

A No-First-Use Policy

Stewart Prager, 1 December 2020

Proposition: The US will never be the first to use nuclear weapons in a conflict. That is, the US will not start a nuclear war. The sole purpose of nuclear weapons is to deter a nuclear attack.

Background

A no-first-use (NFU) policy commits a nation to use nuclear arms in conflict only in retaliation for a nuclear attack. The nation will never be the first to use nuclear weapons in conflict. This is equivalent to the “sole purpose” doctrine which states that the sole purpose of nuclear weapons is to deter a nuclear attack. Currently only [China](#) has an unconditional NFU policy. The credibility of this policy is aided by the de-alerted status of its arsenal. Reportedly, China’s nuclear warheads are de-mated from its launchers. Thus, a launch would require some time to execute, reducing the likelihood of a surprise first strike. [India](#) has a NFU policy, but with exceptions for a biological or chemical attack. Russia and China have a bilateral agreement not to use nuclear weapons first against each other. The US 2018 [Nuclear Posture Review](#) states that “the United States would only consider the employment of nuclear weapons in extreme circumstances to defend the vital interests of the United States, its allies, and partners.” The US allows for FU under extreme circumstances. Consistent with this policy, the [US maintains about 850 warheads on alert status](#), ready to launch in minutes. However, the US has a policy not to use nuclear weapons against a non-nuclear weapon state that is in compliance with the NPT. Thus, in practice the only current adversaries that are potentially exposed to a US first strike are China, Russia and North Korea.

Arguments in favor

NFU reduces nuclear war options: A NFU policy significantly decreases the number of scenarios that US policy will allow to lead to nuclear war. This is a direct and unambiguous effect of NFU. It straightforwardly reduces the risk of nuclear war. This effect dominates many of the less direct, arguments and counter-arguments below that, to varying degrees, involve speculation on international gamesmanship. Of course, any remaining scenarios for nuclear war that would be considered by the US must be consistent with the [opinion](#) of the International Court of Justice that the “threat or use of nuclear weapons should also be compatible with the requirements of the international law applicable in armed conflict, particularly those of the principles and rules of international humanitarian law, as well as with specific obligations under treaties and other undertakings which expressly deal with nuclear weapons.”

NFU strengthens strategic stability: The basis for strategic stability is that nuclear weapons exist only to deter the use of nuclear weapons. A NFU policy is necessary for consistency with deterrence; the current first-use (FU) policy threatens the stability which is intended by deterrence.

NFU reduces the likelihood of pre-emptive nuclear attack: The ambiguity of a FU policy, and the threat of a first-use by the US, can cause an adversary to misread US intentions, or fear a decapitating strike, and thereby launch a pre-emptive nuclear attack on the US. Thus, an NFU policy makes the US safer.

NFU policy sets up the “logic of zero,” a path to nuclear disarmament: If all nuclear weapon states commit to NFU, credibly and permanently, the second-use deterrent role of weapons becomes superfluous, opening up a path to disarmament. NFU thus demonstrates a commitment to the disarmament objective of the Nuclear Non-Proliferation Treaty.

A US NFU policy might encourage other nations to adopt NFU policies: The US nuclear policy influences the perspective of other nations. Any additional nation that adopts a NFU policy reduces nuclear risk. In addition to opening up a path to disarmament, discussed above, if all nations were to adopt a NFU policy, nuclear war would only begin by accident or miscalculation, never by intention.

The conventional strength of the US military is sufficient to deter or respond to a non-nuclear attack: The immense lethality and superiority of the [US conventional arsenal](#) can impose such tremendous harm to an adversary that nuclear weapons are not needed to counter a conventional attack. This argument is particularly strong for the US, but also can apply to other nuclear weapon states that have sufficient conventional forces to deter regional adversaries (as is the case for Israel) or sufficient forces to impede a severe threat such as occupation (most other states).

Counter-arguments and responses

An existential threat by non-nuclear means requires a nuclear deterrent or response: It is conceivable that a biological or cyber attack could impose damage to the US comparable to that of a nuclear attack. Such an existential threat requires a proportional deterrent or response, which might only be available through nuclear means.

Response: As discussed above, the immense conventional strength of the US is sufficient for response to a non-nuclear attack, even one of enormous magnitude. The calculation is different for a state with a weak conventional force. For that state a FU policy would provide deterrence against a non-nuclear attack from a larger power. However, the FU policy must be balanced by the risk it introduces by encouraging the stronger power to launch a pre-emptive attack.

US NFU undermines extended deterrence: Extended deterrence is the doctrine that the US nuclear arsenal will be used to deter nuclear attack on selected allies of the US. If a US NFU policy causes allies under the US nuclear umbrella to question the commitment of the US to extended deterrence, those allies might choose to develop their own nuclear arsenals. Thus, a NFU policy could lead to proliferation. Indeed, other nations have at times expressed opposition to a US NFU policy.

Response: The US commitment is unrelated to a first-use option. Rather, it rests upon second strike retaliation. A NFU policy should not signal decreased commitment. Nonetheless, some US allies have raised serious concerns that a US NFU policy would weaken the commitment of the US to their collective defense. Indeed, reportedly such objections played a role in impeding the implementation of a NFU policy during the Obama administration. On the other hand, there are [assessments](#) that their decisions on development of nuclear weapons does not depend upon a US first strike capability. To ease the concern of our allies, implementation of a US NFU policy must be accompanied by assurance of the commitment and effectiveness of our conventional forces for their defense, as well as the tremendous danger to which they would be exposed were we to detonate a nuclear weapon for their defense. An additional disadvantage of a stated US FU policy is that it could place the US in a commitment trap. Would, and should, the US really start a nuclear war in response to a substantial non-nuclear attack against an ally? Even if unwise, the

US might be pressured to strike first so as to appear to fulfill commitments. Finally, if in response to a US NFU policy a non-weapon state within the US nuclear umbrella were to develop nuclear weapons, this action would violate the NPT. Arguably, the penalty of that violation exceeds the perceived additional risk from the US relinquishing a FU capability.

It is impossible to verify the credibility and veracity of a NFU policy: The impossibility for another nation to determine the veracity of the US NFU policy negates its impact. A regime of NFU policies would be weak for the same reason.

Response: It is true that verification is not possible. However, declarative statements of national intent do carry some weight and thereby help reduce tensions. In addition, the credibility of a NFU policy can be substantially enhanced through actions such as de-alerting or requiring, in the case of the US, Congressional approval to start a nuclear war. An arsenal which is de-alerted or not under the sole authority of the nation's leader is much less likely to be used for a first strike.

Legislative initiatives

It is now timely to advance arguments for a no-first-use policy. In January 2019, Senator Warren and Representative Smith introduced the No First Use Act ([S.272](#) and [H.R.921](#)) which states, "It is the policy of the United States to not use nuclear weapons first." A related bill, introduced by Senator Markey and Representative Lieu ([S.200](#) and [H.R.669](#)), requires Congressional approval for a first strike. Moreover, the increasing bellicosity regarding nuclear weapons use among world leaders and the decreasing attention to arms control heightens the importance of the constraint of no-first-use.