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The Myth of the Nuclear Taboo*

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Why have nuclear weapons not been used since 1945? Cold War studies of mutual deterrence have been challenged in recent years by constructivist notions of an evolutionary norm of nuclear non-use. Most famously characterized as the “nuclear taboo,” this argument asserts that the norm has become a constitutive component of civilized international society. Herein, I consider the underlying causal logic behind nuclear non-use, finding that it is more a product of rationalist security calculations (deterrence) and respect for the traditional norms of Just War Theory than it is an internalized redefinition of interest. With a new age of proliferation dawning, marked by both state and transnational actors who see value in shock for the sake of shock, I conclude that the norm of nuclear non-use is under renewed threat.

Keywords: Nuclear Taboo, Nuclear Arms, Deterrence, Norms, Proliferation, Just War

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“Consideration of the use of any weapon is always implicit in the very possession of the weapon.”¹

I. INTRODUCTION

Since the Hiroshima and Nagasaki attacks in August 1945, nuclear weapons have not been detonated for purposes other than testing. During that time, nine states have developed nuclear weapons (Soviet Union, Great Britain, France, China, Israel, India, South Africa, Pakistan, and North Korea), although South Africa later voluntarily relinquished them. Given the apparent contribution of nuclear arms to precipitating the surrender of Japan in World War II, why have nuclear arms not been used again?

Throughout the Cold War, rational deterrence theory provided the dominant answer to this question. The bipolar security environment pushed conflicts around the globe into an East vs. West frame, wherein the zero-sum competition meant that the nuclear superpowers had an interest in security affairs everywhere. Even small regional conflicts became proxy wars in which the possibility of escalation to nuclear exchange hung perilously. Thus, deterrence theory was able to focus primarily on the strategic realm of nuclear competition. Questions of how deterrence theory operated in limited wars were the subject of much debate during this period, but produced no consensus on the answers.

In the post-Cold War era, bipolarity's collapse elevated the issue of how nuclear deterrence worked between a nuclear-armed state and a non-nuclear-armed state. Absent bipolarity's inherent balancing, would not nuclear states be free to use nuclear arms without fear of nuclear retaliation?

In the 1990s, scholars answered this question in the negative by asserting the presence of an international norm prohibiting the use of nuclear arms. While generally acknowledging the role of rational deterrence in constraining exchanges between nuclear-armed states, this scholarship contends that deterrence does not explain the refusal of nuclear-armed states to use nuclear arms against non-nuclear states, and is directly contradicted by the willingness of some non-nuclear states to initiate conflicts with nuclear-armed powers. To supplement deterrence, this line of thinking posits the evolution of a norm against nuclear weapons use, based on moral revulsion to the effects of nuclear weapons. As the norm against non-use developed, it became self-reinforcing. With each passing year this norm has strengthened, to the point that it is characterized as a taboo. According to these scholars, violation of the taboo would not only bring universal condemnation from abroad but would be inconsistent with a state's internally constituted self-identity.

Herein, I consider both the logic and the evidence in support of a nuclear taboo, placing the taboo in theoretical context. I then offer an argument against the

claimed taboo, based on its incompatibility with deterrence theory, the superior fit of Just War theory, the contextual reasons for nuclear non-use in limited wars, and the general behavior of relevant international actors regarding nuclear arms today. I conclude with some observations as to the dangers of miscalculation based on acceptance of the nuclear taboo and a prediction that nuclear non-use is a transitory phenomenon.

II. THE NUCLEAR TABOO IN THEORETICAL PERSPECTIVE

Scholars point to the lack of *de jure* constraints on the use of nuclear weapons, coupled with the *de facto* universal decision to refrain from detonating nuclear arms during hostilities, to support the characterization of non-use as an international norm (Paul 1995, 699). For some, this norm is said to be so deeply embedded that it has become an integral internal characteristic of “civilized” members of the international community (Tannenwald 1999). Rather than merely limiting policy options, the norm has been internalized so that it constitutes a component of state identity. Thusly constituted, the norm is elevated to a “taboo” – an act so unthinkable that it is considered an abomination regardless of the act’s effects on objective interests.

It is unclear whether the norm is believed to be operative on the mass public, elite policy-makers, or both. In Tannenwald’s narrative, the norm is alternately portrayed as a popular norm and an elite norm. She describes a popular rejection of nuclear arms that constrained the decision-making of President Eisenhower and later President Nixon, both of whom were otherwise willing to consider the use of nuclear arms. Yet she later implies an elite norm when President George H.W. Bush and his advisors dismissed use of nuclear arms despite widespread public support in the United States for nuclear retaliation in the event of Iraqi chemical weapons attacks in Operation Desert Storm. While stating the norm is strongest in democratic states, she describes it as a “collective phenomenon of the international community” (1999, 464). Paul, who considers the norm a more modest “tradition” than a taboo, contends the norm applies to mass publics cross-culturally and notes that it has held “despite many urgings by military and political leaders to break it during times of intense crises” (1995, 703).² Reputation is a key causal factor (Paul 2009, 3). However, he also acknowledges majority support for the retaliatory use of nuclear weapons to biological or chemical weapons attack among both the American and Israeli publics (Paul 2009, 182; Paul 2010, 857). Gizewski also asserts an international effect, pointing to Soviet rhetorical attacks on nuclear arms during the period of U.S. nuclear monopoly, and, later, to rising opposition from European states likely to be battlefields in a Soviet-U.S. confrontation (1996, 403–405).³ However, he subsequently questions whether North Korea, Pakistan, and Iran will follow this norm (418).

