge University Press, 2007, and T. V. Paul, *The Traditions of Non-Use of Nuclear Weapons*, Stanford, Stanford University Press, 2009.



# Taboo, Tradition, Fear, Self-Interest, or Good Luck?

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There is a cottage industry in the field of political science related to international relations theory. Central to that industry is the debate about the sources of international behavior and the extent to which it can be explained in terms of “realist” and “neorealist” tenets of rational self-interest in an anarchic world, “neoliberal institutionalist” principles emphasizing the force of economics and institutions, and “constructivist” notions that call attention to the power of international norms. Aspects of this debate extend to the non-use of nuclear weapons.

Theorists of a realist bent, for example, typically attach great importance to the operation of a “balance of terror”, more politely referred to as nuclear deterrence, and the process by which nuclear weapons restraint is founded on a conscious calculation of the strategic and tactical costs and benefits of weapons use. Although this calculus may well include an appreciation of acute negative reputational effects, prudential restraint is seen less in terms of a taboo than as considerations based on self-interest. In contrast, theorists of a constructivist persuasion are inclined to highlight the extent to which the phenomenon of non-use resembles a particularly powerful norm prohibiting behavior – that is, a taboo. To the extent that the behavior involves the operation of deterrence, it is a form of unthinking, self-deterrence based on revulsion rather than calculation and reflection.<sup>2</sup>

Neither realist nor constructivist theses are fully satisfying by themselves regarding the origins or persistence of non-use. Both orientations have difficulty explaining why nuclear weapons were not used during the early nuclear age when the norm against use could hardly be called either a tradition or a taboo. Realists, who reject the influence of ethical concerns on balance of power politics, also cannot readily explain why the possessors of nuclear weapons did not resort to nuclear violence in crises against non-nuclear weapons states (e.g., during the Korean War and the Taiwan Strait Crises or as a form of preventive war against would-be nuclear powers).<sup>3</sup> They also have difficulty explaining why deterrence

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<sup>2</sup> A forceful case for this perspective is made by Tannenwald. See in particular, Nina Tannenwald, *The Nuclear Taboo*, *op. cit.*, pp. 10-17. See also Vera Gehring, “The Nuclear Taboo”, Institute for Philosophy & Public Policy (Summer 2000).

<sup>3</sup> For an attempt to formulate an alternative realist perspective that attributes a role, albeit limited, to ethical norms, see Scott D. Sagan, “Realist Perspectives on Ethical Norms and Weapons of Mass Destruction”, in Sohail Hashmi and Steven

has not functioned more effectively in disputes involving nuclear and non-nuclear weapons states.

For their part, those who posit the existence of a powerful taboo against the use of nuclear weapons have difficulty in explaining how the norm actually impacts on decision making when it confronts other powerful competing forces.<sup>4</sup> What is the relative weight of the taboo, for example, in comparison with elaborate nuclear war-fighting plans? Moreover, how is it possible to speak about nuclear war as a taboo at the same time that the norm against nuclear weapons possession erodes – witness the muted reaction by the international community to the 2006 and 2009 nuclear tests by the DPRK and the 2008 Nuclear Suppliers Group exception for India?

To some extent, the debate about the explanatory power of the normative prohibition against nuclear weapons use turns on the distinction between a “taboo” and a “tradition” and the extent to which the traits associated with a taboo in the anthropological and sociological literature – “ritual avoidance”, “absoluteness”, and “unthinking obligation” – characterize non-use.<sup>5</sup> Nina Tannenwald, the leading exponent of the nuclear taboo thesis, argues for example that non-use is more than a tradition or a “rule of prudence” and has an explicit normative aspect and obligation.<sup>6</sup> As such, she maintains, it resembles the anthropological notion of a taboo with its reference to danger and its “expectations of awful or uncertain consequences or sanctions if violated”.<sup>7</sup>

In contrast, T. V. Paul, an exponent of “prudential realism”, points to many differences between well-established social taboos and the alleged nuclear variety. The former, he suggests, are punishable acts – by either the community or the state – while the prohibition against nuclear use is neither absolute nor unambiguous. Not only is there no explicit or internationally legally-binding prohibition against the use of nuclear weapons, but a growing number of states have contingency plans for their use.<sup>8</sup> As such, he argues, it is more appropriate to speak of the tradition of non-use as an informal social norm rather than a taboo.

According to Paul, this tradition or practice of non-use has been shaped to a large extent by two different factors, what he calls the “logic of consequences” and the “logic of appropriateness”. The former explanatory

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Lee. (eds), *Ethics and Weapons of Mass Destruction: Religious and Secular Perspectives*, Cambridge, Cambridge University Press, 2004, pp. 73-95.

<sup>4</sup> This point is made by Janne Nolan in her review of Tannenwald’s book. See Janne Nolan, “The Ambivalence of the Nuclear Taboo”, *The Nonproliferation Review*, Vol. 15, No. 3, November 2008, p. 541.

<sup>5</sup> See for example, A.R. Radcliffe-Brown, *Taboo*, Cambridge, Cambridge University Press, 1939, pp. 18-19; and Verna Gehring, “The Nuclear Taboo”, both works also cited Nina Tannenwald, *The Nuclear Taboo*, *op. cit.*, pp. 10-11.

<sup>6</sup> See Nina Tannenwald, *The Nuclear Taboo*, *op. cit.*, p. 14.

<sup>7</sup> *Ibid.*, p. 11.

<sup>8</sup> See T.V. Paul, *The Traditions of Non-Use of Nuclear Weapons*, *op. cit.*, pp. 9-11. In fairness to Tannenwald, she also acknowledges that the nuclear taboo does not exhibit all of the characteristics of typical taboos. See her discussion on pp. 10-17.

factor is realist in origin, emphasizes self interest, and relates to the negative effects the use of nuclear weapons would have on the perpetrator in terms of its pursuit of tactical and strategic objectives (consistent with self-deterrence); the latter factor draws upon normative considerations about responsible state behavior, and suggests that the practice of non-use is reinforced through iteration over time.<sup>9</sup>

One also should not exclude the role of luck as an explanatory variable with respect to the past half century of non-use. As many studies have demonstrated, the world has come perilously close to the use of nuclear weapons on more than one occasion, and if prudence prevailed, the outcome was by no means assured due to the presence of a nuclear taboo.<sup>10</sup>

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<sup>9</sup> *Ibid.*, p. 17.

