Does the Nuclear Taboo Matter?

French Nuclear Strategy and the Prohibitionary Norm of Use

“The most spectacular event of the past half century is one that did not occur. We have enjoyed 60 years without nuclear weapons exploded in danger”¹. This unexpected political and strategic phenomenon is known as the “nuclear taboo”, an uncodified powerful prohibitionary norm against nuclear use to the point that: "uses of nuclear weapons [...] have been severely delegitimized and are practically unthinkable policy options" because of the "intolerable" nature of nuclear weapons². Nevertheless, The French White Paper on Defence and National Security stated in 2008: “a breaking of the nuclear taboo is no longer improbable”³. Experts ask what would be the consequences of breaking the nuclear taboo and some conclude that “breaching the taboo would not necessarily reverse the powerful norm and tradition that has developed in the last 60 years against the use of nuclear weapons”⁴.

A solid strand of research has been devoted to explain the genesis and the rise of the nuclear taboo. An on-going debate occurs to establish whether the absence of nuclear military use after Nagasaki is a genuine taboo, according to the leading constructivist author Nina Tannenwald, or mere a tradition of non-use, according to the more realist-eclectic point of view advocated by T.V. Paul⁵.

Authors document with precision the development of the prohibitionary norm against the use of nuclear weapons: both emphasizes the role of domestic and international public opinion, of norms entrepreneurs, the iteration of non-use behavior, the convictions of decision-makers⁶. Both explain the bases of the non-use. Tannenwald put the emphasis on cultural and normative factors and Paul insists that reputational factors are the main causal mechanisms in explaining the absence of the third use of nuclear weapons. Nevertheless, there is a gap in the literature of the Nuclear taboo concerning its impact on the strategic adaptation of states possessing weapons that have not been used for more than 60 years, that have the reputation to be “unusable”, whose use would expose the striker to incommensurate international opprobrium⁷.

⁵ I use the term taboo in a more loose and general sense to mean a powerful international norm against the use of nuclear weapons.
How has the norm affected nuclear strategies? What are the consequences of the tradition of non-use on national policy? To what extent have major powers adapted their nuclear doctrine to the prohibitionary norm against the use of nuclear weapons?

France is a crucial case study to test the impact of nuclear taboo on national doctrines for three main reasons. First, the lessons of the nuclear taboo remain excessively derived from the case of the United-States. The analysis of the French case took place in the research agenda looking for examining the nuclear taboo on other cases than the US. Second, France relies on nuclear weapons most heavily in its defense policy than any other Nuclear Weapons States recognized by the Non-Proliferation Treaty. But the main rationale for an in-depth case study about France is that France has undertaken a “quiet revolution” in its nuclear policy after the cold war. France has reduced its nuclear arsenal, considerably reduced the share of the nuclear in its defense budget, has dismantled its nuclear testing site and fissile material production facilities, has abandoned its tactical and strategic land-based weapons systems. In the same time, France has constantly modernized its nuclear arsenal and renewed its strategic thinking towards a more flexible and “operational approach” than its deterrent of the strong by the weak Cold war strategy. So these shifts are quite paradoxical vis-à-vis the nuclear taboo. Indeed, “The history of French nuclear employment policy has been a gradual movement away from underscoring “anti-cities” threat with massive demographic effects to a greater emphasis on administrative, political and military targets” so an adaptation in line with the development of the nuclear taboo. But in the same times, in the post-Cold war France has changed its nuclear use policy in a way that undermine the strength of the tradition of non-use, according to T.V. Paul. Many experts express concern that the evolution of new French nuclear strategy implies a lowering of the nuclear threshold.

Why French nuclear strategy has changed since the end of the Cold War? What is the role played by international norms in shaping French nuclear strategy?

This article focuses on the issues of the nuclear strategy that are directly linked to the nuclear taboo, that is issues dealing with the use of nuclear weapons. I examine when nuclear weapons should be used or threatened to be used and how they should be used. Indeed, the nuclear taboo proscribes first use or targeting cities and populations. These questions are at the heart of military doctrine that

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defines “how and when military force is to be used”\textsuperscript{15}. Doctrine is at the core of current international campaign for nuclear disarmament either concerning the call for no-first-use doctrine or NGO’s new approach taking doctrine as a target to outlaw nuclear weapons\textsuperscript{16}.

The Nuclear Taboo and military doctrine: theoretical lenses.

From a realist perspective, the practice of nuclear weapons non-use from the end of the Second World War onwards is the result of a tradition that hangs on the calculated pursuit of long-term security interests. The tradition of non-use is founded on a prudential logic: “there is an important analytic difference between cases in which you are refraining from an act because you think it is wrong versus refraining from an act because you fear that if you do it, others eventually do it, too, as a direct or indirect consequence of your action.”\textsuperscript{17} In other words, a nuclear power will deprive itself of the recourse to nuclear use to avoid freeing the "nuclear genie" from its box and thereby set a precedent that would undermine its own security interests. Repeated behavior led to the development of a particular tradition, according to Sagan's analysis, or of a convention relying on respected reciprocity as purported by Ward Thomas\textsuperscript{18}. From a realist point of view, expressed by a French high official commenting the 1996 ICJ advisory opinion, the nuclear non-use since 1945 is even of a "fortuitous set of circumstances".\textsuperscript{19} According to the neo-realist framework, which emphasizes balance of power and balance of threat in the international system, evolutions in doctrines of use are linked to changes in power relations and relative might, or, indeed, in the balance of terror. Nuclear strategy is driven primarily by threats, constrained by available resources and by technological possibilities. Realists tend to reject the influence of ethical concerns on balance of power politics and military planning. Realists are skeptical about the existence of a nuclear taboo and denied that the tradition of non-use has an impact on nuclear doctrine that is threat-driven. “Policy makers in the eight nuclear weapons states do not equate such stigmatization (...) with unusability. Nuclear weapons may be weapons of last resort – for us, at least – but last resort should not be confused with ‘no resort’”\textsuperscript{20}


\textsuperscript{19} “The fact that no nuclear power has used its nuclear weapons since the end of the Second World War can not constitute in any case a custom, that every state should respect if it has been recognized as a custom, but very simply as what we may named a fortuitous set of circumstances”, Marc Perrin de Brichambaut (Head of the legal branch, Ministry of Foreign Affairs), « Les avis consultatifs rendus par la CIJ le 8 juillet 1996 sur la liceité de l'utilisation des armes nucléaires dans un conflit armé (OMS) et sur la liceité de la menace et de l'emploi d’armes nucléaires (AGNU) », Annuaire français de droit international, XLII, 1996, p. 328. William C Potter echoes this idea when he mentions the “good luck” as an explanatory variable with respect of the non-use, In Search of the Nuclear Taboo, op. cit, p. 9.

