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## How to Avoid Nuclear Terrorism Against the U.S.

### *Preventing "The Blood-Dimmed Tide"*

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Some nations already see the environment as almost equal in importance to military, diplomatic, information and economic power. Each of these "instruments of power" is used as a tool to achieve national security goals by various nations. As the environment gains in importance worldwide, environmental warfare will take its place beside military warfare, economic warfare, and information warfare.

*Turning and turning in the widening gyre,  
The falcon cannot hear the falconer;  
Things fall apart; the centre cannot hold;  
Mere anarchy is loosed upon the world.  
The blood-dimmed tide is loosed, and everywhere  
The ceremony of innocence is drowned . . .*

W. B. Yeats, *The Second Coming*

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#### **Environmental Warfare and its Implications**

Both policymakers and military planners of many nations are likely to face the threat of environmental warfare in the near future. It has many attributes that make it a preferred method of warfare. Generally, it is cost-effective and requires no advanced weapons systems. If advanced systems are available, they can be used to enhance weapons effectiveness or increase options. Treaties are unlikely to hinder the operations of many states. As a general rule, environmental attacks will be conducted primarily by aerospace forces. Aircraft will be the preferred means to attack dams, plants, and facilities. Aircraft will be used to disseminate aerosols against crops and other resources. Space will become an environmental battlefield.

Despite these depressing conclusions, there is hope, as demonstrated by the ACSC environmental warfare team. Military officers from four nations with histories of conflict and environmental friction were able to gaze soberly at the future. The team unreservedly identified the dangers before the world. This cooperation by military professionals suggests that political cooperation is also possible. Political action could eventually create international conditions that would make the use of environmental warfare, by anyone, unacceptable.

It has been said that the reason that 1984 was not like 1984 was because Orwell provided an appalling caution about how the future might be. ACSC's environmental warfare research project results should be considered both a warning to military planners and a plea to policymakers for action. The cooperative effort shown by the team members indicates the stars are not fixed. Environmental warfare need not become the scourge of the future. International resolve and sincere desire to avoid the peril, however, are indispensable.

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In the shape of its still-developing modes of destruction, the world today threatens unprecedented risks and insecurities. More and more, it looks very much like the anarchic world prophesied by the poet Yeats, a world in which virtually everything exudes violence--the newspapers, "civilization," the very face of humankind. Terrorism, of course, is an important element of this violence, and--in the future-- terrorism could even take a variety of nuclear forms.

Yet, despite a steadily expanding literature on counterterrorism, including the threat of nuclear terrorism, little of real value has been produced for the benefit of policymakers on the "front lines." To correct this very portentous deficiency, scholars should soon begin to understand that effective strategies for preventing nuclear terror must be extrapolated from more generic strategies of counterterrorism. Moreover, the development of these more general strategies is itself contingent upon a willingness and capacity to ask the right questions.

Before identifying these questions, it should be understood that insurgent groups, in seeking to undertake acts of nuclear terror, would require access to nuclear weapons, nuclear power plants or nuclear waste storage facilities. Should such groups seek to manufacture their own nuclear weapons, they would require both special nuclear materials and the

expertise to convert these materials into bombs or radiological weapons. *Both requirements are now well within the range of certain terrorist organizations, especially after the breakup of the Soviet Union.*

The questions that need to be asked are mostly conceptual in nature and can produce a fuller understanding of the risk calculations of terrorist organizations. They focus, therefore, upon those factors that are most likely to affect such calculations. Until we can understand the particular terrorist stance on situational risk-taking, *and the vital differences between terrorist groups on this stance*, we will not be able to identify a promising policy for prevention and control.

These questions need to be asked by all those who would now fashion an effective strategy of counter nuclear terrorism for the United States. Here it should also be noted that such a strategy would be entirely consistent with the expectations of international law. From the standpoint of these particular expectations, any use of nuclear explosives or radiation by a terrorist group would represent a serious violation of the laws of war. These laws have been brought to bear upon nonstate actors in world politics by Article 3, common to the four Geneva Conventions of August 12, 1949, and by the two 1917 protocols to these conventions.

*Is there a particular ordering of preferences that is common to many or to all terrorist groups, or is there significant variation from one group to another?* If it can be determined that many or all terrorist groups actually share a basic hierarchy of wants, a general strategy of counter nuclear terrorist operations can begin to be shaped. Alternatively, if significant variations in preference orderings can be detected between terrorist groups, myriad strategies of an individually tailored nature will have to be identified.

Some of these strategies may include proactive measures, known in law as expressions of *anticipatory self-defense*. Such measures would be rooted jurisprudentially in the 1837 *Caroline* incident, which concerned the unsuccessful rebellion in Upper Canada against British rule. Here, then-Secretary of State Daniel Webster outlined a framework for self-defense that did not require actual attack. Military preemption of a threat could be judged permissible so long as the danger posed was "instant, overwhelming, leaving no choice of means and no moment for deliberation."