<sup>10</sup> The two most frequently cited instances involved the 1962 Cuban missile crisis and the 1973 Middle East war. Senior U.S. officials also seriously contemplated the use of nuclear weapons during the Korean War and the Quemoy-Matsu crisis of 1954, while the Soviet leadership is reported to have considered a nuclear strike against China in 1969. Tannenwald discusses some of these episodes in her book. See also Martin E. Hellman, "Risk Analysis of Nuclear Deterrence", *The Bent of Tau Beta Pi*, Spring 2008, pp. 14-22, at: <http://nuclearrisk.org/paper.pdf>; Douglas P. Lackey, *Moral Principles and Nuclear Weapons*, Towata, Rowman and Allanheld, 1984; and Scott D Sagan, *The Limits of Safety: Organizations, Accidents, and Nuclear Weapons*, Princeton, Princeton University Press, 1993.





# Prospects for Norm Erosion, Breach, and Collapse

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The good news from the standpoint of non-use – be it a taboo or a tradition – is that nuclear weapons have not been detonated, other than in tests, since 1945. One also can point to positive developments in the form of the slower pace of nuclear weapons spread than widely anticipated, the marked decline during the past two decades in the number of nuclear weapons in global arsenals, the indefinite extension in 1995 of the most widely subscribed-to treaty in the world – the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), the cessation of nuclear weapons tests by all NPT states parties and the negotiation of a Comprehensive Test Ban Treaty (CTBT), and the adoption without a vote at the 2000 NPT Review Conference of 13 Practical Steps on Disarmament. The latter included “an unequivocal undertaking by the nuclear weapon states to accomplish the total elimination of their nuclear arsenals leading to nuclear disarmament” and “a diminishing role for nuclear weapons in security policies to minimize the risk that these weapons ever be used and to facilitate the process of their total elimination”.<sup>11</sup> Also significant is the recent resumption of U.S.-Russian nuclear arms control negotiations, and the expression of support by President Obama for the “Road to Zero” initiative promoted by George Shultz, William Perry, Henry Kissinger, and Sam Nunn.

Less positive indicators of the vitality and durability of any non-use norm, however, also are in evidence. A short list of bad news items includes: the rise in the threat of high consequence nuclear terrorism involving both improvised nuclear devices and intact nuclear weapons, the failure of the CTBT to enter into force, the growing reliance on nuclear weapons by some nuclear weapons possessors to compensate for shortcomings in manpower and/or conventional weapons (e.g., the Russian Federation and Pakistan), the disavowal by the United States during the Bush administration and, more recently by the Russian Federation, of a number of the “13 Practical Steps on Disarmament” adopted at the 2000 NPT Review Conference,<sup>12</sup> stalled

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<sup>11</sup> The commitment to a diminishing role for nuclear weapons in security policies is conditioned by language, insisted upon by the Russian Federation, that it “promote international stability” and be based “on the principle of undiminished security for all”. See “Materials from the 2000 NPT Review Conference”, *NPT Briefing Book*, April 2008 Edition, Mountbatten Centre and James Martin Center for Nonproliferation Studies, p. D 7.

<sup>12</sup> The disavowals by the Bush administration are well known and focused first and foremost on the ABM Treaty and the Comprehensive Test Ban Treaty. Less well known, but equally disturbing is the current Russian position that it is no longer

negotiations between the United States and the Russian Federation over the extension of several key nuclear arms control treaties that will soon expire, the barren results of the 2005 NPT Review Conference and less than encouraging indications for the next Review Conference in 2010, and the erosion of the perceived benefits of non-nuclear weapon status accentuated by the U.S.-India deal and the associated exemption granted to India by the Nuclear Suppliers Group in 2008. Perhaps most troubling is the potential for rapid escalation from conventional to nuclear weapons use in several regions, especially in South Asia.

Space does not allow a discussion of all of the aforementioned positive and negative indicators, their impact on the probability that past restraint with respect to nuclear weapons use will either persist or lapse, or the likelihood of occurrence of specific breach scenarios. An examination of several trends, however, may provide some clues as to the durability of non-use and the conditions that might trigger at least a departure from the current norm/tradition/taboo.

### ***The Growing Impact of Non-State Actors.***

The risk of nuclear terrorism was anticipated from the beginning of the nuclear age and has been the subject of sporadic scholarship and government attention for over three decades.<sup>13</sup> A sustained focus on the nuclear dangers posed by non-state actors, however, only emerged following the collapse of the Soviet Union and the realization that insecure nuclear weapons and material might find their way into the hands of terrorists. Also contributing to a reassessment of terrorist interest in the pursuit of weapons of mass destruction was the use of sarin gas by the Japanese cult Aum Shinrikyo and evidence that the same organization had actively sought to acquire nuclear weapons.<sup>14</sup> Any doubts that this was a one-of-a kind phenomenon was belied by mounting information that became available after September 11, 2001 that al Qaeda, like Aum Shinrikyo, has repeatedly attempted to obtain nuclear weapons and their components.<sup>15</sup>

Although it is natural to hope that one could deter terrorists from resorting to nuclear violence even if they succeeded in obtaining the means to do so, there is little reason to assume that traditional forms of deterrence or prevailing norms against use are apt to apply to those kinds of non-state

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obliged to reduce further non-strategic nuclear weapons. In fact, it appears to no longer regard the 1991/92 Presidential Nuclear Initiatives as in force.

<sup>13</sup> For a discussion of this history see Gary Ackerman and William C. Potter, "Catastrophic Nuclear Terrorism: A Preventable Peril", in Nick Bostrom and Milan M. Cirkovic (eds), *Global Catastrophic Risks*, Oxford, Oxford University Press, 2008, pp. 402-449.

