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THESIS

**NORMS IN CONFLICT: STATECRAFT, PREVENTIVE
FORCE, AND COUNTER-PROLIFERATION**

by

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**NORMS IN CONFLICT: STATECRAFT, PREVENTIVE FORCE, AND
COUNTER-PROLIFERATION**

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ABSTRACT

Israel's preventive attacks against Iraq's Osirak nuclear reactor in 1981 and Syria's Al-Kibar nuclear site in 2007 are often used to illustrate a fundamental precept of realism—that states will use military force to halt the rise of a rival state, especially if that rival attempts to gain a nuclear weapons capability. However, this approach does not fully explain the timing of such attacks, nor does it account for the consequences of violating another state's sovereignty. In contrast to realism's emphasis on the material balance of power, constructivism focuses on how ideational factors, such as norms of appropriate behavior, shape and constrain a state's behavior. By process tracing the events surrounding the attacks at Osirak and Al-Kibar, this thesis finds that the international norms of sovereignty, intervention, and non-proliferation had a strong influence over Israel's behavior. It builds a normative theory of preventive attack that highlights the role that national identity, sanctions, and ethics play in counter-proliferation strategies. Finally, it concludes by offering policy recommendations for predicting future preventive attacks and leveraging international norms to halt nuclear proliferation.

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TABLE OF CONTENTS

I.	INTRODUCTION.....	1
A.	NORMS AND COUNTER-PROLIFERATION.....	2
B.	LITERATURE ON THE PREVENTIVE USE OF FORCE	4
C.	RESEARCH DESIGN AND ROADMAP	9
II.	CAPTURING THE INFLUENCE OF NORMS.....	13
A.	REGULARITY AND PATTERNS OF BEHAVIOR	15
B.	ETHICAL CHARACTER	16
C.	SANCTIONING COMPONENT	18
D.	CONSTITUTING IDENTITY.....	20
E.	RELATIONSHIP WITH SELF-INTEREST	21
F.	AN EXPLORATORY FRAMEWORK.....	23
III.	SOVEREIGNTY, INTERVENTION, AND NON-PROLIFERATION	27
A.	SELF-DETERMINATION VERSUS SELF-HELP	28
B.	VIOLATION AND ENFORCEMENT	30
C.	ENMITY AND NON-PROLIFERATION	33
D.	LIMITATIONS AND JUSTIFICATIONS.....	35
IV.	OSIRAK CASE STUDY.....	39
A.	EROSION OF CONCERN	41
B.	DIPLOMACY, PROPAGANDA, AND COVERT ACTION	46
C.	CHOOSING BETWEEN TWO EVILS	51
D.	AN ABSOLUTE BARRIER?.....	55
V.	AL-KIBAR CASE STUDY	57
A.	REPUTATIONS AND SHIFTING LANDSCAPES.....	60
B.	A SHORTENING TIMELINE AND A SHRINKING POOL	64
C.	COVERT PROLIFERATION, COVERT JUSTIFICATION	69
D.	MORALITY OR POWER?	72
VI.	CONCLUSION	75
A.	TOWARD A THEORY	76
B.	TOWARD A POLICY.....	79
	LIST OF REFERENCES.....	83
	INITIAL DISTRIBUTION LIST	91

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LIST OF TABLES

Table 1.	Framework to Capture the Influence of Norms	25
Table 2.	Indicators of the Influence of the Norms Sovereignty, Intervention, and Non-proliferation.....	37

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LIST OF ACRONYMS AND ABBREVIATIONS

CIA	Central Intelligence Agency
CNIM	Constructions Industrielles de la Meditterance (Industrial Construction of the Mediterranean)
HEU	Highly Enriched Uranium
IAEA	International Atomic Energy Agency
IAF	Israeli Air Force
IDF	Israeli Defense Force
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
OAS	Organization of American States
OAU	Organization of African Unity
ODNI	Office of the Director of National Intelligence
SNIA	Societa Nazionale Industria e Applicazioni (Industrial Application Navigation Company)
UCP	Unified Command Plan
UN	United Nations
WMD	Weapons of Mass Destruction

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I. INTRODUCTION

Silent enim leges inter arma; the law falls silent in times of war.

—Cicero¹

Dominant states are continually concerned with the threats posed to their relative power by rival states. States will often go to great lengths to prevent being overtaken by their opponents, an especially true point following the introduction of a new technology. However, dominant states have other, competing concerns when calculating whether to take preventive action, beyond just the threat posed to their relative power. Robert Fulton's vision of the submarine would change the nature of naval warfare and could have immediately shifted the balance of sea power in Europe at the beginning of the 19th century. In 1800, Napoleon Bonaparte's government commissioned Fulton to build the Nautilus submarine, hoping for a machine that could silently attack ships in harbor and greatly reduce the maritime advantage that Great Britain held over its continental rivals.² British leaders were so fearful that Fulton's new technology would pose a threat to their relative power that they considered assassinating Fulton—an American citizen—to prevent submarines from menacing the Royal fleet. However, British leaders eventually decided to buy off Fulton and in 1804, commissioned him to build a range of other naval technologies, delaying the development of the submarine.³

Almost paradoxically, in 1807, Britain responded in a completely different manner to another threat to its maritime superiority. During the rise of Napoleon's Continental System at the turn of the 19th century, Denmark, although neutral, was under pressure to pledge its fleet to France. Fearing that the Dano-Norwegian fleet would provide Napoleon the means to strangle Britain's merchant trade through the North Sea and Baltic Sea, London took preventive action to avert losing its substantial naval power

¹ Marcus Tullius Cicero, "Pro Milone," in *M. Tulli Ciceronis Orationes*, ed. Albert Curtis Clark, vol. 2 (Oxford: Oxford University Press, 1901), 11.

² Fulton did not begin working for the French until the British turned him down on his offer.

³ Bernard Brodie, *Sea Power in the Machine Age* (Princeton: Princeton University Press, 1941).

over its continental rivals. In November of 1807, the Royal Navy bombarded the ships held in the ports of Copenhagen, simultaneously destroying Napoleon's hopes of overtaking the British empire's sea power.⁴ Why was Great Britain unwilling to kill one man pledged to arm its opponents and yet, four years later, resolved to bombard a neutral state that had yet to commit its armada? A combination of factors explains the variation in Britain's use of force, ranging from the immediacy of the threat to the options available to counter it. In particular, international norms played a key role in shaping Britain's response. At the beginning of the 1800s, assassination had fallen out of favor and was deemed inappropriate behavior for an international power like Great Britain,⁵ while preventive attack to counter a rising France was considered a fitting response. International norms were not the only factors at play in shaping British behavior; however, they did influence the military options available to the British – barring an efficient tactic, while allowing another that lacked proportionality toward non-combatants.

A. NORMS AND COUNTER-PROLIFERATION

Just as British preventive strategy was affected by the norms on the use of force during the 19th century, the United States has faced a similar challenge throughout the 20th and 21st century. However, instead of being concerned with maintaining its power at sea, the United States has been focused on preventing the proliferation of nuclear weapons. Nuclear inhibition, both non-proliferation and counter-proliferation,⁶ has been a driving force behind U.S. foreign policy since the dawn of the atomic age in 1945. Francis Gavin argues that preventing the proliferation of nuclear weapons has had a

⁴ A.N. Ryan, "The Causes of British Attack upon Copenhagen in 1807," *The English Historical Review* 68, no. 266 (1953): 37–53; Prior to the 1807 bombardment, in 1801 the British Fleet, under the command of Lord Nelson, conducted their first naval attack on the Danish Fleet, demonstrating its resolve for preventive attack strategies.

⁵ Ward Thomas, "Norms and Security: The Case of International Assassination," *International Security* 25, no. 1 (2000): 105–33.

⁶ Non-proliferation approaches are political, diplomatic, and economic measures, such as arms and export controls, site inspections, and treaty commitments, intended to prevent the spread of nuclear weapons. In contrast, counter-proliferation approaches are more active measures designed to halt the proliferation of nuclear weapons or deny their efficacy, to include the interdiction of nuclear material, preventive attacks against nuclear weapon development sites, or the employment of counter strikes to prevent use of nuclear weapons.

greater effect on U.S. foreign policy since World War II than either the containment of communist ideology or the global intervention to maintain international trade and free markets.⁷ The United States' motivation to restrain proliferation has led it to undertake a range of policies, from leading the establishment of the Nuclear Non-proliferation Treaty (NPT) to the more coercive step of threatening to abandon its alliances with West Germany and Taiwan, if they did not halt their procurement of nuclear weapons. When required, the United States has also been willing to engage in the preventive use of force to halt rogue states from obtaining nuclear weapons, as was a stated, though mistaken case during the 2003 invasion of Iraq.

There exists, however, an inherent tension between the U.S. grand strategy to prevent nuclear proliferation and the United States' tradition of respecting the sovereignty of other states in the international system. Realism predicts that states will develop military capabilities based on their desire for survival and security—balancing against the power of other states by either developing their own military strength or by engaging in alliances with partners. The United States has traditionally respected this fundamental right to develop not only defensive capabilities but, more often than not, to develop offensive capabilities as well. Although the offensive capabilities of some rival states might pose a threat, the United States has generally adhered to the principle of sovereignty: that states are allowed to decide activity within their own borders, free from intervention by an outside state. However, when it comes to the development of nuclear weapons capabilities, international sovereignty has been relegated to a subordinate concern.

The demotion of sovereignty in this instance does not mean that the United States or other states have completely dismissed its importance when attempting to counter nuclear proliferation. Just as norms against assassination dissuaded the British government from killing Fulton, so has the norm of sovereignty constrained the United States from directly striking against rival states attempting to gain nuclear weapons. However, the way that norms affect preventive strike still remains unclear. Further, states

⁷ Francis J. Gavin, "Strategies of Inhibition: U.S. Grand Strategy, the Nuclear Revolution, and Nonproliferation," *International Security* 40, no. 1 (2015): 9–46.

face a conflict between the norm of sovereignty and other international conventions—such as norms of intervention that have evolved over the last 300 years and the non-proliferation norms that have arisen over the last half a century. To better understand these conflicts—the tension between liberal ideology versus countering proliferation and the tension between norms of sovereignty versus norms of intervention and non-proliferation—this thesis seeks to address the question of how international norms influence the preventive use of force in countering nuclear proliferation.

B. LITERATURE ON THE PREVENTIVE USE OF FORCE

Research on the preventive use of force has been an enduring thread of security studies, starting with Thucydides exploration of the preventive war between Sparta and Athens. Preventive strategies are anticipatory in nature—a state strikes first because it foresees the unavailability of conflict in the long term. Due to this anticipatory nature, preventive strategies are often combined and confused with preemptive strategies, in both security studies and foreign policy decision-making. The 2002 U.S. National Security Strategy exemplifies this confusion. Written in the wake of 9/11, the strategy proclaimed the need for preventive action against global threats; however, it used the term preemption to describe this approach. A preemptive act is based on the presence of an imminent threat, while a preventive act is based on the fear that war will eventually happen. Levy succinctly differentiates between the two concepts, explaining that “preemptors do not want war but feel that they have no choice, while preventers want war in the short term to avoid the risk of war under less favorable conditions in the long term.”⁸ Preemptive strategies are borne out of the idea that there is a decided military advantage to striking first, coupled with the presence of an immediate and inevitable threat.⁹

⁸ Jack Levy, “Preventive War: Concepts and Propositions,” *International Interactions* 37, no. 1 (2011): 88.

⁹ Dan Reiter, “Exploding the Powder Keg Myth: Preemptive Wars Almost Never Happen,” *International Security* 20, no. 2 (1995): 5–34.

In contrast, preventive strategies are motivated by the “changing power differentials between states arising from uneven rates of growth.”¹⁰ As one state is on pace to match, surpass, or outdistance another state in the material balance of power, there is an advantage to striking before those gains can be realized. Due to this emphasis on relative power, preventive strategies have long been the focus of the realist tradition within international politics. Morgenthau viewed preventive war as one way to preserve equilibrium across the international system.¹¹ Michael Howard argues that most wars originate from the “perceptions by statesmen of the growth of hostile power and the fears for the restriction, if not the extinction, of their own.”¹² Power transition theorists argue that war between states is most likely when a rising challenger is in the process of overtaking a dominant state.¹³ Gilpin’s hegemonic stability theory offers a model of this behavior in which the hegemon will maintain peace throughout the international system until rising costs and growing competitors force the hegemon to either engage in war or abdicate its position of power.¹⁴ He notes that “according to realism, the fundamental cause of wars among states and changes in the international systems is the uneven growth of power among states.”¹⁵

Within preventive strategies, an important distinction must be made between preventive war and preventive attack. Preventive wars are longer campaigns to eliminate the full military power of a rival or change the regime. Preventive attacks, in comparison, are more acute responses, focused on eliminating a specific military capability or limiting the relative military gains of a competitor. Levy argues that the relative significance of the power shift often dictates whether a state engages in preventive strike instead of

¹⁰ Jack Levy, “Declining Power and the Preventive Motivation for War,” *World Politics* 40, no. 1 (1987): 82.

¹¹ Hans J. Morgenthau, *Politics Among Nations*, 4th ed. (New York: Knopf, 1967), 202–3.

¹² Michael Howard, *The Causes of Wars* (Cambridge, MA: Harvard University Press, 1983), 18.

¹³ See Organski and Kugler, *The War Ledger*, for discussion of transition between ‘great powers.’ See Houweling and Siccama, “Power Transition as a Cause of War,” for an extension of this argument to include ‘major powers.’

¹⁴ Robert Gilpin, *War and Change in World Politics* (Cambridge, UK: Cambridge University Press, 1981).

¹⁵ *Ibid.*, 94.

preventive war, explaining that limited shifts will often lead to military responses short of war. The prudence of preventive attack is often a function of a state's uncertainty over its opponent's intentions combined with that state's certainty over its own current military capability.¹⁶ A 2006 RAND study argues that evaluating the efficacy of a preventive strike can be boiled down to two fundamental strategic variables: first, the degree of uncertainty that an opponent will use its anticipated military gains to attack in the future, and second, the degree of certainty that the potential preventive strike will be successful.¹⁷ Preventive attacks are not just based on a rising threat, but also on the ability of the dominant state to respond to that threat.

The emergence of nuclear weapons at the end of World War II created a new motivation for preventive attack. Levy notes that "power shifts are most likely to trigger a preventive response if they cross an important threshold of military power, the clearest example of which is the nuclear threshold."¹⁸ Dominant states, whether system leaders, regional hegemons, or status quo powers, have historically been the most likely to conduct preventive attacks to counter nuclear proliferation. Gavin and Rapp-Hooper argue that dominant states' bias toward preventive counter-proliferation originates from a "motivation by a system-leading power against emerging nuclear states" that is driven "by a fear of the limitations nuclear proliferation places on a leading state's ability to project power."¹⁹ Even when nuclear weapons are unlikely to significantly alter the balance of power, system leaders and hegemons still not do not want their military, economic, and soft power degraded, nor their geographic power projection diminished.²⁰

Research into preventive attacks to counter nuclear proliferation has largely focused on the efficacy of those attacks. Kreps and Fuhrmann analyzed 18 cases of preventive attack against state nuclear facilities between 1942 to 2007, identifying four

¹⁶ Karl P. Mueller et al., *Striking First* (Santa Monica, CA: RAND, 2006).

¹⁷ Ibid., chap. 2.

¹⁸ Levy, "Preventive War: Concepts and Propositions," 88.

¹⁹ Francis J. Gavin and Mira Rapp-Hooper, "The Copenhagen Temptation: Rethinking Prevention and Proliferation in the Age of Deterrence Dominance" (Tobin Project, 2011), 2.

²⁰ Ibid., 38.

theoretical mechanisms through which attacks can affect nuclear weapons programs.²¹ Strikes can directly destroy the chokepoint facilities that are essential for fissile material production; they can also indirectly alter a state's fissile material production strategy, deter foreign suppliers from supporting a state's nuclear ambitions, and lead to enhanced international sanctions against a proliferating state.²² Kreps and Fuhrmann note that preventive strikes undertaken during peacetime tended to be successful at delaying the nuclear capabilities of the adversary state; however, these attacks took place well before an imminent threat existed, making them the least legitimate under international law. Reiter takes a more skeptical view on the value of preventive attacks against nuclear facilities, arguing that the attack often increases the resolve of the proliferating state and influences it to seek covert pathways to nuclear material that are more difficult to detect and deter.²³

In contrast to the realist focus on shifting power dynamics, constructivists emphasize the social aspect of world politics and how evolving norms have shaped military intervention. Martha Finnemore argues that changes in the purpose of the use of force have shaped national security policy. National interests are indeterminate and can justify both intervention and non-intervention; instead, the legitimacy of using military force has been a key explanatory variable for its use.²⁴ Along with shaping national security policy, norms can also constrain the strategic options available to states leaders. Ward Thomas argues that international norms have restricted the use of assassination by state powers, even when it might be a more effective way of dealing with emerging threats.²⁵ Prior to the 1991 war against Iraq, British leaders proposed assassinating Iraqi

²¹ Sarah E. Kreps and Matthew Fuhrmann, "Attacking the Atom: Does Bombing Nuclear Facilities Affect Proliferation?," *Journal of Strategic Studies* 34, no. 2 (2011): 161–87; Matthew Fuhrmann and Sarah E. Kreps, "Targeting Nuclear Programs in War and Peace," *Journal of Conflict Resolution* 54, no. 6 (2010): 831–59.

