Nuclear Nonproliferation: Regime Transformation in the Second Nuclear Era

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Introduction

The Nuclear Non-Proliferation Treaty (NPT) and the broader nonproliferation regime it anchors are widely thought to be facing a moment of truth. Critics on the right suggest the treaty regime is proving incapable of meeting the dangers of nuclear weapons acquisition by states such as North Korea and Iran or by non-state actors bent on nuclear terrorism. Critics on the left identify hypocrisy in positions threatening forceful counterproliferation against states like Iran and North Korea while supporting expanding nuclear capabilities in states like India and the United States that effectively abandon the disarmament obligation enshrined in NPT Article VI.

The 2005 Nuclear Non-Proliferation Treaty (NPT) Review Conference stalemated on these divergent viewpoints, producing no new ideas or proposals for strengthening the NPT regime or for confronting the crucial challenges of expanding nuclear dangers that the world today faces. Contrasted to the results of 1995, which produced indefinite extension of the treaty, and 2000, which produced a consensus statement calling for action on “Thirteen Practical Steps” to progress toward general nuclear disarmament, the 2005 stalemate highlighted the unprecedented pressures now bearing on the NPT regime.¹

This stalemate, paralyzing global efforts to move meaningfully toward the promise of comprehensive nuclear disarmament at the NPT’s core, reflects a breakdown in the global consensus on the causes and consequences of the spread of nuclear weapons. That breakdown is rooted in the emergence of a second (post-Cold War) nuclear era, altering some but not all of the implications of nuclear weapons for global security relations. For the NPT regime to endure, a new consensus matching long-standing nonproliferation, arms control and disarmament (NACD) ambitions with the circumstances of the second nuclear era must be forged.

Presently, the Cold War NACD consensus focused on restraining and contracting nuclear weapons capabilities ubiquitously faces an emerging new paradigm focused on denying nuclear weapons capabilities specifically to “irresponsible” regimes and non-state actors. This new paradigm directly challenges the nonproliferation and arms control bargain and disarmament premise at the operative and normative core of the NPT regime.

This paper assesses this paradigmatic debate. It first describes the old problems and new dilemmas confronting the NPT regime in the second nuclear era, and notes how the breakdown of the Cold War era consensus on nuclear arms control and nonproliferation has paralyzed regime-based efforts to pursue disarmament goals. This paper then examines the paradigmatic conflicts underlying this paralysis, reflecting divergent viewpoints on the role of broader political circumstances in driving nuclear dangers. Enabling the NPT regime to meet the new challenges of the second nuclear era necessitates acknowledging and addressing this political dimension directly in the context of reviving the ultimate ideal of a world free of nuclear weapons. The discussion concludes with a call for the articulation of a third paradigm retaining NACD prioritization and multilateral consensus-building approaches but incorporating due attention to broader political contexts at both regime-specific and regional security levels.

¹ These pressures emerged again in the first Preparatory Committee (PrepCom) meeting for the 2010 NPT Review Conference in Vienna from April 30 to May 11, 2007. See PrepCom Documents, 2007.
Legacy of the First Nuclear Era

The imperative to restrain the spread of nuclear weapons technology and capability has changed significantly with the end of the Cold War. But other aspects of today’s nonproliferation challenges echo longstanding proliferation concerns.

In the first nuclear era, a major focus was, rightly, the burgeoning nuclear arms race between the two superpowers. At its peak, the US nuclear stockpile contained nearly 32,000 warheads; for forty years, that number never dipped below 20,000. The Soviet stockpile, at its peak, numbered over 40,000. In this arms race, testing of increasingly large weapons became the “hot” edge of the “cold” war: the United States and Soviet Union together conducted over 1700 nuclear tests.

Meanwhile, by the 1960s, the nuclear proliferation climate was even more foreboding than today’s. In 1963, US President John F. Kennedy forecast that the world might soon see over 20 countries possessing nuclear weapons. By 1964, France and China had joined the United States, the Soviet Union, and Great Britain to bring the number of overt nuclear weapons states to five. China’s nuclear test in particular loomed ominously: China had intervened directly against US troops in Korea, fought a border war with India, supported revolutionary groups around the globe and remained insulated from mainstream international diplomacy. As has North Korea’s nuclear efforts, China’s test raised concerns that Japan, South Korea, and Taiwan might pursue countervailing nuclear capabilities.2

The NPT addressed these concerns by linking nonproliferation to the emerging climate of arms control between the superpowers in the form of a core bargain that offered something to everyone: non-nuclear member states agreed to forswear nuclear weapons (and accept intrusive international verification), while nuclear-armed states agreed to forswear nuclear threats against non-nuclear states, provide access to peaceful nuclear energy technologies and eventually to eliminate their own nuclear arsenals. Concluded in 1968 and coming into force in 1970, the NPT reinforced the view, growing more consensual at that point in the first nuclear era, that the spread of nuclear weapons would increase the chances that one or a few would be used, and thereby increasing the danger that most or all of them would be used.

The end of the Cold War relieved many nuclear dangers, and so brought encouraging progress in fulfilling the practical and normative NACD goals defining the NPT regime.

The United States and Russia acted bilaterally and unilaterally to significantly reduce their nuclear arsenals. The US arsenal is now down to about 10,000 warheads; Russia’s is 15-20,000. The 1987 Intermediate-Range Nuclear Forces (INF) Treaty eliminated the entire category of ground-launched mid-range nuclear missiles in Europe. In 1991 the first President Bush removed nuclear weapons from all naval deployments, except strategic missile launching submarines, and all overseas deployments, except in Europe under NATO auspices. Under the 2002 US-Russia “Moscow Treaty,” both sides will reduce “operationally deployed strategic warheads” to 1,700-2,200 by the end of 2012; the total US nuclear arsenal by 2012 may be reduced to 6000 warheads.3

The abated superpower arms race culminated in successful negotiation of Comprehensive Test Ban Treaty (CTBT) in 1996, a long-standing nuclear disarmament milestone. With the end of the Cold War all P5 states curtailed nuclear testing, and the eight years between India’s and

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2 Beyond Asia, a major proliferation worry was NATO-ally West Germany. Other states whose nuclear acquisition was thought to be likely, if not inevitable, included: India and eventually Pakistan; Egypt as well as Israel; Brazil, Argentina and Mexico in the Americas; and Sweden, Switzerland and Italy in Europe. See Gavin, 2004/5; Burr, 2000/1.

3 By 2012 Russia may have as few as 2000 total warheads. For detailed estimates and critiques, see NRDC, 2004.
Pakistan’s 1998 tests and North Korea’s October 2006 detonation was the first multi-year hiatus in nuclear testing since the dawn of the nuclear age. The strengthening global norm against nuclear testing is a major step forward from the Cold War.

Meanwhile, the end of the Cold War also propelled significant nonproliferation progress. As against the dire expectations of the 1960s, no other states had yet become overtly nuclear-armed, but a significant number of nuclear-capable states remained outside the NPT. The 1990s saw most of this gap closed. France & China, two of the five states allowed to join the NPT as nuclear-armed, formally acceded to the treaty in 1992. Brazil, Argentina, and Chile were among other key nuclear-capable states joining the treaty in the 1990s. Cuba’s 2002 accession brought into the treaty the last of the world’s states that had not already obtained nuclear weapons.

In the period also, for the first time ever, four states surrendered nuclear weapons capabilities and joined the NPT as non-nuclear states. Today, the five nuclear weapons states acknowledged by the NPT have been joined by only four others. The only-recently culminated embrace of the NPT by most of the states considered nuclear-capable in the 1960s testifies to the continued success of the regime into and through the 1990s.

This incorporation into the NPT of all non-nuclear-armed states is as significant as the indefinite extension of the treaty in 1995. Risks of proliferation – not to mention the fear of those risks – would be much greater today if a significant number of countries with the potential to develop nuclear weapons lacked the legal and normative constraints of the NPT regime. As the NPT mandate has become near-global, its capacities have also deepened, with an agreement on a new protocol strengthening the International Atomic Energy Agency (IAEA) safeguards securing the nuclear facilities in NPT countries.