<sup>14</sup> For an analysis of Aum's ill-fated efforts in the nuclear sphere see Sara Daly, John Parachini, and William Rosenau, *Aum Shinrikyo, Al Qaeda, and the Kinshasa Reactor: Implications of Three Studies for Combating Nuclear Terrorism*, Santa Monica, RAND, 2005, at: [http://www.rand.org/pubs/documented\\_briefings/2005/RAND\\_DB458.pdf](http://www.rand.org/pubs/documented_briefings/2005/RAND_DB458.pdf).

<sup>15</sup> A description of this evidence is provided in Ackerman and Potter, *Ibid.*, pp. 419-422; and Matthew Bunn and Anthony Wier, *Securing the Bomb 2005: The New Global Imperatives*, Cambridge, Project on Managing the Atom, Harvard University, May 2005, pp. 9-12.

actors most likely to covet nuclear weapons and to have the resources necessary to obtain them. Indeed, apocalyptic and politico-religious groups such as Aum Shinrikyo and al Qaeda are attracted to nuclear violence precisely because of their isolation and alienation from larger society and their desire to inflict massive casualties.<sup>16</sup>

Fortunately, relatively few terrorist groups combine the requisite motivations and technical skills necessary to succeed in high consequence nuclear terrorism involving either the theft or purchase of intact nuclear weapons or the acquisition of enough fissile material and the technical know-how to fabricate a crude but real nuclear explosive (as opposed to a radiological dispersal device). Although relatively low probability events, much more needs to be done at an accelerated pace by the international community to reduce these high consequence nuclear terrorism dangers.<sup>17</sup>

One under-examined indirect form of nuclear terrorism, which might be exploited by a terrorist organization to precipitate first use of nuclear weapons, involves deception or spoofing.<sup>18</sup> For example, terrorists might seek to provoke a nuclear exchange in South Asia by inflicting conventional violence in India or Pakistan in such manner as to suggest the possibility of state complicity.<sup>19</sup> Similarly, one cannot rule out the potential for non-state actors to employ cyber-terrorism to exploit weaknesses in nuclear weapons command and control networks or to set in motion a nuclear weapons exchange by launching one or more scientific rockets to spoof an early warning system into thinking that an adversary had launched a nuclear preemptive strike. The “real world” model for such a scenario is the January 1995 incident in which a legitimate scientific sounding rocket launched from Norway led the Russian early warning system to conclude initially that Russia was under nuclear attack.<sup>20</sup> Access to such rockets is well within the

<sup>16</sup> See Charles D. Ferguson and William C. Potter (with Amy Sands, Leonard S. Spector, and Fred L. Wehling), *The Four Faces of Nuclear Terrorism*, New York, Routledge, 2005, pp. 14-45 for a discussion of terrorist motivations with respect to nuclear violence.

<sup>17</sup> Useful analyses of the risk and recommendations for how to reduce it are provided in Michael Levi, *On Nuclear Terrorism*, Cambridge, Harvard University Press, 2007; and the special section on “The Global Elimination of Civilian Use of Highly Enriched Uranium” in *The Nonproliferation Review*, Vol. 15, No. 2, July 2008, pp. 135-310. See also the annual reports on *Securing the Bomb* by Matthew Bunn and his Harvard colleagues.

<sup>18</sup> This form of nuclear terrorism may be thought of as a subset of the more general problem of “catalytic nuclear war”, which received considerable attention during the Cold War. At that time, however, the focus was on third party states that might attempt to instigate a nuclear exchange between the United States and the Soviet Union. See, for example, Henry S. Rowen, “Catalytic Nuclear War”, in Graham T. Allison, Albert Carnesale, and Joseph S. Nye, Jr. (eds), *Hawks, Doves, & Owls: An Agenda for Avoiding Nuclear War*, Princeton, W.W. Norton, 1985, pp. 148-163.

<sup>19</sup> Indicative of the potential for such escalation of conflict is the terrorist attacks on Mumbai in 2008.

<sup>20</sup> For an account of this incident see Gary Ackerman and William Potter, “Catastrophic Nuclear Terrorism”, *op. cit.*, pp. 426-427; and Geoffrey Forden, “Reducing a Common Danger: Improving Russia’s Early Warning System”, *Policy Analysis*, No. 399, May 2001, pp. 1-20, at: <http://www.cato.org/pubs/pas/pa-399es.html>.

reach of many non-state actors.<sup>21</sup> Unfortunately, neither the United States nor the Russian Federation appears to regard the danger as significant or to take steps to implement more prudent de-alerting practices.<sup>22</sup>

Should some form of nuclear terrorism transpire, it is conceivable that it might constitute more of a one-time breach of the nuclear taboo than an overall break with the tradition of non-use. Much, however, would depend on the circumstances surrounding use, the casualties incurred, and the reaction of the international community to the transgression.<sup>23</sup>

### ***A Rise in the Perceived CBW-Nuclear Connection.***

The objectives of nuclear deterrence have varied considerably over time for different nuclear weapons possessors. Since the mid-1990s, a trend can be observed in which U.S., Russian, and, more recently, Indian nuclear weapons doctrine increasingly envisages nuclear threats as a means to deter the use of chemical and biological weapons. Ironically, this doctrinal reorientation came in the wake of negative security assurances made by the nuclear weapons states at the 1995 NPT Review and Extension Conference.

In the case of the United States, the reorientation appears to have been prompted by concerns about chemical and biological weapons programs in a number of U.S. adversaries.<sup>24</sup>

The first clear indication of this new twist in U.S. nuclear policy – often referred to as “calculated ambiguity” – was contained in testimony by Secretary of Defense William Perry before the U.S. Senate Committee on Foreign Relations in March 1996. According to Perry’s oral remarks, the U.S. appeared ready to retaliate with nuclear weapons should any country be foolish enough to use chemical weapons against the United States.<sup>25</sup> This perspective was reiterated the following month when one of Perry’s senior assistants, Harold Smith, asserted that a new weapon in the U.S. nuclear

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<sup>21</sup> See William C. Potter, “Countering the Threat of Nuclear Terrorism,” in Jean du Preez (ed), “Nuclear Challenges and Policy Options for the Next U.S. Administration”, *CNS Occasional Paper*, No. 14, December 2008, pp. 31-36, at: [http://cns.miis.edu/opapers/pdfs/op14\\_dupreez.pdf](http://cns.miis.edu/opapers/pdfs/op14_dupreez.pdf).