T.V Paul offers an eclectic argument based on the premises of realism. His explanation of the tradition of non-use is based on material factors and reputation. Paul’s account of the emergence and persistence of the non-use of nuclear weapons highlights the role of reputational factors. Fear of international opprobrium, fear of damaging image of the user could be strong motivations to prevent use of nuclear weapons. But T.V. Paul shows that Nuclear power states hold competing reputational concerns. Non-use reputation seeks to avoid international opprobrium and to prevent nuclear proliferation from non nuclear weapons states. Deterrence reputation implies to show political determination and credibility in using or threatening to use nuclear weapons in case of necessity.

Of the constructivists, Nina Tannenwald has been the main proponent of nuclear taboo theory. She offers the most sophisticated argument and systematic study. In a convincing manner, the author shows how nuclear weapons deployment has been gradually governed by a taboo precluding its use: “The ‘nuclear taboo’ refers to a powerful prohibition against the [first] use of nuclear weapons. The taboo is not the behavior (of non-use) itself but rather the normative belief about the behavior”\(^{21}\) a norm being understood as “a criteria for right of wrong, a prescription of a prohibition of a behavior for a given identity.”\(^{22}\) Founded on the repulsion and ignominy readily associated with nuclear weapons, the nuclear taboo creates a general inhibition over their use. The nuclear taboo deeply affects the nuclear doctrine since it may alter the identity of democratic nuclear weapons states (“civilized” country respecting laws of war and human rights vs nuclear weapon as “weapons of mass destruction”). At a lower level, the regulative effect of the nuclear taboo expresses itself through the norm of no first use or the norm of last resort weapons which constraints state behavior. Constructivists put the emphasis the logic of appropriateness. Leaders act according to what they believe is appropriate behavior, not according to objective security interests. Nina Tannenwald does not say that the taboo explains all the story of the non use of nuclear weapons since WWII. She carefully argues that the impact of taboo is complementary with the deterrence logics (p. 71). Furthermore, Tannenwald’s taboo thesis is about the use of nuclear weapons and not about doctrine, targeting and planning. The Nuclear Taboo has been criticized for ignoring “the role of military operations and nuclear planning”\(^{23}\). This paper contributes to fill this gap by examining the impact and the weight of the nuclear taboo on French nuclear strategy.


\(^{22}\) Nina Tannenwald 2005, op. cit, p. 8.

STRATEGIC DETERRENCE AND INTERNATIONAL NORMS: THE NUCLEAR TABOO?

The object of this first section is to analyze how French nuclear strategy is positioned vis-à-vis the nuclear taboo, both in terms of doctrine (is the French concept of nuclear deterrence compatible with the nuclear taboo or not?) and practice (in the rare instances when nuclear deterrence was put to the test, was the nuclear taboo also manifest?). Before addressing these questions, we present the nuclear taboo and clarify theoretical debates concerning its impact on military doctrine.

Either a taboo or a tradition, the norm against the use of nuclear weapons, one may expect that such a deep prohibitionary norm against the use of nuclear weapons, or such a reiterated and durable tradition of non-use since more than 60 years in Paul’s approach, severely constrains nuclear strategy. Indeed, there are many convergences between the tradition and taboo approaches of nuclear non-use concerning the likely impact on nuclear strategy. From the two approaches, the tenets and characteristics of the norm prohibiting nuclear use can be summarized in the following way:

- Prohibition of nuclear weapons’ use, and foremost of a making the "first strike"
- Nuclear weapons can only be used in retaliation to a nuclear attack
- Nuclear weapons are a "last resort"
- A moral basement on sparing noncombatants, and not taking civilian lives (implying a rejection of counter-city or counter-population strategies)
- Categorization of nuclear weaponry as a "different" kind of weaponry, an "odious and intolerable" weapon
- The most obvious evidence of the taboo lies in discourse -the way people talk and think about nuclear weapons. International agreements that restrict freedom of action with nuclear weapons and decisions that downgrade the role of nuclear weapons (denuclearization of the army; the build-up of conventional alternatives…) are the other main evidences for the taboo.

It follows that the evolution of nuclear strategy should be constrained by the fact that the nuclear weapons are less “usable”. So the nuclear strategy is expected to be restricted and constrained by the taboo moving away from usability of nuclear weapons. More specifically military doctrine governing use, ought to be dominated by the following guidelines:
1. Specific categorization of nuclear weapons, stigmatization (intolerable weapon)
2. Limitation of the deterrence argument to the sole case of nuclear conflict
3. Doctrinal progression towards non-use, agreement on the principal of no first use
4. Weakening, even disappearance of the notion of counter-city strikes (counter-population strikes)
5. Decisions to reduce the number of nuclear weapons
6. International commitments that restrict freedom of action