The significance of universal membership of non-nuclear-armed states in the NPT reaches beyond the formal legal obligations that accrue. As importantly, the NPT reinforces national inclinations toward nuclear restraint. In many cases, countries’ strongest incentives to obtain nuclear weapons have been concerns that neighbors might harbor such ambitions. The verification mechanisms of the IAEA have enabled these countries to assure others, and be assured by others, of the absence of threatening nuclear weapons development programs. For some sets of states, like Brazil and Argentina, the NPT functions something like a non-nuclear MAD, enabling them to escape the nuclear “security dilemma” with respect to one another. In this way, the NPT regime provides a sturdy structure of non-nuclear security from which all nations benefit. In some ways, this structure is stronger than ever.

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4 South Africa destroyed seven secret nuclear bombs, while three newly independent republics emerging from the collapse of the Soviet Union surrendered the “inherited” nuclear weapons deployed on their territory. In neither case, it should be noted, had the governments publicly embraced nuclear deterrence in their security policies or tested a nuclear device, and in both cases the decisions to surrender nuclear weapons capabilities were strongly associated with dramatic proximate regime change. These threshold conditions strongly qualify considering these cases to represent genuine nuclear “rollback.”

5 India, Pakistan and Israel never joined the NPT; North Korea joined and then withdrew, but was never in full compliance.

6 That this security calculus should prevail over the narrower security attraction of nuclear deterrence is not automatic. To the extent that the near-term decisions in Brazil and Argentina to abandon their nuclear programs were precipitated by the emergence of more liberal regimes in both states, the availability of the NPT served both to mitigate potential security-driven resistance to the liberal impulses and to normatively link a non-nuclear posture to broader liberal values in the form of NPT regime legitimation.
Challenges of the Second Nuclear Era

The second nuclear era dawned bright, but the morning soon clouded. Over the course of the 1990s, the initial spurt of progress on arms control and nonproliferation languished. Setbacks on old issues were accompanied by the emergence of new dangers.

Despite achievement of the CTBT, the United States and other key states necessary to bring it into force have not ratified it. Negotiations on a companion treaty to end production of fissile materials is also stalled, most recently due to the new US position that such a treaty cannot be verified.

The US-Russia Moscow Treaty will go out of force the year target reductions are met, leaving those targets essentially non-binding, and many deployed warheads remain on hair-trigger, “launch on warning” alert status. Large quantities of nuclear materials in the former Soviet republics remain unsecured and vulnerable to theft or surreptitious sale, in part because implementation of the CTR and Global Partnership programs has not been optimal; targeted nuclear materials are not expected to be fully secured until well into the next decade.

In 2001, the Bush Administration withdrew the United States from the ABM treaty, the first milestone of US-Soviet arms control and long considered a linchpin of strategic stability. The following year revelation of the classified version of the Nuclear Posture Review generated widespread alarm over plans to develop new tactical nuclear warheads and link nuclear and conventional war planning within a strategic fabric including nuclear infrastructure modernization and missile defenses. (This paper returns to these issues in the next section).

Meanwhile, Russia has withdrawn its previous pledge of no first use of nuclear weapons and, as resources become more plentiful, is giving new attention to its future nuclear forces. The United Kingdom decided to procure replacements for its nuclear submarine force, insuring it will remain a nuclear weapons state deep into the twenty-first century, and France has promulgated expanded nuclear weapons doctrines emulating those of the United States. China is embarked on a long-term modernization of its strategic nuclear forces that includes development of new solid-fueled intercontinental missiles that would reduce its launch time from hours to minutes.

Among non-NPT states, the 1998 nuclear tests by India and Pakistan demonstrated the continuing appeal of nuclear weapons as both strategic tools and national symbols. Israel, although it is not known to have tested, is believed to have a potential arsenal in the range of 200 warheads. North Korea became the first state to withdraw from the NPT, could now possess some 6-10 nuclear devices, and in October 2006 conducted its first nuclear test.

Experiences with North Korea, Iran and Pakistani nuclear scientist A.Q. Khan’s network have spotlighted the proliferation dangers of widespread civilian nuclear fuel technologies, particularly when coupled with weak, inattentive or corrupted governments. An authoritative review noted that at least forty countries now possess the industrial and scientific infrastructure to build nuclear weapons relatively quickly. Much of this capability was obtained through the NPT’s provisions for sharing nuclear technologies for peaceful uses, exposing a “loophole” in the NPT’s core bargain: states could use membership in the NPT to obtain nuclear weapons precursor technologies, then legally withdraw and produce nuclear weapons.

The Political Dimension of Nuclear Threats

Whether current challenges to the NPT regime constitute a “crisis” is more a matter of semantics than circumstances. That crisis, such as it is, stems as much from the increased demands the

\[7 \text{ A More Secure World: Our Shared Responsibility, Report of the UN Secretary General’s High-level Panel on Threats, Challenges and Change, United Nations, 2004, p.39.} \]
international community now places on the regime – demands it was not initially designed to meet – as from deficiencies in the regime itself.

But calls from both the right and the left to transcend the regime’s inherent limitations (albeit in different ways) testify to the crossroads the world now faces in humanity’s ongoing efforts to escape the apocalyptic dangers nuclear knowledge has bestowed. Such perceptions stem, rightly, from a gleaning that the essence of today’s nuclear dangers – and enervated NACD aspirations – is deeper than the specific challenges reviewed above.

During the Cold War, the fantastic numbers of nuclear weapons accumulated by the United States and the Soviet Union were rightly the focus of immediate arms control efforts. In the ideologically-polarized climate of the Cold War confrontation, many regarded the threats posed by these enormous nuclear arsenals as largely independent of politics. Nuclear strategists maintained that the existence of nuclear weapons imposed logic of its own: theories of deterrence and war-fighting held for any “rational actor.” For nuclear abolitionists, a parallel logic obtained: the cataclysmic potential of widespread nuclear warfare rendered their use as a weapon of war “unthinkable” and established the independent imperative of nuclear disarmament.

These positions shared the view that the driving feature of the nuclear age was the existence of the weapons themselves. Policies and politics were derivative. This basic outlook constitutes the prevailing paradigm embodied in the NPT, expressed in the normative principle of eliminating all nuclear weapons possession among all countries independent of any political considerations.

With the end of the Cold War, we can now see more clearly that nuclear dangers are not so independent of their political and social contexts. The dramatic reductions in the superpowers’ nuclear arsenals in the early 1990s succeeded, not preceded, political accommodation. The historical lesson is that evolving political conditions (including both material and ideational dimensions) are more determinative than abstract strategic logic of the tenacious retention of nuclear weapons by those states that have them and the fervent desire for acquisition by many parties that lack them.8

Progress toward nuclear disarmament in the past decade has stalled in part because of political fecklessness, militaristic cultures and the power of commercial arms interests. But these factors have long been present, and so cannot fully account for recent trends. Nor do all nuclear weapons ambitions derive solely from some abstract strategic logic. These ambitions have roots in specific circumstances in which the capacity to make nuclear threats provides political benefits. Nuclear disarmament efforts have stalled in part because we haven’t caught up with how the increasingly political nature of contemporary nuclear weapons threats defines the second nuclear era.

In the post-Cold War era, nuclear policies are more deeply enmeshed than before in such broader political and security contexts. Domestic and symbolic factors have become increasingly important drivers of nuclear weapons decision-making. The reduced prospect of global nuclear holocaust has increased perceptions of the political value of capabilities for making nuclear threats and the range of circumstances in which such threats can be effective. States also increasingly view the utility of these capabilities in regional rather than global contexts. Finally, among nuclear-armed and non-nuclear-armed states alike, nuclear weapons increasingly serve as symbolic indicators of national power and prestige beyond explicit security applications, particularly when coupled with perceptions that the Cold War era nuclear order is losing its

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8 Raymond Aron anticipated that the dangers of nuclear weapons would be reduced if the Soviet Union’s regime were to change; noted in Hassner, 2007, p. 467
legitimacy. Accordingly, in all nuclear-active states, domestic and symbolic factors have become greater drivers of nuclear weapons decision-making.  