<sup>22</sup> See Bruce Blair, “De-alerting Strategic Forces,” in George P. Shultz, Sidney D. Drell, and James E. Goodby (eds), *Reykjavik Revisited: Steps Toward a World Free of Nuclear Weapons*, Stanford, Hoover Institution Press, 2008, pp. 25-31.

<sup>23</sup> See, for example, Mark Fitzpatrick, “The World After: Deterrence, Proliferation and Disarmament after the Nuclear Taboo is Broken”, *Proliferation Papers*, No. 27, Spring 2009, at: [http://ifri.org/downloads/PP27\\_Fitzpatrick\\_Spring2009.pdf](http://ifri.org/downloads/PP27_Fitzpatrick_Spring2009.pdf), which deals with this issue.

<sup>24</sup> An excellent discussion of the evolution of U.S. nuclear policy in response to these concerns is provided by Scott D. Sagan, “The Commitment Trap: Why the United States Should Not Use Nuclear Threats to Deter Biological and Chemical Weapons Attacks”, *International Security*, Vol. 24, No. 4, Spring 2000, pp. 85-115.

<sup>25</sup> Cited by Scott D Sagan, *Ibid.*, p. 102.

arsenal, the B-61 bomb, would be the “weapon of choice” for destroying the alleged underground chemical weapons plant at Tarhunah, Libya.<sup>26</sup>

This shift in U.S. doctrine also appears to have been reinforced as a consequence of an inter-agency bureaucratic battle over the wisdom of offering U.S. negative security assurances in the form of a protocol to the Treaty of Pelindaba, the African Nuclear Weapons Free Zone Treaty that was concluded in 1996. Although the United States ultimately signed the protocol without any formal reservation, a senior White House official subsequently explained that the protocol “will not limit options available to the United States in response to an attack by an ANFZ [African Nuclear-Weapon-Free Zone] party using weapons of mass destruction”.<sup>27</sup> As Scott Sagan notes, this unilateral interpretation was based on the legal doctrine of “belligerent reprisal”, a formula also employed “to justify changes in the U.S. nuclear war plan guidance, issued in December 1997, which ordered military planners to target non-nuclear states that are suspected to have chemical and biological weapons”.<sup>28</sup> This posture of threatening to use nuclear weapons to destroy enemy stockpiles of chemical or biological weapons remained intact during the Bush administration and found expression in a variety of official documents including the “National Strategy to Combat Weapons of Mass Destruction” released in December 2002 and the Joint Chiefs of Staff 2005 draft “Doctrine for Joint Nuclear Operations”.<sup>29</sup>

One also can discern changes in Russian and Indian nuclear doctrine that closely parallel the evolution of U.S. thinking regarding the use of nuclear weapons against non-nuclear threats. A significant milestone in the Russian case was the abandonment of Soviet doctrinal declaratory policy regarding no-first use, a revision formalized in Russia’s 1993 Military Doctrine.<sup>30</sup> This stance was further refined in the 2000 Military Doctrine, which provides for nuclear weapons use “in response to the use of nuclear weapons or other weapons of mass destruction against Russia and/or its allies, and in response to a large-scale conventional aggression in situations critical to the national security of the Russian Federation”.<sup>31</sup>

<sup>26</sup> Sagan notes that Smith’s explicit remarks, which probably were unscripted, produced so much controversy, that the Pentagon spokesmen subsequently issued a denial that the U.S. was considering the use of nuclear weapons for that purpose, *Ibid.*, p. 102.

<sup>27</sup> Statement by Robert Bell, Special Assistant to the President and Senior Director for Defense and Arms Control, National Security Council, White House Press Briefing, April 11, 1996.

<sup>28</sup> Scott D. Sagan, “The Commitment Trap”, *op. cit.*, pp. 103-104.

<sup>29</sup> For a discussion of these developments see Hans M. Kristensen, “The Role of U.S. Nuclear Weapons: New Doctrine Falls Short of Bush Pledge”, Arms Control Association, September 2005, at: [http://www.armscontrol.org/act/2005\\_09/Kristensen](http://www.armscontrol.org/act/2005_09/Kristensen).

<sup>30</sup> See Nikolai Sokov, “The Origins of and Prospects for Russian Nuclear Doctrine,” *The Nonproliferation Review*, Vol. 14, No. 2, July 2007, p. 212.

<sup>31</sup> See “Voennaya Doktrina Rossiiskoi Fedratsii”, April 21, 2000 cited by Sokov, *Ibid.*, p. 224. More recently, there are indications that Russia may be preparing to expand further the conditions under which nuclear weapons will be used first. See, for example, the statement by Nikolai Patrushev, Secretary of the Security Council in October 2009 that nuclear weapons might be used not just in global and regional

The change in nuclear doctrine is less definitive in the Indian case, but one can identify an evolution in a direction away from a narrow focus on deterring exclusively nuclear threats. In its original formulation, India's draft nuclear doctrine embraced "no-first-use" and identified its central goal as deterrence of threat or use of nuclear weapons by any state or entity against India or its armed forces.<sup>32</sup> Since 2003, however, there are indications that Indian doctrine has been modified to expand the threat of nuclear weapons use to deter or retaliate against an adversary's chemical or biological weapons.<sup>33</sup>

China has been far more circumspect in the public articulation of any changes in its nuclear doctrine, and continues to maintain its strict adherence to a policy of no-first use. During the past five years, however, there are indications of an internal debate over the wisdom of this policy, and a number of nongovernmental Chinese experts have expressed the view that China should threaten to use – and be prepared to use – nuclear weapons if subject to some forms of non-nuclear attacks. The circumstances for such use typically are not spelled out, but on occasion have been linked to threats Taiwan may pose to targets such as the Three Gorges Dam.<sup>34</sup>