²² Kreps and Fuhrmann, "Attacking the Atom: Does Bombing Nuclear Facilities Affect Proliferation?," 162.

²³ Dan Reiter, "Preventive Attacks Against Nuclear Programs and the 'Success' at Osirak," *The Nonproliferation Review* 12, no. 2 (2005): 355–71.

²⁴ Martha Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force* (Ithaca: Cornell University Press, 2003), l. 121.

²⁵ Thomas, "Norms and Security"; Ward Thomas, *The Ethics of Destruction: Norms and Force in International Relations* (Ithaca: Cornell University Press, 2001).

President Saddam Hussein with their Israeli and American counterparts; however, U.S. President George Bush vetoed the idea because it would have ended both his domestic support from Congress and his foreign support from the international coalition.²⁶ The norms against assassination limited the United States' options against Iraq, guiding it toward a full-scale military intervention that was more expensive in both blood and treasure.

Similar to the constructivist emphasis on the norms of intervention, normative theorists have concentrated on the ethical and legal aspects of the use of force. Michael Walzer offers a comprehensive case for just war theory, emphasizing the importance of legitimacy, proportionality, and necessity in the use of military force; however, just as important as his treatment of the principles of *jus ad bellum* and *jus in bello*, Walzer highlights how ethical considerations have been an enduring part of decisions to go to war, along with national interests and utilitarian calculations.²⁷ Following the events of 11 September 2001, the preventive use of force became a thoroughly debated strategy for dealing with terrorist organizations and rogue states. Abraham Sofaer contends that international law and global institutions have lost their ability to prevent conflict; instead, he calls for a state-centric approach to evaluate the purpose, options, proportionality, and consequences of military action.²⁸ Sofaer believes that legitimacy, not legality, should be the guiding principle when a state considers employing a preventive strategy. John Yoo, a key national security counselor for President George W. Bush, furthers this cause by arguing that states should consider the 'global welfare' of eliminating a threat when determining the value, and legitimacy, of a preventive attack.²⁹

²⁶ Yossi Melman, "The Diplomacy of Death : When Spies Execute Foreign Policy : Why the Plot to Kill Hussein Failed," *Los Angeles Times*, July 21, 1991, http://articles.latimes.com/1991-07-21/opinion/op-101_1_saddam-hussein.

²⁷ Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*, 5th ed. (New York: Basic Books, 2015).

²⁸ Abraham D. Sofaer, *The Best Defense? Legitimacy and Preventive Force*, Kindle (Stanford, CA: Hoover Institution Press, 2010).

²⁹ John Yoo, *Point of Attack: Preventive War, International Law, and Global Welfare*, 1st ed. (Oxford: Oxford University Press, 2014).

C. RESEARCH DESIGN AND ROADMAP

Although realists have developed a firm understanding of preventive strategies and constructivists have conceptualized the influence of norms on military intervention, a gap persists between these two bodies of scholarship—separating the realist paradigm of preventive attack from the constructivist logic of norms. This thesis attempts to bridge that gap by exploring the causal relationship between the norms of sovereignty, intervention, and non-proliferation and the preventive use of force to counter the proliferation of nuclear weapons. To achieve this goal, it will explore the two cases of proliferation-focused preventive attack outside of an ongoing war: Israel’s strike on Iraq’s Osirak nuclear reactor in 1981 and its attack on Syria’s Al-Kibar nuclear reactor in 2007. Although the two attacks are remarkably similar, both being aerial bombings against a neighboring Middle Eastern state, changes to the international system over the 26 years between the two attacks allow for rich analysis of how international norms influenced each event.

This thesis does not argue that international norms have a deterministic effect, commanding whether or not a state will conduct a preventive attack; rather, it attempts to explain how they influence the behavior of states that conduct preventive attacks to counter proliferation. It finds that three key causal mechanisms exist through which the norms of sovereignty, intervention, and non-proliferation influence preventive attacks. First, the constituting nature of these norms fosters a communitarian divide between the attacking state and its adversary, loosening restrictions on the use of force. Second, the sanctioning component of these norms causes the attacking state to undertake a gradualist campaign, involving both diplomacy and covert action, prior to conducting a preventive attack. Finally, the ethical component of these norms provides a framework through which a state justifies and attempts to legitimize its actions to the international community. Additionally, all three mechanisms are influenced by shifts in the structure of power and the normative landscape of the international community.

Capturing the influence of sovereignty, intervention, and non-proliferation is a problematic undertaking. Norms exist in an ideational realm; while their consequences might be actual, norms themselves are not tangible manifestations that can be directly

observed. This dualism creates a dilemma when attempting to identify the causal relationships between international norms and state action. Wendt argues that “since we cannot observe norms in their entirety, we cannot conclusively establish the causal relationships between norms and behavior,” and to overcome this epistemological challenge, researchers must rely on “theorizing about the mechanisms that produce their causal relations.”³⁰ Causal mechanisms can be viewed as interdependent entities that serve as the ‘cogs and wheels’ of a larger phenomenon.³¹ They are found in the intervening steps between the independent and dependent variables, not only connecting the two but also transmitting ideas, information, or emotions from one to the other. Like the norms they model, these mechanisms are intangible; therefore, researching their influence requires a focus on their observable manifestations.³²

To uncover these observable manifestations, this thesis relies on process tracing to peer into the black box of state behavior and parse the effects of norms. Process tracing is a qualitative methodology that investigates the circumstances within a single case study to make inferences about the connections between the causative force and its dependent result.³³ Process tracing is best understood when compared to other qualitative methods, such as structured focused comparison, that attempt to determine the causal effect between an independent and dependent variable. While comparative methods seek to show that X caused Y, process tracing is focused on explaining how X caused Y. It makes inferences about causal mechanisms based on the observations within a single case, as opposed to comparing events and outcomes across a group of cases. With its rigorous focus on the progression and connection of events, process tracing is “particularly well-suited to the task of uncovering intervening causal mechanisms and

³⁰ Alexander Wendt, *Social Theory of International Politics* (Cambridge, UK: Cambridge University Press, 1999), 62.

³¹ Derek Beach and Rasmus Brun Pedersen, *Process-Tracing Methods: Foundations and Guidelines* (Ann Arbor: University of Michigan Press, 2013), 29.

³² Alexander L. George and Bennett, *Case Studies and Theory Development in the Social Sciences* (Cambridge, MA: MIT Press, 2005), 137.

³³ For its reasoning and application, see Beach and Pedersen, *Process-Tracing Methods: Foundations and Guidelines*; Andrew Bennett and Jeffrey T. Checkel, *Process Tracing: From Metaphor to Analytic Tool* (Cambridge, UK: Cambridge University Press, 2014).

exploring reciprocal causation and endogeneity effects.”³⁴ This aptness is valuable because the exploration of norms is often hindered by endogeneity dilemmas associated with determining whether it was the norm that shaped the actions of the state, or vice versa.

By process tracing the events surrounding the preventive attacks on Osirak and Al-Kibar, this thesis has two broad aims: first, to contribute to the body of knowledge on counter-proliferation behavior by synthesizing two divergent traditions of international politics, and second, to provide policymakers with a better understanding of how international norms can influence counter-proliferation and military policy. To accomplish these two interrelated goals, this thesis is organized as follows. The second chapter reviews the relevant literature on international norms to provide a theoretical framework for observing their influence on state behavior. The third chapter examines the three norms of focus—sovereignty, intervention, and non-proliferation—to understand their interrelated and divergent purposes. The fourth and fifth chapters focus on the empirical cases of this research—Osirak and Al-Kibar respectively—applying the framework of norms to develop a mid-level bounded theory on how norms influence preventive attack. Finally, this thesis concludes by describing the limitations of this theory and offering further avenues of research. It will also examine the policy implications of these findings, highlighting ways to use this research as both a predictive tool and strategic guide.

³⁴ Jack S. Levy, “Case Studies: Types, Designs, and Logics of Inference,” *Conflict Management and Peace Studies* 25 (2008): 6.

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II. CAPTURING THE INFLUENCE OF NORMS

Man is as much a rule-following animal as a purpose-seeking one.

—F.A. Hayek³⁵

Norms are ubiquitous yet mysterious.³⁶ They are essential to international relations, mediating interactions between states and offering expectations that can be used as a heuristic for behavioral response. At times, norms have a constraining quality, demanding a behavior that seemingly contradicts rational interests.³⁷ Norms also have a constitutive quality, demarcating groups of shared interests and identifying rogue states.³⁸ International norms are not always followed; in fact, it is the breaking of norms that often makes us take notice, creating a cacophonous mixture of disbelief, distress, and outrage. Violations of norms, however, do not necessarily diminish their relevance or value.³⁹ Rather, the condemnation and sanctioning leveled against violating states highlights the effect norms have on behavior. Although the degree to which norms truly matter is debatable, the logic of this thesis is founded on the epigraphic statement made by economist and philosopher Friedrich Hayek: men are inherently attuned to follow norms.

Defining international norms can be a difficult undertaking. Although international norms have been a persistent thread throughout research in world politics, the study of norms has failed to coalesce around a single, unifying theory. Constructivism focuses on the constitutive quality of norms and how they impart a sense of identity on

³⁵ Friedrich A. Hayek, *Law, Legislation and Liberty, Volume 1: Rules and Order* (Chicago: University of Chicago Press, 1973), 11.

³⁶ Geoffrey Brennan et al., *Explaining Norms* (Oxford: Oxford University Press, 2013).

³⁷ Andrew Cortell and James Davis, "How Do International Institutions Matter? The Domestic Impact of International Rules and Norms," *International Studies Quarterly* 40 (1996): 451–78.

³⁸ Ronald L. Jepperson, Alexander Wendt, and Peter J. Katzenstein, "Norms, Identity, and Culture in National Security," in *The Culture of National Security. Norms and Identity in World Politics*, 33–79 (New York: Columbia University Press, 1996), 54.

³⁹ Jeffrey Legro, "Which Norms Matter? Revisiting the 'Failure of Institutionalism,'" *International Organization* 51 (1997): 35.

the actors that adhere to them.⁴⁰ Liberal institutionalism concentrates on the constraining feature of norms and emphasizes how norms can limit short-term utility maximizing choices in exchange for long-term cooperative behavior.⁴¹ Finally, rationalism treats norms as a stable equilibrium to a multi-equilibria situation, in which norms allow players to achieve the highest pay-off in dominant and mix-strategy games.⁴² This cataloguing is not comprehensive of all approaches, but it highlights the ontological difficulty in studying norms and their effects.

To account for the variation in studying international norms, it is important to break down norms by their essential characteristics. Based on a review of the literature, this thesis argues that five fundamental characteristics can be found throughout all international norms: *regularity*, *ethical character*, *sanctioning component*, *constitutive quality*, and *a relationship with self-interest*.⁴³ First, norms are characterized by regular and consistent behavior. Second, they feature an ethical character that defines the appropriate behavior for a situation. Third, norms also have a sanctioning component that punishes actors who violate the prescriptions of appropriate behavior. Fourth, norm-following behavior has a constitutive feature that bestows a sense of identity to actors. Finally, norms have a relationship—at times congruent while at times opposed—with self-interest. These five characteristics offer a framework for understanding the divergent nature of international norms—how they can provide both a constituting effect that defines actors as well as a regulatory effect that constrains them. Furthermore, these characteristics offer a means to observe the effects of the norms of sovereignty,

⁴⁰ Finnemore, *National Interests in International Society* (Ithaca: Cornell University Press, 1996); Katzenstein, *The Culture of National Security: Norms and Identity in World Politics*.

⁴¹ Stephen Krasner, "Structural Causes and Regime Consequences: Regimes as Intervening Variables." *International Organization* 32, no. 2 (1982): 185–205; Andreas Hasenclever, *Theories of International Regimes* (Cambridge, UK: Cambridge University Press, 1997).

⁴² Robert Sugden, *The Economics of Rights, Co-Operation and Welfare* (Oxford: Basil Blackwell, 1986); Morrow, James D. "Modeling the Forms of International Cooperation: Distribution versus Information." *International Organization* 48 (1994): 387–424; Axelrod, Robert. "An Evolutionary Approach to Norms." *The American Political Science Review* 80, no. 4 (1986): 1095–1111.

⁴³ Four of the five characteristics (regularity, normativity, sanctions, and relationship with self-interest) are drawn from Goertz and Diehl's typology of international norms presented in their quantitative research of the anti-colonialism norm. See Gary Goertz and Paul F. Diehl. "Toward a Theory of International Norms: Some Conceptual and Measurement Issues." *The Journal of Conflict Resolution* 36, no. 1 (1992): 634–64.

intervention, and non-proliferation. The ethical character, sanctioning component, and constitutive quality of norms lead to corresponding mechanisms of legitimizing action, gradualist strategies, and communitarian division, and by understanding the inner-workings of each mechanism, researchers can parse out the influence of international norms on state behavior.

A. REGULARITY AND PATTERNS OF BEHAVIOR

The most prominent feature of a norm is that it is characterized by a regular and consistent pattern of behavior. Janice Thomson contends that international norms are best described by the statement that “only that ‘as a rule’ states engage in such practices.”⁴⁴ Put simply, norms are normal behavior. Norms do not have to be followed perfectly, but by definition the presence of a norm implies a repetitive action given a specific situation or choice. As Axelrod notes, a norm exists when actors “usually act in a certain way.”⁴⁵ Norms are not deterministic indicators of future behavior, but they do offer probabilistic predictors of what to expect.

Norms are not just descriptions for regular behavior, but rather, the regularity of behavior also helps shape norms. They are patterns of actions and reactions between states that are “codified and ritualized over time.”⁴⁶ It is the consistent and dynamic interaction of actors that gives norms their content and identity. They are often portrayed as intersubjective or shared understandings, which Farrell explains as meaning that norms “are beliefs rooted in and reproduced through social practice.”⁴⁷ Norms are not simply arrived at one day and declared to be present and true, but rather they develop over time and are molded by the actions and reactions of the actors who practice them. The intersubjective quality of norms parallels with the constructivist logic of George Wendt, who argues that agents shape the structure of the system as much as the system shapes the

⁴⁴ Janice E. Thomson, “Norms in International Relations: A Conceptual Analysis,” *International Journal of Group Tensions* 23 (1993): 81.

⁴⁵ Axelrod, “An Evolutionary Approach to Norms,” 1095.

⁴⁶ Annika Bjorkdahl, “Norms in International Relations: Some Conceptual and Methodological Reflections,” *Cambridge Review of International Affairs* 15, no. 1 (2002): 13.

⁴⁷ Theo Farrell, “Constructivist Security Studies: Portrait of a Research Program,” *International Studies Review* 4, no. 1 (2002): 49.

actions of agents.⁴⁸ In the case of international norms, it is not just norms (structure) that shape states (agents) but also, the interactions between states that shape norms. This sense of shared expectations also corresponds to rationalist approaches that treat norms as equilibria.⁴⁹ Repeated coordination games produce norms that result in the best outcome for each player.

B. ETHICAL CHARACTER

Beyond the routine and regular, international norms are also characterized by the sense of appropriateness they provide to a pattern of behavior. A critical ethical, moral, or deontological component is inherent in all norms and separates them from simple social practices or conventions.⁵⁰ Put simply, norms are normative.⁵¹ Although behavioral regularity is an important part of norms, it is not the whole story. Ann Florini contends that the ‘regular and consistent’ approach to norms propagated by rationalist scholars falls short of capturing what norms are truly about.⁵² By defining norms as patterns of behavior, there is no means to delineate between that behavior guided by short-term interests and that behavior guided by normative principles. Instead, she argues that it is the ethical kernel within norms that makes them “analytically distinct” and that the term ‘norm’ is best described by a sense of oughtness and obligation.⁵³ For constructivist scholars, it is the ‘standards of behavior’ and not the ‘patterns of behavior’ that give norms their enduring character.

⁴⁸ Alexander Wendt. “The Agent-Structure Problem in International Relations Theory.” *International Organization* 41, no. 3 (1987): 335–70; Wendt, Alexander. *Social Theory of International Politics* (Cambridge, UK: Cambridge University Press, 1999); For a realist critique, see Dale C. Copeland. “The Constructivist Challenge to Structural Realism.” *International Security* 25, no. 2 (2000): 187–212.

⁴⁹ Goertz makes an important point that not all patterns of behavior are norm-driven and that single equilibrium games do not involve norms. Rather, it is the presence of multiple-equilibria in a situation that creates norms for the players. See footnote in Gary Goertz, *International Norms and Decision Making: A Punctuated Equilibrium Model* (Lanham, MD: Rowman & Littlefield, 2003), 57.