These observations point to the growing gap between the sets of motivations that induce states to acquire nuclear weapons and the calculations (strategic and otherwise) that may factor into decisions actually to use them. Much deterrence theory focuses on the latter issue and overlooks the former; yet, as noted earlier, US policy has increasingly embraced the hope that an aggressive US posture will discourage adversaries from acquiring WMD in the first place. To enhance this dissuasion effort, the possibility of preemptive use of nuclear weapons for counterproliferation action is deliberately implied, supported by planning and capabilities tailored for this role. But within the framework of standard deterrence assumptions, this logic is exactly backwards. US threats of retaliatory attack to deter an adversary’s use of WMD against vital US interests are inherently more credible than threats of preemptive attack to deter an adversary’s acquisition of WMD, which (as just discussed) can derive from motivations having little to do with US interests. Moreover, when preventing nuclear weapons acquisition requires interrupting efforts an adversary already has underway (such as ending an indigenous development program), this “acquisition deterrence” becomes compellence. Many factors make coercion to sustain a status quo (deter gain) easier than coercion to change a status quo (compel loss).  

A normative “nuclear taboo” emerging from the non-use of nuclear weapons since World War II may now impinge practically on perceptions of the “usability” of nuclear weapons. This taboo reinforces contemporary reductions in the prospect of massive nuclear weapons use – which are in part due to the NPT’s success. But, ironically, reduced threat of nuclear weapons use enhances the attraction of nuclear weapons possession. Several factors – increasing confidence in the stability of nuclear deterrence, the competent control of nuclear armaments, and the power of the “nuclear taboo” – all combine to reduce the perceived risks of nuclear weapons, correspondingly increasing their attraction for threat-making and national prestige purposes. This unfortunate side effect is more pronounced in the second nuclear era in which the more symbolic functions of nuclear weapons possession already have greater salience.

Of course, perceptions of reduced nuclear dangers are in some contexts misperceptions. The simple fact that nuclear weapons have not been used in warfare for a long time does not mean that prospect has actually declined. In the second nuclear era, the possibility of deliberate massive nuclear attacks among major powers is virtually gone. But the chances for small-scale nuclear weapons use may have increased (such prospects are statistically incalculable but many scenarios present themselves). So long as the real risks of nuclear weapons use are greater than zero, ambitions for nuclear weapons acquisition and retention fueled by overconfidence in the absence

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9 While the advent of attention in international relations scholarship to normative factors in states’ nuclear weapons decision-making is a welcome contribution, relatively less attention has thus far been given to the proposition that the weight of normative influences has shifted between the two nuclear eras or may be in other ways temporally or contextually dependent.

10 “Systems capable of striking a wide range of targets throughout an adversary’s territory may dissuade a potential adversary from pursuing threatening capabilities.” NPR, 2002.

11 Prospect theory suggests that the many reasons aversion to loss is a stronger motivation than attraction to gain make compellence more difficult to achieve than deterrence. See Levy, 1992; Jervis, 1994; Treverton, 2000. For a contrary view see Powell, 1990.

12 Tannenwald, 2005.

13 Tannenwald leaves unexplored the strategic relationship between the attractions of possession and the prospects of use of nuclear weapons, instead simply asserting in passing that “the nuclear taboo counteracts the deep attraction that nuclear weapons present to national leaders.” Tannenwald, 2005, p. 8; cf. pp. 39, 41.
of such risks serve to aggravate those risks. If the camel’s back is not as strong as it seems, someone adding the back-breaking straw to its burden becomes more likely.

Hence, pursuing disarmament today is about more than just eliminating nuclear weapons themselves. Reducing reliance on nuclear threat-making capacity – the dark side of the nuclear use taboo – is now just as relevant. For all nuclear armed states, this means that doctrine and planning are at least as important as arsenal sizes. But non-nuclear armed states relying on nuclear threats in their national security policies, through either embracing extended deterrence or sustaining latent nuclear acquisition capacities, share equivalently the obligation to internalize these disarmament obligations.

Thus, the heart of the current crisis over the NPT is not simply the strains between the “haves” and the “have-nots.” Both sides’ increasing perceptions of nuclear capabilities as a currency of power contribute to eroding the consensus obligation to pursue nuclear disarmament that constituted the NPT. The growing acceptability of reliance on nuclear threats by parties on both sides of the overt NPT tension corrodes the NPT regime at its foundation. The regime is at a crossroads today not because it has failed, but because, despite its successes, the second nuclear era has altered the role of nuclear weapons in global politics and so introduced new challenges the regime was not designed to meet.

**Disarmament Paradigms**

How can these challenges be met? Many seek to restore the NPT regime’s vitality by reviving the core disarmament imperative it expresses. This approach embraces the NPT’s core premise of non-discrimination by engaging all states equivalently on the basis of their shared obligation to disarmament which transcends the conflicts between the NPT’s nuclear “haves” and “have-nots.” But a revival of the Cold War era’s materially-oriented conception of disarmament, focused on restraining and reducing capabilities independent of political context, cannot respond completely to the altered conditions of the second nuclear era.

Bush Administration policy directions in these areas constitute an alternative response rooted in a radical reconstruction of nuclear weapons priorities: with the dissipation of the prospect of massive nuclear war of the Cold War era, nuclear weapons possession and security policies relying on nuclear threats are no longer in all cases pernicious. The approach embraces the lesson of the relevance of the political context shaping nuclear weapons choices in the second nuclear era, but does so by viewing proliferation as a context-specific rather than a general problem, focusing on nuclear weapons threats from “irresponsible” regimes and non-state actors.\(^\text{14}\)

Much of the criticism of the Bush Administration’s nuclear weapons initiatives identifies a fundamental hypocrisy between its determination to deny nuclear weapons capabilities to certain potential proliferators and its plans to expand US nuclear weapons options. Shouldn’t what’s good for the goose also be good for the gander?

This criticism needs to acknowledge the underlying political conception which, in the minds of Bush Administration strategists, ties these approaches together. That political conception transcends nuclear strategy *per se* and is rooted in a vision of appropriate governance and distinctions among states on that basis. While in essence this is a distinction between the “good guys” and the “bad guys,” in reality the roots and application of the conception are more nuanced. This approach then views nuclear proliferation as a context-specific problem; nuclear weapons possession and security policies relying on nuclear threats are more pernicious in some cases than

\(^\text{14}\) For an early anticipation of this position, see Cha, 2001. Cha downplays proliferation pessimism in Asia “aside from individual cases of rogue regime proliferation.” (p.99)
in others. Nuclear nonproliferation is a core objective only with respect to “rogue” states; nuclear weapons possession among “responsible” states is less problematic.

This approach questions the central assumption underlying the NPT “bargain” that fewer nuclear weapons are always better. This alternative approach posits that fewer are better perhaps in most but not in all contexts, and would prioritize global nonproliferation efforts on that basis. The conception cuts across the assumption, common to many schools of nuclear thinking during the Cold War, that the implications of nuclear weapons for international politics were relatively independent of the character of the states that possessed them.

As such, this approach jettisons the core NPT principle of non-discrimination, constituting a paradigm shift in thinking about nuclear proliferation. Accordingly, rather than viewing the NPT as a viable cornerstone in need of renovation, this approach suggests that the second nuclear era has rendered the NPT regime obsolescent. While some animosity to the NPT regime is idiosyncratic to the Bush Administration, the roots of this diagnosis are deeper and wider than these recent policy turns and will remain long after this administration is gone.

The Bush Administration’s policy approaches to nonproliferation – differentiating the acceptability of states’ possession of nuclear capabilities on the basis of their “responsibility,” itself associated with the nature of their governments – reflect and constitute this new paradigm. The Bush Administration’s US nuclear weapons policy initiatives also express this orientation.

