

# Reviving Nuclear Ethics: A Renewed Research Agenda for the Twenty-First Century

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In 1976 the noted Catholic ethicist J. Bryan Hehir expressed concern about the waning sense of moral urgency over the existence of nuclear weapons with each passing year that superpower nuclear war was avoided. Acknowledging that international ethicists had justifiably turned to other global problems, such as world hunger and poverty, Hehir still worried that the

relative exile [of the ethical analysis of the nuclear] issue [that] has endured in the academy . . . , if not in government during the last decade, is not healthy. The price of error on this issue is still catastrophic; the chance of redress is minimal. Yet each year the genie kept in the political bottle contributes to our confidence of control and can contribute to our lack of attention. But the complexity of the issue and the costs of ignorance require attention, ethically and politically.<sup>1</sup>

This hiatus in nuclear ethics lasted until the Reagan administration reasserted a confrontational posture with the former Soviet Union, including a proposed comprehensive missile defense system (colloquially referred to as Star Wars), at which time popular fears of nuclear war resurfaced. In response, the journal *Ethics* devoted an entire volume in 1985 to superpower nuclear ethics.<sup>2</sup> Nonetheless, another hiatus followed the end of the cold war in anticipation of a broad peace dividend. International ethicists again turned their attention from issues of great power security to such demanding and seemingly more immediate issues as human rights, humanitarian intervention, refugees, democratization, and economic globalization.

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Yet, while the prospect of superpower nuclear confrontation has virtually disappeared, the problems of a “second nuclear age” began to emerge, most clearly in the late 1990s. The second nuclear age is marked by the real and potential nuclear proliferation among smaller regional powers,<sup>3</sup> which in turn is linked to the fearful possibility of nuclear terrorism. Unsurprisingly, renewed concerns over regional and global nuclear security arose, and some began to wonder whether the nonproliferation regime constructed during the cold war could still fulfill its mission.<sup>4</sup> Accordingly, Hehir’s concern about the “exile” of the ethical analysis of nuclear weapons remains vital for us today. In this spirit, therefore, it seems timely to urge that the nuclear ethics literature should be revived and reoriented to adequately address the new and evolving twenty-first-century nuclear threats and to guide policy responses. And if containing the spread of nuclear-weapon states and eventual global nuclear disarmament remain valid political and moral objectives, nonproliferation policies informed by new research programs in nuclear ethics may help us avoid the consequences of ignorance that Hehir rightly identified more than three decades ago.

In what follows, I propose such a revival and reorientation of nuclear ethics research for the opening decades of the twenty-first century. I begin by briefly situating the larger proposal in the context of the main themes of the cold war nuclear ethical literature. Since I do not assume that all readers are familiar with these debates, I will identify high points of continuity and contrast between cold war and contemporary concerns. I then propose an initial research agenda for three areas: the possible decay of the Nonproliferation Treaty (NPT) regime, the threat that nuclear weapons pose to democratic institutions, and the relationship between ethics and the domestic political dimensions of nuclearization. For each new inquiry suggested, I advance a sketch argument. My aim is not to present definitive positions, but to initiate debate with the hope of advancing our ethical understanding of these complex issues.

## NUCLEAR ETHICS: A HISTORICAL CONTEXT

A few preliminary remarks are in order before I sketch the history of the nuclear ethics literature. Nuclear ethics is an interdisciplinary field at the intersection of international security studies, the broader field of international relations, and (applied) ethical theory. It focuses on the complex considerations of the moral “ought” in contexts of what “is.” Since its beginnings in the early cold war period, its

varied methodological approaches have reflected the diversity of the contributors, and this variance explains some enduring disagreements. Social science approaches vary across the positivist-postpositivist continuum, while philosophical approaches vary along the consequentialist-deontological spectrum.<sup>5</sup> Moral consequentialists and social scientists tend to agree that the “is” determines the “ought” more than deontologists grant. For its part, deontology posits that moral values cannot be directly derived from natural or social facts, which means that ethical “oughts” cannot be validly inferred from what “is.”<sup>6</sup> Instead, “oughts” are derived from rational moral principles, such as Kant’s categorical imperative or Rawls’s justice as fairness. In cold war policy debates, realists criticized Kantian nuclear abolitionism as dangerously idealistic and myopic, while Kantians criticized nuclear deterrence institutions as morally incoherent.<sup>7</sup> Undoubtedly, the variance in methodological approaches and the corresponding disagreements will continue as new nuclear ethics research proceeds.

Notwithstanding these disagreements, for nuclear ethics to make a distinct contribution to nuclear security and policy studies, the meaning of “ought” must be more than what prudence, game theory, or instrumental reason would prescribe. By explicating and applying the *moral* “ought” in the context of what “is,” nuclear ethics can draw on deontology, casuistry, and consequentialism without the burdens of an exclusive reliance on any single approach.<sup>8</sup> This literature’s history reveals the tendency to use various methods to address the complex moral questions involved with the creation and the proposed uses of nuclear weapons. In the rest of this section, I recall the cold war debates in order to identify those concerns that remain urgent in the second nuclear age and those that seem entirely new.

After the Cuban Missile Crisis of 1962 brought the superpowers to the brink of nuclear war, the attitudes of U.S. policymakers on the appropriateness of using nuclear weapons and on perpetuating the nuclear arms race changed.<sup>9</sup> Many came to believe that even limited (that is, counterforce) nuclear first use would trigger escalations in nuclear reprisals, resulting in global catastrophe. Some critics maintained, however, that strictly counterforce nuclear strikes could conform to the just war principles of discrimination and proportionality.<sup>10</sup> Furthermore, a limited counterforce nuclear reprisal might be necessary to reassert deterrence in cases of deterrence failure.<sup>11</sup> This debate rested on a disagreement on the moral ontology of nuclear weapons: Are they arms of a different kind (and therefore *absolutely evil*), or are they merely arms of a different degree of strength

(and therefore morally *neutral*)? Unsurprisingly, the advocates of limited nuclear use advanced the different-in-degree position, while their opponents claimed they were different in kind.<sup>12</sup> This debate was mostly resolved in favor of the different-in-kind position by the time of the 1968 Nonproliferation Treaty.

Contemporary proliferation policy debates implicitly recall these worries without reopening the cold war nuclear ethics debates in any detail. The immense scholarship on the “nuclear taboo” affirms the late cold war consensus that fighting nuclear wars is absolutely evil.<sup>13</sup> Contemporary worries that Iranian nuclearization will trigger a proliferation escalation in the Middle East are linked to fears of nuclear conflagration between Iran and its enemies, including Israel, as well as fears of nuclear terrorism.<sup>14</sup> However, the 2002 Bush administration’s doctrine of nuclear preemption recalls in a general way Paul Ramsey’s argument in the 1960s that just war theory permits the limited, targeted use of nuclear force against enemy forces.<sup>15</sup> Critics of the Bush administration’s nuclear posture insist that nuclear preemption (which seems indistinguishable from nuclear prevention) is a slippery slope, an intrinsically unjust slide into aggression that itself must be deterred.<sup>16</sup>