The concept of a nuclear taboo bears on at least three International Relations theories: neoliberal institutionalism, the English School, and constructivism. Under institutionalism, a norm of international behavior might emerge from either formal agreements or informal expectations created by multilateral institutions. Institutionalists claim that norms influence state behavior by affecting policymakers' rational analysis of how to pursue and protect national interests. In this line of thinking, self-interested states see institutions as useful tools for providing information, credibility, and transparency that mitigate the security dilemma and permit significant absolute gains. Complying with institutional norms is believed to provide a better long-term payoff than pursuing a unilateralist foreign policy (Keohane 1984; Keohane and Martin 1995).

The English School emphasizes the possibility for the existence of an international society, rather than a more atomistic international system. Although ensconced in an anarchic setting, sovereign states can develop cooperative relations indicative of a Lockean community rather than a Hobbesian battle royal. With the society ranging from a pluralist conception of community that highlights national interests, while permitting limited cooperation, to a solidarist conception that emphasizes shared interests, while recognizing individual concerns, the English School offers a dynamic model for evaluating international norms (Buzan 2001).

Social constructivism provides the most ambitious interpretation of norms. It holds that norms do more than affect rational analysis of how to pursue independent interests. Instead, it contends that norms can change the self-perceptions of actors, leading to new understandings of interests. Norms do not just limit the means of pursuing state goals, as with institutionalism. They transform the goals themselves (Wendt 1992).

Each of these three theories would interpret a norm of nuclear non-use differently. Institutionalists would accept the possibility of such a norm, but would recognize the need for an organized effort to sustain it. To endure, the norm would need to be perceived as furthering the exogenously defined national interests of states supporting it. Should such perceptions change, the norm would likely erode, although such an erosion could be a slow process due to the "stickiness" of norms. The current nuclear non-proliferation regime, comprising a host of organizations and agreements, can be interpreted as providing the institutional support for a norm of non-use, although these institutions are increasingly under assault. English School theorists would focus on the existence and contextual strength of an international society in order to evaluate the effects of a norm of non-use. Similar to the institutionalists, these scholars would recognize the potential mortality of such a norm. Currently, the fading of the Western-led international order in the face of rising challenges from China, Russia, and non-state actors in the Middle East, while hardly representing the collapse of international society,

does suggest a retreat from “end-of-history” solidarism to multipolar pluralism. With this diminished security environment, a retreat from the norm of non-use appears probable. Alone among the three, constructivist logic suggests that once a norm has been internalized to the degree it can be considered a taboo, the norm should only strengthen. As more and more actors are socialized into non-use, the individual interests which might support nuclear use should diminish. Even a systemic shock of nuclear military detonation should be hard-pressed to reverse the consolidated anti-use identity arising over 70 years. However, as I advance more fully below, the evidence in support of a nuclear taboo is outweighed by the evidence against it.

III. THE NUCLEAR TABOO AND DETERRENCE THEORY

The nuclear taboo is often presented not as the sole cause of non-use, but as a complement to nuclear deterrence (Paul 1995, 699; Gizewski 1996, 398; Tannenwald 1999, 434-435). Yet the unease with which these two ideas coexist is marked. For retaliatory nuclear deterrence to work, the threatened punishment must be deemed credible. This demands communicating that a state will have no hesitation to unleash punitive force should the target of the deterrent threat undertake a particular action. If state policymakers believe that a nuclear taboo exists, then nuclear deterrence would lack credibility. In short, the separate logics behind a nuclear taboo and nuclear deterrence are incompatible.

Advocates of the taboo attempt to avoid this inconsistency by narrowly defining the taboo. First, the “use” to which the taboo applies is strictly limited to detonating a nuclear weapon as part of military hostilities. Other uses of nuclear arms, including deterrence, coercion, assurance or political signaling, are held to be separate activities (Tannenwald 1999, 433 n.1).⁴ Second, the timing of use is also limited, with only first-use of nuclear weapons being subject to the taboo. Retaliatory use of nuclear arms is considered permissible. While Lynn Eden suggests this results in a “contingent taboo” (2010), the conceptual stenosis might also be considered an effort at reconciling the irreconcilable.

Tannenwald asserts that the basis of the taboo is moral revulsion to the effects of nuclear arms (1999, 435). Yet if this is so, then arguing that the taboo prevents only first-use but not second-use is unconvincing. If built on moral concerns, then the taboo would no more exempt a second-strike than the adversarial bombing of a hospital would morally justify retaliatory bombing of the enemy’s hospital. In short, if the norm operates as claimed, it would not complement nuclear deterrence – it would fatally undermine it.

The historical record does not permit such an audacious argument and the taboo advocates, to their credit, admit that deterrence is an important factor. I contend that deterrence, along with concern over violating Just War Theory’s

prohibition on indiscriminant attacks, explains historical non-use. However, Tannenwald claims deterrence cannot explain several instances of nuclear non-use by nuclear-armed states, while Paul asserts deterrence fails to explain why non-nuclear powers were not deterred from initiating military violence with nuclear armed states (Tannenwald 1999, 433-34; Paul 1995, 697). Table 1 lists each of the cases identified. Significantly, Tannenwald's argument reduces deterrence to a purely nuclear matter, ignoring the idea that conventional military force can deter the use of nuclear arms. This argument assumes that expanding the theater or scope of conventional war in retaliation to U.S. nuclear use would have no effect on U.S. decision making. Second, she minimizes the importance of possible retaliatory nuclear attacks on U.S. allies rather than the U.S. homeland. To wit, Tannenwald argues that "U.S. leaders could have used nuclear weapons had they wished to without fear of nuclear retaliation" in both the Korean War and the Vietnam War (Tannenwald 1999, 441). This cursory dismissal of the possibility of Soviet nuclear retaliation in Europe to the U.S. use of nuclear arms during the Korean War and the potential of either Soviet or Chinese nuclear retaliation regarding Vietnam is unwarranted.