French nuclear strategy is founded on an understanding of the nuclear weapon as a radically new weapon, whose devastating power fundamentally modifies prior strategic configurations. Nuclear weapons are dread itself. Yet within French doctrine and debate, contrary to the tenets of the nuclear taboo, they are not stigmatized and classified as odious and intolerable. The manner in which French authorities and discourse categorize nuclear weaponry depends on two intimately

linked specificities. On the one hand, "they are 'political' weapons first and foremost." 25 Indeed, "conferring an intrinsically political role to nuclear weaponry is the very basis of the French doctrine." 26 The nuclear arsenal acts exclusively as a deterrent, intended to prevent war and conflict, and not act as a coercive nor military strategy. Discussing the deterrence doctrine in February 2004, the Defense Minister thus recalled that "the fundamental principals remain intact […] Nuclear weapons are political weapons of a different nature not destined for the battlefield." 27 On the other hand, "their unequaled destructive power and the dread they inspire has given a radical and unprecedented dimension to the concept of deterrence." 28 One outcome of nuclear weaponry's specificity is the equalizing power of nuclear powers theorized by Pierre Gallois, underpinning the theory of the "weak deterring the strong." The principle of sufficiency, touchstone of the French concept of deterrence, follows therefrom. In short: the weaker party has no need to bridge its nuclear gap because the idea of provoking "unacceptable damages" is sufficient means of deterrence. Thus, France sustains a strategy of "proportional deterrence." 29

**Is the evolution of France's nuclear strategy congruent with progressive nuclear weapons' delegitimization and the growing nuclear taboo?**

From the beginning of 1990, when the nuclear taboo is consolidated, France's nuclear policy has developed through multiple decisions that fit in with what Nina Tannenwald calls a process of nuclear weapons' downgrading, an indicator of the influence of the nuclear taboo:

- Decrease in nuclear spending. With 3.3 billions of euros in 2009 the spending for the nuclear deterrence absorb 10% of the French military spending, which is the lowest level since 1960 and 18% of the military equipement spending against 34% in 1990.
- Scaling down the format of nuclear forces (removing two strategic and tactical components; cutting down naval strategic forces to four units; decreasing the number of nuclear warheads)

Similarly, France has subscribed to various international commitments limiting its manoeuvring room. 30

- Ratifying the non-proliferation treaty (NPT) in 1992, the protocols of the Tlateloerro (1992), Pelindaba and Rarotonga treaties establishing nuclear free zones (1996)
- Ratifying the Comprehensive Test Ban Treaty (CTBT) and dismantling its Mururoa testing site and Marcoule factory for producing fissile materials. Most of these positions conform with the nuclear taboo theory and could be understood as fulfilling its conditions

Does France's nuclear use behavior conform with the nuclear taboo?

28 Ibid.
It follows from this analysis that the evolution of France's nuclear policy—whether the composition of its arsenal or its international commitments—converge with the rise of the nuclear taboo internationally. What of the practice, the effective deployment of nuclear weapons? For the nuclear taboo is indeed meant to create inhibitions over nuclear weapons use by world nuclear powers.

First of all, it is worth underlining the fact that the President of the Fifth Republic, "the ultimate guardian of nuclear deterrence and sole arbiter of the possible implementation of our nuclear force," has often expressed unease before the French nuclear arsenal. The Gal. de Gaulle emphasized that the atomic weapon confronts "those who have to command it […] with a terrible and perpetual perplexity." (de Gaulle 1968). At a June 25th 1969 press conference, one week before his arrival at the Elysée Palace, Georges Pompidou mooted the "unbearable solitude of the Chief of State faced with managing the strategic nuclear might." During a televised interview on the 12th of April 1992, Mitterrand declared that "France does not have nuclear weaponry for entertainment! Personally, I've always been against it…" and spoke also of the "nuclear peril." Declarations such as these provide no conclusive evidence as to an actor's realtime reactions at moments of crisis. They nonetheless provide an indicator of the inhibitive potential of the nuclear taboo on France's ultimate decision maker. Nina Tannenwald highlights the role played by decision makers' moral convictions in the nuclear taboo's development. Nonetheless, it is worth pointing out that inhibitions over use do not stem solely from moral considerations, but also from fear of retaliation. The most notable case illustrating this point was related by former President Valéry Giscard d'Estaing in a statement made during his time in office. For the first time, a French President stated his indecision, if not outright refusal to resort to nuclear weapons use, running the risk of undermining one of the foundations of deterrence in the process: political credibility in the face of the adversary; the unfailing determination of the French authorities to follow through with a nuclear strike should it be necessary. In conclusion to his account of a "full scale" soviet attack simulation during which he refused to authorize the use of tactical nuclear weapons, Giscard d'Estaing stated: "Come what may, I will never agree to make a motion that would lead to France's annihilation […] Her landscapes, her houses, her trees, her waters and ponds and rivers, and the loyalty of her people's beliefs, though they may be hidden at the time — it is they who I wish to give the ultimate chance to one day rejuvenate French culture."

Addressing the issue of France's nuclear behavior in time of crisis is particularly sensitive, for there are few conflicts that put the hypothesis of French nuclear weapons' deployment to the test. The only known case is the 1991 Gulf War. At a press conference during the First Gulf War, President Mitterrand rejected resorting to the use of nuclear weapons or its threat in the event of an Iraqi chemical weapons attack. Without a doubt, this reasoning is fundamentally strategic, for France's vital interests were not under threat and thus the nuclear hypothetical appears never to have been

31 Jacques Chirac, président de la République, « Discours devant l'Institut des Hautes Études de Défense Nationale, 8 juin 2001 ».
34 Marc Theleri (pseudonym) argues that nuclear deterrence have been involved during the conflict in ex-Yugoslavia, notably to « reassure » French battalions in delicate situations, notably in Bihac. Marc Theleri, Initiation à la force de frappe française, 1945-2010, Paris, Stock, 1997, p. 239, 243, 254-55. If indications seem solid, the author does not give definitive evidences.
35 Il était interrogé sur les propos du vice-président américain Dan Quayle qui avait refusé d'écarter l'utilisation de l'arme nucléaire dans ce cas.
raised during the decision-making process during the crisis. The President did however receive criticism, including from high-ranking military representatives and some of his advisors, for having denied himself the "virtue of ambiguity" that lies at the heart of nuclear deterrence. The French President's "haste" to foreclose the nuclear hypothesis indicates the influence of the nuclear taboo, especially given that he justified his actions by replying: "Personally, I reject this [hypothesis]. Not chemical weapons, nor biological weapons, nor nuclear weapons...Deploying the weapons you speak of would be a barbaric backwards step that I refuse to be a part of."\textsuperscript{36} It is the only instance when a French President or high-level decision-makers publicly framed nuclear weapons in terms of “barbaric” or “intolerable”. There is no other evidence neither in public discourses nor in memoirs of such a stigmatization of nuclear weapons as barbaric. From a constructivist point of view, we may add that the only occasion when France’s nuclear weapons were publicly considered for use, their use was framed according to the nuclear taboo.