During the late cold war, consensus on the immorality of nuclear war led to a corresponding agreement on nuclear deterrence’s strategic value. Cast in moral consequentialist terms, the argument defended the prevention of actual nuclear war and its horrific effects by the otherwise impermissible use of credible threats of nuclear reprisal against superpower rivals—the concept known as Mutually Assured Destruction, with the telling acronym MAD.<sup>17</sup> Yet critics maintained that deterrence was morally and politically corrosive to liberal democratic states. For one, officials must regard targeted peoples as mere pawns in the strategic chess game and hostages to state security policy rather than individuals with human rights and dignity. Just as we would never try to prevent traffic accidents by tying babies to the front bumpers of cars, or try to prevent chronic clan violence by permitting adult sharpshooters to aim rifles at each other’s children, critics argued that we ought never to coerce rival governments by threatening to annihilate their cities.<sup>18</sup> Moreover, critics contended that nuclear deterrence cannot operate without states treating their own citizens and military personnel as mere means to political ends or by forcing upon an electorate national security policies that they could not endorse consistently with liberal democratic principles. This is because the effectiveness of nuclear deterrence requires all those who construct and implement the policy in democratic states to plan to destroy entire cities and to act on those plans should deterrence fail. Moreover, it requires the general

citizenry to endorse or cooperate with these policies, all of which are inconsistent with the liberal commitment to human rights and individual autonomy.<sup>19</sup>

These cold war debates were summarized in the literature's premier monograph, Joseph Nye's *Nuclear Ethics*, in 1986.<sup>20</sup> Nye's realism led him to reject the moral absolutism of the nuclear pacifists, yet his consequentialist regard for the greater global good and his deontological appreciation of the moral obligation of states toward foreigners led him to refuse to sublimate moral concerns about nuclear policy to narrow conceptions of national interest. Nye's five nuclear-ethical maxims incorporated duty-based and consequentialist principles while emphasizing the latter: (1) self-defense is a just but limited cause, (2) never treat nuclear weapons as normal weapons, (3) minimize harm to innocent people, (4) reduce risks of nuclear war in the near term, and (5) reduce reliance on nuclear weapons over time. Arguably, Nye's maxims expressed the broad consensus that anchored the foreign policy of the Nixon and Reagan administrations, and they seem to have been revived in the latest public statements of the Obama administration.<sup>21</sup>

Turning to the present day, scholars have not yet undertaken a systematic ethical analysis of contemporary proliferation and counterproliferation dynamics. The most recent book-length treatment is Sohail Hashmi and Steven Lee's edited volume *Ethics and Weapons of Mass Destruction* (2004), which folds contemporary nuclear ethical analysis into the larger category of weapons of mass destruction ethics.<sup>22</sup> And although some of the volume's contributors provided heretofore unrepresented views on nuclear war and deterrence (for example, Hindu, Muslim, and Buddhist views), the mainstream commentary does not depart significantly from the familiar cold war analysis. However, the rapidly expanding empirical literature on the second nuclear age provides ample reason for thinking that new nuclear ethics research is important and timely.

Below, I propose three new directions for nuclear ethics research. This list is not comprehensive, nor am I suggesting that topics not mentioned are less important. They do, however, represent a set of distinctive concerns that could begin to meet the call for a renewed and reoriented nuclear ethics literature.

## THE DECAY OF THE NONPROLIFERATION TREATY REGIME AND THE NONPROLIFERATION NORM

During the past decade, the possible decay of the NPT regime has been the object of significant worry among scholars and policymakers. By some accounts, the NPT's

decline began with the 1998 Indian and Pakistani nuclear tests, and continued with the 2003 North Korean withdrawal from the NPT and its nuclear tests in 2006 and 2009, the evidence of covert Iranian nuclearization in violation of the NPT, and the post-9/11 changes in the U.S. nuclear posture review.<sup>23</sup> In early 2010, Graham Allison warned: “Having failed to heed repeated warning signs of rot in the U.S.-led global financial system, the world dare not wait for a catastrophic collapse of the nonproliferation regime. From the consequences of such an event, there is no feasible bailout.”<sup>24</sup> Since the NPT regime is the foremost institutional expression of the nonproliferation norm, the regime’s possible decay has important ethical implications that deserve careful examination.

To date, scholars interested in the causality of norms have focused primarily on explaining norm emergence and internalization.<sup>25</sup> Only a few efforts have been made to theorize the possibility of norm decay.<sup>26</sup> One indicator of norm decay is institutional decay, which itself can have several indicators. The first is the degree to which uncertainty arises among weaker states about the sincerity of great powers toward their treaty commitments. For instance, contrast the 2005 U.S.-India nuclear agreement and the public remarks of some American officials encouraging Japanese nuclear weaponization with the unequivocally negative reaction of U.S. leaders to Iranian attempts at nuclearization from 2002 to the present.<sup>27</sup> According to Maria Rublee, these contrasting positions have caused uncertainty among several NPT parties regarding the U.S. commitment to nonproliferation.<sup>28</sup> If the United States excuses nuclear acquisition for some nonnuclear countries but not others, it can only weaken the NPT regime and the nonproliferation norm.

Another indicator of institutional and normative decay is a legitimacy crisis, which occurs when an institution’s fundamental rules and practices are no longer regarded as rightful or authoritative by a sufficient number of key members.<sup>29</sup> For the purposes of NPT regime construction in 1968 and its indefinite extension in 1995, the political legitimacy of nonproliferation was linked to the nonnuclear states’ expectation that the nuclear-weapon states would take good-faith steps to negotiate a complete and verifiable nuclear disarmament. From their viewpoint, the nonproliferation norm’s political legitimacy is inextricably dependent upon the moral and political legitimacy of the *nuclear disarmament norm* expressed in Article VI of the NPT.<sup>30</sup> The Bush administration’s *Nuclear Posture Review* in 2001 and *National Security Strategy* in 2002 explicitly resisted the linkage between nonproliferation and disarmament. It is therefore not surprising that the failure of

the 2005 NPT Review Conference was due in part to the disagreement between the United States and many of the nonnuclear states over the meaning of Article VI.<sup>31</sup>

What inferences may we draw from these points? One is that norms that have lost their moral pull on powerful actors are no longer taken to be legitimate by less powerful actors. The political and moral implications of this kind of norm decay are significant in cases where other salient norms are affected. Expressed abstractly, if international agreement establishes that norm N is dependent upon norm D, and if D is no longer regarded by the regime's powerful players as operational, the delegitimation of N becomes more likely as D is disregarded. Thus, the nonproliferation norm appears to have weakened as the Bush administration discarded the disarmament norm. Only recently has a vigorous (but strongly contested) advocacy for "going to nuclear zero" been revived in the United States.<sup>32</sup> However, the fate of the disarmament and nonproliferation norms cannot yet be determined, for the effects of the Bush administration's nuclear policies are still playing out in the NPT regime.