TABLE 1. CASES OF NUCLEAR NON-USE DETERRENCE SAID NOT TO EXPLAIN

Conflict	Nuclear Power	Non-Nuclear Power	Set
1945-1954 (Cold War)	United States	Soviet Union	T
1950 (Korean War)	United States	China	T, P
1960s-70s (Vietnam War)	United States	North Vietnam	T, P
1973 (Yom Kippur War)	Israel	Egypt & Syria	P
1980s (Soviet-Afghan War)	Soviet Union	Afghan Resistance	T
1982 (Falkland Islands War)	Great Britain	Argentina	T, P
1991 (Desert Storm)	United States	Iraq	T
1991 (Desert Storm)	Israel	Iraq	P

NOTE: T – Tannenwald, P – Paul

The first of these cases, U.S. non-use of nuclear weapons in the first years of the Cold War, is easy to explain: the United States was not at war with the Soviet Union. Having just fought World War II, there was little appetite in the United States for remaining mobilized for a militarily engagement with the Soviet Union. With a small nuclear arsenal, U.S. nuclear use would hardly have been determinative; rather, war with the Soviet Union would have required an extensive conventional effort dependent on mass mobilization.⁵ Tannenwald holds that despite the Soviet development of nuclear arms in 1949, it would have been unable to deliver a nuclear strike on the United States until 1954 at earliest, suggesting a nine-year Soviet window of vulnerability. Yet why the United States would have only focused on retaliatory attacks on the U.S. homeland and not been concerned with Soviet nuclear attacks in Europe is unclear. Indeed, despite Japan having attacked

U.S. territory in 1941, Roosevelt made the defense of Western Europe the top priority, making clear the importance American policymakers attributed to preventing a continental hegemon. Moreover, the security of Western Europe was important not just for geopolitical reasons, but also for operational purposes. If the United States were to have gone to war with the Soviet Union, European bases would have been required for refueling U.S. nuclear-capable bombers as well as sustaining conventional efforts. In sum, even had the United States wanted to go to war with the Soviet Union (which it did not), the Soviet threat to Western Europe (both conventional and, post-1949, nuclear), would have been a decisive deterrent.

The Korean War and the Vietnam War were proxy battles in the Cold War. China in 1950 was a treaty ally of the nuclear-armed Soviet Union. Whether the Soviets would have retaliated with nuclear arms in the event of U.S. nuclear use in Korea (or China) was unknown; however, there was little doubt within American military leadership that the Soviets and Chinese would have retaliated by expanding the geographic scope of the war in the event of U.S. nuclear use – an escalation neither the United States nor its European allies welcomed in 1950–1951.⁶ With a limited U.S. nuclear arsenal and scarce air assets, the U.S. decision not to escalate at this time rested on a strategic base rather than a moral one (Brands 2016). As costs mounted for the United States, the strategic situation changed. Eisenhower contended that ambiguous nuclear threats delivered to the Chinese in early 1953 significantly contributed to the conclusion of the armistice in July (Freedman 2003, 80), indicating the absence of a moral prohibition against nuclear use.⁷ Tannenwald's conclusion that the taboo at least "prevent[ed] a casual resort to nuclear weapons" (1999, 450) is damning in the feebleness of its claim. That casual use was otherwise likely represents a strawman argument.

North Vietnam was supported by two nuclear armed powers – the Soviet Union and China. There is little doubt that U.S. use of nuclear arms in North Vietnam would have engendered Soviet and/or Chinese military response, risking the onset of strategic nuclear exchange. Tannenwald cites Bundy for the claim that this was a minor consideration; yet, the record reveals this is not so. Vice President Humphrey specifically pointed to the likelihood of Soviet intervention if nuclear weapons were used, pointing to the reputational consequences the Soviets would suffer if they failed to act (FRUS 1990, Feb. 17, 1965 Memo from Vice President Humphrey to President Johnson). Indeed, even Tannenwald acknowledges a memo from Asst. Secretary of State George Ball pointing out the probability of Soviet intervention in the use of nuclear arms (1999, 452).

As McMaster's acclaimed history of U.S. decision-making in the Vietnam War makes clear, Presidents Kennedy and Johnson sought to avoid escalation in Vietnam, seeing armed operations as political signaling rather than as attempts to prevail militarily (McMaster 1997). Moreover, contrary to Tannenwald's assertions, there would have been few targets in North Vietnam wherein civilian casualties

would not have been an issue. Because of this, America's South Vietnamese allies steadfastly opposed nuclear attacks on North Vietnam from the beginning of U.S. involvement, understanding that nuclear use would make impossible the civilian support in the north that would ultimately be required to defeat the communist regime (FRUS 1985, May 17, 1957 Memorandum of conversation with President Ngo Dinh Diem).⁸ While these strategic reasons precluded use of nuclear arms, military contingency planning nonetheless went forward, further indicating the lack of a morally-based taboo (FRUS 2002, February 3, 1968 Memo from JCS to President).

The Yom Kippur War was also a Cold War proxy conflict, although less directly than those in Korea and Vietnam. Egypt and Syria were not deterred by Israeli nuclear arms as the Arab states were backed by the Soviet Union (despite Sadat's distancing from the Soviets) in global balance of power politics (FRUS 2011, October 24, 1973 Message from Soviet General Secretary Brezhnev to President Nixon (threatening unilateral Soviet intervention if Israeli forces continued toward Egypt)). As Secretary of State Kissinger said at the time, "Should Israel brandish nuclear weapons, the Soviets would counter it and it would be very dangerous to Israel" (FRUS 2011, November 27, 1973 Minutes of Bipartisan Leadership Meeting). All parties understood that Israeli escalation to nuclear use would have likely triggered a direct U.S.-Soviet confrontation. The Soviets could not have allowed client states to suffer such an attack with no retaliation without losing credibility, whereas the United States would have been obligated to respond to Soviet intervention by identical logic. In fact, as the war progressed, the United States escalated Strategic Air Command to DEFCON 3, while the Soviet Union heightened the Strategic Rocket Forces' readiness level (Blair 1993, 25). Most importantly, however, Paul's own narrative of the case makes clear that Egypt relied on a strategic rather than normative rationale for its conclusion that Israel would not use nuclear arms; specifically, Egypt relied on limiting its war aims and duration of hostilities, along with U.S. pressure, to prevent Israel from escalating (1995, 707-708). Accordingly, deterrence played a major, likely decisive, role in each of these Cold War conflicts, as alliance and balance of power considerations were in operation regardless of whether each of the direct participants was nuclear-armed.