⁵⁰ Brennan et al., *Explaining Norms*, chap. 2; Goertz and Diehl, “Toward a Theory of International Norms: Some Conceptual and Measurement Issues,” 638.

⁵¹ This should not lead to the conclusion that normative theory is the study of norms. Although the two have obvious overlap, as will be discussed later in this chapter, they are not completely synonymous with each other.

⁵² Ann Florini, “The Evolution of International Norms.” *International Studies Quarterly* 40, no. 3 (1996): 364.

⁵³ *Ibid.*

International norms have a reasoning all their own and often force states to make choices that differ from those suggested by rational choice. In their new institutionalism approach to international political dynamics, March and Olsen distinguish between two different patterns of logic: the logic of consequence and the logic of appropriateness.⁵⁴ The first pattern is based on the rationalist wisdom of utility-maximizing behavior that forces a state to weight the costs and benefits of a given choice for a specific situation to determine how to best advance its interests, whether material or ideational. In contrast, the logic of appropriateness relies on international norms that forces a state to examine its current situation, focusing on the obligations it has and the permissions, prescriptions, and proscriptions for that situation. By answering these questions about what is right and wrong, states are often drawn to a different outcome than if they had asked a question formulated around self-interest.

The normative approach to norms does not completely decouple from the rationalist approach. Gary Goertz treats norms as a form of deontological logic that explains the appropriate action for a specific situation.⁵⁵ International norms provide the answer to an if/then statement: given situation X, a state should respond with action Y. From this perspective, norms can be characterized into three fundamental types—permissions, prohibitions, and prescriptions—that form the building block for all normative behavior. Goertz deems these the ‘three Ps’ and writes that “permissions state that an option is allowed, neither prescribed nor prohibited. Prohibitions exclude the choice option. Prescriptions chose an option.”⁵⁶ Even from a rational perspective, norms clearly contain a degree of appropriateness or oughtness.

A vital consequence of the normative characteristic is that it offers legitimacy to the actions of norm followers, as well as norm enforcers. The concept of legitimacy in international relations, like norms themselves, is often difficult to define.⁵⁷ Thomas

⁵⁴ James G. March and Johan P. Olsen, “The Institutional Dynamics of International Political Orders,” *International Organization* 52, no. 4 (1998): 943–69.

⁵⁵ Goertz, *International Norms and Decision Making: A Punctuated Equilibrium Model*, chap. 3.

⁵⁶ *Ibid.*, 39.

⁵⁷ Gelpi claims that legitimacy is more difficult to define than the concept of power. See Gelpi, *Power and Legitimacy*, (Princeton: Princeton University Press, 2003), 13.

Franck describes a rule as being legitimate when it “exerts a pull toward compliance on those addressed normatively because those addressed believe that the rule or institution has come into being and operates in accordance with generally accepted principles of right process.”⁵⁸ Actors adhere to legitimate rules because they judge that other actors have accepted those rules as well. Finnemore notes that “legitimacy or normative authority” are what give rules and norms sustainability and allows them to endure, more than force or material power.⁵⁹ It is telling indicator that she uses the term legitimacy and normative authority interchangeably in this context.

C. SANCTIONING COMPONENT

The ethical component of a norm is insignificant unless there is a means to punish violators who fall outside the scope of appropriate behavior that the norm prescribes. Norms have long been viewed as a method of social control, and from this perspective, an inherent linkage exists between norms and sanctions. When Axelrod claims that individuals “usually act in a certain way,” he closes this statement with the point that they “are often punished when seen not be acting in this way.”⁶⁰ Norms are not just regular or appropriate behavior, but they are also regulated behavior. Sociologist J. Scott argues that “norms and values will in turn be defined in terms of sanctions ... a norm is a name for a pattern of sanctions.”⁶¹ Sanctions are essentially the building blocks of norms. However, sanctions do not have to be continually present; just the fear of them can be enough to make norms effective. Jon Elster highlights how norms become internalized, describing a norm as “the propensity to feel shame and to anticipate sanctions by others at the thought of behaving in a certain way.”⁶² The power of norms is that when they become internalized, they force actors to comply through self-sanctioning.

⁵⁸ Thomas M. Franck, *The Power of Legitimacy among Nations* (Oxford: Oxford University Press, 1990), 24.

⁵⁹ Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force*, 2.

⁶⁰ Axelrod, “An Evolutionary Approach to Norms,” 1097.

⁶¹ John F. Scott, *Internalization of Norms: A Sociological Theory of Moral Commitment*. (Englewood Cliffs, NJ: Prentice Hall, 1971), 65.

⁶² Jon Elster, *The Cement of Society: A Study of Social Order* (Cambridge, UK: Cambridge University Press, 1989), 105.

The relationship between norms and sanctions brings the concept of power to the forefront of normative analysis. For a norm to be effective, an actor or group of actors with power must be willing to use coercion or force to compel obedience.⁶³ In the international system, this means that either a hegemon or a group of states must be a prepared to punish violators. International norms can rely on a variety of enforcers, but those enforcers must be willing and capable when actors fall outside the scope of behavior prescribed by norms. The precondition of ‘willing and capable’ is not always easy to meet—sanctions can be costly.⁶⁴ They carry with them the chance of retribution from the state that is being sanctioned. Moreover, even if an actor believes they will be effective, sanctions still require the expenditure of material and political capital that can be costly and time consuming.

The presence of sanctions often forces states that violate norms to seek ways to avoid being caught, to take gradual steps up to the point of violation, and to justify their actions to escape being penalized by the international community. Norm breaching frequently takes a clandestine path. Mervyn Frost makes the case that one of the basic indicators that a norm is settled, or recognized, by the larger community is that encroachment of that norm is usually undertaken surreptitiously.⁶⁵ Furthermore, states do not usually break a norm immediately, but rather, they take graduated steps to achieve the outcome they seek before fully violating the norm.⁶⁶ In the international arena where the norm of sovereignty is widely held, states will often take incremental steps before intervening with force in the affairs of another state. This gradualism can take the shape of diplomatic engagement, economic sanctions, or even covert action; however, regardless of form, attempts to resolve the dilemma typically do not openly violate the norm.

⁶³ Bjorkdahl, “Norms in International Relations: Some Conceptual and Methodological Reflections,” 14; See also Renee de Nevers, “Imposing International Norms: Great Powers and Norm Enforcement.” *International Studies Review* 9, no. 1 (2007): 53–80.

⁶⁴ Brennan et al., *Explaining Norms*, 45; See also James Buchanan, *The Limits of Liberty: Between Anarchy and the Leviathan* (Chicago: University of Chicago Press, 1975); Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984).

⁶⁵ Mervyn Frost, *Ethics in International Relations: A Constitutive Theory* (Cambridge, UK: Cambridge University Press, 1996), 106.

⁶⁶ *Ibid.*, 174.

D. CONSTITUTING IDENTITY

Alongside their ability to restrict and sanction, international norms have a constitutive characteristic that provides an identity to states. Norms do not simply constrain a state's behavior based on tradition, ethics, or morality, but rather, they also provide an element of distinctiveness, character, or persona to a state. Put simply, norms tell us who we are. Finnemore and Sikkink argue that the most agreed upon description of a norm is that it is "a standard of appropriate behavior for actors with a given identity."⁶⁷ It is the 'given identity' portion of their description that highlights the constitutive feature of norms. The constitutive characteristic is shaped and reinforced by a norm's pattern of regular and consistent behavior. A state that follows a norm is in essence defined by that norm; however, this defining quality takes time to develop.⁶⁸ A norm provides a constitutive effect by recognizing a state's identity based on its habitual actions.⁶⁹

International norms bestow a national identity on states that is different from those created by other, more permanent characteristics. National identity is often based on a state's predominant ethnicity. North and South Korea have a distinctiveness based on the culture of their populations. Geography can also confer a sense of identity on a state. Island nations have an individuality shaped by their reliance on maritime trade and the protection afforded by the sea. In contrast to ethnicity or geography, the constitutive nature of norms provides a sense of identity that is based on behavior. States are defined by their actions in a situation or, more specifically, by their choice of action or decision-making.⁷⁰ It is this decision-making that defines states and places them within groups: states that supported slavery and colonialism, states that signed the Treaty on the Non-proliferation of Nuclear Weapons, or states that respect the sovereignty of their

⁶⁷ Martha Finnemore and Kathryn Sikkink, "International Norm Dynamics and Political Change," *International Organization* 52, no. 4 (1998), 891.

⁶⁸ Ibid.

⁶⁹ Jepperson, Wendt, and Katzenstein, "Norms, Identity, and Culture in National Security," 5.

⁷⁰ Ibid., 56; Finnemore, *National Interests in International Society*, 5–6; Richard K. Herrmann and Vaughn P. Shannon. "Defending International Norms: The Role of Obligation, Material Interest, and Perception in Decision Making" *International Organization* 55, no. 3 (2001), 623.

neighbors. Unlike ethnicity or geography, a state's behavior can change over time, and therefore the identity conferred by that behavior can also change.

The sense of national identity that norms create also provides a sense of community. Norms not only define an actor, but rather, they create a shared identity for a group of actors. Moreover, international norms also delineate those states that rest outside of a group. This function of dividing members from outsiders corresponds to the tradition of normative international relations theory known as communitarianism. Communitarians argue that “membership in particular communities, and participation in their practices, are morally defining.”⁷¹ It stands in opposition to the cosmopolitan tradition, which argues for a “global sphere of equal moral standing” and contends that culture, ideology, or any other defining characteristic can create a class of disenfranchised outsiders.⁷² The communitarian tradition argues that a state gives preference to other states that share its customs, behavior, and ideology—and conversely have less concern for those states that fall outside their behavioral community. The constitutive quality of norms creates both a national identity and a behavioral community, forcing states to make decisions that give favor to members over outsiders.

E. RELATIONSHIP WITH SELF-INTEREST

The final characteristic of international norms is the ambivalent relationship they have with self-interest. At times, norm-following behavior appears well aligned with an actor's self-interest. The United Nations Convention on the Law of the Sea provides a clear example of this sort of behavior: states generally observe maritime norms because they provide an efficient form of economic cooperation and violations would likely

⁷¹ Toni Erskine, “Normative International Relations Theory,” in *International Relations Theories: Discipline and Diversity*, edited by Tim Dunne, Milja Kurki, and Steve Smith, 2nd ed., 36–57 (Oxford: Oxford University Press, 2010), 43; For a fuller reading on the communitarian and cosmopolitan traditions, see Molly Cochran, *Normative Theory of International Relations* (Cambridge, UK: Cambridge University Press, 2000).

⁷² Erskine, “Normative International Relations Theory,” 42–43. The distinction between communitarianism and cosmopolitanism can be seen in their opposing views on state borders. To the cosmopolitan borders are nothing more than instrumental tools for the efficient allocation of resources, while the communitarian views borders as a moral tool that divides ‘us’ from ‘them.’

damage a state's reputation.⁷³ At other times, adhering to a norm stands in almost direct opposition to the self-interest of an actor. The anti-colonization norm that emerged following the Second World War took away material wealth and power, which were considered essential to many European states; yet these states began to follow the new standards of behavior even against their self-interest.⁷⁴ Unfortunately, it is near impossible to succinctly describe the relationship between international norms and national interests, other than to highlight its contradictory nature. This difficulty is indicative of the struggle that international relations theorists have had in explaining norms and their effects.

The correlation with self-interest is perhaps the most contested feature of norms within the study of world politics. Some constructivist scholars argue that norms are synonymous with national interests; the constitutive quality of normative ideas shapes interests, so norms cannot logically be in conflict with interests.⁷⁵ Bjorkdahl makes the point that norms are "interconnected with self-interest" and that the two "are mutually constitutive."⁷⁶ From this perspective, norms create interests. Some rationalist scholars have a similar view, arguing that norms provide preferences for actors and that self-interested behavior is simply following these preferences. From their point of view, interests align with norms. However, other scholars maintain that norms constrain self-interest. Both neorealism and neoliberalism contend that norms alter the cost-benefit analysis of a state, constraining the choices available to foreign policy decision-makers.⁷⁷ Along the same lines, constructivists like Florini argue that the "realm of conceivable behavior in a given social structure is normatively determined and it is not as wide as the realm of behavior that is physically possible."⁷⁸ From their standpoint, norms containing and restraining self-interest

⁷³ Goertz and Diehl, "Toward a Theory of International Norms: Some Conceptual and Measurement Issues," 640.

⁷⁴ Ibid, 646-647.

⁷⁵ Finnemore, *National Interests in International Society*, 26-27.

⁷⁶ This point tracks with Wendt's agent-structure dynamic discussed in the regularity sub-section.

⁷⁷ Florini, "The Evolution of International Norms," 365.

⁷⁸ Ibid., 366.

The divided visions of international norms and national interests are not without overlap, and the debate, to some degree, is more a difference in focus and semantics than in philosophy. The constraining feature of norms is no different from the constraining feature of material power. Within the international system, states are limited by their relative military or economic strength compared to other states. Their relative strength provides a restraint much like that provided by norms. States are limited in what they can accomplish, whether by ethics, wealth, or military power—these limits naturally run in opposition to national interests. Moreover, the constitutive quality of norms and the preference setting quality of norms are analogous to each other; the constructivist notion of identity is simply an alternative description for the rationalist notion of preferences. From this perspective, identity and preference are two interchangeable terms.

F. AN EXPLORATORY FRAMEWORK

Norms are pervasive throughout the international system, yet puzzling and paradoxical at the same time; nevertheless, they offer a distinct lens to examine how states interact. Although competing traditions of international politics disagree about the nature and strength of their explanatory power, most agree that norms have an effect on states. Constructivists focus on how norms constitute the identity of a state and shape their actions. Institutionalists concentrate on how they constrain a state's choices and limit the range of acceptable behavior. Finally, rationalists emphasize how norms serve as preferences for actors and how those preferences produce an equilibrium outcome in strategic interactions. Concerning how international norms shape counter-proliferation decision-making, this section advances the research on two fronts. First, it provides a base of knowledge to examine the specific international norms—sovereignty, intervention, and non-proliferation—that are the focus of this research. Second, it offers a framework to capture the effects of these norms in the case studies of preventive attack.

Reducing norms to their fundamental components not only provides a means to understand how they work, but more importantly, it offers a framework to observe the influence of norms on state behavior. The first (regularity) and fifth (relationship with self-interest) characteristic are somewhat open-ended descriptors that can apply to

numerous phenomenon in world politics, but they both impart an appreciation for the uncertain and shifting aspects of norms that makes them difficult to study. The concept of regularity highlights the dynamic nature of norm development, emphasizing how actors can shape norms just as much as norms can shape actors. The concept of a relationship with self-interest—at times opposing and at times congruent—underscores the ambiguous link between international norms and national interests. Although these two characteristics do not provide a convenient heuristic to observe the effect of norms, they are important for the empirical investigation of this thesis because they highlight how changes in the international system can have an influence on norms. However, the three middle characteristics (ethical character, sanctioning component, and constitutive quality) do offer a practical means to breakdown the inner-workings of individual norms and provide the framework that this thesis will use to capture the influence of the norms of sovereignty, intervention, and non-proliferation.

Each of these three central characteristics has a corresponding mechanism that influences state behavior. First, the ethical characteristic provide legitimacy to states that follow norms or enforce them. Second, the sanctioning component forces states to take gradual steps before openly violating a norm. Third, the constitutive quality creates a sense of community between states, often leading to a distinct ‘us versus them’ communitarian divide. These three mechanisms—legitimization, gradualism, and communitarianism—provide a starting point to observe the influence of sovereignty, intervention, and non-proliferation on preventive attacks. As described in Table 1, each mechanism has corresponding indicators through which the influence of norms can be observed. Legitimization forces states to justify their actions based on ethical grounds associated with specific norms. Gradualism pushes states to take incremental steps, often via diplomacy and covert action, prior to openly violating a norm. Communitarianism creates a divide between norm-following and norm-violating states, often furthering their enmity. With these indicators in mind, this thesis now turns to the three norms of interest to understand these mechanisms in the context of sovereignty, intervention, and non-proliferation.

Table 1. Framework to Capture the Influence of Norms

	Description	Purpose	Indicators
Patterns of Behavior	regular and consistent behavior	creates a shared understanding with repeated interaction	
Ethical Character	standards of appropriate behavior	provides legitimacy to behavior based on normative authority	justification for attack based on ethical grounds
Sanctioning Component	punishment for violating a norm	forces gradual measures prior to open violation	incremental measures including diplomacy and covert action
Constitutive Quality	sense of behavioral identity	categorizes actors as norm followers or norm violators	hostility based on us-vs-them behavior and statements
Relationship with Self-Interest	norms can both correspond with or oppose self-interest	connects the concept of identity with the idea of preferences	

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III. SOVEREIGNTY, INTERVENTION, AND NON-PROLIFERATION

All decision is a matter of compromise.