If this first inference is correct, the key to strengthening the nonproliferation norm and the NPT regime itself is for all states parties, especially the nuclear-weapon states, to commit to the disarmament norm as both a moral *and* policy "ought." Significant and verified reductions in nuclear arsenals under the banner of reaching nuclear zero can recalibrate the NPT regime and make noncompliance with the nonproliferation norm much more difficult to justify. Recalibration involves reconciliation between the power brokers' interests with the normative expectations of fellow regime members.<sup>33</sup> The recent agreement between President Obama and Russian president Dmitry Medvedev to cut the number of deployed nuclear devices from 2,100 to 1,550 each and to cut in half the aggregate number of launchers to no more than 800 has been taken by nuclear abolition groups as an important step in that recalibration.<sup>34</sup> It is difficult, however, to know in advance how steep such reductions must be in order to count as sufficient progress toward regime recalibration, since the proposed cuts of 550 nuclear weapons are only 150 fewer than what the 2002 Moscow Treaty specified, and the Bush administration had already reduced the strategic nuclear arsenal from 7,800 in 2002 to 4,200 in 2005, during the period when the NPT regime appeared to be decaying.<sup>35</sup> Nevertheless, the number of nuclear weapons eliminated is a necessary if insufficient condition for NPT recalibration. Sufficient conditions include a joint process of steady weapons cuts accompanied by reconciliatory comments and actions by all relevant parties that make it possible for skeptical or suspicious

nonnuclear states to believe that the nuclear-weapon states have reaffirmed the disarmament norm, and for anxious nuclear powers to believe that elimination of their nuclear weapons will not be exploited by potential nuclear states, thereby increasing insecurity. I do not have space here to argue for this proposal in depth, but suffice it to say that if regime recalibration is a matter of belief (re)construction among states parties that enables policy reform, NPT renewal will be indicated by a set of identifiable and linked commitments that are seen as a rehabilitation and appropriate updating of the original NPT “grand bargain.” In these ways, a renewed NPT could be regarded as a significant moral victory for the second nuclear age.

If, however, the nuclear-weapon states fail to revitalize the disarmament norm and the current NPT status quo is maintained indefinitely, a second inference seems warranted—namely, that the NPT regime will not be recalibrated. As instances of noncompliance with treaty rules arise, history suggests the nuclear-weapon states will most likely insist on the unconditional conformity of non-nuclear-weapon states to the nonproliferation norm independent of the former’s adherence to Article VI obligations. This is exactly the nuclear “double standard” that worried important nonnuclear states at the 2005 NPT Review Conference, and which former U.S. secretary of state George Shultz (along with Henry Kissinger, William Perry, and Sam Nunn) argued must be abandoned.<sup>36</sup> Good reason thus exists for thinking that maintaining the status quo would bring about the decay of the NPT regime. Moreover, it would count as a significant international ethical failure and a potential cause of conflict and insecurity.

What “ought” various NPT states parties to do in response to the possibility of an indefinite maintenance of the NPT status quo? New nuclear ethics research can explore various proposals and weigh their moral and political merits. A moral consequentialist analysis might conclude that the NPT double standard is worth maintaining if the gains in international security and stability are significant. Alternatively, a mixed deontological and consequentialist analysis may help drive the aforementioned recommitment to the disarmament norm as a matter of duty and as a necessary condition for future international peace and stability.<sup>37</sup> However, on a strict deontological analysis, an indefinite maintenance of the NPT status quo places potential nuclear states in an ethical dilemma that resembles Ken Booth and Nicholas Wheeler’s depiction of the security dilemma.<sup>38</sup> On matters of interpretation, the potential nuclear states may believe (a) that U.S. intentions are immoral and narrowly self-interested, or (b) that while the United States is



committed to eventual disarmament, in the short term it is committed to stabilizing existing deterrence regimes so as to prevent nuclear use. The dilemma of response revolves around the continued compliance of the potential nuclear states with NPT rules when doing so “normalizes” the nuclear-weapon states’ de facto disregard of the grand bargain. Tolerating such disregard is justifiable under condition “b” for as long as it lasts. Under condition “a,” though, it seems to count as complicity in treaty subversion insofar as norms are inappropriately inverted.<sup>39</sup> That is, without the consent of all affected parties, the secondary norm N (nonproliferation) is transformed into the primary norm, and norm D (disarmament) is alternately transformed from primary to secondary. On the other hand, to escape complicity in the subversion of the NPT regime, these states not only must take the lead in holding the nuclear-weapon states accountable to Article VI but must do so as military and de facto political inferiors.

How can potential nuclear states hold the nuclear-weapon states accountable in the current international (legal) order short of withdrawing from the NPT regime itself? In other words, what is the moral “ought” that nuclear ethics might propose for potential nuclear states ensnared in this kind of dilemma? One option already hinted at is based on moral consequentialism: in order to prevent nuclear disaster, potential nuclear states might *temporarily* tolerate the “normalization” of the NPT status quo. Indeed, toleration of this sort has been their modus operandi to date. But it is exactly this tolerance that the Bush administration undermined and that remains to be reestablished by the Obama administration.<sup>40</sup> In moral terms, the temporary toleration of the NPT status quo cannot be justifiably transformed into a *permanent* attitude. The history of legitimation crises suggests that unless a regime recalibrates, the most powerful members will increase the frequency and degree of coercion to maintain their interests at the expense of the common interest.<sup>41</sup>

Alternately, if a well-grounded belief arose that the nuclear powers were subverting the NPT regime for their own ends, a series of graduated, concerted, and possibly unprecedented actions by potential nuclear states to force change would be morally justified. In the worst-case scenario, their concerted withdrawal from the NPT regime would signal unequivocally that the delegitimation of the regime had run full course. Short of that, I do not know what particular actions to forestall or reverse regime subversion by the potential nuclear states would be morally justified and politically effective. I am fairly certain, however, that Kant’s dictum “ought implies can” is appropriate for this situation, where the “ought” refers to inescapable duties of state actors but the “can” refers to actions that

previously had not been considered. Therefore, new research in nuclear ethics cannot rule out the possibility that a valid and useful proposal for potential nuclear states might come from the imagination and/or considered moral judgment of the ethicist or the visionary leader for whom historical precedent or empirical research cannot offer clear guidance.

## ETHICS AND NUCLEAR DEMOCRACIES

I have noted how the Bush administration applied the nonproliferation norm to illiberal states, such as Iran and North Korea, but not to liberal democratic states with which it shared both security and economic interests. The 2005 U.S.-India nuclear deal is a high-profile example of such a double standard. Indeed, four of the eight recognized nuclear powers are liberal democracies (the United States, the United Kingdom, France, and India, the others being China, Russia, Pakistan, and North Korea). If we count Israel as a nuclear power (given its official policy of nuclear ambiguity), the ratio increases to five out of nine.

Like the issues of norm and regime decay, the question of which countries may possess nuclear weapons raises several new and related questions for nuclear ethics research. I limit myself to two of these: First, what are the moral implications of reserving the right of possessing nuclear weapons to democratic states?; and second, do nuclear weapons present an unacceptable moral hazard to liberal democratic institutions or practices (for example, democratic deliberation, checks and balances, legal due process)?

### *The Conditional Right of Nuclear Possession*

Limiting the application of the nonproliferation norm to illiberal states entails that the right to possess nuclear weapons exists, but that it is conditional upon a state having liberal democratic institutions. One implication is that such a limitation leads to the de facto abandonment of the disarmament norm, and to all that this implies. John Rawls and Michael Walzer provide some justificatory cover for this limitation.<sup>42</sup> On Rawls's view in particular, liberal democratic orders comport with principles of justice as fairness that seek a globalized expression in a "society of peoples," and which "outlaw" states oppose as inimical to their interests. Under conditions of international anarchy and ineffectual controls on nuclear flows, liberal democracies are justified in using nuclear deterrence against these outlaw states in the same way that U.S. nuclear deterrence was justified against the Soviet nuclear threat. Currently, the two cases that fit best with Rawls's argument are

the defense of Israel and India against their hostile illiberal neighbors (that is, for Israel, Syria and Iran; for India, Pakistan).

Nonetheless, this conditional right to possess nuclear weapons is dilemmatic for reasons already discussed—the “good” of protecting liberal democratic regimes by nuclear means comes at the expense of undermining the broader legal commitment by the *de jure* nuclear democracies to eliminate all nuclear weapons. If liberal democracies are morally superior because of their commitment to the rule of (international) law, this distinction is unfortunately obscured or lost by their failure to pursue complete nuclear disarmament.