The Soviet invasion of Afghanistan stands out on Table 1 due to the lack of state combatants on both sides. The Soviets' adversary comprised non-state actors in Afghanistan rather than government forces. With this consideration, there were no targets for which nuclear arms made sense: conventional arms were sufficient to destroy identified targets. The issue for the Soviets, as it has been for U.S. forces years later, was locating appropriate military targets of any size. Using nuclear arms in Afghanistan made no strategic military sense and would have been counterproductive to achieving the desired political end-state for the Soviets.

Moreover, the bipolar structure of the system was still very much in evidence with U.S. assistance to Afghan rebels constituting a major factor in the Soviet military difficulties.

As with the Afghan War, an appropriate target set for nuclear arms was absent in both the Falklands War and in Operation Desert Storm. Mirroring the Arabs in the Yom Kippur War, Argentina launched a surprise attack to strengthen its bargaining position, hoping for a rapid transformation from hostilities to negotiation (McClure 2004). The British refusal to acquiesce surprised the Argentines; however, the British pursued a limited aim of recovering the islands, choosing to refrain from any attacks on mainland Argentina. With fighting restricted to maritime encounters and combat on the islands – territory that Britain would have to govern post-war – one is hard pressed to identify any targets for which nuclear arms would have been better than conventional arms. In Iraq, there were neither hardened nor deeply buried targets requiring large explosive yields. Troop concentrations consisted mainly of conscript soldiers who surrendered *en masse* when engaged. Thus conventional precision-guided arms provided a more suitable weapon choice for U.S. forces than employment of tactical nuclear arms. Having obtained air supremacy early in the conflict, U.S. forces could rely on precision attacks that minimized collateral damage. With respect to possible Israeli use of nuclear arms in retaliation for Iraqi ballistic missile attacks, such is easily explained by U.S. pressure on Israel to refrain from any military activity against Iraq. Having built a coalition that included multiple Arab states, the United States feared any Israeli response could split the coalition and compromise the overwhelming international legitimacy the operation enjoyed. Even Paul recognizes that the U.S. could not credibly threaten nuclear attack due to the “disproportionate nature of such a response” (1995, 712 n.11).

In each of these cases, there was undoubtedly consideration that nuclear arms would be perceived as indiscriminant. However, as addressed below, this concern to avoid civilian casualties and collateral property damage represents respect for a long-standing and independent norm born from Just War Theory and memorialized in the international Law of War. There is little to support the claim that these cases reveal a new, internalized transformation of identity as suggested by a nuclear taboo.

Taboo advocates also ask why states that could have obtained nuclear weapons chose not to do so, contending the answer lies in the nuclear taboo. While acknowledging that an extended deterrence security guarantee from a nuclear power might explain some of these cases, Tannenwald points to others, such as Sweden and Switzerland, that have enjoyed no such guarantee (1999, 434).⁹ Yet here, she overlooks readily available alternative explanations. For example, Swiss policymakers may have ultimately determined that acquisition of nuclear arms would have been a riskier option than relying on traditional neutrality.

In the event of a European land war, the Soviet Union could not have permitted a nuclear-armed neutral to remain independent. Switzerland may have feared becoming a nuclear battlefield. With Sweden, evidence suggests the Swedish government pursued nuclear weapons throughout the 1950s and 1960s, but ultimately a combination of technical, economic, strategic and political factors caused them to abandon the program (Jonter 2010). While a Swedish anti-nuclear movement existed, there is limited evidence that a moral abhorrence of nuclear weapons played the major part in Sweden's decision (Cole 1994).

IV. THE NUCLEAR TABOO AND JUST WAR THEORY

The argument advanced here is not that norms do not matter. Rather, the claim is that the normative element of what has been advanced as a taboo against nuclear use is merely compliance with the long-standing Just War prohibition of indiscriminant killing of civilians. Just War Theory is traditionally split into *Jus ad Bellum* (right to go to war) and *Jus in Bello* (right conduct in war), with the latter being the relevant doctrine here. The core principles of *Jus in Bello* are as follows: (1) the conduct is militarily necessary; (2) the conduct distinguishes combatants from, and spares, noncombatants and other defenseless persons; (3) the means used are proportional to a just end; and (4) the means are not immoral per se. These norms have largely been codified in the International Law of War, such as Additional Protocol 1, Part IV, of the 1949 Geneva Convention. The nuclear character of the weapon is irrelevant under this reasoning; rather, the immense and historically indiscriminant destructive power is the salient feature. States that abide by Just War prohibitions do so on the basis of self-interest: they wish to prevent others from engaging in the wholesale slaughter of their own civilian population.

But why does this matter? If there is a norm that has the effect of prohibiting nuclear use, what difference does it make whether we locate the norm's origins in Just War Theory or in a special category of its own? There are two main answers.