Reliance on nuclear weapons to reinforce deterrence against chemical and biological weapons may produce the desired effect. However, there also is reason to believe that efforts to expand the contingencies under which nuclear violence is contemplated will not only undermine the NPT but increase the likelihood of actual nuclear use. This danger results from what Scott Sagan calls the "commitment trap" in which "the United States (or conceivably other nuclear weapons possessors) cannot make its nuclear threats credible without simultaneously increasing the risk that its nuclear weapons will be used *in the event of a chemical or biological attack*" – even when it would prefer not to do so.<sup>35</sup> In other words, "a president's deterrent threat does not just *reflect* a commitment to retaliate; it *creates* a commitment".<sup>36</sup>

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wars, but also in local conflicts. Cited by Vladimir Mamontov, "Menyaetsya Rossiya, Menyaetsya I Ee Voennaya Doktrina" [As Russia Changes, Its Military Doctrine Changes Too], *Izvestiya*, October 14, 2009. In a later article, however, Patrushev used more cautious language, "Poekt Novoi Voennoi Doktriny Gotov-Patrushev" [The Draft of a New Military Doctrine is Ready-Patrushev], *RIA-Novosti*, November 20, 2009. I am grateful to Nikolai Sokov for calling the latter article to my attention.

<sup>32</sup> See Jasjit Singh, "Indian Draft Nuclear Doctrine: Some Reflections", Pugwash Online, at: <http://www.pugwash.org/reports/nw/nw7.htm>; and "India Profile: Nuclear Overview", Nuclear Threat Initiative, at: [http://www.nti.org/e\\_research/profiles/India/Nuclear/index.html](http://www.nti.org/e_research/profiles/India/Nuclear/index.html).

<sup>33</sup> "India Profile", p. 9.

<sup>34</sup> Interviews by the author and other CNS staff with Chinese analysts between 2004-2008. For a more skeptical view about any change in Chinese no-first use policy see Jeffrey Lewis, "China and 'No First Use'", ArmsControlWonk.com, July 17, 2005, at: <http://www.armscontrolwonk.com/677/china-and-no-first-use>.

<sup>35</sup> Scott D Sagan, "The Commitment Trap", *op. cit.*, p. 87. Sagan makes the argument with respect to the United States, but it is equally applicable to other nuclear weapons possessors. Emphasis added.

<sup>36</sup> *Ibid.*, p. 98. Emphasis in the original. The essence of Sagan's argument is that under conditions of calculated ambiguity the party articulating the threat "would feel



### ***The Reemergence of Nuclear Disarmament As a Mainstream Activity.***

Unlike the two previously noted negative trends related to the growing threat of nuclear violence by non-state actors and increased reliance on nuclear weapons to deter and/or respond to the use of chemical and biological weapons, one can discern at least one trend with positive implications for no-first use. This development involves the renewed debate in the United States, and to a lesser degree in other nuclear weapons states, about the importance of nuclear disarmament and practical steps that could be taken in pursuit of this objective.

Although the United States and other NPT-recognized nuclear weapons states (NWS) periodically have reiterated their commitment to nuclear disarmament in the context of the NPT review process, statements to this effect have been viewed with great skepticism by most non-nuclear weapons states (NNWS). There also is little evidence that until very recently senior policymakers within the NWS regarded nuclear disarmament as an achievable or even desirable objective. Indeed, skepticism about the goal has been so pronounced that few U.S. politicians since Ronald Reagan have dared to speak about the vision of nuclear disarmament, much less express public support for its pursuit.

Renewed interest in nuclear disarmament in the United States was sparked by an opinion piece in the *Wall Street Journal* in early 2007 by George Shultz, William Perry, Henry Kissinger, and Sam Nunn.<sup>37</sup> In this op-ed, a series of conferences, and a follow-on essay in January 2008, four of the most acclaimed U.S. defense experts and former Cold Warriors laid out a compelling argument about the dangers of nuclear weapons, the obsolete nature of nuclear deterrence in a post-Cold War environment, and the urgency of pursuing a set of practical steps toward a world free of nuclear threats.<sup>38</sup> The combination of their national security pedigrees, their bipartisan makeup, the change in their orientation, and the persuasiveness of their case sparked renewed interest in nuclear disarmament in both the public and expert communities. Perhaps most importantly, the initiative had the effect of greatly expanding the respectable center stage for political

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compelled to retaliate with nuclear weapons in order to maintain his or her international domestic reputation for honoring commitments" (p. 87) – a crucial consideration for effective deterrence over the longer term. For an alternative interpretation, which maintains that "negative reputational effects follow from the failure to carry out the threatened punishment, not from the failure to carry out the threatened punishment by a particular means", see Susan B. Martin, "Correspondence: Responding to Chemical and Biological Threats", *International Security*, Vol. 25, No. 4, Spring 2001, pp. 193-196. Martin concurs with Sagan's thesis with respect to chemical weapons, but advocates retention of the calculated ambiguity argument for biological weapons.

<sup>37</sup> George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn, "A World Free of Nuclear Weapons", *Wall Street Journal*, January 4, 2007.