### *Nuclear Despotism and Liberal Democracy*

The second question is related to the first. Rawls suggests that well-ordered, liberal societies can retain their nuclear arsenals without subverting their basic political institutions.<sup>43</sup> Thus, Rawls appears committed to the notion of a firewall between liberal democratic institutions and the nuclear arsenals aimed at rogue illiberal regimes. It is true that the complex history of the cold war provides partial support for this Rawlsian firewall. Civilian control of the military and other liberal practices had removed the threat of standing armies to democratic institutions prior to the cold war, and afterward these doctrines seemed naturally to apply to nuclear forces. We also see, for example, that the 1960s civil rights movement in the United States made great strides at the very time that the country expanded its nuclear arsenal and extended its deterrence umbrella to safeguard Japan and Western Europe from the Sino-Soviet threat.

That said, Rawls’s account overlooks how nuclear arsenals are, in Daniel Deudney’s words, “intrinsically despotic.”<sup>44</sup> First, decisions on nuclear use against aggression must be made within minutes or hours, not days. This fact alone forces a concentration of decision-making power on nuclear use onto the chief executive. Opportunity for democratic deliberation on nuclear response is nonexistent, as is the opportunity for congressional debate and/or a formal declaration of war.

One might wonder, however, if nuclear despotism’s threat to divided, liberal government is merely formal. What if, for instance, public opinion in nuclear democracies supports nuclear deterrence against rogue or illiberal states? To address this question, it is helpful to examine some recent data. According to a 2008 WorldPublicOpinion.org poll, 39 percent of Americans strongly favored complete disarmament, while 38 percent somewhat favored complete disarmament.<sup>45</sup> These poll results are subject to varying interpretations. On the one hand, they could be

read as large minority support for complete disarmament and majority support for at least maintaining a minimal nuclear deterrent that covers U.S. alliance commitments even if further reductions in the nuclear arsenal were taken. This interpretation suggests the possibility of popular support for nuclear deterrence. On the other hand, the numbers can read as 77 percent being at least somewhat in favor of disarmament, suggesting that only a small minority of Americans are opposed to disarmament. In contrast, the majority of British and French citizens favor complete disarmament (55 percent and 58 percent, respectively).<sup>46</sup> India and Israel are the only two nuclear-armed democracies in which the vast majority of citizens have favored a declared and formidable nuclear deterrent (82 percent and 73 percent, respectively).<sup>47</sup> Recognizing the flux in American public opinion, President Obama in his 2009 Prague speech clearly attempted to shift the balance in favor of complete disarmament.<sup>48</sup> At the time of this writing, Obama's prospects appear hopeful, but it is still difficult to know whether or to what degree his disarmament agenda will succeed.

These data suggest three avenues for new nuclear ethics research: the moral implications of (1) democratic governments maintaining nuclear deterrence regimes against the will of their publics, (2) democratic governments abandoning nuclear weapons against the will of their publics, and (3) democratic governments lining up with public opinion to acquire or sustain nuclear weapons. If these polls accurately reflect the will of these publics, case 2 will not likely arise in the foreseeable future, and so I will set it aside for this paper. Instead, cases 1 and 3 will be the main issues for nuclear ethicists to engage.

In case 1, the stance of elected officials on nuclear deterrence is paternalistic insofar as it is no longer influenced by the dominant antinuclear sentiment of the people. Nevertheless, defenders of this position invoke the "security-first" argument, which states that it is not rational for any democratic polity to will the end of its existence, and states should adopt all necessary security postures even if they conflict with constitutional limits or public opinion. On the security-first argument, the link between "is" and "ought" is valid and clear: security is a prerequisite for democracy, and the social contract or constitution is not a suicide pact.<sup>49</sup> Nuclear deterrence *secured* the Western democracies throughout the cold war, and similarly nuclear deterrence *should protect* the democracies against the new array of second-age nuclear threats.<sup>50</sup> Gordon Brown and David Cameron indicated during the 2010 British electoral contest, for instance, that an independent British nuclear force was necessary to deter terrorists and rogue states.<sup>51</sup>

A favorable ethical assessment of the security-first argument is possible only if the relevant intelligence is reliably and accurately collected and interpreted. Yet it is exactly in the interpretation of intelligence that the security dilemma almost always obtains. For example, what exactly are North Korean or Iranian officials signaling in their statements? What exactly do the various bits and pieces of other intelligence say? The answer most often is “the signal seems to say both A and not-A.” This dilemma of interpretation leads to a dilemma of response. Given the constraints on nuclear-use decisions discussed above, the security-first argument is skewed toward exaggerating the threat and choosing nuclear retaliation over restraint.<sup>52</sup> In contrast, the “liberty-first” argument can concede without contradiction the prescriptions of the security-first argument *only in conditions of actual supreme emergency*.<sup>53</sup> Otherwise, the liberty-first argument maintains that the priority for liberal democratic foreign policy is the preservation of liberal values and institutions. In this sense, the liberty-first argument echoes Deudney’s worries about the despotic effects of the general posture of second-age nuclear deterrence.

A certain continuity between the liberty-first argument for the second nuclear age and the Kantian rejection of nuclear deterrence during the cold war is important to note. The Kantians argued that it is wrong to intend to do what it is wrong to do; thus, it is wrong to intend to use nuclear weapons. The credibility of nuclear deterrence, however, depends on the chief executive forming the intention to use nuclear weapons. Those who implement nuclear deterrence must also form or at least not oppose such intentions. In case 1, the liberty-first argument is committed to an application of this Kantian principle: it is wrong to institutionalize a security posture that otherwise undermines the government’s regard for the public’s will, and it is wrong to intend to do so in conditions other than actual supreme emergency. If formal democratic representation fails, democracy has been undermined in a momentous way.<sup>54</sup>

In contrast, case 3 depicts a nuclear democracy in which public opinion supports the government’s nuclear deterrent. It is not surprising that democratic publics in highly insecure regions (for example, the citizens of Israel) favor possessing a nuclear deterrent. Moreover, in some newly emerging democracies, a link exists between nuclear aspiration, the experience of colonial or postcolonial national humiliation, and the desire for national grandeur. For instance, according to Kanti Bajpai’s reconstruction of the domestic Indian discourse on the Pokhran nuclear tests between 1998 and 2002,

[Hindu] tradition has principles by which the possession of nuclear weapons must be judged unethical. It also has traditions by which nuclear weapons can at best be seen as a regrettable necessity. However, we must weigh all these concerns and points of view against the terrible dispossession, loss, and humiliation of a great people that is struggling to recover its place in the world, a people that even now is under threat. History has given us the opportunity to develop and deploy a technology that will allow us to recover militarily. It has also given us the opportunity to redeem ourselves morally by giving us the chance to resist those who would deny us this technology and our place in the sun. It would be irresponsible and in the end unethical for our rulers not to join the fight for military equality and give our civilization a chance at material and moral revival. Nuclear ethics is a small thing compared with the ethical imperatives of a great human struggle for emancipation and resurgence over one thousand years.<sup>55</sup>

Bajpai's reconstruction relates a postcolonial moral justification of nuclearization that dismisses the nonproliferation norm and other ethical considerations. If the nonproliferation norm is a neocolonialist instrument to deny (Hindu) India its "place in the sun," the argument is that nuclearization in a world of nuclear powers is a moral duty.