First, if the norm of non-use is simply a reflection of existing rules against indiscriminant killing and destruction, then history's lesson, that respect for such norms is highly context-dependent, suggests nuclear weapons remain a constant danger. Actors have repeatedly shown willingness to deviate from such regulatory rules when it is in their strategic interests to do so. From Sherman's march through the South during the U.S. Civil War, directly intended to bring the pain of war to the civilian population backing the Confederate Army, the indiscriminant city-bombing of Dresden and Tokyo during World War II, the use of chemical weapons by Iraq in the Iran-Iraq War, and the barrel-bombing of civilians and use of chemical weapons by Syrian air forces, states have repeatedly demonstrated that Just War norms may be violated. Unless the norm against nuclear-use is differentiated, it

remains subject to reconsideration on a case-by-case basis. Locating the norm of nuclear non-use within a separate taboo separates nuclear arms from the untoward history of state variance from Just War principles.

Second, creation of a unique taboo allows for the distinction between Just War Theory's institutionalist-style norms that act upon behavior and constructivism's constitutive norms that transform identity. Institutionalism does not contend that norms are internalized so as to reshape an entity's interests. Rather, norms are factors to consider in assessing the costs and benefits of a proposed course of action. Norms have no impact on the identification of state interests. This explains why states sometimes comply with, and sometimes ignore, Just War norms. In most cases, the costs of ignoring such norms – suffering international sanctions, alienating allies, losing external prestige, provoking domestic discontent – can be deemed too costly. Yet if a state's policymakers determine that these consequences are either bearable or unlikely to be imposed, and they attribute significant military utility to the proscribed conduct, then they may opt to breach Just War norms. Establishing the nuclear taboo within constructivism's transformational logic renders contextual rational analysis immaterial. It sets forth an absolute prohibition that bars any consideration of nuclear use.

Paul attributes the taboo to the speed with which massive destruction can occur with detonation of nuclear arms. He describes nuclear weapons as having “awesome destructive power” with an “all-or-nothing characteristic” (1995, 702). He specifically acknowledges the possibility that the taboo may merely be an instance of Just War norms. (1995, 703-704). Likewise, he approvingly cites Huth and Russett (1988) for the proposition that the “disproportionate destructive capacity of nuclear weapons inhibited their actual use” (1995, 698). Accordingly, it is not surprising that he reverses course between 1995 and 2010, abandoning the “taboo” label. Others, such as Gizewski, argue that nuclear arms are different, not because of unique destructive power, but “simply because they are perceived to be distinct” (1996, 400). However, when attempting to explain why, Gizewski points to their “inherent destructiveness” and “huge disproportionality,” referring to them as weapons of “mass slaughter” (412, 414). He later warns that advances in conventional weapons that provide similar destructive power to nuclear arms risk “blurring the distinction” between arms and diminishing the taboo (418). If so, then logically the taboo is merely an application of traditional Just War norms rather than an internally constituted identity change, as constructivists contend.

Tannenwald admits that non-use is based on moral concerns about discrimination and proportionality, but contends that these concerns follow four separate pathways that coalesce into a taboo around nuclear arms not applicable to conventional arms (2005, 11-14).¹⁰ She anticipates the Just War theory line of attack, attempting to rebut it by arguing that modern conventional weapons have destructive capabilities similar to nuclear arms, yet are used where nuclear arms are not. However, she

avoids addressing the dramatic improvements in precision targeting that allow such weapons to be used in ways that avoid massive civilian casualties. Instead, she argues that conventional arms targeting adversary *physical infrastructure* lead indirectly to “vast numbers of civilian deaths,” concluding that traditional Just War norms are being ignored (Tannenwald 1999, 461). This tortuous defense of the nuclear taboo is a bridge too far. To sustain her argument she is forced to claim the moral equivalency of the direct indiscriminant slaughter of non-combatants by a nuclear weapon with the strategic destruction of electric power plants by precision-guided conventional munitions.

V. THE ORIGINS OF NUCLEAR NON-USE AND RATIONALISM

The nuclear taboo's origins can be traced to strategic studies' employment of economic assumptions of rationalism in the aftermath of World War II. In 1946, Bernard Brodie wrote that “the chief purpose of our military establishment has been to win wars. From now on its chief purpose must be to prevent them. It can have almost no other useful purpose” (Brodie 1946, 52). Working from the premise that nuclear weapons constituted indiscriminant weapons that obliterated entire cities and the populations therein, and assuming, correctly, that other states would soon develop nuclear arms, analysts were convinced that Clausewitzian “total war” was for the first time a real possibility. With the creation of long-range missile delivery systems, nuclear weapons promised to fulfill the dreams of the airpower theorist Giulio Douhet, who in the 1920s had promoted developing capabilities for the indiscriminant bombing of cities – including use of chemical weapons – in order to produce a Mutual Assured Destruction (MAD) standoff. Assuming that “the bomber will always get through,” Douhet believed that the horrors associated with such wars would make their actual occurrence inconceivable, as no outcome would be possible other than mutual annihilation (MacIsaac 1986, 630). While technological impediments rendered Douhet's assumption wrong, the mating of a nuclear warhead to a ballistic missile gave his ideas new life. Pursuant to this line of reasoning, rationalism implied that nuclear weapons would become solely political weapons of defense rather than militarily useful arms (Schelling 1966).

At the point that nuclear arms entered the public consciousness, they were area-target weapons. They provided shockingly greater explosive power than existing conventional weapons. They could only be delivered via crude guidance systems. Accordingly, they were perceived as lacking any ability to discriminate between combatants and civilians. The controversy in 1950-1951 over the development of the hydrogen bomb, with its exponentially greater yields, reified the popular idea of nuclear weapons as city-busters.¹¹ Coupled with supersonic missile delivery systems, defense against nuclear strikes was deemed impossible.

For rationalists, this led to the idea of existential deterrence – that mere possession of a few nuclear weapons would deter any possible attackers due to the potentially horrific consequences. Despite the rapid progress in shrinking nuclear arms, creating lower yields, and developing tactical alternatives ranging from artillery rounds to depth charges, the initial conception of nuclear arms as indiscriminant area weapons persisted.