—Herbert Simon⁷⁹

The title of this thesis, “Norms in Conflict,” is a phrase that evokes two distinct lines of reasoning. First, it suggests that there are international norms for inter-state conflict—prescriptions and proscriptions for how states conduct themselves in war and lesser military engagements. From the treatment of prisoners of war to the ban on chemical weapons, states generally adhere to agreed-upon standards of conduct on the battlefield. These rules might not always be followed and they might change over time, but they exist nonetheless. Second, the title alludes to the point that these norms are often in conflict with each other—international norms do not exist separate from each other with clear lines to delineate when one applies over the other. The Chemical Weapons Convention is not just a ban on the use of chemical weapons, but rather, it denies its signatory states the opportunity to develop or stock specifically identified chemical agents as well.⁸⁰ This constraint is a clear infringement on a state’s sovereign right to decide what happens within its borders. The norms of conflict exist, but they occur in a persistent state of struggle and with each other over primacy and purpose for a specific situation. The arena of conflict between international norms—foreign policy—is thus a game of compromise.

Beyond international norms conflicting with each other, the characterization of each also has a struggle all its own. The definition of a particular norm is never unequivocal. First, norms are not on/off switches for actors to follow or not follow; they encompass a continuum of behavior that is deemed acceptable. States “usually act in a

⁷⁹ Herbert A. Simon, *Administrative Behavior: A Study of Decision-Making Processes in Administrative Organizations*, 4th ed. (London: Collier Macmillan, 1997), 5.

⁸⁰ *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction* (1992), article IV.

certain way,” but a range of actions can be indicative of that behavior. Moreover, norms are rarely internally consistent, with straightforward guidelines to be followed in a mechanical if/then sequence. Instead they are in conflict with themselves: what sovereignty means to one state is different than what it means to another. Adding to this inconsistency is the fact that individual norms change over time. The non-proliferation norm has a different character now than it did during its formative years in the 1970s. The conciliatory nature of international norms is not just a trade-off between two conflicting options—rather, it also involves a compromise over the demarcation and scope of each norm.

How do international norms shape and constrain decisions to conduct preventive attacks to counter the proliferation of nuclear weapons? Before answering this research question, it is crucial to narrow the scope of this inquiry to a specific set of international norms. This chapter advances this focus by providing background on the central norms in this area of foreign policy decision-making: the norms of sovereignty, the norms of intervention, and the non-proliferation norm. It is imperative to have an appreciation of the norms at play in preventive attack decision-making, both to understand how they interact with each other and to recognize their own internal conflict. This section does not attempt to resolve the inherent conflict between international norms, nor does it seek to provide a definitive answer on the breadth and depth of each norm. Instead, it offers the reader a baseline understanding of each norm, similar to the level that foreign policy decision-makers have when diving into issues of world politics.

A. SELF-DETERMINATION VERSUS SELF-HELP

The concept of sovereignty in world politics is principally focused on the idea of self-determination. Sovereign states have de facto autonomy over their actions; they are “territorial units with juridical independence” and “are not formerly subject to some external authority.”⁸¹ Finnemore argues that sovereignty is the “foundational principle of international law” and that it corresponds directly with the central ethic of self-

⁸¹ Stephen Krasner, “Abiding Sovereignty,” *International Political Science Review* 22, no. 3 (2001) 230.

determination.⁸² This does not mean that outside actors do not have influence within the internal affairs of a sovereign state—sovereignty is a bounded concept. External actors, with their own mix of power and preferences, can limit the autonomy of another state. However, sovereignty grants that these actors will not breach or control the domestic political authority within a state. From this standpoint, the term sovereignty is interchangeable with non-intervention, a concept that has been well codified in international treaties and law.⁸³

Sovereignty, however, is a borderline concept that has a paradoxical nature.⁸⁴ It is not only the obligation of external states to respect the internal workings of their neighbors, but it is also the obligation of that neighbor to be capable of maintaining its territorial integrity and internal political workings. The concept of anarchy that characterizes the international system specifies that there is no supranational agent to enforce territorial integrity or political autonomy; therefore, individual states are burdened to maintain their autonomy through self-help. This corresponds with Carl Schmitt's declaration that "sovereign is he who decides on the exception."⁸⁵ Although Schmitt is discussing the concept of domestic sovereignty, his point rings true in the realm of world politics as well. Self-determination is not a natural right, but rather something that must be achieved and defended. Additionally, what constitutes self-determination is not just a question of mutual recognition versus self-help, but it is also tied to the question of domestic political legitimacy and how a state provides self-rule for

⁸² Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force*, 6.

⁸³ For the codification of these non-intervention in treaties, see Articles 2(4) and 2(7) of the United Nations (U.N.) Charter; Organization of American States Charter Articles 18-21; Helsinki Accord of 1975; the Rio Treaty on Hemispheric Security; the Organization of African Unity Charter; the Pact of the League of Arab States; the U.N. General Assembly 1965 Declaration on Intervention, and the 1970 Friendly Relations Declaration; Herrmann and Shannon, "Defending International Norms: The Role of Obligation, Material Interest, and Perception in Decision Making," 622.

⁸⁴ The phrase 'borderline concept' is borrowed from Carl Schmitt's discourse on sovereignty. His well quoted opening sentence (sovereign is he who decides on the exception) is immediately followed by the statement "only this definition can do justice to a borderline concept." See Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, translated by George Schwab, 2nd ed, (Chicago: University of Chicago Press, 1933), 5.

⁸⁵ Ibid.

its body politic. Communist states hold that totalitarianism is the correct path to self-determination, while Western states argue for democracy.⁸⁶

Beyond the debate over what constitutes self-determination, scholars also disagree over the extent of sovereignty. Sovereignty is not a singular rule; rather, it is a set of prescriptions about how the international system does or should work. Krasner notes four distinct types of sovereignty. This term can refer to interdependency, meaning that a state has the ability to regulate the movement of “goods, capital, people, ideas, or disease vectors” across its borders.⁸⁷ Sovereignty can also denote the domestic political structure that holds authority and regulates behavior, such as those discussed by political theorists like Hobbes, Bodin, and Schmitt.⁸⁸ It can reference the Westphalian or Vattelien concept of the “exclusion of external sources of authority.”⁸⁹ Finally, it can follow the international legal principle of mutual recognition.⁹⁰ Additionally, the concept of sovereignty can also be used to bundle a set of rules that provide a vast normative framework for the international system. Frost argues for eight norms of sovereignty—ranging from the preservation of the society of sovereign states being a moral imperative to the importance of self-determination for the individual citizens within a state.⁹¹

B. VIOLATION AND ENFORCEMENT

Intervention straddles the line between violation and enforcement. Much like its contrapositive, sovereignty, intervention is a borderline concept within world politics that has a heavy degree of contradiction. Stanley Hoffman notes that intervention has the same purpose as any other foreign policy tool—to “make you do what I want you to do, whether or not you wish to do it.”⁹² Drawing heavily from international law, Hedley Bull

⁸⁶ Stanley Hoffman, “The Problem of Intervention,” in *Intervention in World Politics*, edited by Hedley Bull, 7–28 (Oxford, UK: Clarendon Press, 1984), 15.

⁸⁷ Stephen Krasner, “Abiding Sovereignty,” *International Political Science Review* 22, no. 3 (2001): 231.

⁸⁸ *Ibid.*

⁸⁹ *Ibid.*, 232.

⁹⁰ *Ibid.*, 233.

⁹¹ Frost, *Ethics in International Relations: A Constitutive Theory*, 106.

⁹² Hoffman, “The Problem of Intervention,” 9.

offers the more refined description that intervention is the “dictatorial or coercive interference, by an outside party or parties, in the sphere of jurisdiction of a sovereign state.”⁹³ Simply put, intervention is a violation of sovereignty. Finnemore notes this relationship when she writes that intervention “establishes boundary conditions for [the] two central institutions of international life, sovereignty and war.”⁹⁴ From this standpoint, intervention serves as a limitation for both the end of sovereignty and the beginning of war. Although generally held to be illegal and immoral, both lawyers and moralists agree that intervention is justified at times.⁹⁵ It can be undertaken as a means of self-defense or as a mechanism for enforcement or sanctioning. It is this pattern of justified action, with both frequency and consistency, that transforms intervention into an international norm.

The range of actions that fit under the auspices of “dictatorial or coercive interference” is vast. Bull provides a brief classification of the potential polar opposites of behavior that fit the bill: interventions can be forcible or non-forcible, direct or indirect, and open or clandestine.⁹⁶ Although this thesis uses the broad term “intervention” to give the norm a name, the focus of this research is bounded to the coercive use of force short of war—not simply economic sanctions but rather an open use of military power against another state. The norms of intervention—when it is appropriate to intervene and when it is not—began to develop in Europe between the 17th to 18th century as part of the Balance of Power system.⁹⁷ By the start of the 19th century it became acceptable to intervene for two broad reasons. First, states could use military force on the European continent to prevent the rise of a powerful state, thus preserving the balance of power and averting

⁹³ Bull, Hedley, “Introduction,” 1.

⁹⁴ Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force*, 7.

⁹⁵ Hedley Bull, “Introduction,” in *Intervention in World Politics*, 1–6 (Oxford: Oxford University Press, 1984), 2.

⁹⁶ *Ibid.*, 1.

⁹⁷ Hoffman, “The Problem of Intervention,” 16; Marc Trachtenberg, “Intervention in Historical Perspective,” in *Emerging Norms of Justified Intervention*, 15–36 (Cambridge, MA: Bulletin of the American Academy of Arts and Sciences, 1993), 17–19; Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force*, 100–102.

war.⁹⁸ Intervention was considered justified if it maintained continental order and, by extension, international order. Second, intervention was sanctioned to impose European values upon “uncivilized” states outside of the continent and keep open international trade with those states.⁹⁹ The phrase “gunboat diplomacy” was used to describe this type of intervention that was conducted across the globe, in Latin America, the Middle East, Central Asia, and East Asia.

The role—and norms—of intervention as an enforcement mechanism have also changed over time. Intervention has always been tacitly linked to the exceptions of sovereignty, yet how states “differentiate and constitute these exceptions are not always clear and have varied over time.”¹⁰⁰ Finnemore notes how changes in purpose and the normative value caused some forms of intervention to fall out of practice, such as the use of military force to collect sovereign debt that ended in the early part of the 20th century.¹⁰¹ Likewise, the balance between sovereignty and intervention has always continually shifted back and forth. Historians in the late 19th century believed that intervention was becoming a natural and legal limit to sovereignty, arguing that it was no longer “outside the pale of the law of nations” but rather “an integral and essential part of it.”¹⁰² However, unbeknownst to most of the scholars of the time, the swing of the pendulum had reached its apex. From the First World War onward, sovereignty became a reinforced principle, as seen with the termination of colonial empires and the increased power of the “non-aligned” states.¹⁰³

The episodic changes to the practice of intervention have created a set of distinct rules that define the norm. First, the basic quality of any intervention is that it is undertaken by a superior actor or coalition of actors against a weaker state.¹⁰⁴

⁹⁸ Trachtenberg, “Intervention in Historical Perspective,” 17-21.

⁹⁹ Ibid., 21-27.

¹⁰⁰ Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force*, 9.

¹⁰¹ Ibid., chap. 2.

¹⁰² Lingelbach, “The Doctrine and Practice of Intervention in Europe,” 28-32.

¹⁰³ Trachtenberg, “Intervention in Historical Perspective,” 20.

¹⁰⁴ Bull, Hedley, “Introduction,” 1.

Intervention is not a surprise attack or harassing behavior by a weaker actor, attempting to coerce a favorable outcome that it could not achieve through a force-on-force engagement; rather, it is the mighty forcing its will on the meek. Additionally, intervention is an attempt to bring about a political change without disturbing the national boundaries of state or attempting to acquire new territory.¹⁰⁵ Intervening states are not trying to redraw the border lines of an international map; they are seeking to alter a state's behavior. Finally, intervention demands that states justify their use of force from an ethical or moral standpoint. Finnemore writes that justification is "an attempt to connect one's actions with standards of ... appropriate behavior."¹⁰⁶ Supporting this point, intervention is traditionally considered more justified if it is undertaken as a multilateral enterprise versus a unilateral endeavor.¹⁰⁷

C. ENMITY AND NON-PROLIFERATION

The norm of the non-proliferation of nuclear weapons is concentrated on managing enmity within the international system. This statement seems somewhat obvious—certainly all norms limiting a particular type of weapon (nuclear, chemical, land mines) or a specific class of military force (assassination, mercenaries) are about controlling hostility. However, while most norms of this nature are focused on limiting the availability of a particular weapon or of a means of warfare, the non-proliferation norm attempts to both constrain access to nuclear weapons while also harnessing their deterrent value. William Walker writes that following the scientific "enlightenment" that created nuclear weapons, the last half of the 20th century was focused on creating an "international order which would limit their dangers, while exploiting in controlled ways their capacities to discourage war."¹⁰⁸ The non-proliferation norm posits two conflicting arguments that are equal in both rational and deontological logic. From one perspective, nuclear weapons are immoral and horrendous weapons that could lead to a pandemic-

¹⁰⁵ Finnemore, *The Purpose of Intervention: Changing Beliefs about the Use of Force*, 11.

¹⁰⁶ *Ibid.*, 15.

¹⁰⁷ Hoffman, "The Problem of Intervention," 3.

¹⁰⁸ William Walker, "Nuclear Enlightenment and Counter-Enlightenment." *International Affairs* 83, no. 3 (2007), 431.

level of carnage. Conversely, from another point of view, nuclear weapons cannot be forgotten away and their limited presence can have a stabilizing effect on inter-state conflict. Nuclear weapons can provide peace, or they can become the sturdy child of terror.

Unlike the cases of sovereignty and intervention that had international treaties codified around their practices, the non-proliferation norm was established on the basis of international law. The Treaty on the Non-Proliferation of Nuclear Weapons (NPT), signed in 1968, is the founding text for the non-proliferation norm. World powers—and nuclear weapon states—forged the NPT following the concerns for the unchecked spread of nuclear technology that came from the Atoms for Peace program in the 1950s and the fears of an inevitable increase in the number of nuclear weapons states.¹⁰⁹ The NPT has three lines of effort to curtail nuclear weapons proliferation.¹¹⁰ It aims to prevent the horizontal proliferation of nuclear weapons beyond the five established nuclear weapons state (United States, United Kingdom, France, Soviet Union/Russia, and China). It limits the vertical proliferation of nuclear weapons among the five de jure nuclear weapons states by setting a goal of disarmament. Further, it establishes an unalienable right to peaceful nuclear energy for signatory states in good standing with the aims of the treaty. Put in the vernacular of norms, the NPT prohibits state-to-state proliferation, prescribes disarmament, and permits the peaceful use of nuclear technology.¹¹¹

The Schmittian concept of enmity in world politics provides a useful optic to understand the non-proliferation norm.¹¹² According to Schmitt, the “political” is defined by the social grouping of actors into friends and enemies, and states obtain their identity and their reasoning for political action based upon this division.¹¹³ From this point, he

¹⁰⁹ Joseph Cirincione, *Bomb Scare: The History and Future of Nuclear Weapons* (New York: Columbia University Press, 2007), chap. 2.

¹¹⁰ “Treaty on the Non-Proliferation of Nuclear Weapons,” 1968.

¹¹¹ Goertz, *International Norms and Decision Making: A Punctuated Equilibrium Model*, 39.

¹¹² This point and the explanation of Schmitt’s typology for enmity are drawn from Walker’s writing on the subject. See William Walker, *Weapons of Mass Destruction and International Order*, Adelphi Paper 370 (Oxford: Oxford University Press, 2004), 15-17.

¹¹³ Carl Schmitt, *The Concept of the Political* (Chicago: University of Chicago Press, 1996).

offers three levels—conventional, true, and absolute—of enmity that distinguish the degrees of animosity states feel toward each other. Conventional enmity exists when states recognize each other as either friends or enemies and develop cooperative strategies to ensure their survival. It stands opposed to true or absolute enmity—those based on an asymmetric hatred felt by an insurgent or terrorist toward a more powerful ruling regime that is marked by a lack of mercy.¹¹⁴ The non-proliferation norm attempts to establish a social convention in the realm of conventional enmity. States can oppose each other; however, by creating limits to both vertical and horizontal proliferation, the nonproliferation norm offers a sense of fairness to all states and prevents hostility from falling to the level of true or absolute enmity. Moreover, the continued presence of nuclear weapons with the most powerful states leverages conventional enmity—through the practice of deterrence—to limit the outbreak of war.