In engaging case 3, new nuclear ethics research might analyze and assess the deontological and consequentialist merits of postcolonial moral arguments that measure the value of national existence not just in terms of bare survival but in terms of a particular level of status or prestige. These moral assessments are relevant and salient, especially if the NPT regime fails to recalibrate, and if the disarmament norm is discarded in favor of a selective nonproliferation norm that might appear to be a neo-imperialistic instrument. For instance, we might expect Kantian assessments of case 3 to recall case 1: it is absolutely wrong to (intend to) commit wrongdoing (that is, engage in nuclear hostage-holding) to secure the prudential interests of prestige and status. A Kantian assessment will also insist that liberal publics ought never to support or insist on policies that can lead to genocide and will find that policymakers are duty-bound to ignore majority public opinion that is not consistent with liberal values and principles.

In sum, the moral threat of nuclear weapons to liberal democracies is not merely formal. These weapons' despotic effects not only concentrate the nuclear decision-making power into the hands of the chief executive but in case 3 they ensnare liberal publics in practices inconsistent with liberal principles and values related to human rights. Supreme emergency conditions might constitute the only exception to the liberal duty to preserve human rights; otherwise, the priority of liberty overrides the application of the security-first argument.

## ETHICS, REGIME INSECURITY, AND NUCLEAR ASPIRATION

The cold war nuclear ethics literature was state-centric: states were taken as the basic units of political analysis and the primary addressees of ethical assessment. This literature comported quite consistently with neorealist international relations theory, which assumes that states are unitary actors. It mostly assumed that states will nuclearize only if they are threatened by a nuclear-armed state rival or if a conventionally armed rival cannot be deterred by anything other than nuclear forces. Inasmuch as neorealism presupposes a certain kind of consequentialist international ethics,<sup>56</sup> it implies that the internal political dynamics of states have no explanatory or prescriptive role on nuclear policy.

Etel Solingen's *Nuclear Logics*,<sup>57</sup> however, details two types of anomalies for neorealist accounts that I believe suggest an entirely novel direction for nuclear ethics research. She identifies cases of states that abandoned nuclear pursuits even though regional rivals posed nuclear security threats (for example, Egypt, South Korea, and Japan), and she identifies other states that pursued nuclearization even in the absence of genuine security threats (for example, Libya prior to 2004, Iraq in the 1980s). What explains these anomalous cases? Solingen argues that leaders of ruling coalitions are always focused on domestic challenges to their power. Those coalitions whose domestic survival is linked to international markets and institutions will forgo nuclear pursuits. Alternately, ruling coalitions whose survival depends on import substitution, nationalization of private industries, and supporting the military-industrial complex will tend to favor nuclearization. Pronuclear leaders invoke national security or prestige to justify nuclear pursuits in order not to expose their baseline commitments to personal or regime security, for such ulterior purposes would be commonly regarded as inappropriate and are, accordingly, less likely to be formulated in public (and even in private).

Solingen's challenge to neorealism is buttressed by other noteworthy studies into cold war and second-age nuclearization. In the Indian case, for instance, the strong antinuclear stance of the Congress Party in the 1960s—dominated by the Nehruvians—held in check the pronuclear pressures of rival nationalist elements that after 1980 would find policy expression in the Bharatiya Janata Party (BJP). The Nehruvians' objections to nuclearization originated in their cosmopolitan moral commitments to disarmament and nonproliferation that followed from Mohandas Gandhi's pacifism. Their refusal to join the NPT in 1968 was motivated

by their objection to legitimating and thereby perpetuating a discriminatory division between nuclear haves and have-nots. From this point forward, though, Indian domestic politics on nuclearization experienced constant contestation. In particular, Prime Minister Indira Gandhi's personal approach to nuclear issues reflected the conflicting pacifist Nehruvian and bellicist nationalist tendencies in the context of India's security posture vis-à-vis China (a nuclear state since 1964) and Pakistan. In 1974, Gandhi conducted the "peaceful nuclear explosion" to the confusion of those in her cabinet and the military from whom she kept the decision secret, and to the dismay of many in the Congress Party.<sup>58</sup>

By 1998, however, the Congress Party had been ousted by the BJP, and Hindu nationalism was resurgent and free from the influences of the once dominant Nehruvians.<sup>59</sup> In 1995 the previous Indian government had condemned the indefinite renewal of the NPT as cementing the unjust distinction between the nuclear haves and have-nots. For the BJP, possessing a nuclear deterrent to secure India from Pakistan and China was a matter of primary importance. In May 1998, Prime Minister Atal Bihari Vajpayee ordered the nuclear tests at Pokhran, which were later celebrated in the Indian media as affirming the "soul" of India.<sup>60</sup>

What does the foregoing suggest for new nuclear ethics research? Since its main task is to specify the moral "oughts" for particular empirical contexts, new research might begin at the regime or ruling coalition level. Although Solingen and others have begun to describe this level in political and economic terms, it has not yet been adequately described in *ethical* terms. New maps of the ethical disagreements between ruling coalitions and the diverse array of rival factions and domestic political elements, and the corresponding differences in conceptions of the national (or regional or global) interest, will set the stage for normative assessments. As such, new nuclear ethics research might assess the moral validity of a ruling coalition's pursuit of nuclear weapons to secure their political offices against domestic rivals. Admittedly, assessments of any ruling coalition's pursuit of nuclear weapons cannot be (easily) disentangled from the broader politics of its pursuit of power. A consequentialist analysis, for instance, can be expected to judge regime nuclear pursuits according to the same criteria as it does other policies—success at achieving security and stability. Deontological assessments can be expected to pass judgment according to the balance of duties that ruling coalitions owe to their constituents' interests and to the peoples and governments of other states.



Highlighting this contrast suggests that in any research on this topic, the issues of “levels of ethical analysis” and the problems of drawing (appropriate) moral analogies arise. In the normal course of electoral politics, the ruling party or coalition *is* the state as long as it holds power. On the other hand, nuclearization by any ruling party or coalition that assumed power outside normal electoral politics (or whose rise to power is based on fraudulent elections) is subject to a different kind of ethical analysis. In this case, the “regime interest” is an assertion of the moral primacy of kinship or religious or factional political bonds over nation-state bonds in the same way that links to co-citizens assert moral primacy over cosmopolitan or species bonds of humanity. If “regime interest” is stripped of its “national interest” guise, and if new nuclear ethics research proceeds only from the moral presuppositions of states as unitary actors, assertions of “regime interest” will not even have analytical relevance. If, however, these presuppositions are relaxed or rejected, new research would need to account for and assess the ethical conflicts between “regime interests” and “state interests.” It would also need to assess the conventional tendency to privilege state interests over and above regime interests, on the one hand, and cosmopolitan or global interests, on the other.

All this is to say that the moral supremacy of the state in the international community is not absolute, and that it has been and must continually be negotiated.<sup>61</sup> When assessing moral justifications for strictly regime-motivated nuclearization, it is useful to reflect on units of ethical analysis *below* the government, such as ethnic, religious, or partisan political communities. Thus, just as the ethical interests of a wife, husband, or child are not illegitimate if they happen to conflict with a larger conception of family welfare, minority or dissident factions may have legitimate interests that may be in conflict with the “national interest.” This is not to suggest that any actual case of regime-motivated nuclearization is linked to subnational aspirations, or that such cases are morally justified. It is merely to suggest that new research in nuclear ethics cannot rule out its possibility. Thus, new research might identify the conditions under which regime-motivated nuclear pursuits are morally justified and those under which they are not.