Rationalists were uncertain how to handle the possibility of limited nuclear war; that is, nuclear exchanges of small-yield weapons in a tactical environment. Whereas reason could theoretically permit limited nuclear war, due to the presumed universal understanding that escalation to strategic nuclear exchanges would be suicidal (Waltz 1990, 733), some feared that rational political leadership would be unable to control an emotional public reaction demanding escalatory nuclear revenge. Most rationalists therefore rejected limited nuclear strikes as too dangerous. Yet by adopting this logic, room was left for a rational but risk-acceptant leader to exploit such fear. By engaging in a limited nuclear strike and forcing the adversary to either act responsibly by refusing to escalate or risk possibly uncontrollable consequences with nuclear retaliation, a state could conceivably employ tactical nuclear arms. Described as the “threat that leaves something to chance” or the “rationality of irrationality,” rationalism thus did not completely preclude the use of nuclear arms (Schelling 1960). Still, for most rationalists, the uncertainty involved was simply too great to contemplate a game of nuclear chicken.

Thus, the tradition of nuclear non-use arose based on a combination of respect for Just War principles and rationalist assumptions that any nuclear use during the Cold War would escalate to strategic nuclear exchanges invulnerable to effective defensive measures. The modern taboo argument is a constructivist effort to establish a stronger foundation for non-use, less susceptible to contextual political perceptions and technological developments.

VI. THE NUCLEAR TABOO TODAY

The argument presented here is that the norm of nuclear non-use is the product of political, strategic, and technological factors filtered through Just War considerations rather than the establishment of a universal constitutive norm. Freed of bipolar balancing considerations, the expanding set of nuclear-armed actors, influenced by technological developments in conventional weaponry, precision delivery systems, and missile defense, will perceive an increasingly more conducive environment to nuclear use.

Tannenwald asserts that a nuclear taboo benefits small states and arose “despite consistent and long-standing official U.S. resistance to it” (Tannenwald 1999, 435 n.7; 2005, 11). Conversely, Gavin contends that since 1945, the United

States has consistently “highlight[ed] the dangers of nuclear weapons and encourage[d] a norm against their possession and a taboo against their use” (Gavin 2015, 25). In reality, the idea of a taboo has been supported or opposed by various states depending on what they perceived to be in their interests at the time. For example, the Soviet Union engaged in public diplomacy demonizing nuclear use during the period of Soviet nuclear inferiority (Tannenwald 1999, 449). Having rejected demobilization following World War II and thus enjoying conventional superiority vis-à-vis the United States, this was natural. As the Soviets obtained greater nuclear parity, such rhetoric diminished. When the Soviet economy collapsed, and with it the ability to support a massive conventional military force, the Russians began to see the idea of a taboo as a U.S. ploy to exploit the new U.S. conventional edge. Since then, Russia has abandoned the “No First Use” pledge (Feiveson and Hogendoorn 2003, 3; Koblenz 2014, 12), that advocates of the taboo previously presented as evidence of the taboo’s international strength (Paul 1995, 705; Gizewski 1996, 413). Russia has fully integrated tactical nuclear arms into its military forces (Roberts 2015, 136), while conspicuously rattling the nuclear saber during Putin’s expansionist activity. Meanwhile, during periods of Soviet conventional superiority, U.S. officials such as Eisenhower and Dulles sought to “regularize” nuclear arms. As the balance shifted, U.S. rhetoric adopted a more favorable stance to the idea of a taboo. Today, the elimination of nuclear arms as usable instruments would benefit no one as much as it would the United States, due to the enormous conventional edge the U.S. military holds over other states.

1. Balance of Power

During the Cold War, superpowers exercised greater ability to control the actions of states within their respective blocs. By the second decade of the nuclear age, both sides sought to prevent proliferation of nuclear arms. This was in part to secure their own preeminent positions, but also to prevent the possibility of allies using, or threatening to use, nuclear arms as a catalyst to prod their superpower benefactor into action on their behalf, thereby risking U.S. – Soviet confrontation. The collapse of the Soviet Union resulted in the weakening of the balance of power, leading to overly ambitious U.S. military extension and to a weakening of the U.S.-led Western alliance system. In turn, popular discontent with the results of U.S. interventionism has caused domestic political blowback in the United States, leading to U.S. hesitance to use force in defense of the existing balance of power. A resurgent nationalist Russia, a newly capable China, an emboldened Iran, and violent jihadist terrorist organizations have each taken advantage of this to expand their own influence in various regions. Whether characterized as a leaderless unipolar system or a return to multipolarity, the current era has yet to

settle into a functional balancing arrangement.

In such an environment, there are fewer constraints on nuclear use. Whereas the bipolar balance constrained great power interventions, today's smaller powers, such as North Korea and Iran, see nuclear weapons as a necessary guarantee of regime survival. Moreover, the possession of nuclear arms permits states to engage in conduct that might otherwise result in military threats to the ruling regime, as with Iranian support for Hezbollah and Hamas, or Pakistani support for Islamist attacks in Kashmir. Nuclear arms can also be used for coercion. For example, Russia can invade and annex Crimea using conventional force, and then threaten nuclear escalation should the international community attempt to act to reverse it. A nationalist-energized China could react to moves toward Taiwanese independence by attempting a rapid conventional military operation, backed by threats to escalate to nuclear use should the United States attempt to intervene. These threats can succeed where the balance of interests favors the threatening party, so that although it might be materially weaker, it has greater resolve than its adversary – and the adversary in the case knows it (Kahn 1965; Roberts 2016, 68-73). Indeed, the conventional military dominance of the United States spurs others to consider asymmetric options in this manner, as purely conventional threats of escalation are not backed by the requisite capabilities. This greater facility of use contradicts claims of a steadily strengthening taboo.