**The Bush-Era US Nuclear Posture**

The Bush Administration’s 2002 Nuclear Posture Review (NPR) billed itself as providing a major change in US strategic policy to fit the new demands of the post Cold War and post-9/11 world. However, the NPR does not call for a reduced reliance on deterrence *per se*. Rather, the “new triad” – the core innovation in the NPR – envisions supplementing deterrence with “new concepts” (such as counterproliferation), “active defenses” (principally meaning missile defense), and “responsive infrastructure” (including a reconstituted nuclear weapons production capability). While the new triad is purportedly intended to reduce reliance on nuclear weapons, the NPR also envisions diversifying the types of nuclear weapons in the arsenal, including development of new low-yield, earth-penetrating, and damage-limiting nuclear weapons suitable for tactical, first strike missions against types of targets far different than those in the Cold War.

Many such ideas are really old wine in new bottles: “war-fighting” strategies and aspirations for strategic defenses, revived in the Reagan administration, are as old as nuclear weapons themselves. But the approach does break dramatically from US Cold War policy by casting off deterrence as the central justification for US nuclear armament. The Reagan Administration, when it similarly pursued tactical nuclear weapons development and threats of nuclear first use, took care to justify these aims as underpinning “the effectiveness of deterrence.” But in the post-Cold War context, in which there no longer exists a “balance of terror” shadowing every conflict with the risk of escalation to higher levels of nuclear war, the deterrence logic of “escalation dominance” no longer applies. Although maintaining the language of deterrence, the 2002 NPR implicitly acknowledges this new post-Cold War logic by positing important non-deterrence roles for US nuclear weapons, including possible first-use of low-yield nuclear

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15 *Nuclear Posture Review*, 2001. The NPR was first publicly summarized at a Department of Defense briefing on January 9, 2002. The classified review was subsequently obtained by *The Los Angeles Times* and *The New York Times*.

16 Weinberger, 1982. The political context of Weinberger’s argument is highly salient. Weinberger now strongly supports the Bush administration’s security policies; see Weinberger, 2003.

17 Actual US nuclear doctrines and deployments in the Cold War were not confined to this “deterrence only” role.
weapons for counterproliferation purposes against certain types of targets, such as chemical and biological weapons facilities in small “rogue” states.\(^{18}\)

The Bush administration has justified broadening the functions of US nuclear weapons threat-making on the basis of the altered circumstances of the post-Cold War, and especially post-9/11, era. The *National Security Strategy* (NSS) section dealing with WMD threats in particular lays out the rationale that new dire threats to US security have emerged, responding to which requires expanding the offensive character of US nuclear policy.\(^{19}\) Two successor documents, the *Strategy for Combating Terrorism* (SCT) and the *Strategy to Combat WMD* (SCW), elaborate the viewpoint that the new, emerging threats the United States faces in the post-9/11 world are actually *graver* than those posed by the Soviet Union during the Cold War.\(^{20}\) Taken together, these initiatives may constitute the most important reformulation of US grand strategy since the dawn of the nuclear age.\(^{21}\)

The claim that these new threats justify such responses rests on the assertion that “rogue states,” in contrast to the Soviet Union, have less “rational” motivations and behaviors, are more determined in pursuing their goals, and are more likely to actually use WMD capabilities if they have them. The contention is that, although the Soviet nuclear threat was much more massive, it was a rational state against which deterrence was reliable; for “rogue” states, conversely, WMD “are not weapons of last resort, but militarily useful weapons of choice.”\(^{22}\)

The NSS and SCW also underscore that given the “irrational” motivations of “rogue” states, deterrence of WMD use by such states is much more likely to fail. This reasoning builds on that of the NPR, which, although threaded with references to sustaining deterrence, flows centrally from the need to prepare for deterrence failure – the melding of nuclear and conventional strategic strike capabilities and the addition of defense and infrastructure components to form the new “triad” are explicitly for this purpose.

The proposition that deterrence of “rogue” states today is much less robust than deterrence of the Soviet Union during the Cold War is highly debatable. Indeed, conservative strategists throughout the Cold War routinely portrayed the Soviet Union to be just as convinced that nuclear war was winnable and just as determined to use nuclear weapons for political coercion, yet still held that deterrence worked.\(^{23}\) The NSS list of distinctive attributes of “rogue” states closely resembles Cold War era conservative strategists’ contemporaneous portrayals of Soviet character. Neither the NSS nor its supporting documents provide evidentiary arguments to support the assertion that “axis of evil” states are qualitatively less easily deterred than the “evil empire” proved to be.

In fact, today’s “rogue states,” such as North Korea and pre-2003 Iraq, generally are as cautious as the Soviet Union was (or more), eschewing use of WMD capabilities in any context in which a retaliatory deterrent threat applied.\(^{24}\) Deductively, realist theory suggests we may further expect

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\(^{18}\) For critical overviews, see Levi, 2002; and Alexander and Millar, 2003.


\(^{24}\) See Record, 2003; regarding Iraq specifically, see Mearsheimer and Walt, 2003.
that these states are actually more easily deterred than was the Soviet Union because they are both conventionally and strategically weaker; US force capabilities dominate at every level.\textsuperscript{25}

Despite (or because of) this diminished faith in WMD use deterrence, the Bush administration’s policy planning holds out the hope that a wide range of US capabilities, combined with threats to use these capabilities preemptively, will incite adversaries not to acquire WMD in the first place.\textsuperscript{26} Planning and capabilities for preemptive counterproliferation, including possible use of nuclear weapons, is intended to enhance this dissuasion effort.

But within the framework of standard deterrence assumptions, this logic is exactly backwards. US threats of retaliatory attack to deter an adversary’s use of WMD against vital US interests are inherently more credible than threats of preemptive attack to deter an adversary’s acquisition of WMD, which may derive from motivations having little to do with US interests. Although the distinction between these two forms of coercion is obfuscated in the 2002 NPR, US Strategic Command advisories to deliberations over the 1994 Nuclear Posture Review recognized it clearly and were skeptical that nuclear weapons could deter WMD acquisition: “Nations with expansionist aims may view development of WMD as the only means of countering US nuclear power… Our nuclear deterrent posture does not influence these reasons to obtain WMD…”\textsuperscript{27}

Recent research validates the view that the deterrence effectiveness of US nuclear capabilities actually increases acquisition incentives, both strategically and normatively.\textsuperscript{28} In this view, “rogue” states’ pursuit of WMD capabilities is less motivated by an irrational desire to attack the United States despite the consequences than by the very rational motivation to “bandwagon” on the US example of the acceptability of such threats and acquire capabilities to deter US attack upon themselves. Additionally, prospect theory suggests that using counterproliferation threats to compel reversal of a WMD acquisition program already underway is even harder than deterring its initiation.\textsuperscript{29}

If the Bush Administration’s strategic posture exhibits little faith that deterrence of either use or acquisition of WMD will be fully effective, it expresses even less faith in nonproliferation; the single paragraph in the SCW on the role of “active nonproliferation diplomacy” simply states the need for “a full range of operational capabilities” if the efforts fail.\textsuperscript{30} Instead, the posture emphasizes the likely need to exercise proactive counterproliferation efforts, including preemptive attack, to eliminate adversaries’ WMD capabilities before they are used.

But the prospect of US first-use of nuclear weapons for counterproliferation also begs the question of what distinguishes this policy from that of “rogue” states which, in the US characterization, see WMD to be “not weapons of last resort, but militarily useful weapons of choice.”\textsuperscript{31} The answer to this question is rooted in the ideational foundation of the Bush Administration’s strategic initiatives.

\textsuperscript{25} Deterring WMD threats by non-state parties is qualitatively more challenging. Unfortunately, the tendency of the NPR and other Bush Administration policy documents to conflate “rogue states and terrorists” into a single threat concept obfuscates this unique problem.

\textsuperscript{26} “Systems capable of striking a wide range of targets throughout an adversary’s territory may dissuade a potential adversary from pursuing threatening capabilities.” Nuclear Posture Review, 2001, p.12


\textsuperscript{28} See Solingen, 2007.