<sup>38</sup> See George P. Shultz, William J. Perry, Henry A. Kissinger, and Sam Nunn, "Toward a Nuclear-Free World", *Wall Street Journal*, January 15, 2008; and, George P. Shultz, Sidney D. Drell, and James E. Goodby (eds), *Reykjavik Revisited*, *op. cit.*

debate about nuclear issues. Indicative of this impact was the public support by both the Democratic and Republican presidential candidates for the vision of a world free of nuclear weapons and much of the Shultz et al. agenda for concrete steps toward that goal.<sup>39</sup>

This vision was clearly expressed by then presidential candidate Obama in his October 2007 speech:

Here's what I'll say as president: America seeks a world in which there are no nuclear weapons. We will not pursue unilateral disarmament. As long as nuclear weapons exist, we'll retain a strong nuclear deterrent. But we'll keep our commitment under the Nuclear Non-Proliferation Treaty on the long road towards eliminating nuclear weapons. We'll work with Russia to take U.S. and Russian ballistic missile off hair-trigger alert [and] we'll set a goal to expand the U.S.-Russian ban on intermediate-range missile so that the agreement is global.<sup>40</sup>

More significantly, President Obama returned to a variant of this theme shortly after assuming office. In one of his most powerful and eloquent speeches made in Prague in April 2009, he declared:

I state clearly and with conviction America's commitment to seek the peace and security of a world without nuclear weapons. I am not naïve. This goal will not be reached quickly—perhaps not in my lifetime. It will take patience and persistence. But now we, too, must ignore the voices who tell us that the world cannot change. We have to insist, "Yes, we can."

In the same speech, President Obama outlined a number of concrete steps he planned to undertake toward a world without nuclear weapons, including negotiation of a new legally binding Strategic Arms Reduction Treaty, ratification of the Comprehensive Test Ban Treaty, and negotiation of a treaty that verifiably ends the production of fissile materials intended for use in nuclear weapons. He also emphasized the need to strengthen the NPT and to accelerate efforts to prevent terrorists from acquiring nuclear weapons. Notably absent from his speech, however, was any reference to nuclear risk reduction by means of reducing the operational readiness of U.S. nuclear forces as outlined in his presidential campaign.

It remains to be seen how successful President Obama will be in implementing the nuclear disarmament and nonproliferation measures he

<sup>39</sup> See, in particular, Barack Obama, "Remarks of Senator Barack Obama: A New Beginning", Chicago, Illinois, October 2, 2007, at: [http://www.barackobama.com/2007/10/02/remarks\\_of\\_senator\\_barack\\_obam\\_27.php](http://www.barackobama.com/2007/10/02/remarks_of_senator_barack_obam_27.php). and John McCain, "Remarks by John McCain on Nuclear Security", University of Denver, Denver, Colorado, May 27, 2008, at: <http://www.carnegieendowment.org/publications/index.cfm?fa=view&id=20163>. See also Stephen I. Schwartz, "Barack Obama and John McCain on Nuclear Security Issues", CNS Feature Story, October 6, 2008, at: [http://cns.miiis.edu/stories/080925\\_obamamacain.htm](http://cns.miiis.edu/stories/080925_obamamacain.htm).

<sup>40</sup> Obama, "A New Beginning", *op. cit.*



set forth in Prague. Positive indications include the new and very well received U.S. stance at the 2009 NPT Preparatory Committee meeting, the initiation of negotiations of a legally-binding START Replacement Treaty, and support for disarmament provisions in UN Security Council Resolution 1887 (adopted in September 2009) and several disarmament and arms control resolutions during the United Nations First Committee in fall 2009.<sup>41</sup> Major tell tale signs, which are not yet evident, will include the nature of the forthcoming Nuclear Posture Review, completion and ratification of the START Replacement Treaty, action by the U.S. Senate on the Comprehensive Test Ban Treaty (and possible side deals regarding research and development on the so-called Reliable Replacement Warhead), and the shape of the new NATO Strategic Concept.

It also is too soon to assess the impact of President Obama's rhetoric about a world free of nuclear weapons on the behavior of other NWS.<sup>42</sup> What is apparent is that the "Gang of Four" disarmament initiative has resonated much more strongly in the United States than it has among the other nuclear weapons possessors, with the possible exception of the United Kingdom.<sup>43</sup> Russian signals have been very mixed, French behavior as reflected at the 2009 NPT Prep Com and the United Nations Security Council and First Committee during the fall 2009 session has been decidedly negative, some Indian officials have welcomed the vision, but not the practical steps, and Chinese officials have either expressed puzzlement or have failed to comment altogether.<sup>44</sup> At this juncture, therefore, it is difficult to anticipate if the Democratic victory in November 2008 will have the effect of transforming global attitudes toward and behavior with respect

<sup>41</sup> Particularly striking was U.S. co-sponsorship of the annual Japanese resolution on disarmament, which it previously had opposed. Not all countries, however, were impressed by U.S. positions at the United Nations, and the U.S. brokered Security Council Resolution 1887 was criticized by a number of Non-Aligned Member states for its alleged imbalance between nonproliferation and disarmament. In fact, however, the disarmament language in the initial U.S. draft resolution was diluted mainly due to the insistence of France. Author interviews with diplomats engaged in the negotiations, New York, October 30-31, 2009.

<sup>42</sup> For a discussion of Chinese and Russian perspectives, see Cristina Hansell and William C. Potter (eds), "Engaging China and Russia on Nuclear Disarmament", *CNS Occasional Paper*, No. 15, April 2009, at: <http://cns.miis.edu/opapers/op15/op15.pdf>.

<sup>43</sup> For a discussion of international reaction to the Shultz et al. initiative, see Sarah J. Diehl, "Four Statesmen Promote Revitalized Interest in Nuclear Disarmament", *WMD Insights*, October 2008, at: [http://wmdinsights.com/l27/l27\\_G1\\_Kissinger.htm](http://wmdinsights.com/l27/l27_G1_Kissinger.htm).