D. LIMITATIONS AND JUSTIFICATIONS

International norms are sometimes in conflict with each other. The line where the norms of sovereignty end is defined by the norm of intervention, and vice versa. Moreover, beyond international norms battling each other, the characterization of each also has a struggle all its own. The norms of sovereignty grant autonomy and the right of self-determination to states within the international system. However, sovereignty in an anarchical system is not a natural right; rather, it must be maintained through self-help. The norm of intervention—more specifically the coercive use of military force—is a direct violation of sovereignty. Nevertheless, it is often undertaken to maintain stability within the international system. Intervention attempts to force a state to change its behavior without affecting its territorial integrity or its ruling regime. Additionally, intervening states traditionally justify their actions based on an ethical imperative, such as self-defense or human rights. The norm of the non-proliferation of nuclear weapons is not just focused on limiting the spread of nuclear weapons, but rather, it also attempts to leverage the deterrent value of those weapons already produced. All three international

¹¹⁴ The difference between true and absolute enmity is a matter of degree. In true enmity, the ruling power can satiate the hatred of the partisan through concessionary actions; however, in absolute enmity, the hatred is so vitriol that there is no hope for accord.

norms are intractably interlinked. Sovereignty serves as a limitation for intervention. Non-proliferation acts as a justification for intervention. Conversely, intervention functions as a sanctioning tool for non-proliferation. The interaction of these norms creates conflict for state leaders, which ultimately leads to compromise in foreign policy decision-making.

The interwoven and conflicting aspects of sovereignty, intervention, and non-proliferation provide a starting point to explore the two case studies of Osirak and Al-Kibar—preventive attacks that were undertaken to counter the proliferation of nuclear weapons. Returning to the framework explained in the previous chapter, it is now possible to describe specific indicators—and likely observable manifestations—of the three normative mechanisms within the context of each norm. As described in Table 2, the opposing norms of sovereignty and intervention create a communitarian divide between those states that respect the territorial integrity and political autonomy of other states and those states that violate the sovereignty of others without following the rules of intervention. Concern over being sanctioned will lead states to take gradual measures before openly violating either norm—often through diplomacy, propaganda, or covert action. Furthermore, states will justify their norm-violating behavior as a requirement to defend their own sovereignty against an existential threat. The non-proliferation norm also creates a communitarian divide between those states that support its precepts and those states that proliferate or support proliferation. The norm also forces states with a nuclear ambition to take a clandestine path to acquire nuclear weapons. Additionally, a dominant state will often justify its coercive behavior as a means to enforce the non-proliferation norm.

Table 2. Indicators of the Influence of the Norms Sovereignty, Intervention, and Non-proliferation

	Sovereignty	Intervention	Non-Proliferation
Communitarianism	division based on those states that follow the norms of sovereignty/intervention and those that violate those norms		division based on states that support non-proliferation and those that proliferate
Gradualism	fear of sanctions forces states to use diplomacy, propaganda, and covert action prior to openly violating these norms		acquisition of nuclear material is conducted clandestinely
Legitimization	justification to defend sovereignty against an existential threat		justification for attack in order to enforce the non-proliferation norm

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IV. OSIRAK CASE STUDY

[Statesmen and diplomats] refuse to consider certain ends and to use certain means, either altogether or under certain conditions, not because in the light of expediency they appear impractical or unwise, but because certain moral rules interpose an absolute barrier.

—Hans J. Morgenthau¹¹⁵

On June 7, 1981, Israel conducted the world's first preventive attack against a nuclear facility that was apart from an ongoing war.¹¹⁶ Israeli Air Force (IAF) F-16 and F-15 jets flew over 1,000 kilometers through Arab territory to destroy a French-built Osiris-type reactor, dubbed "Osirak," before it could go "hot" and be used to produce plutonium in its fuel rods. Departing from Etzion air base in the Sinai, the eight F-15s and eight F-16s flew at low altitude across the Gulf of Aqaba, through southern Jordan and then northern Saudi Arabia, before crossing into Iraq. Upon arriving twenty miles southeast of Baghdad at the Al Tuwaitha Nuclear Research Center, each F-16 climbed to 5,000 feet before diving to drop two 2,000 lbs Mk-84 bombs onto the recently finished nuclear site. During the bombing run, the eight F-15s established a combat air patrol to intercept any Iraqi fighters who might be dispatched. Although the dropped ordnance was unguided, at least eight of the 16 bombs struck the large containment dome of the reactor, completely destroying the nuclear site while leaving the surrounding area largely undamaged. After finishing the attack, the strike force climbed to a high altitude and departed Iraq, crossing through Jordan its way home to Israel. Operation Opera, as the attack was named by the IAF, was a success.

¹¹⁵ Hans J. Morgenthau and Kenneth W. Thompson, *Politics among Nations*, 6th ed. (New York: McGraw Hill, 1985), 249.

¹¹⁶ The historical accounts of the Osirak attack were drawn from three secondary sources that described the attack itself and catalogued the events leading up to and preceding the strike. See Schlomo Nakdimon, *First Strike*, translated by Peretz Kidron (New York: Summit Books, 1987); Rodger Claire, *Raid on the Sun* (New York: Broadway Books, 2004); Amos Perlmutter, Michael I. Handel, and Uri Bar-Joseph, *Two Minutes over Baghdad*, 2nd ed (London: Frank Cass, 2003).

Israel's triumph at Osirak has led both scholars and policymakers to focus on the attack as a calculated and singular action that was steeped in realpolitik and machtpolitik thinking. Israel faced a rising and potentially existential security threat to its national interests and dealt with it in a practical manner. Although this analysis provides an adequate explanation for the attack, it betrays the fact that the raid was part of a larger battle to deny Iraq a nuclear weapon. Israel's preventive campaign to forestall Iraq's nuclear ambitions did not start nor end on that fateful Sunday in 1981. Rather, the attack was the apex of a pattern of actions that included both private and public diplomacy efforts as well as covert operations to sabotage production of the reactor and to assassinate Iraqi scientists associated with the program.¹¹⁷ Furthermore, describing the Osirak raid as a practical policy decision based on Israel's national interests understates the overwhelming risk of the operation and the consequences it could have provoked. Israel national security leaders, led by Prime Minister Menachem Begin, calculated that Israel would endure condemnation and sanctions from the international society; however, they could not predict how the United States—the country's chief security benefactor—would respond to the IAF's use of American warplanes for the strike.¹¹⁸ Additionally, Begin took a serious individual political risk when he authorized a mission that was far from guaranteed success. Not only was Begin facing a parliamentary election three weeks after the attack—which he would likely have lost if the attack had failed—but he was also confronted by strong dissent from members of his own cabinet over the efficacy of the attack.¹¹⁹

If the preventive attack on Osirak was not an assured success that made it the overwhelming rational choice, then why did Israeli leadership choose this uncertain path? Moreover, if the Iraqi nuclear reactor was such a looming security threat to the state of Israel's existence, why did its leaders wait so long to attack the site, almost till the month before it was about to become active? This thesis argues that the answer to these two

¹¹⁷ Uri Sadot, "Osirak and the Counter-Proliferation Puzzle," *Security Studies* 25, no. 4 (2016): 646–76.

¹¹⁸ Nakdimon, *First Strike*, 114, 118–119, 159–161.

¹¹⁹ Claire, *Raid on the Sun*, 40–44.

interrelated questions can be found in the crucial role that international norms—sovereignty, intervention, and non-proliferation—played in shaping and constraining Israel’s behavior against Iraq. By analyzing the events surrounding the strike through the lens of the components of each norm, it is possible to observe their mechanistic influence on Israel’s foreign policy throughout the counter-proliferation campaign. First, the constitutive characteristic of each norm created a strong communitarian divide between Israel and Iraq, enabling Israeli policymakers to view their rivalry as an existential battle that diminished the influence of the norms of sovereignty and non-proliferation. Second, the sanctioning component of each norm forced Israel to take gradual and incremental action to deter Iraq’s nuclear ambitions and shaped much of its overt and covert engagement prior to the preventive attack. Third, the ethical quality of each norm forced Israeli leaders to justify their actions in a specific manner to legitimize their violation of Iraq’s sovereignty. This chapter concludes by drawing together these three mechanisms of communitarianism, gradualism, and legitimization into a bounded mid-level theory, connecting the inner-workings of each to explain Israel’s preventive attack on Osirak. What this thesis uncovers is that the moral rules, as alluded to by Morgenthau in the epigraphic opening, played just as important a role in influencing Israel’s actions as did expediency and national interests.

A. EROSION OF CONCERN

The constitutive characteristic of norms provides states with a distinct identity in the international system. The description that norms are “a standard of appropriate behavior for actors with a given identity” infers that by adhering to a norm a state gains a specific behavioral identity.¹²⁰ To this end, when states respect the norms of sovereignty, they inter-subjectively create the most basic sense of identity for each other—the characteristic of having autonomy over the internal affairs within one’s borders. By November 1975 when France and Iraq signed a nuclear cooperation agreement, Israel had achieved this identity as a recognized state in the international system. Established in 1948, Israel required a great deal of self-help at the onset to maintain its territorial

¹²⁰ Finnemore and Sikkink, “International Norm Dynamics and Political Change,” 891.

sovereignty, immediately defending itself in the First Arab–Israeli War of 1948 against an Arab coalition that included Egypt, Iraq, Syria, Lebanon, and Saudi Arabia. Following its victory during the pre-emptive Six Day War of 1967 and its success during the War of Attrition from 1967 to 1970, Israel continued to demonstrate its resolve to be a sovereign Jewish state within the Middle East.

In the wake of its victory during the Yom Kippur War in 1973 against Egypt and Syria, Israel transitioned from being autonomous based solely on self-help to also being secured by the acceptance of its Arab neighbors. This acceptance was formalized with the Agreement on Disengagement between Israel and Syria that ended the Yom Kippur War in 1974, as well as the continued negotiations between Egypt and Israel that culminated with the Egypt–Israel Peace Treaty of 1979. Although hostilities continued, the relationship between Israel and its neighbors had transitioned from one of absolute enmity that was based on animosity over the existence of a Zionist state, to a conventional enmity that was largely a struggle over territorial gains and the rights of the Arab-Palestinian population. Israel had confirmed its identity as a member of the international society.

The constitutive nature of norms also provides a persona to norm-violating states as well. Nations that continually disregard the norms of sovereignty are often characterized as “rogue” states whose actions fall outside the bounds of appropriate behavior. By the mid-1970s, Iraq had achieved this status based on its pattern of behavior toward both Israel and other neighboring states over the previous 30 years.¹²¹ At the time of the May 14, 1948 proclamation that formally declared the establishment of Israel, an Iraqi military force was already engaged with the nascent Israel Defense Force (IDF) in the Jordan Valley. Following Israel’s victory during the First Arab-Israeli War, Iraq refused to partake in the Armistice Agreement of 1949 that ended hostilities. Instead of recognizing and dealing with the Israeli state, Iraq chose to completely withdraw its

¹²¹ A debate does exist over Iraq’s status as a rogue state from the mid-1970s to the early-1980s, with some scholars and policymakers viewing Iraq as a more moderate Arab state during this time period. For example, see Adeed Dawisha, “Iraq: The West’s Opportunity,” *Foreign Policy* 41 (1981): 134–53. Although this could have been the view of the larger international community, it does not change the fact that Israel viewed Iraq as a rogue state outside of its inter-state community.

troops and turn over its controlled areas to the Jordanian Arab Legion. While its neighboring Arab states began to begrudgingly accept the continued presence of Israel over a 30-year period, Iraq clung to a strong pan-Arab ideology that refused to accede that a “Zionist entity” could be part of the greater Middle East. From Israel’s perspective, Iraq’s continual disregard for the Jewish state’s sovereignty and existence placed Iraq outside the circle of international society.

The behavioral identity created by norms leads to a demarcation of community between norm-following states and norm-violating states. This communitarianism divide not only creates a morally defining character for states but also provides a powerful lens to gauge and determine their interactions and relationships with other states.¹²² Communitarian thinking helps to formulate the foreign policy of a state by giving preferences to members of the community over outsiders and by framing decisions from an us-versus-them mentality. Inter-state policies are not judged on their universal merit, but rather, through the optic of what is appropriate behavior toward a member of the community and toward an outsider. By the time of the announcement of the French-Iraq nuclear deal in 1976, the communitarian divide between Iraq and Israel was already strong, and while Israel had normalized relationships with other major Arab states, like Egypt and Jordan, it still experienced a great deal of absolute enmity from Iraq. Although the nuclear exchange agreement between France and Iraq was for a power and research reactor—which Iraq was entitled to as a signatory state of the NPT—it was clear to Israel and the rest of the world that the Osirak reactor could allow Iraq to achieve nuclear weapons status by reprocessing spent uranium fuel rods into weapons grade plutonium.

Israel’s communitarian thinking toward Iraq only sharpened from 1976–1981, as Iraq’s nuclear ambitions formalized and gained momentum. Iraq’s denial of the mere presence of Israel, and by extension its sovereign rights, was continually affirmed by members of the ruling Baath party. In 1978, the Iraqi Ambassador to India, Jihad Karim, privately commented that “Iraq doesn’t accept the existence of a Zionist state in Palestine” and that “the only solution is war.”¹²³ During a 1980 interview with the

¹²² Erskine, “Normative International Relations Theory,” 43.

¹²³ Nakdimon, *First Strike*, 97.

Lebanese news journal *Al-Jumhur al-Jadid*, Iraqi Foreign Minister Sa'dun Hammadi publically echoed the same sentiment, stating that "Iraq cannot agree to the existence of Zionism - neither as a movement nor as a state. ... The Arab nation cannot agree to the amputation of any part from its body ... because the land of Palestine is an Arab land and we cannot conceive giving it up. ... The struggle against Zionism is for us a struggle in which there can be no compromise."¹²⁴ If there were any doubts as to the Iraqi government's position toward the sovereignty of Israel, in 1980 Deputy Prime Minister Tarik Aziz simplified it by stating that "we want the whole of Palestine ... [and] we recognize neither the 1967 borders nor the 1948 partition borders."¹²⁵

Iraqi President Saddam Hussein's own public statements served to embolden Israel's communitarian thinking. Prior to his rise to the presidency, Hussein had already made claims against the continuation of Israel, declaring during a 1977 interview that "never shall [Iraq] recognize Israel's right to exist as an independent Zionist state."¹²⁶ In 1980, as the President of Iraq, he openly declared to the United Nations General Assembly that "the Zionist entity is not considered a state, but a misformed entity which holds Arab territories."¹²⁷ Still, perhaps the most disconcerting statements made by the Iraqi government came after Iran's attempts to destroy the Al-Tuwaita Nuclear Site during in 1980 during the Iran-Iraq War. After the failed air raid, senior Iraqi government official went out of their way to de-emphasize the threat that a nuclear Iraq would have on Iran. Deputy Prime Minister Aziz told a Jordanian reporter that Iraq's primary war efforts were directed at Israel and not Iran. Moreover, the official Baghdad newspaper ran an editorial a few days later that explained "the nuclear reactor cannot be a threat to Iran because Iraq looks upon the Iranian people as brethren. ... The Zionist entity is the one that fears the Iraqi nuclear reactor ... [it] constitutes a grave danger for 'Israel.'"¹²⁸

¹²⁴ Sa 'dun Hammadi, Interview with Iraqi Foreign Minister Hammadi, *Al-Jumhur al-Jahid*, January 31, 1980.

¹²⁵ Nakdimon, *First Strike*, 115.

¹²⁶ *Ibid.*, 79.

¹²⁷ "The Iraqi Nuclear Threat - Why Israel Had to Act" (Ministry of Foreign Affairs and Atomic Energy Commission of the Government of Israel, 1981), 4.

¹²⁸ Nakdimon, *First Strike*, 157.

The statements above provide only a sampling of Iraq's hostile attitude toward Israel; the totality of Hussein's and his subordinates' declarations were far reaching and continuous. Whether these statements were truthful representations of Iraq's enmity toward Israel and its true nuclear intent are both debatable, and it could easily be argued that Hussein was attempting to placate his own domestic audiences or alleviate the concerns of his warring neighbor; however, neither of these points mattered to Israel. From an Israeli perspective, the litany of anti-Zionist statements made by Iraqi senior leaders only deepened the communitarian divide between Israel and Iraq, further demarcating the difference between Middle Eastern states that acknowledged Israel and the Iraqi state that threatened its existence. As Iraq's vitriol against Israel increased, Israeli concerns for Iraq's sovereignty decreased, and foreign policy decision makers also began to falter in their belief that the non-proliferation norm could restrain Iraq.¹²⁹

Communitarianism served as the first normative causal mechanism that slowly eroded Israel's concerns for the international norms of sovereignty and intervention and influenced its decision to conduct a preventive attack against Iraq. First, the constitutive quality of sovereignty created a sense of identity for norm-following states, like Israel, and for norm-violating states, like Iraq. These opposing identities led to a communitarian divide between the two states that intensified after the public announcement of Iraq's nuclear ambitions, furthering the enmity between the two states and creating a cycle of communitarian thinking. Communitarian thinking, in turn, weakened Israeli leaders' concerns for Iraq's sovereignty because they did not view Iraq as part of the inter-state society. Communitarian thinking also relaxed the limits against intervention, leading Israel to contemplate unilateral action to forestall Iraq's proliferation. Additionally, the non-proliferations norm's ability to manage enmity between rival states was placed in jeopardy, leading Israel to consider reinforcing the norm through sanctioning.