Taking this line of inquiry to its logical extreme, suppose some set of nonideal moral conditions are identified under which a regime’s nuclear aspirations are *prima facie* justified. New research can examine the variety of moral dilemmas that will emerge. Here I will limit myself to discussing a formal dilemma between morality and law—one between the ruling coalition’s interests in nuclearization

and its duty to uphold international treaty commitments.<sup>62</sup> This is an ethical dilemma, and not just a legal or political one, because the duties of the ruling party to its constituencies and to realizing its understanding of the greater good for all affected persons conflicts with its obligation to keep its commitments (*pacta sunt servanda*), which is the informal normative condition of all international law, and because these duties originate in different levels of ethical analysis in which neither clearly or necessarily trumps the other.

Since Iranian nuclearization is the focal case in the contemporary nonproliferation literature, it usefully illustrates several features of the morality and law dilemma. The Shah of Iran signed and ratified the NPT soon after the treaty was concluded, and then began a process of developing a civil nuclear energy program. After the 1979 revolution, the clerical regime abandoned the nuclear program on the grounds that it was inconsistent with Islamic principles. The clerical regime altered its stance after the Iran-Iraq War (1980–1988), in which Saddam Hussein used chemical weapons on Iranian troops and Iran’s formal protest to the UN Security Council went unaddressed, and after the Israeli attack on the Osiraq reactor (1981) revealed the existence of Saddam’s nuclearization program.<sup>63</sup> Iran has pursued the nuclear fuel cycle ever since. Ayatollah Ahmad Jannati, a member of the Guardian Council, stated in 2002: “It would have been much better if we had not entered [the NPT] at all. But now that we have entered, we are free to reconsider [that the Additional Protocols] would impose an extraordinary humiliation upon us and we should not accept it under any circumstances.”<sup>64</sup> The internal dissension in Iran over their nuclear program seems to continue, suggesting that certain constituencies might not regard signing the Additional Protocols as an instance of humiliation; however, the Ahmadinejad regime does.

While Jannati describes the clerical regime’s posture in terms of national interest, Dr. Mohammad Asghar-Khani, the reputed father of Iran’s nuclear program, is more forthcoming on the regime-level interests. He stated that nuclear weapons are “necessary not only as a substitute for fossil energy but also for Iran’s social cohesion and prestige. . . . Internally, Iran is in a state of disarray. I would now argue that, only by becoming a nuclear weapons state, can Iran consolidate its social coherence. Iran needs both soft and hard power to regain its national identity and prestige.”<sup>65</sup>

Asghar-Khani’s remarks are reminiscent of the Hindu nationalist sentiments represented by Bajpai, as quoted above. For Asghar-Khani, Iran’s domestic political

disorder cannot be resolved by any means other than breaking with their NPT commitments. On his view, the need for social coherence and a sense of Persian grandeur is in Iran's national interest, and this overrides the commitment to remain a nonnuclear state. Nonetheless, Asghar-Khani's move is to equate the national interest with the clerical regime's interest. However, the clerical regime faces opposition from pragmatists and reformers that seek deeper cooperation with the International Atomic Energy Agency, and even support signing the Additional Protocols.<sup>66</sup> If the Iranian leadership feels humiliated by complying with the West's demands under the NPT, its capacity for maintaining an uncontested hold on national office is thereby weakened. Rejecting "under any circumstance" the Additional Protocols while remaining in the NPT regime, and while perhaps also pursuing nuclear weapons technology, Asghar-Khani and Jannati are signaling the importance of regime survival in the service of Persian grandeur, as well as their clear recognition of the moral and legal pull of international treaty obligations. Both men understand that Iran's ensnarement in this morality-law dilemma is not a condition from which easy escape is likely, and a nuclear ethical analysis that limits itself to the moral presuppositions of (neo)realism will at minimum fail to appreciate why drawing a moral equivalency between regime and state interests is not a priori valid.

The Iran case illustrates that if a ruling coalition is pulled by competing state-level and regime-level duties over nuclearization, it will face a conflict of moral requirements. If it can be shown that state-level duties (always) trump regime commitments on nuclearization matters, new ethical research will (always) find in favor of state security interests, which we presume in these cases corresponds to the nonproliferation norm. If, however, it can be shown that ruling coalitions might have equally forceful moral commitments in some circumstances to nuclearize *and* not nuclearize, it will follow that such regimes are ensnared in an intractable moral dilemma given that *any* nuclear policy they implement will violate some inescapable moral duty.

The foregoing section has sought to map out the conceptual terrain of the question of the ethics of regime-motivated nuclearization. The prevailing moral sentiment at this point might be to deny that regime-level interests can ever have the same force as an international legal duty regarding matters of nuclear weapons and to insist that fidelity to international law and norms is always the greater moral obligation. However, I have argued how, from a methodological viewpoint, it is fair to ask how the state-centric position itself can be defended

without assuming the moral supremacy of the state; that is, without some form of question begging. If we are agnostic about the levels-of-analysis question at the beginning, and proceed to map the ethical landscapes to understand better the possibilities of dilemma resolution, it seems that new nuclear ethics research can make a significant contribution without inevitably rehashing the older debates.

It is also fair to ask how the insistence on NPT compliance by states such as Iran can be consistently maintained if the nonproliferation norm remains non-absolute; if nuclear arsenals in India, Pakistan, or, ambiguously, Israel are tolerated; and if it becomes evident that the U.S. position on nuclear zero is nothing more than rhetoric. The point of posing the question is not to defend Iranian nuclearization; rather, it is to say that at some point hypocrisy by the nuclear-weapon states fails to be politically tenable.<sup>67</sup>