2. Proliferation

In the 25 years of the post-Cold War era, nuclear proliferation has been on the rise. Iraqi efforts at developing a nuclear capability were uncovered in 1991 and addressed via economic, diplomatic, and military means over the next several years. India and Pakistan both became declared nuclear weapons states in 1998. North Korea has carried out a series of five nuclear tests to date, demonstrating an evolving nuclear capability, while also undertaking an exceptionally active missile testing program. Syria's effort to construct a secret nuclear reactor with North Korean assistance was discovered and subjected to a preemptive Israeli military strike in 2007. Iran's nuclear program has been the subject of extensive diplomatic exchange, leading to a negotiated delay of Iranian uranium enrichment efforts.

Along with new nuclear-armed states, the possibility of non-state actors acquiring nuclear arms is greater than ever. Not only have there been greater opportunities due to international proliferation rings like that of A.Q. Khan, but there is greater willingness among non-state groups to engage in mass murder. Transnational terrorist organizations such as al-Qaeda and the Islamic State promote a violent revolutionary ideology that places minimal value on human life and engages in brutal conduct for the sake of shock. If either group were to obtain a nuclear weapon, there is little doubt that such weapon would be detonated to

maximize loss of life.

This proliferation is not due to any lack of effort or concern by nuclear states. Nuclear non-proliferation efforts have regularly been used by nuclear powers to try to lock in exclusive possession of nuclear arms.¹² The nuclear non-proliferation regime boasts an impressive array of treaties, organizations, and advocates.¹³ However, if there was an international nuclear taboo in place, derived from an internalized conception of identity, then non-proliferation efforts would not be needed. States would be able to rely on this taboo to know such arms were unusable. Yet non-proliferation remains a key security concern for states around the world. States continue to invest significant efforts in countering proliferation, primarily through supply-side controls, which implies demand exists – a fact irreconcilable with a universally accepted taboo.

In addition to proliferation of new nuclear powers, the nuclear arsenals of existing nuclear-armed states have also increased. While the United States and Russia have significantly reduced the numbers of deployed strategic nuclear warheads, other nuclear powers, including China, India, and Pakistan, have amassed larger arsenals. Nearly all of the nuclear-armed states are now engaged in modernization efforts of their nuclear arms. (Bracken 2016). Even the European Union has reportedly broached discussion of a “Eurodeterrent” force (Fisher 2017).

3. Modern Technology

Nuclear arms have advanced significantly since the first generation of high-yield indiscriminant weapons. Tactical nuclear arms with sub-kiloton yields are now possible. These weapons can be delivered using modern precision guidance systems exponentially superior to those available in Brodie’s era. Scenarios where such weapons could be used in a discriminant fashion are now imaginable. For example, low-yield nuclear weapons could be used against deeply-buried and hardened targets such as underground biological-weapons facilities. Using time-delayed fuses that permitted missiles to use kinetic energy in burrowing through packed earth or cement before the nuclear payload detonates could minimize fallout and other collateral damage, while the associated energy could destroy the labs and the radiation could prevent reconstitution. Or a state could detonate large-yield nuclear weapons high in the atmosphere above an adversary with the intent of generating a wide-ranging electromagnetic pulse that knocks out electrical systems without causing casualties from blast effects or radiation release. Having degraded the adversary’s communications, intelligence, and command and control systems, it could then demand certain concessions via coercive threats of additional strikes.

Technology has also rendered the assumption that there is no defense against nuclear-armed missiles suspect. Ballistic missile defense systems, while far from

perfect, are now fielded at a variety of locations. U.S. ground-based interceptors, Aegis ship-borne and ashore missile defense, and theater high-altitude area defense (THAAD) are among the larger U.S. systems that other states fear could provide the United States with a strategic advantage. As missile defense advances, it could diminish the operation of nuclear deterrence, lessening the perceived costs of nuclear use.

Technological breakthroughs in conventional arms can also impact the cost / benefit analysis surrounding nuclear use. Current research on hypersonic systems suggests new means may soon be available to destroy an adversary's hardened targets. Indeed, a state could possibly launch a disarming first-strike against another state's immobile nuclear forces using solely conventional arms, holding its strategic nuclear arms in reserve to deter the target state's nuclear retaliation. Such weapons threaten to erode the rationalist's firebreak between conventional and nuclear arms.

As with non-proliferation efforts, missile defense and hypersonic technology would not rate the heightened attention they receive if a nuclear taboo functioned as asserted. China would be far less concerned with U.S. deployment of THAAD to South Korea if Chinese leadership believed a nuclear taboo was in operation.

VII. CONCLUSION

The fact that nuclear arms have not been detonated militarily since 1945 serves as the strongest argument in favor of the existence of a nuclear taboo. Yet there are multiple facts inconsistent with the claim of a constitutive norm. If a nuclear taboo were truly in place today, nuclear deterrence could not remain a key feature of international relations. Even granting a "taboo exception" for so-called "rogue" states, large powers well-socialized into the existing international system demonstrate a conduct inconsistent with an internalized norm prohibiting the thought of nuclear use. These powers spend billions of dollars to modernize "unusable" weapons; they spend time and resources in pursuit of arms control agreements aimed at reducing the numbers of "unusable" nuclear arms; they place non-proliferation efforts at the top of the international political agenda; and they resist or overturn no-first-use pledges. The development of ballistic missile defense generates intense reactions by world powers that fear diminution of deterrence. Consideration of building sub-kiloton yield nuclear weapons produces visceral opposition. If nuclear arms of all types were the subject of a taboo based on an internalized repudiation of nuclear weapons, these behaviors would represent an indomitable puzzle.