¹²⁹ Ibid., 85.

B. DIPLOMACY, PROPAGANDA, AND COVERT ACTION

The sanctioning component of norms forces states to seek gradualist and covert approaches before fully violating a norm. If actors will be “punished when seen not to be acting in a certain way,” then they will attempt to achieve the same results both by taking incremental actions that gradually approach the line of violation and by undertaking veiled actions that, while violating the norm, cannot be attributed to the violating states. Following a September 1975 visit by Saddam Hussein to Paris, French Prime Minister Jacques Chirac stated, “Iraq is now building its own nuclear program, and France desires to take part in this endeavor.”¹³⁰ This public pronouncement formally solidified the Franco–Iraqi nuclear cooperation agreement and caused Israeli national leadership to weigh the benefits of reigning in Iraq’s nuclear ambitions with the costs it might incur from the larger international society. Israel feared the threat to its security posed by a nuclear-armed Iraq; however, it also feared the condemnation and punishment it might face by openly violating the norms of sovereignty and intervention with a direct strike against the Osirak nuclear reactor.

International norms played a crucial role in restraining Israel from taking immediate action against the Iraqi nuclear program. The norms of sovereignty and non-intervention mandated that Israel respect Iraq’s territorial integrity, as well as its domestic political undertakings. The norms of intervention demanded that Israel not only justify its encroachment on Iraq’s borders but also that it seek multilateral partnerships for such actions. Moreover, the non-proliferation norm and its founding statute, the NPT, worked against Israel by setting a higher bar for justifying any intervention to halt Iraq’s purchase of the Osirak reactor. Although the NPT proscribed non-nuclear weapon states from obtaining nuclear weapons, it also prescribed that those same states were entitled to peaceful nuclear technology. Therefore, Iraq’s purchase of the French Osiris-type reactor—although later proven to be an attempt to circumvent the NPT—was guaranteed and legitimized under the non-proliferation norm.¹³¹

¹³⁰ Ibid., 59.

¹³¹ This last point highlights the effects that sanctions can have on a state’s behavior. Iraq did not want to be punished for violating the non-proliferation norm, therefore it attempted to slowly obtain nuclear weapons capability under the veil of a peaceful technology transfer.

Parallel to Iraq's attempt to clandestinely violate the non-proliferation norm, Israel also began a gradual campaign to avoid punishment for violating the international norms of sovereignty and intervention while still thwarting Iraq from achieving its nuclear goals. To achieve its goals without being sanctioned, Israel's diplomatic and national security services took incremental steps that came close to breaking international norms, and when actual violations were deemed necessary, those steps were undertaken covertly to obfuscate Israel's involvement and allow for credible deniability.¹³² The arc of Israel's gradualist counter-proliferation campaign can be observed on two continuums: from the private to public steps it took to deter Iraq's efforts and from the nonthreatening to coercive methods it used prior to openly bombing the Osirak reactor. Along the private-to-public continuum, Israel began with private diplomatic efforts to influence France and Italy to end their nuclear arrangements with Iraq to eventually use public diplomacy to sway international opinion against Iraq. On the nonthreatening-to-coercive continuum, Israel gradually moved from peaceful diplomatic efforts to covert sabotage and assassination in order to slow Iraq's nuclear aspirations.

Israel's private diplomacy was a multi-faceted effort, focusing not just on influencing Iraq's nuclear partnership with France—and later Italy—but also on engaging with other regional players and hegemonic powers to avert Iraq from achieving nuclear weapons status. First, in early 1977, Israel began private diplomatic exchanges with France to assert its concerns that supplying highly enriched uranium (HEU) to Iraq was troublesome by itself. Moreover, the greater fear was that the Osirak reactor would be used to produce weapons grade plutonium by reprocessing spent reactor fuel. However, by March of that year, these exchanges had proven unfruitful and France denied that the uranium it supplied could be used to make a nuclear bomb.¹³³ In January 1979 during a visit to Paris, Israeli Foreign Minister Dayan again raised these concerns with French

¹³² To this day, Israeli's involvement in covert action against Osirak, to include sabotage of a nuclear manufacturing site in France and the assassination of an Egyptian scientist who was supporting the Iraqi nuclear program, has never been fully acknowledged, although the majority of academic scholars and historians attribute these activities to Israel. For an up-to-date perspective on these covert actions, see Sadot, "Osirak and the Counter-Proliferation Puzzle."

¹³³ Perlmutter, Handel, and Bar-Joseph, *Two Minutes Over Baghdad*, xxxii.

national leaders, but received no positive response.¹³⁴ At this juncture, gradualism forced Israel to shift its approach to more coercive and public tools of influence, as described later in this section; however, Israeli foreign policy leaders continued to apply diplomatic pressure on France even while taking other incremental steps toward violating the norms of sovereignty and intervention.

In July 1980, newly appointed Israeli Foreign Minister Yitzhak Shamir held a spirited meeting with the French charge d'affaires, Jean-Pierre Chauvet, during which Chauvet promised that France would maintain strict supervision over Iraq's nuclear program to ensure it was not being weaponized. Israeli senior leaders, however, were doubtful of France's ability to uphold this guarantee, a sentiment that only increased when Iraq removed IAEA inspectors following the start of the Iran–Iraq war in November of that year.¹³⁵ Even after an October 1980 national security meeting, at which point Begin concluded that a preventive strike was the only option, the Israeli prime minister still pushed for continued mediation with France. During discreet meetings, Israeli diplomats persisted to impress upon their French colleagues that France should abandon its agreement with Iraq. Unfortunately, France continued to counter with apologetics that the uranium supplied could not be used for military purposes and that the reactor would be under French and IAEA oversight.¹³⁶

By February 1978, Italy had also entered Israel's diplomatic crosshairs, following the announcement of a contract between the Italian Atomic Energy Committee and an Italian company, Societa Nazionale Industria e Applicazioni (SNIA) Viscosa, to build a plutonium extraction laboratory at the Al-Tuwaitha nuclear site.¹³⁷ Although this lab was professed to be for research, Israel had little doubt of its true purpose. In July 1980, Foreign Minister Shamir sent a handwritten letter to the Italian Parliamentarian Emilio Colombo, urging Italy to abandon its agreement and highlight the inherent danger of a

¹³⁴ Ibid., xxxv.

¹³⁵ Nakdimon, *First Strike*, 138–140.

¹³⁶ Ibid., 161.

¹³⁷ Perlmutter, Handel, and Bar-Joseph, *Two Minutes Over Baghdad*, xxxiii.

nuclear capable Iraq.¹³⁸ It took until September for Israel to finally receive a response from Italy, and the return message was of a character that Israel had become acquainted with from countries dependent on Iraq's oil exports, vacillating between a denial of Iraq's belligerent motives and a defense of its right to peaceful nuclear technology.¹³⁹

Israel's attempts at a discreet diplomatic solution were not just directed at France and Italy, but also at regional players, starting with secret meetings in 1977 between Israeli foreign affairs officials and Iranian generals and culminating with the 1980 discussions between Israeli Prime Minister Begin and West German Chancellor Helmut Schmidt.¹⁴⁰ However, Israel's most fervent private diplomacy was reserved for the United States. This effort first began in 1975, when Prime Minister Yitzhak Rabin made it clear to U.S. Secretary of State Henry Kissinger that a nuclear-armed Iraq was a critical threat to Israel and asked that the U.S. government exert pressure on France to end its nuclear discussions with Iraq.¹⁴¹ By the summer of 1980, Israel had intensified its engagement with the United States, with Israeli Ambassador Ephraim Evron meeting with senior leaders in the U.S. State Department and with Prime Minister Begin maintaining a close dialogue with U.S. Ambassador Samuel Lewis.¹⁴² Begin went so far as to share sensitive intelligence directly with Lewis and requested that the U.S. President directly ask the French to stop sending enriched uranium to Iraq.¹⁴³ Unfortunately, by December of that year, it was clear that the influence of the United States over France and Italy was subordinate to each state's dependence on Iraqi oil.¹⁴⁴

After a pattern of unsuccessful private diplomatic engagements, Israeli leaders began to use more public approaches to compel Iraq. In 1980, the Foreign Affairs and Defense Committee of Israel's Parliament, the Knesset, agreed on a propaganda

¹³⁸ Nakdimon, *First Strike*, 133.

¹³⁹ Ibid., 145.

¹⁴⁰ Perlmutter, Handel, and Bar-Joseph, *Two Minutes Over Baghdad*, xxxii; Nakdimon, *First Strike*, 146.

¹⁴¹ Perlmutter, Handel, and Bar-Joseph, *Two Minutes Over Baghdad*, 21; Nakdimon, 59.

¹⁴² Ibid., 125.

¹⁴³ Perlmutter, Handel, and Bar-Joseph, *Two Minutes Over Baghdad*, xxxix; Nakdimon, 131, 148.

¹⁴⁴ Ibid., 177.

campaign to inform the population of Western countries of the threat posed by a nuclear armed Iraq.¹⁴⁵ In the spring of that year, information was leaked to the *New York Times* and the *Washington Post* that described how Italy was selling nuclear equipment to Iraq and training Iraqi engineers at Italian nuclear research centers.¹⁴⁶ Although aimed at publically shaming Italy into forgoing its deal with Iraq, the leads had little actual consequence. In July 1980, the previously restrained Israeli national press began releasing stories with headlines such as “A Nuclear Arab Bomb: A Casus Belli for Israel?” to draw greater attention to the looming security dilemma.¹⁴⁷ In September 1980, Israel’s public diplomacy transitioned from propaganda to prophetic warning, when Deputy Defense Minister Mordechai Zippori told American news that “if it is impossible to halt the Iraqi program by diplomatic means, Israel will have to reconsider its options.”¹⁴⁸ Finally, at an international symposium on science and disarmament being held in Paris in January 1981, Israeli Knesset member and scientist Yuval Ne’eman openly denounced France for its nuclear cooperation with Iraq.¹⁴⁹

Interspersed between the failed private diplomacy and public propaganda campaign, Israel also conducted covert action to impede Iraq’s nuclear proliferation. First, on 6 April 1978, only a few months after a failed diplomatic visit by Israeli Foreign Minister Dayan, an explosion occurred at a building for the Constructions Industrielles de la Mediterranee (CNIM), the French company that was building the reactor cores for the Al-Tuwaitha site. Although Israel never claimed responsibility for the sabotage, the explosion took place three days before the reactor cores were to ship to Iraq, and it has become widely believed that Mossad was responsible for the bombings. Then, on 14 June 1980, the Egyptian scientist Yahya El-Mashad, who was working for Iraq’s nuclear agency on the Osirak project, was murdered in a Paris hotel room. When Parisian police attempted to investigate his death, they discovered that a key witness—a French

¹⁴⁵ Ibid., 131.

¹⁴⁶ Ibid., 115.

¹⁴⁷ Perlmutter, Handel, and Bar-Joseph, *Two Minutes Over Baghdad*, 54.

¹⁴⁸ Nakdimon, *First Strike*, 147.

¹⁴⁹ Ibid., 179.

prostitute who had admitted to purposefully harassing El-Mashad on the night of his death—was involved in a fatal traffic accident a few days later.¹⁵⁰ Finally, on 7 August 1980, three bombs exploded in Rome at the offices and staff apartments of SNIA Viscosa, the Italian firm that Iraq had contracted to provide plutonium extraction equipment.¹⁵¹ Although all of these actions were clear violations of sovereignty, each was done in a covert manner to avoid being attributed to Israel.

Gradualism served as the second normative causal mechanism, guiding Israel to take slow but deliberate actions to prevent Iraq from becoming a nuclear weapons state without openly violating international norms. First, the sanctioning component of the norms of sovereignty, intervention, and non-proliferation forced Israel to respect Iraq's territorial borders and its internal domestic pursuits, including its right to peaceful nuclear technology. Israel could not immediately intervene with open use of force to halt Iraq's nuclear ambitions without risking strong international condemnation and punitive sanctions. This fear of punishment led Israel foreign policy-makers to take an incremental approach. First, they engaged in non-threatening, private diplomacy with regional neighbors and international players. Following the continued failure of private diplomacy, Israel turned to more public actions, such as public media campaigns, and more coercive activities, such as covert sabotage and assassination. All these graduated steps slowed Iraq's ability to obtain nuclear technology; however, they were unable to prevent France from building the Osirak reactor at the Al-Tuwaitha nuclear site.

C. CHOOSING BETWEEN TWO EVILS

The ethical quality of international norms provides states with a heuristic for what actions are morally permitted, prohibited, and prescribed. It is their inherent deontological value that moves norms beyond basic patterns of repeated behavior to standards of appropriate behavior. States gain legitimacy for both their norm-following and norm-enforcing actions by adhering to these rules of appropriateness. Conversely,

¹⁵⁰ Again, due to the El-Mashad ties to the Iraqi nuclear program his death has largely been credited to Mossad.

¹⁵¹ Perlmutter, Handel, and Bar-Joseph, *Two Minutes Over Baghdad*, 56.

when states act in ways that are normatively ambiguous or deviating, they will attempt to frame their actions as moral imperatives. To this end, when a state violates the sovereignty of another, it will defend its action by stressing the illegitimate behavior of its adversary and by creating a narrative that its intervention was norm-enforcing rather than norm-breaking. Following the bombing of Osirak on 7 June 1981, Israel embarked on the final stage of its counter-proliferation efforts, framing its preventive attack as legitimate compared to the proscribed behavior of Iraq.

Preceding the attack on Osirak, the international norms of sovereignty, intervention, and non-proliferation had coalesced into a set of intertwined and often contravening principles. Respect for sovereignty prohibited military incursions across state borders, providing states a degree of self-determination. The rules of intervention prescribed that the use of force should be legitimate, multilateral, and not focused on altering territorial boundaries. Finally, the non-proliferation norm permitted abiding states the right to peaceful nuclear technology. At the same time, and in opposition to these guidelines, the norms of sovereignty also justified self-help—a state was permitted to violate another’s sovereignty to preserve its own existence. Intervention was an allowed technique of self-help and was often used to maintain the balance of power. Furthermore, the use of force was also a tool for norm-enforcement—permitting interventions that upheld the prohibition against nuclear proliferation.

Throughout their deliberations over Iraq’s nuclear program, Israeli national security leaders continually discussed an attack not only from a balance of power perspective but also from a normative context of anticipatory aggression. During a cabinet meeting in August 1978, Deputy Prime Minister Yigael Yadin spoke for the concerns of many dissenting ministers by emphasizing that a preventive strike on Iraq could be used by other states to justify an attack on Israel.¹⁵² However, no discourse more clearly characterized this normative debate than the final decision meeting convened by Prime Minister Begin with his national security and cabinet on 14 October 1980. Begin framed the decision of whether to attack as a choice between “two evils.”¹⁵³

¹⁵² Nakdimon, *First Strike*, 95.

¹⁵³ *Ibid.*, 159.

The first evil was attacking the nuclear site and violating Iraq's sovereignty, an action that could lead to a war with Iraq and that would likely damage Israeli's promising relationship with Egypt. The second evil was refraining from action and allowing Iraq to become a nuclear weapons state. Following a majority vote, Israel decided it would choose the "first evil," and following the attack, it justified its actions based on this moral framework.¹⁵⁴

After the bombing of Al-Tuwaitha surfaced, Israel publically acknowledged the attack by taking responsibility and justifying its actions. Prior to launching the raid, members of Begin's cabinet agreed to not acknowledge the attack until it was reported in open press – on the chance that Iraq might conceal the fact that the reactor was destroyed. However, after the attack was broadcast by Jordanian news services, Israeli senior officials, led by Begin, began their public justification. First, the Israeli government released a public statement detailing how the Osirak reactor was being built to openly violate the NPT. The statement also highlighted Iraq's continued aggression toward Israel and the existential threat a nuclear armed Iraq would pose to the Jewish state.¹⁵⁵ Additionally, it underscored the restrained choice of attacking the reactor before it was operational, avoiding a nuclear fall-out on the innocent residents of Baghdad.¹⁵⁶ The official Israeli government statement was not an apology for violating international norms, but rather, it was a defense of Israel's appropriate behavior. At a press conference two days after the attack, Begin reaffirmed this sentiment by declaring that "Israel has nothing to apologize for" and then proceeded to recount Hussein's reprehensible actions over the past decade.¹⁵⁷

Following the initial public justification of the attack, Israel continued to legitimize its actions by engaging in private and public justification campaigns. During his interactions with members of U.S. President Ronald Reagan's national security team,

¹⁵⁴ Ibid., 161.

¹⁵⁵ David Shipler, "Israeli Jets Destroy Iraqi Atomic Reactor; Attack Condemned by U.S. and Arab Nations," *New York Times*, June 8, 1981, <http://www.nytimes.com/1981/06/09/world/israeli-jets-destroy-iraqi-atomic-reactor-attack-condemned-us-arab-nations.html>.