*Are there particular preferences that tend to occupy the highest positions in the preference hierarchies of terrorist groups, and how might these preferences be effectively obstructed?* In this connection, it is especially important to examine the widely held assumption that terrorists, like states/countries, are most anxious to avoid negative physical sanctions. In fact, a great deal of sophisticated conceptual analysis and experimental evidence now indicates that such sanctions are apt to be especially ineffective in certain circumstances and may even prove markedly counterproductive.

*To what extent, if any, would the obstruction of terrorist group preferences prove offensive to some of our principal national values as Americans?* In this case, we must be concerned about the very real possibility that effective counter nuclear terrorist measures might be starkly injurious to social justice and civil liberties. Here, the people and their government must first decide whether the prospective benefits of proposed anti-terrorist legislation/activity are great enough to outweigh the prospective costs. This sort of decision is already current concerning controversy over The Comprehensive Terrorism Prevention Act of 1995.

*To what extent, if any, are the risk calculations of terrorists affected by geographic dispersion, and intermingling with other states, either friendly or hostile to this country?* Because terrorist groups do not occupy space/territory in the manner of states/countries, they are normally not susceptible to usual threats of deterrence. How, then, might effective counter nucleterrorism be reconciled with the reality of terrorist geographic dispersion?

*To what extent, if any, might the decisional calculi of terrorist groups be receptive to positive cues or sanctions as opposed to negative ones, and, exactly, which rewards seem to warrant serious consideration?* This, of course, is a most sensitive question, as we don't wish to violate the longstanding peremptory principle of law known formally as *Nullum crimen sine poena*, "No crime without a punishment." At the same time, we need to weigh the value of this principle against that of saving lives, perhaps even tens of thousands of lives. It will not be an easy equilibrium to determine. (The generic imperative to punish crimes was reaffirmed at Principle I of the Nuremberg Principles in 1946: "Any person who commits an act which constitutes a crime under international law is responsible therefore and liable to punishment." This obligation applies *especially* to crimes of terrorism.)

*To what extent would the implementation of effective counter nuclear terrorist measures require special patterns of international cooperation, and how might such patterns be created?* In principle, the surest path to success in averting nuclear terrorism against the United States lies in a unified opposition to terrorism by all states. Yet, for the foreseeable future, such opposition is assuredly not in the cards. We must, therefore, ask ourselves, what cooperative patterns between particular states can help to cope with the threat?

*To what extent, if any, are the risk calculations of terrorists affected by their particular relations with "host" states?* Because terrorist groups necessarily operate within the framework of states, the character of the relationship between

"visitor" and "host" will affect the viability of counter nuclear terrorist measures. How, then, might our government exploit what is known about such relationships in curbing the threat of nuclear terrorism?

*To what extent, if any, are the risk calculations of terrorist groups affected by alignments with states or with other terrorist groups?* And how, therefore, can we use what we know about such effects to devise a productive counter nuclear terrorist program? For the United States today, this means special attention to prevailing alignments between radical Islamic groups and various Arab/Islamic states, and between such groups directly. Regarding interterrorist alignments in the Middle East, things are not always what they seem. PLO and Hamas, for example, are not adversaries in any meaningful sense (this notion is a fiction surrounding the so-called Middle East Peace Process), but distinct allies in all matters of consequence.

*To what extent, if any, are the risk calculations of terrorist groups affected by the terrorist pattern of random and uninhibited violence?* In asking this question, we acknowledge, among other things, that terrorism is a crime of both passion and of logic. Moreover, we may also acknowledge here that orientations to death of particular terrorist organizations can play a decisive role in their preferred forms of operation.

Consider, for example, a recent statement by Jamal Abdel Hamid Yussef, explaining operations of the Izzedine al-Qassam Brigades, military wing of Hamas, Gaza: "Our suicide operations are a message . . . that our people love death. Our goal is to die for the sake of God, and if we live we want to humiliate Jews and trample on their necks." Combined with access to nuclear weapons, such an orientation to death warrants very close examination.

*To what extent, if any, are the risk calculations of terrorist groups affected by the degree to which their policies evoke sympathy and support from others?* As almost all acts of terror are essentially propagandistic, it is important to understand their desired effects on selected publics in order to prevent escalation to a nuclear option.

Public authorities must also seek to prevent terrorist escalation to other "higher-order" forms of violence using chemical and/or biological weapons. Just as the prospect of nuclear terrorism is linked to the spread of nuclear weapons and technology among states, so is the risk of chemical/biological terrorism linked, inter alia, to the spread of CBW weapons and technology among states. There already exists a regime of international treaties, declarations and agreements designed to control chemical and biological weapons.

By considering these ten basic questions, scholars and policymakers can create the critical foundations of a counter nuclear terrorist strategy for the United States. As with all other adversarial groups, terrorists acquire a repertoire of behavior under the particular contingencies of reinforcement to which they are exposed. The task now is to understand this repertoire and to use it in order to inform pertinent preventive action.