#### NOTES

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- <sup>2</sup> See, e.g., Thomas Donaldson, "Nuclear Deterrence and Self-Defense," *Ethics* 95, no. 3 (April 1985), pp. 537–48; Gerald Dworkin, "Nuclear Intentions," *Ethics* 95, no. 3 (April 1985), pp. 445–60; Steven Lee, "The Morality of Nuclear Deterrence: Hostage Holding and Consequences," *Ethics* 95, no. 3 (April 1985), pp. 549–66; and Jeff McMahan, "Deterrence and Deontology," *Ethics* 95, no. 3 (April 1985), pp. 525, 534–36.
- <sup>3</sup> See, e.g., Etel Solingen, *Nuclear Logics: Contrasting Paths in East Asia and the Middle East* (Princeton, N.J.: Princeton University Press, 2007). See also Robert J. Einhorn, "Identifying Nuclear Aspirants and Their Pathways to the Bomb," *Nonproliferation Review* 13, no. 3 (November 2006), pp. 491–99.
- <sup>4</sup> See, e.g., Amitai Etzioni, "Tomorrow's Institution Today," *Foreign Affairs* 88, no. 3 (May/June 2009), pp. 7–11.
- <sup>5</sup> On the social science continuum, see, e.g., Fred Chernoff, *Theory and Metatheory in International Relations: Concepts and Contending Accounts* (New York: Palgrave Macmillan, 2007); and Audie Klotz and Cecelia Lynch, *Strategies for Research in Constructivist International Relations* (Armonk, N.Y.: M. E. Sharpe, 2007), esp. chap. 1. On the consequentialist-deontology continuum, see Joseph S. Nye, *Nuclear Ethics* (New York: The Free Press, 1986). See also Terry Nardin, "Ethical Traditions in International Affairs," in Terry Nardin and David Mapel, eds., *Traditions of International Ethics* (Cambridge: Cambridge University Press, 1992), pp. 1–22.
- <sup>6</sup> Christine Korsgaard et al., *The Sources of Normativity* (Cambridge: Cambridge University Press, 1996).
- <sup>7</sup> Nye, *Nuclear Ethics*; Lee, "The Morality of Nuclear Deterrence"; Donaldson, "Nuclear Deterrence and Self-Defense"; and McMahan, "Deterrence and Deontology."
- <sup>8</sup> See, e.g., Jean-Marc Coicaud and Daniel Warner, "Introduction: Reflections on the Extent and Limits of Contemporary International Ethics," in Jean-Marc Coicaud and Daniel Warner, eds., *Ethics and International Affairs: Extent and Limits* (New York: United Nations University Press, 2001), pp. 1–13; and Friedrich Kratochwil, "International Law as an Approach to International Ethics: A Plea for a Jurisprudential Diagnostics," in Coicaud and Warner, eds., *Ethics and International Affairs*, pp. 14–41.
- <sup>9</sup> Nina Tannenwald, *The Nuclear Taboo: The United States and the Non Use of Nuclear Weapons Since 1945* (Cambridge: Cambridge University Press, 2007), chaps. 5, 7.
- <sup>10</sup> Paul Ramsey, "The Case for Making 'Just War' Possible," in John C. Bennett, ed., *Nuclear Weapons and the Conflict of Conscience* (New York: Charles Scribner's Sons, 1962), pp. 143–72.
- <sup>11</sup> David Gauthier, "Deterrence, Maximization, and Rationality," *Ethics* 94, no. 3 (April 1984), pp. 474–95.
- <sup>12</sup> Tannenwald, *The Nuclear Taboo*, p. 62.
- <sup>13</sup> T. V. Paul, "Nuclear Taboo and War Initiation in Regional Conflicts," *Journal of Conflict Resolution* 39, no. 4 (December 1995), pp. 696–717; and Tannenwald, *The Nuclear Taboo*.
- <sup>14</sup> See, e.g., Gawdat Bahgat, "Nuclear Proliferation: The Islamic Republic of Iran," *International Studies Perspectives* 7 (2006), pp. 124–36; and Wyn Bowen and Joanna Kidd, "The Iranian Nuclear Challenge," *International Affairs* 80, no. 2 (2004), pp. 257–76.
- <sup>15</sup> "The National Security Strategy of the United States of America, September 2002" (Washington, D.C.: The White House); and Paul Ramsey, *The Just War: Force and Political Responsibility*, with a new

- foreword by Stanley Hauerwas (Lanham, Md.: Rowman & Littlefield, [1968] 2002), esp. the foreword and chap. 11.
- <sup>16</sup> David Luban, "Preventive War," *Philosophy and Public Affairs* 32, no. 3 (2004), pp. 207–48.
- <sup>17</sup> See, e.g., Gauthier, "Deterrence, Maximization, and Rationality"; Gessert and Hehir, *The New Nuclear Debate*; and Gregory Kavka, "Some Paradoxes of Deterrence," *Journal of Philosophy* 75, no. 6 (June 1978), pp. 285–302.
- <sup>18</sup> Ramsey, "The Case for Making 'Just War' Possible."
- <sup>19</sup> Lee, "The Morality of Nuclear Deterrence"; and McMahan, "Deterrence and Deontology."
- <sup>20</sup> Nye, *Nuclear Ethics*.
- <sup>21</sup> U.S. Department of Defense, "Nuclear Posture Review Report," 2010; available at [www.defense.gov/npr/docs/2010%20Nuclear%20Posture%20Review%20Report.pdf](http://www.defense.gov/npr/docs/2010%20Nuclear%20Posture%20Review%20Report.pdf). For other public statements, see [www.defense.gov/npr](http://www.defense.gov/npr).
- <sup>22</sup> Sohail Hashmi and Steven P. Lee, eds., *Ethics and Weapons of Mass Destruction: Religious and Secular Perspectives* (Cambridge: Cambridge University Press, 2004).
- <sup>23</sup> See, e.g., Kurt Campbell, Richard Einhorn, and Mitchell B. Reiss, eds., *The Nuclear Tipping Point: Why States Reconsider Their Nuclear Choices* (Washington, D.C.: Brookings Institution Press, 2004); Christopher F. Chyba and Karthika Sasikumar, "A World at Risk: The Current Environment for U.S. Nuclear Weapons Policy," in George Bunn and Christopher F. Chyba, eds., *U.S. Nuclear Weapons Policy: Confronting Today's Threats* (Washington, D.C.: Brookings Institution Press, 2006), pp. 1–33; Wolfgang K. H. Panofsky, "Nuclear Insecurity," *Foreign Affairs* 86, no. 5 (September/October 2007), pp. 109–18; and George Perkovich, "Bush's Nuclear Revolution: A Regime Change in Nonproliferation," *Foreign Affairs* 82, no. 2 (March/April 2003), pp. 2–8.
- <sup>24</sup> Graham Allison, "Nuclear Disorder: Surveying Atomic Threats," *Foreign Affairs* 89, no. 1 (January/February 2010), p. 85.
- <sup>25</sup> See, e.g., Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (Autumn 1998), pp. 887–917; Richard M. Price, *The Chemical Weapons Taboo* (Ithaca, N.Y.: Cornell University Press, 1997); and Wayne Sandholtz, *Prohibiting Plunder: How Norms Change* (New York: Oxford University Press, 2007).
- <sup>26</sup> See, e.g., Jeffrey S. Lantis, *The Life and Death of International Treaties: Double Edged Diplomacy and the Politics of Ratification in Comparative Perspective* (New York: Oxford University Press, 2009).
- <sup>27</sup> Mitsuru Kurusawa, "East Asian Regional Security and Arguments for a Nuclear Japan" (paper prepared for the workshop "Prospects for East Asian Disarmament," Hiroshima Peace Institute, Hiroshima, Japan, March 11–12, 2004), pp. 2–3; available at [serv.peace.hiroshima-cu.ac.jp/image/Kurosawa.pdf](http://serv.peace.hiroshima-cu.ac.jp/image/Kurosawa.pdf).
- <sup>28</sup> Maria R. Rublee, *Nonproliferation Norms: Why States Choose Nuclear Restraint* (Athens, Ga.: University of Georgia Press, 2009), chap. 3.
- <sup>29</sup> Christian Reus-Smit, "International Crises of Legitimacy," *International Politics* 44 (2007), p. 161.
- <sup>30</sup> See, e.g., Ahmed Fathalla, "Statement Before the General Debate of the 2005 Review Conference of the NPT"; available at [www.un.org/en/conf/npt/2005/statements/npt03egypt.pdf](http://www.un.org/en/conf/npt/2005/statements/npt03egypt.pdf).
- <sup>31</sup> Rublee, *Nonproliferation Norms*.
- <sup>32</sup> See, e.g., George P. Shultz et. al., "A World Free of Nuclear Weapons," *Wall Street Journal*, January 4, 2007, p. A15; and Wade L. Huntley, "The Abolition Aspiration," *Nonproliferation Review* 17, no. 1 (March 2010), pp. 139–59.
- <sup>33</sup> Reus-Smit, "International Crises of Legitimacy."
- <sup>34</sup> Peter Baker and Ellen Barry, "U.S. and Russia Agree to Slash Nuclear Arms," *New York Times*, March 25, 2010, p. A1.
- <sup>35</sup> Thomas D'Agostino, "The United States and Article VI: A Record of Accomplishment" (paper presented at "The Conference on Disarmament," February 7, 2008); available at [www.reachingcriticalwill.org/political/cd/papers08/1session/Feb7agostino.pdf](http://www.reachingcriticalwill.org/political/cd/papers08/1session/Feb7agostino.pdf). These numbers are approximations.
- <sup>36</sup> Shultz et. al. "A World Free of Nuclear Weapons."
- <sup>37</sup> Joseph S. Nye, "NPT: The Logic of Inequality," *Foreign Policy* 59 (Summer 1985), pp. 123–31.
- <sup>38</sup> Ken Booth and Nicolas J. Wheeler, *The Security Dilemma: Fear, Cooperation, and Trust in World Politics* (New York: Palgrave Macmillan, 2008). Booth and Wheeler define the security dilemma as a two-level strategic predicament in which state actors are pulled, first, between conflicting interpretations of the motives, intentions, and capabilities of rival states, and second, between conflicting options of policy response. In these dilemmatic contexts, they argue, the outcomes of these policy decisions constitute security paradoxes.
- <sup>39</sup> Thomas E. Doyle, "The Moral Implications of the Subversion of the Nonproliferation Treaty Regime," *Ethics and Global Politics* 2, no. 2 (2009), pp. 131–54.
- <sup>40</sup> Charles D. Ferguson, "The Long Road to Zero: Overcoming the Obstacles to a Nuclear-Free World," *Foreign Affairs* 89, no. 1 (January/February 2010), pp. 86–94.
- <sup>41</sup> Reus-Smit, "International Crises of Legitimacy."