\textsuperscript{30} National Strategy to Combat WMD, 2002.

\textsuperscript{31} National Strategy to Combat WMD, 2002, p.1.
Nuclear Righteousness

Here the alternative paradigm’s introduction of the distinction that nuclear armament is responsible only for certain states and nuclear threats are legitimate only in certain contexts becomes vital. The justification for this distinction connects the Bush Administration’s nuclear policies to its broader “grand strategy.”

The National Security Strategy and other seminal strategic documents issued early in the administration’s tenure unabashedly articulate the ambition to embrace and maintain indefinitely the unprecedented fact of unequaled US power and influence in order to promote governmental transitions favorable to US interests throughout the rest of the world. In the words of the NSS, the US will aim to “create a balance of power that favors human freedom” and “extend the peace by encouraging free and open societies on every continent.”

Its experiences in Iraq have not compromised the Bush Administration’s commitment to the core tenets of this strategy. In 2005 President Bush dedicated his second inaugural address to the proposition that “it is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world.” In early 2006, the administration’s long delayed update of the National Security Strategy emphasized this core intention even more forcefully than its 2002 predecessor, identifying as its two foundational pillars the aims of “promoting freedom, justice and human dignity” and “leading a growing community of democracies.” While much media attention focused on the new strategy’s reaffirmation of pre-emptive attack as a counterproliferation option, its true thrust is to reaffirm that promotion of democracy overseas is as central as ever to the Bush Administration’s definitions of US global purpose.

This vision of virtuous US global leadership based on dominant military power harkens to a nineteenth century idealist internationalism underpinned by the security of broad oceans. The Bush administration’s embrace of a globalized reincarnation of this vision on the basis of US military inviolability represents the re-ascendance of idealism in shaping US grand strategy following the prevailing realism of the Cold War period. But this articulation also marks the emergence of a specific form of idealism. The active promotion of overseas democratization, by force if necessary, pushes aside aspirations to constitute a society among states, aiming instead to challenge the prerogative of state sovereignty itself. President Bush’s repudiation of the Yalta agreements at the end of World War II evinces this viewpoint. The Bush Administration’s emergent grand strategy of emancipatory militant idealism draws on a distinct variant of the American idealist tradition.

This thinking drives the Bush Administration’s approach to proliferation. The approach draws implicitly on observations that strengthening liberalizing and externally-oriented elements within a governmental regime produces less proliferation-prone nuclear weapons policies. From this

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32 National Security Strategy, 2002, p.1. This theme dominates the NSS posture; for example, the ambiguous term “balance of power that favors freedom” recurs in four other places in the 31-page document.
35 As one measure, the word “preemption” appears only five times in the document, while the terms freedom and democracy appear over 200 times. Cossa, 2006.
37 For a more detailed exposition of this interpretation, see Huntley, 2006, pp 49-67. For a similar distinction between contending strains of US foreign policy idealism, see Monten, 2005, pp. 112–156.
perspective, nuclear weapons proliferation itself is not really the problem; the presence of nuclear weapons in the hands of illiberal regimes is the problem. In this view, the interest of global nuclear safety helps justify pressing for liberalizing regime change in problem countries – an endeavor that could require a range of US military capabilities. Hence, increased US reliance on nuclear threats against such states is actually part of the nonproliferation solution, and greater US commitment to nuclear disarmament is irrelevant or even counterproductive. In the value system underlying emancipatory militant idealism, there is no contradiction in threatening nuclear attack to thwart nuclear proliferation.

Thus, Bush Administration officials maintain that US nuclear weapons policies are consistent with US NPT obligations and not relevant to the nuclear ambitions of states such as North Korea and Iran. Representatively, Assistant Secretary of State Stephen Rademaker, head of the US delegation to the 2005 NPT Review Conference, stated on the eve of the conference: “This notion that the United States needs to make concessions in order to encourage other countries to do what is necessary in order to preserve the nuclear nonproliferation regime is at best a misguided way to think about the problems confronting us.”

Here the essence of the alternative nonproliferation paradigm, and the grand strategy it evokes, draw on deeper disposition in the US political culture. US conservatives’ opposing domestic gun control have long maintained the credo: guns don’t kill people; bad people with guns kill people. The nuclear weapons attitudes reflected emancipatory militant idealism constitute the international equivalent: nukes don’t kill people; bad states with nukes kill people. Both outlooks draw on a value system longstanding in US political ethics traditions emphasizing individual responsibility. The simple fact that regime type does matter to the nuclear weapons behavior of states reinforces the deep resonance of this metaphor, assuring that outlook will endure long after the Bush Administration has left the scene.

From this perspective, the idea of complete nuclear disarmament is thus quixotic and irrelevant. The NPT regime, embodying this quaint notion, is obsolescent rather than merely shopworn. Indeed, no grand global nonproliferation movement is necessary; rather, remedies are as context-specific as the challenges.

**Implications**

This perspective helps explain the Bush Administration’s resistance not only to North Korea’s and Iran’s acquisition of nuclear arms but to engaging either the Pyongyang or Tehran regimes as sovereign interlocutors. Such antipathy dismisses “normal diplomacy” as a solution to the conflicts with such states, and questions the realist security framework that premises sovereign equality and rational behavior. Anti-diplomatic rhetoric refusing to allow North Korea or Iran to be “rewarded for bad behavior” evinces this attitude – one does not negotiate with outlaws. Here arises the logic of counterproliferation and “regime change” among “rogue” regimes as an ultimate proliferation remedy. This predilection evinces the disposition to confront autocratic regimes and the ambitions for democratization that have come to define the Bush Administration’s global outlook.

Appreciating this thinking also helps elucidate the Bush Administration’s ready embrace of India’s nuclear weapons expansion and deterrence policies. Some criticism of US-India nuclear cooperation has focused on the unlikelihood that India would function as a reliable “ally” in a balance of power contest between the United States and China. But that “realist” logic is not the

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40 On the roots of these metaphors in currently contested conceptions of family values, see Lakoff, 2004, pp.10-13; cf. Lakoff, 2002
whole story; the deeper normative common grounds implicit in the alternative paradigm’s rationales for the accord – which include perceptions of US-India symmetry on core political, social and economic values – supersede that criticism. Of course India will pursue its own interests, goes the thinking; but the normative convergence insures that in the long run interests will converge as well.

Does this linkage between democracy and nuclear policy have merit? Etel Solingen finds some evidence that strengthening liberalizing elements within a governmental regime can produce more restrained nuclear weapons postures.\(^{41}\) Ariel Levite notes these findings but questions their strength, concluding that studies of nuclear nonproliferation broadly “have been unable to establish a direct link between the nature of a regime and its nuclear orientation.” Levite expressly discounts instances in which regime liberalization has led to reversal of nuclear programs (e.g. Brazil and Argentina), observing that “this change in policy often is directly linked to the more stable security situation accompanying the regime change.”\(^{42}\)

But the association between domestic liberalization and international security Levite points to is, from a Kantian outlook, precisely the point: progress at both levels is symbiotically linked, neither can proceed without the other, but both reinforce one another as well.\(^{43}\) With respect specifically to dispositions toward obtaining or retaining nuclear weapons, Levite’s dismissal of the relevance of changes in domestic regime types alone unintentionally points to the potentially crucial role of changes in domestic regime types and external security environments interactively.

These observations highlight the core deficiency of Bush Administration outlooks. It is right to see a link between North Korea’s and Iran’s nuclear ambitions and their resistance to the broader liberalizing trends within their respective regions and in the world more broadly. But making “regime change” by itself a principal policy ambition (or even hope) misses half the problem. The Bush Administration’s visceral rejection of multilateral engagement and collaborative security building severs the necessary second dimension of domestic liberalization. Improved governance within states is rarely achieved through means that widen the divides between states.