¹⁵⁶ Nakdimon, *First Strike*, 232.

¹⁵⁷ Ibid., 239.

Israeli Ambassador Evron emphasized Israel's gradual steps to deter Iraq and reminded U.S. policymakers of their own efforts to dissuade France and Italy from supporting Iraq.¹⁵⁸ Furthermore, Israeli officials relied on historical analogies to buttress their legitimizing discourse with the international community. Prime Minister Begin's first press conference was littered with references to the Holocaust. Members of the Knesset openly drew parallels between Osirak and the Cuban missile crisis. Senior parliament member Moshe Arens commented that "had the Russians not capitulated over the missiles emplaced in Cuba, the Americans would ultimately have taken action against them."¹⁵⁹ His point was emphatic; Israel's adversary had forced it to take that fateful preventive step, while the United States' opponent had not. On 14 June 1981, Begin addressed the American public with an open letter, in which he declared that "evil should be punished" and a "just cause should triumph."¹⁶⁰ His narrative was a continuation of Israel's normative framing of its attack on Iraq—evil should be sanctioned, while justified action should be legitimized.

Legitimization served as the third normative causal mechanism, guiding Israel to frame its behavior as either norm-following or norm-enforcing. The established norms of sovereignty, intervention, and non-proliferation provided an ethical context from which Israel evaluated its decisions to act against Iraq. Israeli leaders understood their decision would violate Iraq's sovereignty; however, they also perceived a nuclear-armed Iraq to be a greater moral concern. Following the attack, Israel first took public responsibility and framed it as a legitimate intervention that was forewarned based on prior diplomatic efforts. Then, Israeli leaders argued the attack as a necessary response to their adversary's illegitimate behavior, noting Iraq's continued opposition to the Jewish state and its continued hostile actions. Finally, they used historical parallels from both the Holocaust and the Cuban Missile Crisis to further legitimize their decision to attack.

¹⁵⁸ Ibid., 250.

¹⁵⁹ Ibid., 227.

¹⁶⁰ "Israeli Leader: 'Evil Should Be Punished,'" *United Press International*, June 15, 1981.

D. AN ABSOLUTE BARRIER?

International norms did not impose an “absolute” barrier that prohibited Israel from attacking Iraq; nevertheless, they did influence Israel’s counter-proliferation campaign against Saddam Hussein’s nuclear ambitions. Three interlocking normative mechanisms—communitarianism, gradualism, and legitimization—worked in sequence to shape and constrain Israel’s behavior surrounding the bombing of Osirak. First, the constitutive quality of norms led to strong communitarian thinking, which weakened Israel’s concern for Iraqi’s sovereignty and its rights under the NPT. This weakened concern combined with a fear of sanctions shaped the gradualist campaign to halt Iraq’s attempts at proliferation. After both diplomacy and covert action failed to stem Iraq’s nuclear ambitions, Israeli senior leaders weighed their options from competing moral perspectives: whether to violate the norms of sovereignty or allow Iraq to violate the non-proliferation norm and threaten Israel’s existence. Based on these choices, Israeli leaders felt their decision to attack was legitimate and framed the attack as justified to counter Iraq’s norm-violating behavior.

The bombing of Osirak was not caused by the norms of sovereignty, intervention, and non-proliferation, but rather, it was a pragmatic response, grounded in national interests, to a potential nuclear threat. However, along the path to that response, Israel’s decisions were shaped and constrained by the prevailing international norms of the time. Returning to the two questions that opened this chapter—Why did Israel decide to conduct the attack when it was not assured success and why did it take so long for Israel to conduct the attack with such a looming security threat?—the influence of norms provides a better understanding to the problems posed by these two questions. The attack was heavily debated by Israeli national security leaders; although some viewed it as a *fait accompli*, others felt it crossed both an ethical threshold that would weaken Israel.¹⁶¹ However, the attack became unavoidable because of the strong communitarian divide between Israel and Iraq and the fact that Israel had exhausted its other options of diplomacy and covert action. International norms led Israeli senior leaders through a path

¹⁶¹ Claire, *Raid on the Sun*, 42–44.

of options that ultimately ended with attack. Furthermore, those same norms restrained Israel's initial behavior and forced it to pursue a gradualist campaign, denying expediency for morals.

V. AL-KIBAR CASE STUDY

Politics cannot be divorced from power. But the *homo politicus* who pursues nothing but power is an unreal a myth as the *homo economicus* who pursues nothing but gain. Political action must be based on a coordination of morality and power.

—E.H. Carr¹⁶²

On 6 September 2007, Israel conducted another preventive attack against the alleged nuclear program of a neighboring Arab state, this time using military force against Syria. However, unlike its strike against the well-publicized Osirak reactor, this attack was focused on destroying a covertly built gas-cooled, graphite-moderated reactor site that bore a strong resemblance to North Korea's Yongbyon nuclear research center. This likeness was not a coincidence; North Korean scientists and engineers had been vital to the construction of Syria's reactor, which has come to be named after the small village where it was located—Al-Kibar.¹⁶³ Leaving from Ramat David Airbase in northern Israel, four F-15s and four F-16s headed north over the Mediterranean Sea.¹⁶⁴ At the 36th parallel, the IAF jets began a meandering route that straddled the north side of the Turkish-Syrian border, before finally entering Syrian airspace near the border town of Tall Abyad. After degrading the Syrian air-defense radar system with a combination of electronic warfare attacks and precision bombings, the strike force headed toward the city of Dayr az Zawr, resting on the banks of the Euphrates river in eastern Syria.¹⁶⁵ For this attack, precision guided munitions completely destroyed the recently finished nuclear

¹⁶² E.H. Carr, *The Twenty Years' Crisis: 1919-1939*, 2nd ed. (London: Macmillan, 1946), 97.

¹⁶³ "Background Briefing with Senior U.S. Officials on Syria's Covert Nuclear Reactor and North Korea's Involvement," (Washington, DC: Office of the Director of National Intelligence, April 24, 2008).

¹⁶⁴ David Makovsky, "The Silent Strike: How Israel Bombed a Syrian Nuclear Installation and Kept It a Secret," *The New Yorker*, September 17, 2012, <http://www.newyorker.com/magazine/2012/09/17/the-silent-strike>. The full details of the aerial bombing have not been disclosed by the IAF, leaving contradictory reporting as to the make-up of the strike force. Some reports claim that 10 F-15 fighter-bombers participated in the strike, while others note a mix of eight F-15s and F-16s. Additionally, some reports claim that Israel inserted ground troops in the desert outside of Al-Kibar prior to the attack in order to mark the target with laser designators.

¹⁶⁵ Ward Carroll, "Israel's Cyber Shot at Syria," *Defense Tech*, November 26, 2007, <http://www.defensetech.org/2007/11/26/israels-cyber-shot-at-syria/>.

reactor site, which was set to become operational within a few months.¹⁶⁶ After the attack, the IAF jet bombers retraced their entry route through Turkey before returning to Israel. Operation Orchard, the name of the mission, had quietly achieved its desired effect.

The decision to attack the Al-Kibar nuclear site was remarkably easier for Israeli national security leaders than the deliberation over Osirak. In March 2007, Israeli intelligence believed it had verified the existence of the reactor and its capability to produce weapons grade fissile material, at which point Israeli Prime Minister Ehud Olmert claims that he knew the site must be destroyed.¹⁶⁷ In April of that year, Israeli national security leaders briefed their counterparts in the United States and requested support for a combined action against the facility.¹⁶⁸ In July, U.S. President George Bush informed Olmert that the United States could not attack Syria without more definitive proof of a nuclear weapons program.¹⁶⁹ Beyond consulting the United States, Israel did not take any significant steps to halt the Al-Kibar reactor from becoming operational—there was no diplomatic effort to expose its existence, and the covert action directed against the facility was focused on gathering intelligence vice delaying its completion.¹⁷⁰ Following the attack, the details of the military strike remained hidden beyond the fact that Israel had bombed a target in Syria.¹⁷¹ Almost a month later, Syrian President Assad openly admitted to the attack but claimed Israel had destroyed a compound of unused military buildings.¹⁷² It was not until April 2008 that the United States delivered an open

¹⁶⁶ Erich Follath and Holger Stark, “How Israel Destroyed Syria’s Al Kibar Nuclear Reactor,” *Spiegel Online* 11 (2009).

¹⁶⁷ Makovsky, “The Silent Strike: How Israel Bombed a Syrian Nuclear Installation and Kept It a Secret.”

¹⁶⁸ Bass, *A Surprise Out of Zion: Case Studies in Israel’s Decisions on Whether to Alert the United States to Preemptive and Preventive Strikes, from Suez to the Syrian Nuclear Reactor*, 47.

¹⁶⁹ Bush, *Decision Points*, 421.

¹⁷⁰ Warren Bass, *A Surprise Out of Zion: Case Studies in Israel’s Decisions on Whether to Alert the United States to Preemptive and Preventive Strikes, from Suez to the Syrian Nuclear Reactor* (Santa Monica, CA: RAND, 2015), chap. 5.

¹⁷¹ One of the more comprehensive journalistic articles on the attack was aptly titled “The Silent Strike,” in reference to Israel’s silence following the bombing. See Makovsky, “The Silent Strike: How Israel Bombed a Syrian Nuclear Installation and Kept It a Secret.”

¹⁷² *Ibid.*

intelligence briefing to the media, claiming that the attack was justified as a strike against a covert nuclear reactor site.¹⁷³

If the Osirak raid was the model for a successful preventive attack and the standard for appropriate action, then why did Israel's national security leaders take such a truncated path in Syria—one that strayed from the established precedents? Why did they seek an immediate solution to this nuclear problem through the use of force, instead of taking the incremental steps of diplomacy, propaganda, and covert action? Furthermore, why did they wait so long to justify their behavior and legitimize their actions, especially when they had acquired strong evidence of Syria's nuclear intent? While Israel's actions at Osirak cannot be fully explained by realist thought, the attack at Al-Kibar appears to be lacking the equivalent normative logic of its predecessor. This chapter contends that the solution to this dilemma rests in the application of the structure-agent dynamic through which norms evolve: as the nature of conflict develops and adversarial states adjust, so do the norms that govern them. Therefore, given the significant shifts in the international system over the past 35 years since Osirak, the normative causal mechanisms that influence preventive strike have changed as well.

By analyzing the events surrounding the Al-Kibar strike in relationship to the evolving standards of appropriate behavior, it is still possible to discern the influence of the international norms of sovereignty, intervention, and non-proliferation. The overarching focus of this chapter is the role that inter-subjectivity had in reshaping the norms that influenced Israel's counter-proliferation behavior. First, beyond the communitarian divide between Israel and Syria, the loosened norms of sovereignty and intervention also allowed Israel to be less constrained in enforcing the non-proliferation norm and defending its sovereignty. Second, the shift toward opaque nuclear proliferation and changes to the international structure of power altered the framework through which Israel could take gradual action to deter Syria's nuclear ambitions. Third, the turn toward covert nuclear proliferation also tapered the demands on Israel to justify the Al-Kibar attack and to legitimize its violation of Syria's sovereignty. This chapter concludes by

¹⁷³ "Background Briefing with Senior U.S. Officials on Syria's Covert Nuclear Reactor and North Korea's Involvement."

reframing the bounded, mid-level theory developed in the previous chapter, highlighting how changes in international system have a corresponding effect on how norms influence preventive attack. It seeks to demonstrate that the coordination of morality and power, which E.H. Carr claims to be the foundation of political action, is never weighed on a permanent ethical scale but rather, is continually rebalanced by the changing dynamics of the international system.

A. REPUTATIONS AND SHIFTING LANDSCAPES

If states are imbued with a sense of identity based on the constitutive component of norms, then that identity is certain to change as states interact with each other. Just as norms develop over time and are “rooted in and reproduced through social practice,” the behavioral identities of states also evolve through social interactions in the international system.¹⁷⁴ Changes to a state’s behavioral identity can come from both the individual agent level of the state and the structural level of the international system, and these changes are often a synthesis of these two levels of influence. A state’s identity can be altered because of agent-level decisions, such as choosing to follow or breach norms based on domestic political choices. Likewise, a state’s identity can be altered by factors outside of its control, as international norms are strengthened or weakened and the state’s actions are reevaluated based on these shifting standards of appropriateness. By 2006, when it confirmed that the Syrian government had built a disguised nuclear reactor plant in its eastern province, Israel had become an established member of the international community. It had achieved this identity first through self-determination, stemming from its continued peace agreements with regional players such as Egypt and Jordan, and its strong relationship with the unipolar system leader, the United States.¹⁷⁵

Israel also cultivated a reputation for pursuing self-help behavior—a status it achieved through the defense of its territorial sovereignty and its propensity for intervening when its sovereignty appeared threatened. Foremost, Israel’s foreign policy

¹⁷⁴ Farrell, “Constructivist Security Studies: Portrait of a Research Program,” 49.

¹⁷⁵ Joel Beinin and Lisa Hajjar, “Primer on Palestine, Israel, and the Arab-Israeli Conflict,” (Washington, DC: Middle East Research and Information Project, 2014).

toward nuclear proliferation had become characterized by the Begin doctrine—the declared policy that it would not tolerate its enemies “to develop weapons of mass destruction against the people of Israel.”¹⁷⁶ Furthermore, Israel had extended its intervening behavior beyond preventing nuclear dangers toward deterring threats posed by regional terrorist organizations. On 3 October 2003, it violated Syrian sovereignty when it attacked a Palestinian terrorist training camp located outside of Damascus, retaliation for a suicide bombing in northern Israel the previous day.¹⁷⁷ From its inception, Israel’s sovereignty had been maintained through self-help rather than bestowed to it through its neighbor’s respect for its self-determination. Israel continued to cultivate its dominant character trait of defending its existence, preventively when necessary.

In contrast, Syria had drifted from being an accepted member of international society to being more aligned with rogue states and belligerent transnational organizations. During the Iran-Iraq War of 1980, Syria began to align itself with Iran, in part because the ruling family led by President Hafiz Assad was from the Alawites branch of Shia-Islam. This Shia religious identity matched with the Persian population of Iran, and helped foster a security alliance against each state’s Sunni-dominated neighbors.¹⁷⁸ Acting in concert, the two states ensured regional instability by forcing U.S. peacekeepers out of Lebanon in 1984 and frustrating Israeli efforts to quell the Palestinian insurgency in Lebanon throughout the 1980s and 90s.¹⁷⁹ Syria’s disruptive behavior largely stemmed from its support of the Lebanese Shia-Islamic militia Hezbollah and the Palestinian political and terrorist organization Hamas; both of which had goals to contravene Israel’s security.¹⁸⁰ Syrian hostility toward Israel reached a

¹⁷⁶ “Israeli and Iraqi Statements on Raid on Nuclear Plant,” *New York Times*, June 8, 1981, sec. World, <http://www.nytimes.com/1981/06/09/world/israeli-and-iraqi-statements-on-raid-on-nuclear-plant.html>.

¹⁷⁷ Greg Myre, “Israel Attacks What It Calls a Terrorist Camp in Syria,” *New York Times*, October 6, 2003, <http://mobile.nytimes.com/2003/10/06/world/mideast-turmoil-airstrike-israel-attacks-what-it-calls-terrorist-camp-syria.html>.

¹⁷⁸ Jubin Goodarzi, “Iran and Syria” (Washington, DC: Wilson Center, June 2015).

¹⁷⁹ *Ibid.*

¹⁸⁰ Alfred Prados, “Syria: U.S. Relations and Bilateral Issues,” Brief for Congress (Washington, DC: Congressional Research Service, March 13, 2006).

highpoint during the 2006 Israel-Hezbollah War, when it provided training, equipment, and funding to Hezbollah fighters as part of the month-long conflict in Lebanon and northern Israel.¹⁸¹ Israel viewed Syria's repeated use of proxy forces against the Jewish state as a clear indicator of its absolute enmity. Moreover, Syria's growing relationship with Iran—another staunch supporter of anti-Israel proxy forces—only added to this concern.¹⁸²

The truth behind the mysterious Al-Kibar site that Syria had constructed only intensified this communitarian divide. In early March 2007, officers from Mossad, Israel's national intelligence agency, surreptitiously entered the Vienna residence of Ibrahim Othman, the head of Syria's Atomic Energy Commission, to obtain sensitive information from Othman's computer. They discovered pictures of the nuclear reactor that matched North Korea's Yongbyon-model reactor. Moreover, these photos showed North Korean engineers and scientists working at the site.¹⁸³ Syria's deliberate circumvention of the non-proliferation norm was only matched by its collusion with North Korea, the definitive rogue state. Additionally, Syria's continued relationship with Iran, which at this point was suspected of its own covert nuclear program, placed Syria into the category of rogue state. In early 2006, Iranian President Mahmoud Ahmadinejad visited Syria and pledged more than \$1 billion in assistance so that Syria could bring its nuclear weapons program online.¹⁸⁴ By the time Israel had confirmed Assad's nuclear intent, Syria's persistent norm-breaching behavior left Israel with a clear communitarian leaning that weakened its already limited concerns for Syria's sovereignty.