<sup>44</sup> For a pessimistic view of the prospects for progress in U.S.- Russian nuclear arms reductions see Vladimir Orlov, "U.S.-Russian Relations on Nonproliferation After the Georgia Crisis: A Skeptical Re(engagement) or an (Un)Happy Divorce?" in Jean du Preez (ed), "Nuclear Challenges and Policy Options for the Next U.S. Administration", *CNS Occasional Paper*, No. 14, December 2008, pp. 43-50, at: [http://cns.miis.edu/opapers/pdfs/op14\\_dupreez.pdf](http://cns.miis.edu/opapers/pdfs/op14_dupreez.pdf). Although the positions advanced by Russia in the context of the NPT review process and at the United Nations in 2009 were more supportive of disarmament than some other NWS, if anything Russian reliance on nuclear weapons has increased more than other nuclear weapons possessors. See Cristina Hansell and William C. Potter (eds), "Engaging China and Russia on Nuclear Disarmament", *op. cit.* For a recent assessment of Chinese attitudes see Lora Saalman, "Cold War Redux? China's Cold War Thinking When it Comes to Nuclear Disarmament", *CNS Feature Stories*, October 2, 2009, at: [http://cns.miis.edu/stories/091002\\_china\\_cold\\_war.htm](http://cns.miis.edu/stories/091002_china_cold_war.htm).

to nuclear weapons. Most promising is the renewed U.S. commitment to the CTBT and a verifiable fissile material cutoff treaty and the resumption of bilateral U.S.-Russian arms control negotiations. While these developments do not in themselves stanch the erosion of the norm against first use, they offer tangible signs that progress can be made in nuclear risk reduction and diminution of the role of nuclear weapons in national security policies.

# How Resilient is the Norm?

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There is little evidence upon which to base an argument about the resilience of the no-use norm in the abstract. Much depends on the difficult to measure strength of the norm and the extent to which it resembles a well-developed taboo, as well as on the circumstances under which nuclear weapons would be used, the scope of use, the perpetrators and the victims, and the magnitude of human casualties and other immediate consequences (e.g., health, economic, and social).

If, for example, one assumes that the norm more closely resembles a prudence-based tradition than a taboo, one might anticipate, *ceteris paribus*, that the shock of nuclear weapons use to the system would have greater repercussions that forestall a return to the *status quo ante*. That being said, it also is the case that there are apt to be very different international responses to future nuclear violence in scenarios involving an isolated instance of terrorist detonation of a crude and low-yield Improvised Nuclear Device directed against a military target with little collateral damage, an Israeli nuclear strike on Iranian military targets in response to heavy missile attacks on Tel Aviv, and U.S. or Russian nuclear strikes against military targets of a non-nuclear weapons state in response to an adversaries use of chemical or biological weapons.

This differential impact is recognized by Tannenwald, who argues that although any use of nuclear weapons would violate “the taboo, whether such use disrupted the taboo would depend on the circumstances of use and how other nations responded to it”.<sup>45</sup> Accidental use or use by terrorists or so-called “rogue states”, she suggests “could be framed as an aberration, from which other nations could salvage a deeper appreciation of the negative effects of nuclear weapons and an increased sense of revulsion”.<sup>46</sup> As such, a violation of the taboo under some circumstances might conceivably lead to new initiatives to strengthen the norm against use.

Alternatively, if the use of nuclear weapons was perceived to generate military and/or political benefits without horrendous costs, that lesson would likely be internalized by other nuclear weapons possessors, and the bar against future use would be lowered. In addition, one might

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<sup>45</sup> Nina Tannenwald, *The Nuclear Taboo*, *op. cit.*, p. 15.

<sup>46</sup> *Ibid.*

expect such norm erosion to prompt a number of non-nuclear weapons states to reassess the risks and virtues of nuclear weapons abstinence.<sup>47</sup>

Although some particularly strong taboos, such as incest or cannibalism, may withstand periodic violations, it is not obvious that the norm against nuclear weapons use would endure even a single violation, especially if the use were premeditated and committed by an otherwise responsible member of the international community. If such a breach were to occur (for example, a first strike by the Russian Federation designed to “de-escalate” a conventional conflict or preemptive first use by Pakistan in anticipation of an Indian conventional strike) Tannenwald is probably correct in arguing that a very prompt and forceful repudiation of the act by all other states would be required in order to repair the damage and prevent major norm erosion or collapse. It is difficult to anticipate what this response might entail given all of the uncertainties involved, but useful measures almost certainly would have to go well beyond the standard list of nuclear risk reduction proposals. It might be necessary, for example, to embrace such far reaching steps as a comprehensive and legally-binding verification regime covering all fissile materials and a time-bound framework for achieving nuclear disarmament.<sup>48</sup>

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<sup>47</sup> See T.V. Paul, “Nuclear Taboo and War Initiation in Regional Conflicts”, *Journal of Conflict Resolution*, Vol. 39, No. 4, December 1995, pp. 696-717; and Nina Tannenwald, *The Nuclear Taboo*, *op. cit.*, pp. 334-351.

<sup>48</sup> See Daalder and Lodal for a discussion of the importance of an “airtight” verification system on the path to zero, Ivo Daalder and Jan Lodal, “The Logic of Zero”, *Foreign Affairs*, Vol. 87, No. 6, November/December 2008. See also Bruce Blair, “The Compact to Eliminate Nuclear Weapons”, *op. cit.*

# What Can Be Done to Reinforce the Norm of Non-Use?

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The norm of non-use has evolved considerably over time, but not in a linear fashion. Its strength and vitality has fluctuated due to a variety of factors including nuclear doctrine, evolving characteristics of nuclear and conventional weapons characteristics (e.g., the development of advanced conventional arms that could perform missions previously reserved for nuclear weapons), international treaties, global and regional crises, proliferation trends, public opinion, and the structure of the international system. It is infeasible in this short essay to unpack and analyze the variable impact of these different factors or their interaction effects. At best, one can highlight a few considerations that merit greater study.

One issue of concern involves the relationship between the health of the nonproliferation regime and the strength of the nuclear taboo/norm. According to Tannenwald, the two historically have been mutually reinforcing – “the non-proliferation regime supports the taboo, the taboo, in turn, is fundamental to the success of the non-proliferation regime”.<sup>49</sup> Although Tannenwald is correct in pointing to the symbiotic relationship between the NPT regime and the norm against nuclear weapons use, the NPT is not as explicit as one might like in prohibiting the use of nuclear weapons, or even the threat of their use against non-nuclear weapons states. This omission is a major source of contention among NPT states parties and has led to repeated calls by many NNWS for legally binding “negative” security assurances (NSAs).<sup>50</sup>

The preference of most NNWS is for these guarantees to be incorporated into a free-standing treaty or to find expression in a universally applicable UN Security Council Resolution. An alternative approach is to extend binding NSAs by means of protocols to NWFZ treaties. Under such arrangements, nuclear weapons states pledge not to use or threaten to use nuclear weapons against NNWS parties to the NWFZs.<sup>51</sup>

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<sup>49</sup> Nina Tannenwald, *The Nuclear Taboo*, *op. cit.*, p. 334.