The North Korean and Iranian nuclear challenges, distinct in many ways, converge on the key role played in both cases by broader security environments, regionally and globally, materially and normatively. These environments condition and in some ways drive North Korea’s and Iran’s specific national nuclear ambitions, which, through these environments, in turn aggravate and magnify other proliferation challenges. Neither peaceful non-nuclear solutions in these cases nor the full embrace of these countries within the global community of nations are achievable through confrontation. These goals require engaging the Pyongyang and Tehran regimes as sovereign interlocutors in the context of broader regional cooperative security efforts grappling with the complex tensions involved in their respective regions’ own encounters with today’s globalizing world.

Thus, the new nonproliferation paradigm reflected in Bush Administration policies and practices is not a viable answer to today’s nuclear proliferation challenges. The new conditions of the second, post-Cold War nuclear era do necessitate a new conceptual approach acknowledging the political dimension of nuclear threat-making. But the Bush Administration’s responses ignore the need for progress in international security relations, and so have been too partial and self-serving to provide the foundation for an approach that will be globally accepted, effective and enduring.

\(^{41}\) See, e.g., Solingen, 1995 and Solingen, 1994. Solingen is appropriately nuanced and circumspect in these observations.

\(^{42}\) Levite, 2002/3, pp. 83-5 & note #63

\(^{43}\) See Huntley, 1996
Revitalizing the NPT regime by recognizing the rising salience of the political dimension of nuclear threats in the second nuclear era will entail acknowledging the connection between disarmament aspirations and improving broader global security conditions. This in turn entails recognizing the need for symbiotic progress toward cooperative security and good governance at both international and domestic levels. Restoring nuclear disarmament objectives today depends on gaining broad international consensus in support of the policies seeking these broader ends.

One method to generate a global consensus on this integrated agenda would be to complement the NPT’s focus on restraining nuclear capabilities with a new concord aiming to deflate the political and symbolic salience of nuclear capabilities through the development of overarching security structures negating the utility of nuclear threats. This approach would embrace the NPT’s core premise of non-discrimination by engaging all states equivalently on the basis of their degree of nuclear threat reliance – in this view, non-nuclear states also bear Article VI obligations to wean themselves from extended deterrence guarantees. By sidestepping some of the conflicts between the NPT’s nuclear “haves” and “have-nots” and engaging the non-NPT states as well, this approach would strengthen the non-discrimination norm.

Such an approach must be carefully crafted. With the end of the Cold War, we can now recognize more clearly than previously that motivations to acquire and maintain nuclear weapons capabilities are varied, incorporating “realist” state security concerns but also domestic political machinations and the influences of ideational or symbolic attractions. Additionally, different countries express different combinations of motivations. Therefore, a single omnibus nonproliferation policy is unlikely to work well in all cases – “no single policy can ameliorate all future proliferation problems.” Moreover, in any given case, different types of motivational forces – security, symbolism and domestic politics – are likely to be intermingled.

Accordingly, policies will need to be tailored to particular circumstances, with recognition that policies tailored to alleviate certain motivations may inadvertently aggravate others. Even on a case-by-case basis, fashioning optimal policy responses is more challenging than ever. Sustaining international consensus requires grounding these particularly crafted policy responses in a wider set of universal normative criteria. This concrete linkage of the political context of nuclear weapons decision-making to abiding universal aspirations can be a starting point for policy responses.

From Nonproliferation to Nuclear Governance

Examination of the interrelationships between contemporary liberalizing forces in global politics and new questions as to the future role of nuclear disarmament objectives are as yet underdeveloped. Most attention to the current “crisis” of the nonproliferation regime remains concentrated on material factors and policy-making challenges, as noted above. The Bush Administration’s usurpation of the rhetoric of democratization in promulgating its nuclear order vision has reinforced the inclinations of defenders of the existing regime to refocus on the “objective” side of global nuclear dangers – the perspective that defined the original regime paradigm. One result of the inadequate (and increasingly needed) attention to the political side of the multilateral cooperation to face shared nuclear dangers has been a tendency to overlook how the nuclear disarmament imperative is embedded in the larger normative and ideological trends defining the modern age.

A recent set of works by William Walker, along with its associated critiques, usefully engages these questions. For Walker, humanity’s joint global attempt to stem shared nuclear weapons

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44 Sagan, 1996/7
dangers took on the “hallmarks of a grand enlightenment project.” Walker identifies the principal enlightenment attributes of this project as:

- Faith in and commitment to rationalism
- The attainability of justice despite clear inequality
- The hope of developing trust among nations through international law
- The capacity for organizational control of complex technology
- The possibility of progress “in escaping a nuclear-armed chaos”\(^{45}\)

Liberalism, itself an “enlightenment project” in the largest sense, incorporates the gist of the attributes Walker identifies. Walker specifically invokes Kant as an expositor of the sense of the concept of enlightenment underlying this project. Certainly, key attributes – the concern for achieving justice despite irremediable inequality, the hope of building trust among nations by anchoring their relations in law, and especially the belief in the possibility to progress beyond the shackles of anarchy – are all distinctly Kantian.\(^{46}\)

Importantly, though, Walker finds the root inspiration for this project in *fear*, noting Bernard Brodie’s hope that “a common profound fear would engender a common rationality and reasonableness among disparate states and their leaders.” As such, to mitigate the dangers of the advent of nuclear technology, managing the implications for national power was a central imperative. In Walker’s words: “The nuclear weapon’s vast destructiveness demanded some unifying conception of political order in which peoples and states could place their hopes and trust, and *through which conflicting norms and interests could be reconciled.*”\(^{47}\) In this regard, the coming of the nuclear weapon was revolutionary: “It implied a form of absolute enmity” (a la Carl Schmitt), “a willingness to contemplate the total destruction of the Other or even all Others. It thus created an inescapable practical and moral obligation to avoid this fate.”\(^{48}\)

In the context of the analysis developed in the first section of this paper, this depiction is noteworthy. Grounded in the imperative to alleviate *fear*, Walker’s conception of the global nuclear NACD objective ultimately takes on more of the trappings of protective liberalism than a specifically Kantian project. The sense of convergence of the practical and moral imperatives, which certainly speaks to the ethos of the nuclear age, hints of Kant’s appreciation of the interaction of the phenomenal and noumenal worlds. But if an obligation defined only by survival really expresses a Kantian “categorical imperative,” it is only because the question is survival at the universal level – an ultimate invocation of the Kantian edict, “there shall be no war.” Otherwise, rooted in the mainly mechanical problems of arms control and nonproliferation, the vision in this account evinces little of the qualities of moral self-realization and organic development central to the Kantian hope of “perpetual peace.”

Given the protective/survival emphasis, the foundation for this project, embodied in (but not limited to) the NPT regime, included “both deterrence and nonproliferation” – “a managed system of deterrence and a managed system of abstinence.”\(^{49}\) In other words, the system included the vast nuclear war-fighting structures and war-planning strategies with which the United States and Soviet Union threatened each other as well as treaty-based mechanisms (including not only

\(^{45}\) Walker, 2007, p.431

\(^{46}\) A definitive Kantian conception for achieving justice in the context of inequality is Rawls, 1971.

\(^{47}\) Walker, 2007, p. 433-4. Italics added

\(^{48}\) Walker, 2004, p.22. Unclear in this association of the advent of the nuclear age with “absolute enmity” is whether Walker means that the mechanisms for use of the weapons expressed an enmity already intrinsic to the weapons’ agents or that the apocalyptic consequences of the technology imposed this enmity upon those agents.

the NPT but also the bilateral and multilateral arms control agreements of the Cold War era. Although in some senses this inclusive scope appears awkward – were the Cold War debates between “MAD” and “NUTS” advocates really an encounter with enlightenment? – this representation aptly acknowledges the connectedness discussed earlier in this section between alleviating nuclear dangers and managing the practical politics of the day.