In preparing for this task, both scholars and policymakers must understand that terror has an impact beyond incidence. Terror always has a distinct "quality," a potentially decisive combination of venue and destructiveness that must be analyzed and anticipated. Linked to a particular species of fear, this *quality of terror* must represent a crucial variable in the war against terrorism.

Let us consider, in this connection, the qualitative difference between the actual Oklahoma City or World Trade Center bombings, and the potential lethal irradiation of tens of thousands of Oklahomans or New Yorkers, either by "small" nuclear explosions or by radiological contamination. Although it is certainly conceivable that a terrorist resort to higher-order nuclear destruction would prove to be counterproductive, this does not necessarily suggest a corresponding terrorist reluctance to undertake such an escalation. After all, if they are "logical" (rational), terrorists might not foresee such counter-productiveness, and if they are "passionate" (irrational) they might not care.

Writing about that species of fear that arises from tragedy, Aristotle emphasized that such fear "demands a person who suffers undeservedly" and that it must be felt by "one of ourselves." This fear, or terror, has little or nothing to do with our private concern for an impending misfortune to others, but rather from our perceived resemblance to the victim. We feel terror on our own behalf; we fear that we may become the objects of commiseration.

Terror, in short, is fear referred back to ourselves. Naturally, therefore, the *quality* of this terror is at its highest point when this fear is especially acute and where suffering acutely is especially likely. And what could possibly create more acute fear of probable victimization than the threat of nuclear terrorism?

In seeking answers to our ten questions, scholars and policymakers will need, again and again, to ask an antecedent conceptual question: What, exactly, does the terrorist really hope to achieve? The answer? Above all, perhaps, the terrorist wishes to transform pain into power. This transformation is not always easy, as the correlation is not always proportionate. It is possible, at least on occasion, that inflicting the most excruciating and far reaching pain (the sort of

pain that would be generated by nuclear terrorism) will *inhibit* terrorist power, while causing less overwhelming pain will *enhance* terrorist power.

The terrorist who seeks to transform pain into power has already learned from the torturer. He understands that pain, in order to be purposeful, must point fixedly toward death, but that it must not always actually kill. This is not to suggest, by any means, that terrorists do not seek to produce as many corpses as possible, but only that leaving live witnesses--live American witnesses, in our particular range of concern--is an essential part of the drama.

In the fashion of the torturer, the terrorist takes what is usually private and incommunicable, the pain contained within the boundaries of the sufferer's own body, and uses it to affect the behavior of others. A grotesque form of theater that draws political power from the innermost depths of privacy, terrorism manipulates and amplifies pain within individual body for the express purpose of influencing others who live outside that body. Violating the inviolable, it declares with unspeakable cruelty not only that no one is immune, but also that everyone's most private horror can be made public.

The terrorist and his victims experience pain and power as opposites. As the victim's suffering grows, so does the power of the terrorist. And as the power of the terrorist grows, so does the pain of his victims. For the bystanders, and this includes all Americans who are not directly involved in a particular terrorist attack, each infliction of pain is a mock execution, a reminder of American vulnerability and a denial of absolute Government power.

A terrorist escalation in the "quality" of terror could follow directly from a calculated correlation of pain and power. Terrorism intends to change a prospective victim's general awareness that "All persons must die" to the more specific awareness: "I must die--and maybe soon." Insofar as a resort to vastly more destructive forms of terror could hasten this change, the prospect of such resort should certainly be taken very seriously in this country.

The pain occasioned by terrorism, a pain that confers power upon the terrorist, begins within the private body, and then spills out more widely into the body politic. Wanting the two realms to become indistinguishable, the terrorist generally understands that it is certainly not enough that the victims feel pain. Rather, the pain must also be felt, vicariously but palpably, by all those who might still become victims in the future. When the pain has its origins in nuclear explosives or radioactivity, it is apt to be "felt" with special intensity.

There is one last point. In considering our ten essential questions, both scholars and policymakers should recall that terrorist selection of "quality" will be determined not only by calculating the expected effects upon victim populations, but also because of these expected effects upon the *perpetrators*. The "blood-dimmed tide is loosed," says Yeats, "and everywhere the ceremony of innocence is drowned." From the start, all terrorists have accepted the idea of violence as purposeful in part because of its effect upon the perpetrator. Galvanized by what they have long described as a "battle of vengeance" (a term used frequently by *Fatah*), these terrorists have seen in their cowardly attacks not merely a way to influence victim populations, but also the Fanonian logic of "purifying" the victimizer.

By the standards of contemporary international law, terrorists are known as *host humani generis*, common enemies of human kind. In the fashion of pirates, who were "to be hanged by the first persons into whose hands they fall" (from the distinguished 18th century legal scholar Emmerich de Vattel), terrorists are international outlaws who fall within the scope of "universal jurisdiction." On a tactical basis, however, the timely apprehension of terrorists before they "go nuclear"--before the "ceremony of innocence drowned"--is not an easy matter. To ensure that such apprehension can be accomplished, scholars and policymakers should address themselves immediately to the ten essential questions discussed above.

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