\textsuperscript{36} Entretien télévisé, 7 février 1991. C'est nous qui soulignons.
NUCLEAR DOCTRINE: WHEN USE NUCLEAR WEAPONS?

The decision making process also shows signs of the influence of the nuclear taboo and international norms. While not always the main factor, the process of nuclear weapons' delegitimization and international opposition are systematically considered during nuclear posture review. Notable instances include the preparation of the *White paper on defence* (1993-1994), the work of the Strategic Committee (1995-1996) that coincided with the international campaign protesting against the return of French nuclear testing (summer 1995 through early 1996) and with the International Court of Justice’s advisory opinion in July 1996. This consideration can be found as much in the internal documents of the White paper commission and Strategic Committee as in interviews with numerous actors involved in the decision making process. Nevertheless, during the nuclear doctrine’s revision process undertaken by multiple Defense Councils between 1999 and 2001 and presented in a speech by President Chirac on the 8th of June 2001, normative factors appear to have been minimized for two reasons. First, following the ICJ judgment, French authorities maintain that their concept of deterrence conforms with international norms. “The use of nuclear weapons would be conceivable only in extreme circumstances of self-defence, as enshrined in the United Nations Charter”37 Second, the proliferation of nuclear weapons and particularly the 1998 tests by India and Pakistan make such reasoning moot. Since 1998, the issue of nuclear proliferation and regional powers possessing nuclear weapons is at the top of the French agenda. Certain French experts even question whether the “tendency today points rather to a relegitimization of nuclear weapons.”38 After 1998, nuclear proliferation and future regional powers possessing nuclear weapons became the core of the French agenda on nuclear deterrent.

In order to measure the impact of the nuclear taboo on nuclear weapons' terms of use, two intimately linked questions highlighted by the theory's advocates deserve closer attention: first, the question of non-use, and second, the principle of nuclear exclusivity.

The French concept of non-use and no first use

Though consubstantial of French nuclear policy's foundations, the deterrent posture has become increasingly averse to nuclear use. Thus, Mitterrand's presidency led to an important clarification dispelling confusion between deterrence and deployment: "nuclear weapons have been and must remain thought of in terms of deterrence and the threat of use.”39 The French nuclear posture is a concept of threat of use and not a concept of non-use. The 1994 *White Paper on defense* thus specified that "the French approach will continue to be defined by the will and ability, should our vital interests be under threat, to make our enemies, no matter who they are and what their military means, fear unacceptable damages well out of proportion of any given conflict.”40 The credibility and efficiency of deterrence hang on the certainty of this threatened retaliation. Some believe that "holding a political line that defines our doctrine in terms of non-use negates deterrence itself.”41 After the Indian and Pakistani tests in 1998, a full-scale nuclear policy review took place in France between 1998 and 2001. In terms of public declarations, French authorities systematically refer to

40 *Livre blanc sur la défense*, préfaces de Edouard Balladur, Premier ministre, François Léotard, ministre d'Etat, ministre de la Défense, Paris, La Documentation française, 1994, p. 82.
the doctrine of non-use during the 2001-2006 period. During key speeches of recent times, French President declared that "true to its concept of non-use", France has "always refused that nuclear weaponry be conceived of as a battlefield weapon used in military strategy." The emphasis on the principle of non-emploi (non-use) is intended to assure French, European and International public opinions that France rejects battlefields conception of nuclear weapons. But such an emphasis could undermine credibility of France’s determination to use nuclear weapons if needed. So, in a sometimes sophisticated dialectical reasoning, French officials explain that the French conception of non-use is not equivalent to “no use” and even not to “no first use” in 2006, President Chirac stated: “There is no question under any circumstances, of using nuclear means for military purposes during conflict. It is in this spirit that nuclear forces are sometimes referred to as ‘weapons of non-use’. This formula should not, however, allow any doubts to persist about our determination and capacity to resort to our nuclear weapons.” Since 2007, any reference to non-use has disappeared from French public discourses on nuclear weapons. The 2008 White paper only asserts that, “in no way do they [nuclear weapons] constitute battlefield weapons for military use in theatre”. But in order to avoid any confusion between non-use and no-use, and to reassert French determination to resort to nuclear weapons, there is no more mention of non-use in French nuclear doctrine.

This doctrine of "absolute deterrence" or "pure deterrence" has strong affinities with the tenets of the nuclear taboo. The fundamental principles of the French concept of nuclear deterrence point to a strong crossover with international norms. France thus maintains that the July 8th 1996 decision of the ICJ recognizes the admissibility of nuclear weapons' use or the threat thereof in "extreme circumstances of legitimate defense in which a state's very survival is under threat" (CIJ 1996, §2.E)—a ruling whose terms are "very close to those used by France to describe its deterrence policy." Indeed, in wording quite similar to the line of argument developed by France before the ICJ and reiterated in the Senate on April 6th 1995 by the Minister for Foreign Affairs, French deterrence strategy is founded on three principles: 1. Deterrence strategy has an exclusively defensive role (refusal of use or of the threat of use to aggressive ends, the principle of sufficiency reducing nuclear capabilities to a bare minimum); 2. The inalienable right to legitimate defense by virtue of Article 51 of the UN Charter. 3. The very purpose of deterrence is to protect of vital interests. Since 2007, France’s nuclear doctrine implicitly incorporates the CIJ opinion by asserting that “the use of nuclear weapons would clearly be conceivable only in extreme circumstances of.