On the other hand, the “enlightenment” of the project, such as it was, may have flowed less from the juxtaposition of these two elements in a “public discourse” than from the recognition that prioritizing the long-term control over nuclear dangers above the shorter-term utility of nuclear threats also served an “enlightened” self-interest. Moreover, in the making of the NPT regime, the systems of deterrence and abstinence were not merely juxtaposed, but intimately intertwined: the system of abstinence was made politically viable only by virtue of superpowers’ extended deterrence security guarantees to nuclear-capable allies (most crucially by the United States to Japan and Germany, with tacit acquiescence of the Soviet Union, which shared an interest in seeing these states remain non-nuclear). The importance of such nuclear security guarantees in underwriting nonproliferation among key states is still salient, particularly in the case of Japan, for which the alliance relationship with the United States remains the determining non-domestic factor sustaining its nuclear weapons restraint. This function is now a principal justification US policy-makers offer for US nuclear weapons retention. But the sturdiness extended deterrence supplies to abstinence is also a weakness, for efforts by nuclear-armed states to wean themselves from reliance on nuclear deterrence threats for arms control purposes risks weakening the nonproliferation function of those threats for non-nuclear allies.

Walker associates the product of the project, the NPT regime, with Hedley Bull’s “anarchical society.” But his application of this measure is appropriately circumspect: the regime was “becoming” a “true international society” in the mid-1990s but subsequently has fallen back from that status appreciably. But a Kantian “federation of free states” is more ambitious yet, and the NPT regime by design cannot approach that form of order, constituted as it is by diverse states to execute specific arms control objectives, rather than by enlightened republics more ambitiously extinguishing mutual war. Indeed, reflecting the abstinence from politics discussed earlier in this section, the system of nuclear abstinence explicitly embraced state sovereignty and eschewed any hint of differentiated justifications for nuclear weapons possession among member states. In no sense does the NPT regime seek to rally member states to a joint normative purpose in their domestic being – a crucial consequence of the absence of a founding moral purpose beyond survival, and a crucial departure from Kantian hopes.

Walker underlines that the makers of the project emphasized, above all, its “intrinsic universalism” based in the reality that nuclear dangers “confronted all humankind.” Herein arose the necessity to develop a consensus around measures deemed just (and thereby accruing

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50 On the deliberate US choice to prioritize a longer-term interest in nonproliferation over a shorter-term interest in proliferation to allies, and its function in the derivation of the NPT treaty, see Burr, 2000/1; cf. Gavin, 2004/5, Brands, 2006
52 On Japan’s nuclear weapons potential see Campbell, 2004; Kamiya, 2003.
54 See Sagan, 1996/7
55 Walker, 2004, pp. 37, 39
56 Hassner allows a limited association to Kant as an “inspiration” for the NPT regime’s aspirations, but only insofar as the regime, representing a provisional and fragile substitute for an enduring “universal rational order,” evokes Kant’s own recommendation of a war-banning affiliation of republican states as “a second best (Surogat)” solution. Hassner, 2007, pp. 457, 459; cf. Shulte, 2007, p. 510
credibility) in the face of entrenched inequalities of nuclear capabilities. In the context of negotiation of the NPT, constructing a nuclear order premising both deterrence and nonproliferation posed the sharp problem: “How could assertions that the possession of nuclear weapons by certain states served the avoidance of war be reconciled with assertions that their possession by others increased the likelihood of war? Why was nuclear deterrence not a universal good?” The answer, in addition to the general threat to all that nuclear weapons were deemed to pose, was the judgment that “possession of nuclear weapons by the acknowledged nuclear weapon states was a temporary trust.” Walker concludes that accordingly the expectations surrounding the NPT’s Article VI, although “vaguely expressed,” were “unambiguous.”

The legitimacy of the entire endeavor depended upon all member states’ ascription to the universal goal of complete nuclear disarmament.

On this point, the historical record suggests the superpowers may never have embraced the disarmament objective realistically. At the same time, the centrality of the disarmament commitment to the global nonproliferation regime’s legitimacy has only increased over the years among most audiences. In that sense, with the passage of time the regime has taken on more of the elements – and stakes – of the kind of project Walker describes; it is no longer (if ever it only was) “a treaty like any other,” “at its core a mundane bargain.” But in Walker’s rendering of the project, disarmament remains a contingent ambition, instrumental to a nuclear order whose real pillars are arms control and nonproliferation, and necessary mainly to legitimize the patently unequal relationship of that order. Ambivalence over witnessing tangible progress toward disarmament, and even equivocation over the possibility of the ultimate goal, are perfectly tolerable so long as sufficient movement takes place to sustain the legitimating function of the aspiration. The fundamental “hypocrisy” of expecting continued forbearance from the NPT’s non-nuclear states while its nuclear-armed states plan indefinite retention of their arsenals is a practical necessity.

Such a construction may have been the best achievable political compromise of the day, but it was a time bomb: continued nuclear weapons embrace by the P5 states in the absence of genuine tangible progress toward disarmament – particularly after evaporation of the Cold War “balance of terror” excusing arms control stagnation – could not help but corrode the legitimating function of the disarmament aspiration. But, as noted above, P5 resistance to disarmament serves the legitimate and necessary purpose of supplying the nuclear security guarantees that underwrite the system of abstinence in the first place. Thus, P5 nuclear weapons retention is not merely (though it is much) just a matter of fidelity to Article VI obligations. The entire project is built on a fundamental tension necessarily tightening over time. To the already difficult task of achieving arms control measures offering tangible disarmament progress is added the requirement to judiciously avoid undercutting the extended deterrence security scaffolding of nuclear abstinence. Indeed, successes reducing nuclear capacities extraneous to extended deterrence

58 Walker, 2004, p.27
60 Rühle, 2007, p.512
61 Relating this viewpoint specifically to Walker, see Hassner, 2007, pp. 455-6, 462-3, and Krause, 2007, pp. 488-9
62 This observation suggests that, against conventional wisdom, the 1995 permanent extension of the NPT may have been a colossal mistake, not only entailing sacrifice by the non-nuclear weapons states of their principal bargaining leverage but thereby also imperiling the entire system.
63 Krause, 2007, p. 494
diminish future options – cutting away the fat eventually leaves only the meat. In the long-term, the system premise of eventual total nuclear disarmament can only survive by transcending itself.

The NPT regime and the nuclear order it represents then do today face a “crisis” – not an operational crisis concerning the matters of the moment (North Korea, Iran and the like) but a crisis of purpose and normative orientation. Walker similarly diagnoses the regime to now face a “crisis of legitimacy,” not merely a “problem of efficacy.” But this crisis cannot be solved on the NPT’s own constitutive terms, as the contradictions are bound up in the constitutive design – the legitimacy question is a crisis of the system, not in the system – though Walker resists that judgment. If a rational and secure nuclear order is to be reconstituted – if the current regime is in some sense to transcend itself through a kind of dialectical resolution of its own contradictions – what will be the basis for the new synthesis? The preceding analysis of this section suggests this basis is to be found in a rediscovery and incorporation of the political/security context of the extant nuclear order – a dimension repressed (perhaps necessarily) in the Cold War era but now more than ever demanding attention. Roberts suggests this connection:

Walker reminds us of the bargain in the NPT between the haves and have-nots, but might have said more about the larger bargain of which the non-proliferation regime is a part: this is the bargain between those five states (the P5) and the larger international community by which the former engage to apply their power, including the use of force, to the effort to build a stable and peaceful international order, in exchange for nuclear abstinence by the latter. In my view, a broad diffusion of nuclear weapons in the international system is more likely to result from a failure of these guarantors to safeguard the system in the face of some severe new threat than from their failure promptly to perform the article VI disarmament obligation.

Ultimately, Walker’s rendering as an enlightenment project the constituting of global nuclear order around the normative objective of disarmament unintentionally reveals this effort’s principal shortcoming as an enlightenment project: it epitomizes how the genuine core of the Enlightenment age – the discovery of the possibility of progress at the level of humanity itself – was quashed by the new imposition of the imperative of survival at the level of humanity itself. Herein lays a deeper implication of the inclination to depoliticize the nuclear problem that strategists and abolitionists have shared; the contested quest to identify (or develop) a moral ordering of human relations, represented in the twentieth century by the vying ideologies of the liberal and Marxist visions, had to be constrained from expressing itself through violent conflict, for the perpetuation of meaningful human society of any sort now hung in the balance. This is the pathology of lowered expectations defining the nuclear age: with apocalyptic power delivered to human hands after Hiroshima, the best that we could hope for was simply not to blow ourselves off the face of the earth. Nuclear weapons destroyed idealism.