The nuclear taboo likely receives widespread scholastic acceptance in part because of ideological preferences. Works such as Tannenwald (1999, 2005, 2007) and Farrell and Lambert (2001) demonstrate a clear normative desire for nuclear-

zero. Prior scholastic works have assigned causal significance to normative factors, only to have subsequent research indicate material factors played a larger role than thought. For example Perkovich (2001) argued that India had made a conscious decision to abstain from weaponizing nuclear arms, while the recent work of Kampani (2014) argues persuasively that India's delay was due to a combination of technological, organizational, and political factors. Given the prevailing perception of nuclear arms as incapable of anything but mass destruction, such preferences are attractive on a broad scale. Yet assertions of a stronger prohibition on nuclear use than is supported by the political, strategic, technological, and normative factors that actually exist is dangerous. Claims that norms of non-use have been internalized, and identities have been transformed to reflect a taboo, threaten to lessen the attention paid by policymakers to ensure that nuclear arms are not used. As political and technical barriers to nuclear use are reduced, the strategic opportunities for use multiply. A clear-eyed assessment of the interest-driven, conditional nature of nuclear non-use is a necessary foundation to policy-making that aims to avoid nuclear detonation in the future.

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ENDNOTES

- ¹ President Truman's press conference statement regarding nuclear arms consideration in Korea on Nov. 30, 1950. The statement is contained in Department of State Bulletin XXIII, Dec. 11, 1950, p. 925.
- ² Paul's early work used the term "taboo," while his later work moves away from this characterization and adopts the less extreme idea of a "tradition," subject to political and strategic consideration – similar to the argument I have put forth herein – although Paul, contrary to my argument, still considers the norm to reflect an "inter-subjective understanding in the global community." (Paul 2010, 855).
- ³ That such normative concern arose in tandem with what served national interests should not be missed here.
- ⁴ Atkinson (2010) and Walker (2010) make similar points, noting that nuclear "use" consists of more than just detonation of a nuclear weapon. Implicit asymmetries of power communicated by mere possession of nuclear arms can affect policy outcomes. Prestige may also be heightened by possession of nuclear arms.
- ⁵ Paul even notes the 1949 Harmon Committee report which explained that while a comprehensive nuclear attack on Soviet cities would result in millions of Soviet fatalities and massive economic and military dislocation, it would not "bring about capitulation" or end Soviet political control (2010, 43).
- ⁶ From the outset, the U.S. government saw the North Korean government as a Soviet proxy: "The North Korean government is completely under Kremlin control and there is no possibility that the North Koreans acted without prior instruction from Moscow. The move against South Korea must therefore be considered a Soviet move...." (FRUS 1976, June 25, 1950 Intelligence Estimate, Office of Intelligence Research, Department of State). General MacArthur was directly instructed by Washington, as early as June 29, 1950 to avoid escalation of the Korean conflict, steering clear of the Soviet border (FRUS 1976, June 29, 1950 Telegram from Joint Chiefs of Staff to the Commander in Chief, Far East). On July 10, 1950, the Joint Chiefs of Staff advised the Secretary of Defense that if Soviet troops engaged in Korea, "it would be militarily unsound for the United States to commit large forces against the USSR in an area of slight strategic importance, as well as one of Soviet choice." Rather, the United States should "minimize its commitment in Korea and prepare to execute war plans... [including] full scale mobilization." (FRUS 1976, July 10, 1950 Memorandum by the Joint Chiefs of Staff to the Secretary of Defense).
- ⁷ Tannenwald even notes Eisenhower's claimed threat, admitting that "the fact that nuclear weapons were not used was clearly due in part to a fortuitous sequence of events in which the Chinese, for their own reasons, decided to terminate the conflict" (1999, 450).
- ⁸ Likewise, America's ally Chiang Kai-Shek opposed use of nuclear arms in Vietnam; however, there is no evidence that Chiang's opposition was based on moral reasons (as Tannenwald implies) rather than fears that such would open the door to Chinese nuclear attacks against Taiwan (FRUS 1990, April 19, 1964 Memo of Conversation in US Embassy).
- ⁹ It is far from clear that Sweden does not perceive a U.S. security guarantee despite its remaining outside NATO (Cole 1994, 66-73).
- ¹⁰ The four pathways include a grassroots anti-nuclear lobby, states advancing strategic interests, individual policymakers, and evolutionary customs.
- ¹¹ In reality, contrary to the shibboleth of "mutual assured destruction" and Waltzian denials that nuclear strategy matters, neither U.S. nor Soviet nuclear planning was to lob the entirety of their respective nuclear arsenals at the other's cities (Gavin 2015, 32-33; Kaplan 2016, 19). Rather, each side's planners incorporated sophisticated nuclear targeting into damage-limiting strategies in case of full-scale nuclear war, in addition to providing tactical nuclear options for more limited scenarios. Such plans are inconsistent with the constitutive norms Tannenwald describes as having re-shaped the identities of the "Wizards of Armageddon."
- ¹² Nuclear historian Francis Gavin contends that, although presented in normative terminology, U.S. non-proliferation efforts are "motivated by the goal to protect the United States from nuclear attack and / or the desire to maintain U.S. freedom of action to pursue other strategic goals" (2015, 20). That is, strategic rather than moral considerations explain non-proliferation activities of nuclear powers.
- ¹³ These include the Limited Test Ban Treaty, the Partial Test Ban Treaty, the Nuclear Non-Proliferation Treaty, the proposed Comprehensive Test Ban Treaty, a variety of Nuclear Weapons Free Zones, the International Atomic Energy Agency, the Zangger Committee, the Nuclear Suppliers Group, the Missile Control Technology Regime, the Proliferation Security Initiative, and the Geneva Conference on Disarmament, among others.