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45 Speech by Jacques Chirac, President of the French Republic, during his visit to the Strategic Air and Maritime Forces at Landivisiau-L'Ile Longue, 19 January 2006.
49 See extract from the Memorandum of the French Government written by Marc Perrin de Brichambaut, Head of the legal branch of the Ministry of Foreign Affairs, quoted in Pascal Boniface, Repenser la dissuasion nucléaire, La Tour d'Aigues, Editions de l'aube, 1996 p. 122.
legitimate defense, a right enshrined in the UN Charter”. Contrary to the forecasts of nuclear taboo theory, the deterrence doctrine has led France to reject the principle of no first-use of nuclear weapons (NFU) as well understandings of nuclear weapons as a “last resort” as explicated by NATO in July 1990. In response to Joschka Fischer, then German Minister to Foreign Affairs who advocated no first use in 1998, France plainly reminded the international community through its Minister for Foreign Affairs that such a principal was counter to and incompatible with its deterrence strategy. France has consistently and systematically rejected the adoption of a no-first-use doctrine.

Field of application of deterrence and nuclear exclusivity

The principle of no-first-use and the nuclear exclusivity clause are so intimately linked that some consider them as one and the same: "the doctrine of 'no-first-use', based on the idea that nuclear weapons can only or must only deter other nuclear weapons." The nuclear taboo thesis holds that nuclear weapons use or the threat of user thereof is meant solely as a retaliation against another nuclear attack in keeping with the principle that "only nuclear weapons deter other nuclear weapons". This view is markedly different from the French approach, in which nuclear deterrence does not apply according to the means of the threat, rather the nature of the threat; the key criterion is an attack on vital interests. Yet in the eyes of the law, France has considerably reduced its freedom of action on this front through security guarantees.

In the context of the lead-up to the NPT Conference, France, along with the other nuclear powers, made unilateral commitments defining and agreeing to negative guarantees—refusing to resort to the use of nuclear weapons against a non-nuclear State—and, for the first time, agreed to positive guarantees—assisting a non-nuclear State party to the NPT that is under attack or threatened by atomic weapons. France's April 6th 1995 declaration at the Disarmament Conference holds that: "France hereby reaffirms that it will not use nuclear weapons against non-nuclear parties to the NPT, except in the case of an invasion or any other attack on France, her territory, her armed forces or other troops, or against her allies or a state with whom she may have a security alliance, from or supported by such state in alliance or association with a nuclear power." In its 1996 decision, the ICJ recognized the binding commitment of negative security guarantees made by the nuclear signatories to the NPT. In 1997, a French nuclear expert declared thus: "it is apparent that, at least in terms of legal commitments, France has renounced to take a deterrence stance in many cases … We're seeing the very limit what is acceptable for of compatible with deterrence.”

Nevertheless, from 1995 onwards, the Foreign Affairs Minister clarified that regarding France's...
security guarantees: “obviously, our nuclear deterrence deals with any attack against our vital interests, wherever it may come from and whatever form it may take, including of course weapons of mass destruction”. These reservations to the Negative Security Assurances have been reaffirmed in 2003 during the preparatory phase of the 2005 negotiation for the NPT. Otherwise put: security guarantees would not apply to a state threatening France’s vital interests, including in situations of non-nuclear threat. This stance preserves the hypothesis, albeit unlikely today, of a threat from conventional forces. Above all, it reiterates the validity of deterrence, in other words the threat of using the force de frappe and, should that fail, its actual deployment “to deal with the threats that regional powers with weapons of mass destruction could make against our vital interests.”

The prevailing political interpretation thus differs from surrounding legal commitments. In the case of an attack on vital French interests, and in particular on French soil, it appears that flexible legal obligations in the form of security guarantees are incapable of stopping France from using nuclear retaliation. On a number of occasions, French authorities have reiterated that nuclear deterrence is not reserved only for nuclear threats, but can cover the entire gamut of major attacks against France, in particular such cases where an adversary deploys weapons of mass destruction. Incidentally, the 1999-2001 revision to military doctrine is completely articulated around this hypothesis.

Through a combination of ballistic development and proliferation as well as the proliferation of weapons of mass destruction, new emergent threats play a key role in the evolution of French doctrine on nuclear weapons’ terms of use. From this perspective, if the influence of the nuclear taboo is relevant to declaratory politics, particularly in terms of a “radical” political display of non-use that nonetheless undermines the concept of deterrence, it is far less so for operational policy. First, the increasingly firm stance advocating of non-use is not accompanied by a commitment to the principle of no-first use, in keeping with the nuclear taboo thesis. Second, if the fight against nuclear proliferation, particularly with the 1990 perspective of extending the NPT indefinitely, drew French policy towards the principle of nuclear exclusivity, intensifying proliferation in the second half of the 1990s lead to the unequivocal retaliation of a general vocation of deterrence against all threats.

Furthermore, France’s doctrine tends to enlarge the scope of the “vital interests” in recent developments. If French vital interests have never been clearly defined since the ambiguities is part of the deterrence logic in the French perspective, it was admitted that during the Cold War French vital interests covers essentially the French territory, population and sovereignty. Since the end of the Cold War new issues have been introduced. Notably, in 2006 President Chirac stated that state-sponsored terrorism and threats against strategic supplies could be considered as French vital interests. Furthermore, “the defense of allied countries” in the context of growing interdependence of European countries are also mentioned. It may concern European union member states but also countries such as Kuwait, Qatar and the United Arab Emirates with whom Paris has security agreements. After the opening of a permanent French military base in Abu Dhabi in 2008, leaks in the press asserted that the security agreements include a nuclear guarantee.

The inflexions of the nuclear posture raises the issue of lowering of the nuclear threshold. Critics have been preoccupied by the fact that the extension of “vital interests”, the modernization of the French arsenal with more accurate and discriminate effects could increase the likelihood of nuclear

use\textsuperscript{58}.

TARGETING DOCTRINE: HOW TO USE NUCLEAR WEAPONS?