<sup>50</sup> These calls are made in many for a, including NPT review conferences and preparatory committee meetings.

<sup>51</sup> This approach is discussed in Leonard S. Spector and Aubrie Ohlde, “Negative Security Assurances: Revisiting the Nuclear-Weapon-Free Zone Option”, *Arms Control Today*, April 2005, pp. 13-17, at: [http://www.armscontrol.org/act/2005\\_04/Spector\\_Ohlde](http://www.armscontrol.org/act/2005_04/Spector_Ohlde).

Currently NWFZs are in force in Latin America, the South Pacific, Southeast Asia, Central Asia, and Africa.<sup>52</sup> NWS that sign a NWFZ treaty's non-use protocol are legally obliged not to act in a manner inconsistent with that obligation. Regrettably, the United States and other NWS often have been slow to sign non-use protocols, and also have diminished their force by issuing post-signing statements qualifying their commitments.<sup>53</sup> Nevertheless, NWFZs are one of the few nonproliferation and disarmament approaches that have experienced recent successes, and they merit greater attention as a practical short-term means to strengthen the nonproliferation regime and reinforce the norm of no-use.

An alternative approach to building a more potent norm (or taboo) against nuclear weapons is to modify existing nuclear doctrine and force posture. Among other things, this approach entails reducing the role of nuclear weapons in one's strategic doctrine, contracting one's contingency plans for nuclear weapons use, and modifying one's nuclear arsenals accordingly. Although there is good reason for all nuclear weapons possessors to act in accordance with these precepts, it is particularly important for the United States to do so given the opportunity presented by a new administration, the relatively large number of missions currently assigned to nuclear weapons in U.S. doctrine, and the potential demonstration effect a change in U.S. posture would have on other nuclear weapons possessors.<sup>54</sup>

Linton Brooks identifies a number of areas in which the new U.S. administration might act to alter its nuclear policy in a fashion designed to reduce reliance on nuclear weapons and facilitate disarmament. They include: (1) establish a policy of last resort; (2) clarify the stance on preemption; (3) break the link between chemical and biological attack and nuclear retaliation; and (4) rebuild trust between NATO and Russia.<sup>55</sup> The first three steps share the premise that current U.S. strategy sees nuclear weapons as the answer to too many problems, and seek to reduce to a minimum the conditions under which nuclear weapons might be used. These conditions would exclude their use against non-nuclear weapons states. At a minimum, Brooks suggests, it would be appropriate for a senior administration official to issue a statement that 'While as a matter of policy we attempt not to constrain the actions of future Presidents, none of the President's senior advisors can contemplate circumstances in which

<sup>52</sup> Both the Central Asian NWFZ and the African NWFZ entered into force in 2009.

<sup>53</sup> For a discussion of U.S. policy see George Bunn and Jean du Preez, "More than Words: The Value of U.S. Non-Use Promises", *Arms Control Today*, July/August 2007, pp. 16-21, at: [http://www.armscontrol.org/act/2007\\_07-08/NonUse](http://www.armscontrol.org/act/2007_07-08/NonUse).

<sup>54</sup> A similar argument is made by Linton Brooks, "Taking Disarmament Seriously: Prospects for Changing Strategic Doctrines", in Jean du Preez (ed), *Nuclear Challenges and Policy Options*, *op. cit.*, p. 73.

<sup>55</sup> *Ibid.*, pp. 5-6. He also suggests the need to "quietly drop the concept of dissuasion" by which the United States seeks to discourage China from seeking parity with the United States, a mission he regards as inappropriate for nuclear weapons.

preemption with nuclear weapons would be appropriate”.<sup>56</sup> This statement, he believes, should also find expression in the next Nuclear Posture Review.

More difficult to accomplish, but equally important to the success of any initiative to reduce the role of nuclear weapons in the security policies of the NWS is an improved U.S.-Russian strategic relationship. Russia’s reliance on nuclear weapons is integrally linked to its perceptions of a hostile NATO and that alliance’s superiority in conventional forces. A high priority for the new administration, therefore, should be to rebuild trust between Russia and the West—an extraordinarily difficult task but one that may well determine the future role that Russia and other NWS assign to their nuclear arsenals.

Implementation of the aforementioned policy changes should help to strengthen the norm of non-use without undermining deterrence. In addition, their achievement would be widely recognized as concrete progress toward nuclear risk reduction and the NPT goal of a nuclear weapons free world. Such headway, while welcome in its own right, would serve the further purpose of strengthening the NPT, and making it more likely that one could enlist the support of many NNWS, including those from the Non-Aligned Movement, in a variety of initiatives to prevent nuclear proliferation and combat nuclear terrorism.

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<sup>56</sup> *Ibid.*, p. 6.





# Conclusion

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This essay has not resolved the debate about the maturity of the norm against nuclear weapons use or the degree to which any existing taboo is apt to persist following a recurrence of nuclear violence. Indeed, our efforts to probe the underpinnings of nuclear weapons restraint probably have raised as many questions as they have answered. We also have tended to navigate around some of the most important but complex issues, such as those related to the co-existence of a long-standing norm against use and the persistence of detailed plans for waging nuclear war<sup>57</sup> and the political conditions that would enable nuclear weapons possessors to reduce their reliance on nuclear arms. Far more research also is required on the potential effects of technology on the norm against non-use (such as increased reliance on advanced conventional arms for deterrence purposes), as well as the events short of nuclear violence or another Cuban Missile-like crisis that could create conditions conducive to converting a powerful inhibition against use into a full-fledged taboo.

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<sup>57</sup> Janne Nolan dwells on this conundrum in her review of the Tannenwald book.



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