As discussed earlier, the Bush Administration’s nuclear policy initiatives and the broader grand strategy in which they are embedded rediscovers idealistic ambitions. But in Walker’s assessment, it is a warped idealism; these nuclear policy initiatives are essentially disintegrative and regressive, driven by supporters who “eschewed the use of public reason and unilaterally sought to impose their own versions of what is right.” The implications of these initiatives constitute nothing less than a counter-enlightenment grounded in “a unifying conception of

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64 Walker, 2004, p. 68f
65 Walker, 2007, p.440
66 Roberts, 2007, p.527. Hassner, although even more circumspect than Roberts as to future prospects, rightly concludes that the best hope for long run improvement will be “if the search for order and peace is political as well as strategic.” Hassner, 2007, p.647
encroaching disorder, or of an order reached through the revising power of religion, ideology or economic and military might.” \(^{67}\)

Walker does allow that the neoconservative movement “championed another enlightenment idea rooted in American political culture: namely, that enmity can be overcome through the extension of political and economic freedoms,” in the absence of which other actors could be deemed irrational and “evil,” “beyond diplomacy and reasoning.” \(^{68}\) Thus Walker identifies some of the core qualities of the Bush Administration’s *emancipatory-militant* idealism. But Walker downplays its distinct (if selective) invocation of liberal conceptions, most notably the hope invested in the promulgation of liberal-democratic systems of government.

This deprecatory treatment implicitly rejects the view, offered earlier in this paper, that Bush Administration nuclear policy initiatives do tap into genuine sources of the current crisis of legitimacy in the global nuclear order – but, as against critics of Walker and defenders of these initiatives, they do not answer the need to reconcile the core disparities. \(^{69}\) The Bush Administration’s strategic posture represents more than an ideological flavor-of-the-month, but offers much less than the changed circumstances of the second nuclear era demand; if it has discerned the symptoms, it has also misdiagnosed the malady, and so is treating a cancer with a bloodletting.

**Conclusion**

Certainly, the NPT regime today is in transition. The choices being made now, explicitly or by default, will constitute the conceptual foundation for global nonproliferation efforts well into the twenty-first century. Effective adaptation of the global nonproliferation regime to the challenges of the second nuclear era will include enabling the NPT regime to respond to the wider political contexts, domestic and international, that generate government-specific nuclear motivations, but to do so in a fashion grounded in principles of international law and in consensus on the continuing relevance of the ultimate objective of global nuclear disarmament.

In January 2007, a Wall Street Journal op-ed by four prominent U.S. ex-statesmen called on the United States to take the lead in rekindling “the vision of a world free of nuclear weapons” and in promoting “practical measures toward achieving that goal.” \(^{70}\) The op-ed helped induce discussions in Washington over U.S. nuclear weapons policy to take disarmament aspirations more seriously than has happened in some years. \(^{71}\)

The statesmen’s op-ed focused on the practical benefits that would accrue to both the United States and the world from progress toward nuclear abolition. But the op-ed also noted that U.S. leadership toward this end “would be, and would be perceived as, a bold initiative consistent with America’s moral heritage.” \(^{72}\) This is an important point. Contemporary defenses of the NPT regime that stress its *practical* service to reducing nuclear dangers insufficiently answer the *idealism* underlying the Bush Administration’s alternative nonproliferation paradigm.

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\(^{67}\) Walker, 2007, p.432-3

\(^{68}\) Walker, 2007, p.432


\(^{70}\) Shultz, 2007


\(^{72}\) Shultz, 2007
Rekindling U.S. leadership on global disarmament requires more than dry appeals to practicality. However, the Bush Administration’s ambitions reflect only the emancipatory-militant variant of American idealism: a liberal-international variant, which valorizes rather than deprecates genuine multilateral engagement and institution-building, is equally imminent in US traditions. That latter variant, more akin to the aspirations of Woodrow Wilson than the ambitions of Theodore Roosevelt, inspired US leaders following World War II – a similar moment of US global preeminence – to spearhead creation of the United Nations, the World Bank, NATO and other internationally collaborative efforts.73 Such international institution-building complements and strengthens the “power of example” in promoting liberalization and democratization in myriad domestic settings, while the emphasis on the traits of republicanism tempers the excesses of liberal exceptionalism.74

US leadership toward building a world free of nuclear weapons dangers in the second nuclear era can and should tap into and continue that tradition. Progress in this direction is now more than previously a prerequisite to strengthening global NACD efforts, given contemporary reliance on nuclear threat-making in state security policies and on nuclear capabilities as symbols of power and stature (both for factions domestically and for states internationally). Breaking the linkage between nuclear armaments and daily politics by refashioning the conditions of global governance is essential. IAEA Director General Mohamed El Baradei makes a similar point:

Clearly, the development of a security system that does not depend on nuclear deterrence or nuclear weapons will be a prerequisite to a roadmap for effective disarmament. Until the international community fully engages on the development of such a system, achieving complete nuclear disarmament will remain in the realm of rhetoric.75

A nuclear-free global security system cannot be imposed by fiat. Governance conditions facilitating nuclear disarmament can only be achieved through multilateral cooperative processes building on historic foundations of international law and transnational community. The task is necessarily a long one; there are no crusading quick fixes.

Despite the Bush Administration’s rejection of these premises, the underlying recognition of the political dimension of nuclear proliferation is overdue. In a more consensually developed form, this recognition can function as an essential adjunct to the Cold War era’s narrower focus on limiting material nuclear capabilities and upholding technical non-discrimination, helping the NPT regime adapt effectively to the second nuclear era. Such a broadening of perspective is vital in responding to today’s nuclear challenges, in which abstract strategy matters less and the broader threat-making and symbolic values of nuclear weapons possession matter more. The

73 On this distinction see Huntley, 2006. Walker similarly identifies two post-Cold War US viewpoints on future international order: “optimistic and cosmopolitan” and “pessimistic and nationalistic.” But Walker does not trace the historic roots of these dispositions. Walker, 2004, p.31. Monten’s distinction between “vindicaitonism” and “exemplarism” as contending strains of the US “nationalist premise of liberal exceptionalism” emphasizes the deep roots of these tendencies in US traditions. Monten’s depiction of “vindicaitonism” parallels that of “emancipatory-militant idealism” here, both in its character and its expression in Bush Administration strategic outlooks. But Monten’s “exemplarism” is also a form of democracy promotion, its isolationist dispositions and pessimism over the prospects of change leaving only the aspiration to “lead by example.” This formulation omits the global engagement, ameliorated millennialism and greater confidence in the possibility of progress expressed in the institution-building ambitions of “liberal-international” idealism. Accordingly, Monten finds that, in large measure due to increasing US national power, “vindicaitonism largely prevailed in the twentieth century” – a conclusion that does not well account for the very different approaches US leaders took to managing US global preeminence at the ends of World War II and the Cold War, respectively. Monten, 2005, pp.113-4, 128

74 On these points see Owen, 2001/2, and Barnett, 2006.

75 El Baradei, 2004
ideal of eventual nuclear disarmament requires reversing this political and symbolic linkage, which in turn requires elevating conditions of global governance – at both national and international levels – above the mean dictates of absolutism and anarchy.

The United States, as the globe’s preeminent power, can lead this task. But this must be leadership through broad and genuine consensus-building, not merely tactical “coalitions of the willing.” The Bush Administration is not wrong to orient US policy around a vision for a better world. But America’s global friends – and even its adversaries – have vital and necessary roles to play in directing that vision toward more consensual and normatively satisfying aspirations. Then they must join in its quest as well.

That would not be a bad measure of “responsibility.”
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