It is now necessary to analyze the impact of international norms and the nuclear taboo, as well as changes in strategic context, on the evolving terms of nuclear weapons' use in French strategy. The article shall insist on targeting and anti-cities strategies.

Targeting: rise and fall of the counter-city strategy?

After the Cold War, the warning levels ascribed to nuclear weapons were reduced twice in 1992 and 1996. What's more, France announced the "detargeting" of its nuclear missiles. During a visit to Moscow on the 26th of September 1997, President Chirac announced that no French nuclear weapons would be targeted following the dismantling of the Albion missiles platform. He also recalled his July 2001 announcement: "our nuclear weapons are no longer targeted against any country." It is worth recalling the following statement on strategic de-targeting from one of the foremost British experts on nuclear matters "this is a useful anti-accident measure, though it can be reversed within minutes once a political decision on specific targets is communicated to an SSBN".

One of the most significant developments in French strategy lies in the disappearance from public discourse of any reference to counter-city strategies, which is to say targeted nuclear threats to urban centers. The matter of adopting and then rejecting counter-city strategies is key to the theoretical debate from a constructivist point of view. Indeed, the constructivism is often criticized for its bias towards progress-laden norms (human rights, humanitarian interventions, nuclear taboo, antimilitarism…), a bias its authors don't hesitate to acknowledge. Paul Kowert and Jeffrey Legro highlight the problem of "good norms" insofar as "bad or threatening norms remain understudied". In his presentation of a constructivist research agenda for security studies, Theo Farell raises "the targeting of cities with nuclear weapons" as a venue to remedy this bias.

From the very inception of its force de frappe, France developed a nuclear strategy of massive retaliation through counter-city targeting. This decisively counter-population approach involves targeting cities and thus thousands of innocent lives. The anti-population nature of the counter-city strategy is upheld unconditionally in the core literature developed from the very beginning of the force de frappe. Reiterated in 1981 when Prime Minister Pierre Mauroy went so far as to qualify strategic nuclear weapons as "counter-population nuclear weapons", this stance follows from the

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59 Jacques Chirac, président de la République (2001), « Discours devant l'Institut des Hautes Études de Défense Nationale, 8 juin 2001 »
65 MESSMER Pierre, Ministre des Armées, (1963), « Notre politique militaire », Revue de défense nationale, mai
66 MAUROY Pierre, Premier ministre (1981), « La cohérence d’une politique de défense », Défense nationale, octobre
"weak deterring the strong" strategy. To deter a world power, France must be in a position to wreak "terrible destruction"—an expression used by the Géneral de Gaulle in press conferences on January 14th 1963 and July 23rd 1964. Achieving such unacceptable heights of destruction involves targeting "an adversary's major urban centers, consolidating the largest demographic and economic forces."67. The counter-city strategy's importance follows from two main elements: First, French authorities estimate that an anti-population strategy is more of a deterrent; second, it is the least financially burdensome strategy. The Chief of the Armies summed up the situation in 1984 by highlighting the fact that counter-city strategies are "the greatest deterrent at the least cost for a middle-ranking power such as France"68. He thus recalls the case put by 1977 Prime Minister Raymond Barre: "We will sustain the most efficient, the least costly, and the only truly deterrent of a solution, one based on threatening major urban centers."69. The third factor relates to the French arsenal's limited technological capabilities, in particular, the level of coordination required for a counter-cities strategy. According to French authorities, whether military or civilian, the weak deterring the strong can only result from massive retaliation against the adversary's cities70. The anti-city strategy is nothing more than the "corollary of the weak deterring the strong"71.

At the beginning of the 1990s, all reference to counter-city strategies ceases, a trend that the 1994 White paper on defense made official. In this key document, President Chirac underlines how "the damage that a potential aggressor exposes themselves to will be directed first and foremost against centers of political, economic, and military power."72. All recent declarations from the highest military and political authorities reference targeting "power centers" with more or less detail on the political or military nature of these objectives. This trend conforms with the norms of the nuclear taboo, particularly in terms of human rights law that played an important role in the 1996 IJC ruling73. Of the IJC ruling, a French legal scholar thus holds: « this interpretation certainly tends to consider as illicit massive retaliation strategies and anti-cities strategies, except in case where State defends his survival »74. In addition, it is worth noting that the counter-cities strategy had already been weakened at the end of the 1970s insofar as major Soviet cities were no longer targeted exclusively, certain key economic and administrative infrastructure known as "vital infrastructure" were also included: "Thus, the difference is made between a "counter-city" strategy and a "counter-population" strategy"75.

The counter-city nature of French nuclear strategy was first weakened, and then disappeared

67 BARRE Raymond, Premier ministre (1977), « Discours du premier Ministre au Camp de Mailly », Défense nationale, août-septembre
68 Lacaze 1984
69 BARRE Raymond, Premier ministre (1977), « Discours du premier Ministre au Camp de Mailly », Défense nationale, août-septembre
72 CHIRAC Jacques, président de la République (2001), « Discours devant l’Institut des Hautes Études de Défense Nationale, 8 juin 2001 »
74 COUSSIRAT-COUSTERE Vincent, « Armes nucléaires et droit international. A propos des avis consultatifs du 8 juillet 1996 de la Cour internationale de Justice » Annuaire français de droit international, XLII, p. 348
entirely. Is this largely, or even predominantly, a sign of the nuclear taboo in action?

The development of international norms and the nuclear taboo have had an undeniable influence on how French nuclear strategy is publicly expressed, particularly from the mid-1990s onwards with the return of nuclear testing, which coincided unfortunately with the 50th anniversary of the Hiroshima and Nagasaki bombings, as well as the 1996 ICJ decision. Thus, in 1997, Pascal Boniface voiced the opinion shared by many French representatives: "We have to maintain a counter-city nuclear strategy, yet it is very difficult to declare this publicly [...] The rest of the world's aversion to nuclear matters must provoke a discrete attitude on our part." 76

Yet certain limits are worth pointing out:

- France has not officially renounced a counter-city strategy, there is simply no longer any mention of one. There has been no official and "positive" rejection, all previous references have simply disappeared. In 2005, Gal Yves Boiffin, Head of Nuclear Division answered to a question on anti-cities targeting that they have not disappeared 77. 