- <sup>42</sup> John Rawls, *The Law of Peoples: with "The Idea of Public Reason Revisited"* (Cambridge, Mass.: Harvard University Press, 1999); and Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 3rd ed. (New York: Basic Books, 2000).
- <sup>43</sup> Rawls, *The Law of Peoples*, pp. 44–54.
- <sup>44</sup> Daniel H. Deudney, *Bounding Power: Republican Security Theory from the Polis to the Global Village* (Princeton, N.J.: Princeton University Press, 2007), p. 255.
- <sup>45</sup> WorldPublicOpinion.org, "Nuclear as Well as Non-Nuclear Countries Support Plan for Abolishing Nuclear Weapons" (December 9, 2008); available at [www.worldpublicopinion.org/pipa/articles/international\\_security\\_bt/577.php](http://www.worldpublicopinion.org/pipa/articles/international_security_bt/577.php).
- <sup>46</sup> *Ibid.*
- <sup>47</sup> For public opinion data on the Indian case just before the Pokhran tests, see David Cortright and Amitabh Mattoo, "Elite Public Opinion and Nuclear Weapons Policy in India," *Asian Survey* 36, no. 6 (June 1996), pp. 545–60. Public opinion analysis for India after the Pokhran tests is available at [www.nti.org/e\\_research/profiles/India/Nuclear/chronology\\_1998.html](http://www.nti.org/e_research/profiles/India/Nuclear/chronology_1998.html). For current public opinion data for Israel, see Simons Foundation, "Global Public Opinion on Nuclear Weapons," Vancouver, Canada, 2007; accessed on February 26, 2010 at [thesimonsfoundation.ca/projects/global-public-opinion-on-nuclear-weapons-2/](http://thesimonsfoundation.ca/projects/global-public-opinion-on-nuclear-weapons-2/). The URL is no longer active, but the author will provide electronic copies of the poll to interested parties by request.
- <sup>48</sup> "Obama Prague Speech on Nuclear Weapons"; available at [www.huffingtonpost.com/2009/04/05/obama-prague-speech-on-nu\\_n\\_183219.html](http://www.huffingtonpost.com/2009/04/05/obama-prague-speech-on-nu_n_183219.html).
- <sup>49</sup> Richard A. Posner, *Not a Suicide Pact: The Constitution in Time of National Emergency* (New York: Oxford University Press, 2006).
- <sup>50</sup> See, e.g., John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton, 2001). For a contrasting view, see John Mueller, *Retreat from Doomsday: The Obsolescence of Major War* (New York: Basic Books, 1989). See also Patrick Morgan, *Deterrence Now* (Cambridge: Cambridge University Press, 2003).
- <sup>51</sup> Jeremy Bernstein, "Is Nuclear Deterrence Obsolete?" New York Review of Books online, April 29, 2010; available at [www.nybooks.com/blogs/nyrblog/2010/apr/29/is-nuclear-deterrence-obsolete](http://www.nybooks.com/blogs/nyrblog/2010/apr/29/is-nuclear-deterrence-obsolete).
- <sup>52</sup> John E. Mueller, *Overblown: How Politicians and the Terrorism Industry Inflate National Security Threats, and Why We Believe Them* (New York: The Free Press, 2006).
- <sup>53</sup> I borrow this term from Michael Walzer, *Just and Unjust Wars*, chapter 16. See also Thomas E. Doyle, II, "Kantian Nonideal Theory and Nuclear Proliferation," *International Theory* 2, no. 1 (March 2010), pp. 87–112.
- <sup>54</sup> Lee, "The Morality of Nuclear Deterrence"; and McMahan, "Deterrence and Deontology," p. 525.
- <sup>55</sup> Kanti Bajpai, "Hinduism and Weapons of Mass Destruction: Pacifist, Prudential, and Political," in Hashmi and Lee, eds., *Ethics and Weapons of Mass Destruction*, pp. 311–12.
- <sup>56</sup> See, e.g., Susan B. Martin, "Realism and Weapons of Mass Destruction: A Consequentialist Analysis," in Hashmi and Lee, eds., *Ethics and Weapons of Mass Destruction*, pp. 96–110.
- <sup>57</sup> Solingen, *Nuclear Logics*.
- <sup>58</sup> George Perkovich, *India's Nuclear Bomb: The Impact on Global Proliferation* (Berkeley: University of California Press, 1999).
- <sup>59</sup> Jacques E. C. Hymans, *The Psychology of Nuclear Proliferation: Identity, Emotions, and Foreign Policy* (Cambridge: Cambridge University Press, 2006).
- <sup>60</sup> *Ibid.*; and Perkovich, *India's Nuclear Bomb*.
- <sup>61</sup> See, e.g., Costas M. Constantinou, *States of Political Discourse: Words, Regimes, Seditions* (London: Routledge, 2004); Jack Donnelly, "Ethics and International Human Rights," in Hashmi and Lee, eds., *Ethics and Weapons of Mass Destruction*, pp. 128–60; and Jack Donnelly, *Human Rights in Theory and Practice*, 2nd ed. (Ithaca N.Y.: Cornell University Press, 2003).
- <sup>62</sup> Walter Sinnott-Armstrong, *Moral Dilemmas* (Oxford: Basil Blackwell, 1988).
- <sup>63</sup> Solingen, *Nuclear Logics*.
- <sup>64</sup> Quoted in Bowen and Kidd, "The Iranian Nuclear Challenge," pp. 269–70.
- <sup>65</sup> Quoted in Solingen, *Nuclear Logics*, p. 181.
- <sup>66</sup> Solingen, *Nuclear Logics*, pp. 181–82.
- <sup>67</sup> Marc Lynch, "Lie to Me: Sanctions on Iraq, Moral Argument, and the International Politics of Hypocrisy," in Richard M. Price, ed., *Moral Limit and Possibility in World Politics* (Cambridge: Cambridge University Press, 2008), pp. 165–98.