- Official French public discourse makes no mention of what its nuclear strategy towards a major power (Russia, China...) is or would be...

- Terry Terriff's criticized the evolution of US doctrine, which in 1974 claimed that "the general population itself was not targeted" 78. The shift in approach makes little difference insofar as the strategy continues under the "centers of power" concept where cities are priority targets, with the enemy's capital city at the top of the list 79.

That having been said, an increasing number of decision-makers tend to reject Pascal Boniface’s posture, guardian of the orthodoxy all things deterrence. Many individuals, particularly within institutions attached to the Defense department, were hoping for progress towards a more flexible nuclear posture in which deterrence is achieved through precision targeting, thanks to nuclear weapons with more discriminate and controllable effects, rather than massive retaliation. Such questions were harshly debated front in the nuclear posture reviews that took place in the context of the White paper on defense (1993-4) and then the Strategic Committee in 1995-1996. It became the official policy during the Nuclear Posture Review (1999-2001) and the 2008 White Paper on Defense and National Security that exclude any references to anti-cities targeting from the French nuclear posture.

It is important to note that both the 1970s weakening of counter-city strategy and the concept’s disappearance in the 1990s are linked to technological and strategic developments.

Strategic developments throughout the 1970s are linked to the reassessment of Soviet civil defense capabilities by French planning services. The few available French documents on targeting from the time unequivocally state that moral considerations—the need to save civilian lives—are not paramount, nor even relevant to policy dynamics. Colonel Lewin, a Defense ministry official, said the following in defense of goals that extend beyond mere demographics: “destruction of

76 Boniface 1997, pp 124-125
77 Admiral Yves Boiffin (Head of the Nuclear Planning Staff), Conference La dissuasion nucléaire française en question(s), Paris, ENSTA, 23 september 2005.
79 French well-informed source, close to decision-making processes argues that “it is possible to threat center of powers in cities without implying that their destruction necessarily means massive damages on populations”, Bruno Tertrais, La France et la dissuasion nucléaire, op cit, p. 35.
administrative, economic infrastructures, destruction of the living environment of millions of people constitute unacceptable damages, even if part of the population concerned avoids immediate death\textsuperscript{80}, « the goal is to reduce to nothingness the infrastructure and the key assets of the enemy even if a part of the population from these targets survive destruction »\textsuperscript{81}. This change follows from two main factors: fears that the integrity and impact of the French nuclear strike force were compromised by improvements to the USSR civil defense program; technological improvements such as the next generation of M4 missiles enabling multiple targeting through the \textit{Mirvage} technique, and nuclear warheads with modulated payloads. David Yost advances a third factor, the belief held by French planners that Soviet leaders would care more about a strike on their economic and administrative centers than human losses, no matter their size\textsuperscript{82}. Indeed, the change of government and arrival of the Left at the beginning of the 1980s saw an in principle reiteration of the counter-city strategy: “The potential aggressor should clearly understand that his action will provoke for him human losses and material destructions without proportion with the benefit of his initiative. The French strategy consequently remains that of the weak deterring the strong, that is to say a strategy that can only be a counter-city strategy”\textsuperscript{83}.

Further, the importance of a culture of nuclear strategy and national norms must be taken into account. During more than three decades, the "weak acing down the strong" strategy relied on the principle of proportional deterrence: in order for deterrence to remain credible, it must be proportional to the issue at hand. In many contemporary hypotheses, French authorities do not find nuclear missile strikes to be a sufficiently credible threat. A surfeit of nuclear strength could indeed allow an opponent to downplay their hand and thus the stakes, thereby overcoming the threat of deterrence. To be solid, the deterrence card must be founded on threats and therefore weapons systems that are credible, which is to say adapted in terms of strength and precision to selective strikes following various "strong deterring the weak" scenarios. According to the "too much nuclear power kills the power of deterrence" principle, adapting the arsenal and doctrine towards a more precise targeting strategy, at the expense of counter-city strategies, follows from the need to preserve deterrence's credibility. It does not come from a moral imperative for saving civilians. It's less a question of conforming to international norms (saving innocent lives, treating non-combatants accordingly) than adapting to appropriate targets. Above all, this trend is the result of a strategic decision.

From the beginning of the 1990s onwards, the Chief of Defence Staff's internal deliberations speak to a French position on regional proliferation grounded in the belief that dictatorships cannot espouse "a common understanding of "unacceptable damages". Lawrence Freedman underlines the role of a “sufficiently shared normative framework” in the deterrence game\textsuperscript{84}. 2001 adjustments to nuclear doctrine are in line with this view for they follow from the hypothesis that dictators are less worried about their population being annihilated, than their means of power destroyed: « If a dictator in a ‘rogue state’ understands that any attack on a French city with chemical or biological weapons would lead instantly to the destruction of his power centres and military capacity, he will desist »\textsuperscript{85}. Dictators may act irrationally and sacrifice part of their country's population because they

\textsuperscript{80} LEWIN GUY (Col.) (1980a), “La dissuasion française et la stratégie anti-cités”, \textit{Défense nationale}, janvier, p. 27
\textsuperscript{81} LEWIN GUY (Col.) (1980b), “L'avenir des forces nucléaires françaises ”, \textit{Défense nationale}, mai, p. 52
\textsuperscript{82}YOST Davic (1985), \textit{La France et la sécurité européenne}, Paris, PUF, p. 52
\textsuperscript{83} MAUROY Pierre, Premier ministre (1981), « La cohérence d'une politique de défense », \textit{Défense nationale}, octobre
\textsuperscript{85} BENTEGEAT Henri (Gen.), Chef d'état-major des Armées (2003), “Interview”, \textit{Jane's Defence Weekly}, 4 june 2003
are not sensitive to the risks run by their population, but by threatening to destroy their means of power they return to the rational game of nuclear deterrence.

According to TV Paul, the operation of the nuclear taboo or tradition against the use of nuclear weapon could conduct to a self-deterrence situation where the deterrer would be prevented to use nuclear weapons because of casualty-sensitive decision-makers are more reluctant to use massive retaliation weapons. One of the participants to nuclear discussions at the time of the White paper and Strategic Committee (1993-1996) clearly puts this argument: “With proliferation, we may face threatening countries against whom the use of massive retaliation is not credible (...) Striking strategic nuclear missiles from nuclear-powered ballistic missile submarine [SSBN], against Libya, for instance, one may wonder… is it credible?” An anti-cities strategy is relevant when France is facing down the strong, but not when France is the strong facing down the weak. Furthermore an anti-city strategy is not legitimate to deal with the new threats from regional power. Patrick Morgan underlines that “threat credibility and effectiveness also depend on the perceived legitimacy of the means.”

This approach is explicated in a statement from the Defense ministry in 2004: « The moment we are in the framework of deterrence, this deterrence must be effective: Those facing us must not be able to think that the effects of our weapons on their populations would be such that we would hesitate to use them”. Indeed, French adversaries “know our respect for the human person and might think that we will hesitate before vitrifying millions of people and that, in the end, we will not use our nuclear deterrent. If we have precise weapons, capable of striking them in their power centers, with few collateral effects, they will understand that we are able to do it, and we will therefore be credible.”

It follows from the study of the decision-making process and the public discourses that the main rationale for the adaptation of the French nuclear posture and the abandonment of counter-city strategy to the profit of more discriminate and controllable strike does not lie in ethical motivations, in the operation of the norms and principles that underlined the nuclear taboo (saving lives, avoiding massive casualties…). The main rationale is a strategic one: tailoring deterrence so that the threat of retaliation remain credible. So the norms of the French nuclear culture, that is credibility and proportional deterrent are more powerful in designing the adaptation of the French nuclear strategy that the norms of the nuclear taboo. This policy adjustment is also linked to technological progress, the return of nuclear strikes, miniaturisation of nuclear payloads and the increasing precision of French weapons systems, notably the new generation of ASMP missiles which now allow for planned and precise nuclear strikes as opposed to an indiscriminate and total nuclear assault.

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91 Michèle Alliot-Marie, Ministry of Defence, Journal officiel de la République française, 17 November 2004, p. 9485. In 2006, after Jacques Chirac’s discourse she explained « In fact, a potential adversary might think that, given its principles and its known respect for human rights, France would hesitate to use its nuclear arsenal. The President of the Republic gas underlines that our country has made its capabilities for action more flexible (…), thereby avoiding the excessive general effects capable of making us hesitate”, Audition devant la Commission des Affaires étrangères, de la Défense et des Forces armées, Sénat, 1st February 2006.
The early development of nuclear arsenal (1996 decisions on policy means and priority given to ASMP) and nuclear doctrine (official 2001 revision) is therefore linked to a strategic and technological issue: possessing credible and logical tools of retaliation in line with the nature of a new threat, one from regional powers with weapons of mass destruction.
CONCLUSION

The role and influence of international norms on the French nuclear strategy analyzed in terms of the nuclear taboo brings us to two types of conclusions: lessons to take from the French case regarding the nuclear taboo, and a renewed understanding of French defense policy and the dynamics behind developments in its nuclear strategy. The French case offers considerable insight into the nuclear taboo thesis. The French doctrine and practice of deterrence rely on a specific conceptualization of nuclear weapons seen as an entirely different kind of weapon, drawing therefore on the same grounding as the taboo theory (unequaled destructive might leading to dread and terror). Nevertheless, the French conceptualization is of a particular nature given that nuclear weapons are first and foremost seen as political weapons, rather than "intolerable" weapons. This view is steeped in a refusal of nuclear weapons conventionalism, and a specific doctrine of non-use that was institutionalized from the 1960s onwards, though its development was more gradual in the case of tactical weapons. But this doctrine is linked rather to a pure and overarching deterrence strategy than to the moral reasoning behind the nuclear taboo. While there is a certain similarity between the nuclear taboo and French out-and-out deterrence, the reasoning behind the two are of a different order: political reasoning in the French case, and not moral reasoning.

Interestingly, France develops the idea that its nuclear arsenal must be adapted in terms of credibility linked to the taboo. A potential adversarial may think that France would be inhibited by human rights, and would not deliver a nuclear retaliation because of the casualty-sensitive reputation and collateral damages-averse reputation. So more flexible arsenal for precise targeting are required in order that the French threat of retaliation remains credible. Consequently, the taboo has unintended consequence: it is integrated in the strategic equation of deterrence but in an adversarial sense and in a manner that is counterproductive for the taboo thesis since it leads to more “operational” targeting and thus increase the possibility and / or risks of a nuclear strike.

What is the weight of the normative dimension in the evolution of French nuclear strategy? International norms and the rise of the nuclear taboo have a significant impact on the public expression of French deterrence. They strongly restrain all policy regarding public statements (which are, in many ways, essential when it comes to an out-and-out deterrence policy). It is no more legitimate to claim for a counter-city strategy. Nevertheless, this effect is only truly felt after the end of the Cold War, which does not hold with the postulates of the nuclear taboo. Furthermore, it is important to take into account how international norms were put to strategic use by French authorities, as is evidenced notably by the French interpretation of the 1996 ICJ decision. Thus in analyzing the manner in which authorities took international legal frameworks into account, Bruno Tertrais concludes: "In effect, it is not so much a case of "moralizing" nuclear deterrence -the aggression is immoral, and not the deterrent seeking to avoid it- as it is safeguarding oneself against a challenge to deterrence that might weaken its credibility." Above all, the French doctrine is affected by changes in power relations: the shift from strong deterrence in the Cold War framework to a "strong deterring the weak" strategy. In the latter case, national norms linked with the French concept of deterrence (credibility, proportionality, sufficiency) play a far more decisive policy role than international norms.