While this communitarian divide was fermenting in the mid-2000s, Israel also found itself in a shifting normative landscape that had altered the norms of sovereignty, intervention, and non-proliferation since the 1981 Osirak attack. The fall of the Soviet

¹⁸¹ Also known as the 2006 Lebanon War, the July War in Lebanon, and the Second Lebanon War in Israel; Jeremy M. Sharp et al., *Lebanon: The Israel-Hamas-Hezbollah Conflict* (Washington, DC: Congressional Research Services, September 15, 2006), 1.

¹⁸² Ibid.

¹⁸³ Makovsky, "The Silent Strike: How Israel Bombed a Syrian Nuclear Installation and Kept It a Secret."

¹⁸⁴ Follath and Stark, "How Israel Destroyed Syria's Al Kibar Nuclear Reactor."

Union in 1991 left the international system in a unipolar state, compared to a bi-polar structure that balanced the competing powers of the two Cold War rivals.¹⁸⁵ The terrorist attacks against the United States on 11 September 2001, coupled with the belief that Saddam Hussein's Iraq possessed WMD, had also increased concern for the rising threat posed by non-state actors, ungoverned territories, and rogue states. With its invasions of Afghanistan and Iraq, the United States sent a clear message to the international community that the preventive use of force was justified to halt the rise of these threats.¹⁸⁶ This turn toward anticipatory military power had cascading effects on the moral underpinnings that governed appropriate behavior. Concerns over sovereignty were clearly loosened, especially against rogue states or WMD threats, resulting in decreased restrictions on intervening behavior.¹⁸⁷

During this same post-Cold War timeline, the non-proliferation norm also fluctuated due to the emergence of an opaque proliferation trend.¹⁸⁸ Pakistan became a declared nuclear weapons state in 1998 with a series of nuclear tests, demonstrating the potential for the illicit procurement of nuclear technology and material.¹⁸⁹ The United States and India signed a civil nuclear cooperation agreement in 2005—an affront to the non-proliferation norm due to India's status as a nuclear weapons state that was not a signatory of the NPT.¹⁹⁰ North Korea accomplished its first nuclear weapons test in 2006, circumventing the NPT, international sanctions, and a concerted multilateral effort to restrain its nuclear ambitions.¹⁹¹ These events, coupled with Iraq's almost successful attempts to clandestinely obtain nuclear weapons technology after the Osirak attack, had

¹⁸⁵ Kenneth Waltz, "Structural Realism after the Cold War." *International Security* 25, no. 1 (2000): 5–41.

¹⁸⁶ Michael O'Hanlon, Susan Rice, and James Steinberg, "The New National Security Strategy and Preemption" (Washington, DC: Brookings Institution, December 2002).

¹⁸⁷ Leonard Spector and Avner Cohen, "Israel's Airstrike on Syria's Reactor: Implications for the Nonproliferation Regime" (Arms Control Association, August 7, 2008), https://www.armscontrol.org/act/2008_07-08/SpectorCohen.

¹⁸⁸ Avner Cohen and Benjamin Frankel. "Opaque Nuclear Proliferation." *Journal of Strategic Security* 13, no. 3 (1990): 14–44.

¹⁸⁹ "Pakistan." Nuclear Threat Initiative, 2016. <http://www.nti.org/learn/countries/pakistan/>.

¹⁹⁰ Paul Kerr, "U.S. Nuclear Cooperation with India: Issues for Congress," Brief for Congress (Washington, DC: Congressional Research Service, June 26, 2012).

¹⁹¹ "North Korea." Nuclear Threat Initiative, 2016. <http://www.nti.org/learn/countries/north-korea/>.

weakened many states' confidence in the non-proliferation norm to contain rogue states.¹⁹² This undermining of confidence opened the door for increased enforcement through the use of force, as both a means to forestall proliferation and to punish potential proliferators. This adjustment to the non-proliferation norm merged with the abatement of sovereignty, and as Israeli senior leaders contemplated how to handle Syria's nuclear goals, they found themselves less constrained than their predecessors prior to the Osirak raid.

B. A SHORTENING TIMELINE AND A SHRINKING POOL

Actors who violate norms are left with a tendency to feel shame and to expect sanctions from other actors.¹⁹³ In the realm of world politics, these "others" are either other states or the international society writ large. When Israeli national security leaders contemplated striking Osirak, their hesitation was based on a concern for the condemnation they would receive from across the international system. In their calculation, sanctions could come from European states, like France and Italy, that had nuclear pacts with Iraq; from Arab states, like Egypt and Jordan, that had enduring security relationships with Iraq; and from strategic partners, like the United States, that had provided advanced military weapons and equipment to Israel. These sanctions led Israel down a gradualist path of diplomacy, propaganda, and covert action over a five-year period before it openly used force. In contrast, Syria's clandestine circumvention of the NPT left Israel with less than a year to deal with a rising threat. This shortened timeline appears to upend the logic that sanctions force gradual behavior; Israel took only limited private action and did not attempt public efforts to forestall Syria's nuclear ambitions, at least not on the scale undertaken against Iraq. However, a deeper analysis of not only Israel's actions before the attack, but also the changing the nature of proliferation and the shifting international power structure, reveals the subtle presence of gradualism.

¹⁹² Spector and Cohen, "Israel's Airstrike on Syria's Reactor: Implications for the Nonproliferation Regime."

¹⁹³ Elster, *The Cement of Society: A Study of Social Order*, 105.

Israel's counter-proliferation campaign against Syria was not without some degree of gradualism, at least in its detection and preparation phase. In 2001, U.S. imagery intelligence took notice of construction along the Euphrates valley in eastern Syria and shared this information with Israeli intelligence.¹⁹⁴ In 2004, U.S. signals intelligence began to notice increased communication between the North Korean capital of Pyongyang and Syria's remote desert city of Al-Kibar and passed these discoveries to Israeli counterparts.¹⁹⁵ Israel suspected that the facility at Al-Kibar had a nuclear purpose, but it had no conclusive evidence of what was happening inside the secluded buildings. By March 2007, this apprehension led to Mossad's clandestine raid in Vienna to obtain further information from Syria's nuclear agency chief.¹⁹⁶ After discovering a nuclear reactor, Israeli national security leaders began secret discussions with their counterparts in the U.S. government, and Prime Minister Olmert not only sought President Bush's tacit approval to bomb the reactor but pushed for the United States to conduct the raid itself.¹⁹⁷ On 18 April 2007, Israeli Defense Minister Amir Peretz briefed U.S. Secretary of Defense Robert Gates on Israel's updated intelligence on the Al-Kibar site; the briefing would be the opening salvo of a campaign for the United States to take action.¹⁹⁸ Shortly afterward, Meir Dagan, Director of Mossad, traveled to the United States to meet with U.S. National Security Adviser Stephen Hadley and Vice President Dick Cheney, delivering photographic evidence of the nuclear reactor and North Korea's support.¹⁹⁹ He also briefed C.I.A. Director Michael Hayden to further the awareness of the U.S. intelligence community.²⁰⁰ Shortly after President Bush was shown the photos

¹⁹⁴ Bass, *A Surprise Out of Zion: Case Studies in Israel's Decisions on Whether to Alert the United States to Preemptive and Preventive Strikes, from Suez to the Syrian Nuclear Reactor*, 46.

¹⁹⁵ Follath and Stark, "How Israel Destroyed Syria's Al Kibar Nuclear Reactor."

¹⁹⁶ Makovsky, "The Silent Strike: How Israel Bombed a Syrian Nuclear Installation and Kept It a Secret."

¹⁹⁷ George W. Bush, *Decision Points* (New York: Crown Publishers, 2010), 421.

¹⁹⁸ Makovsky, "The Silent Strike: How Israel Bombed a Syrian Nuclear Installation and Kept It a Secret."

¹⁹⁹ Abrams, "Bombing the Syrian Reactor: The Untold Story."

²⁰⁰ Michael V. Hayden, *Playing to the Edge: American Intelligence in the Age of Terror* (New York: Penguin Press, 2016), 255-258.

of Al-Kibar, he spoke with Olmert over the phone, during which the Israeli pointedly remarked to his American counterpart, “I’m asking you to bomb the compound.”²⁰¹

After months of deliberation, on 12 July 2007, Bush called Olmert to inform him that the United States could not attack Al-Kibar without more conclusive evidence that the facility was built to produce nuclear weapons.²⁰² Bush offered to apply diplomatic pressure on Syrian President Bashir al-Assad to halt his attempts at proliferation; however, Olmert had no intention of trying either private diplomacy or public propaganda to halt Assad. Israel kept the United States informed of its plans to strike Syria, notifying members of the Bush White House in early September that the IAF’s preparations were almost complete.²⁰³ Additionally, Israeli intelligence officials informed their counterparts in Britain’s foreign intelligence service, MI6, about Syria’s proliferation and Israel’s pending strike. Although Israel was transparent with the United States and Britain that an attack was imminent, it did not disclose the exact timeline to either ally.²⁰⁴ In August 2007, Israel dared a final attempt to gather decisive evidence of a Syrian nuclear weapons program, inserting commando troops into the desert outside Dayr al Zawr to collect soil samples. Inopportunately, the recce force was discovered by a Syrian patrol and forced to abort its mission before it could collect further proof.²⁰⁵ A month later, Al-Kibar would be destroyed, without the forewarning of diplomacy or covert action that was typical of a military intervention.

The lesser degree of gradualism before Al-Kibar can be explained by two substantial changes in the international system since the 1981 bombing of Osirak. The first change was to the nature of nuclear proliferation; states seeking nuclear weapons shifted from weaponizing their declared nuclear energy or research programs to covertly

²⁰¹ Bush, *Decision Points*, 421.

²⁰² Ibid.

²⁰³ David Sanger, *The Inheritance: The World Obama Confronts and the Challenges to American Power* (New York: Broadway Books, 2009), 278.

²⁰⁴ Bass, *A Surprise Out of Zion: Case Studies in Israel’s Decisions on Whether to Alert the United States to Preemptive and Preventive Strikes, from Suez to the Syrian Nuclear Reactor*, 56.

²⁰⁵ Follath and Stark, “How Israel Destroyed Syria’s Al Kibar Nuclear Reactor.”

constructing military capabilities using illicit trade and concealed facilities.²⁰⁶ Unlike the Al-Tuwaitha facility, which was veiled as a peaceful nuclear technology program legitimized by the NPT, Al-Kibar was constructed clandestinely to avoid the watchful eyes of international inspectors and neighboring rivals. This effort meant that Israel had a much shorter timeline to react after discovering the intent behind the facility, six months compared to the five years that Israel had for Osirak. Furthermore, Syria's opaque proliferation also placed limits on Israel, which feared losing its intelligence advantage. According to calculations by Israeli national security leaders, if Syria was confronted diplomatically, it would either stall for more time, delay inspections, remove evidence of the nuclear reactor, or declare that the reactor was only intended for peaceful purposes.²⁰⁷ Additionally, Syria's illicit trade with North Korea for nuclear material and engineering knowledge also limited Israel's ability to leverage diplomatic pressure or covert action. In the case of Osirak, Israel was able to sabotage and disrupt Iraq's suppliers in France and Italy to slow its proliferation; however, with Al-Kibar, Israel did not have the same reach into North Korea.

The second change that interrupted the gradualist causal mechanism was the shifting structure of power in the international system after the attack on Osirak. The previously discussed changes to the normative landscape, which weakened the prescriptions of sovereignty and softened the proscriptions against intervention, played a role in Israeli foreign policymakers being less concerned with attacking Syria; however, just as significant as the relaxing of these norms was the narrowing of which states would enforce them. By 2006, the international system had been accustomed to the unipolar influence of the United States, following the collapse of the Soviet Union in 1991.²⁰⁸ Moreover, the invasion of Afghanistan in 2001 and Iraq in 2003 cast the United States as not just a hegemonic power but also a norm enforcer that was not trepid about

²⁰⁶ Cohen and Frankel, "Opaque Nuclear Proliferation."

²⁰⁷ Spector and Cohen, "Israel's Airstrike on Syria's Reactor: Implications for the Nonproliferation Regime."

²⁰⁸ Michael Mastanduno, "Preserving the Unipolar Moment." *International Security* 21, no. 4 (2012): 49–88.

intervention.²⁰⁹ Although a rising China and a revisionist Russia were willing to intervene with the security affairs of their respective regions, the United States was the only international power likely to enforce the norms of sovereignty and intervention across the globe. Additionally, beyond being a hegemonic enforcer, the United States was also Israel's strongest security partner, meaning that any anticipatory action would likely require its tacit consent.

Israel's concern for which states could sanction its counter proliferation behavior shifted as the United States became the sole hegemonic power and norm enforcer. Instead of fearing condemnation from the greater international community, Israel was predominantly concerned with how the United States would respond and focused its pre-attack efforts on securing its support. To gain U.S. backing, Israeli national security leaders shared sensitive intelligence with their U.S. counterparts and collaborated on potential responses, culminating with Prime Minister Olmert asking President Bush to order a U.S. attack. This yielding was a clear indicator of Israel's deference to U.S. support. After the United States passed on this request, Israeli leaders continued to keep U.S. officials informed of their plans. Furthermore, Israel prolonged its efforts to verify Syria's nuclear weapons program, even after it clearly intended to destroy Al-Kibar. This move, although perhaps intended to acquire stronger justification for the attack, can be viewed as a final attempt to solidify U.S. backing, especially since the lack of verifiable evidence of a weapons program was the road block preventing U.S. action. From this perspective, Israel's efforts to avoid sanctions were focused on a singular constituency—the United States. Combined with the opaque nature of proliferation, the shift toward a unipolar system limited the gradualist causal mechanism's ability to constrain Israel's counter-proliferation campaign attack against Syria.

²⁰⁹ Condoleezza Rice, "Rethinking the National Interest: American Realism for a New World." *Foreign Affairs*, 2008, 2–26.

C. COVERT PROLIFERATION, COVERT JUSTIFICATION

The moral component of international norms offers legitimacy to state actions, validating both norm-following and norm-enforcing behavior. In the case of Al-Kibar, Syria's disregard for the non-proliferation norm and its continued enmity toward Israel gave Israeli national security leaders sufficient justification to attack; they possessed evidence of not only a secret nuclear reactor but also of collusion with a pariah state. Surprisingly, however, Israel did not justify its actions with any of this evidence. In fact, Israel's defense of the attack can best be described as muted: it did not take public responsibility, seek to explain its actions as a response to Syria's behavior, nor offer any historical parallels. The lack of historical analogizing is especially significant, given Israel's reputation for intervention and its preventive strike of Osirak 35 years earlier. Just like gradualism, the explanation for Israel's passive legitimization can be found in changes to the international system, specifically the turn toward opaque proliferation. Following the 2007 bombing of Al-Kibar, Israel framed its preventive attack as legitimate; however, much like the proliferation it forestalled, its justifications were covert.

The international norms of sovereignty, intervention, and non-proliferation had become weakened by 2007; however, they still provided an ethical framework for Israel to weigh its choices. Israeli foreign policymakers were again forced to decide whether to violate another state's sovereignty or to allow for the presence of a nuclear threat. On receiving the March 2007 intelligence briefing after the Vienna raid, Prime Minister Olmert concluded that "the weight of [Al-Kibar], at the existential level, was of an unprecedented scale."²¹⁰ The Israeli leader clearly recognized Syria as a grave threat to the population of his nation. Furthermore, Olmert's request for the United States to attack and his baulking at Bush's offer of a diplomatic solution indicate that Israel intended to remove the reactor with force from the start. On 5 September 2007, Olmert's national security cabinet deliberated one final time, offering its blessing on Operation Orchard and granting Olmert and his defense and foreign minister the latitude to attack when they

²¹⁰ Makovsky, "The Silent Strike: How Israel Bombed a Syrian Nuclear Installation and Kept It a Secret."

deemed it best.²¹¹ A day later, IAF F-16s and F-15s encroached Syrian airspace to destroy Al-Kibar. Although the relatively hasty decision was clearly borne out of a practical reasoning over national interests, such shrewdness cannot completely discount the ethical component of the attack. For Israel, the attack was also the balancing of concern for its own existence weighed against concern for Syria's sovereignty.

Prior to the return of the IAF bomber jets from Dayr al Zawr, Prime Minister Olmert called President Bush, reporting that "something that existed doesn't exist anymore" and that the mission "was done with complete success."²¹² Within a few days, disclosure of the attack expanded, with Israeli leaders reaching out to their Egyptian and Jordanian counterparts to inform them of Syria's nuclear ambitions and Israel's efforts to forestall those aims.²¹³ Olmert flew to Moscow to inform Russian President Vladimir Putin of the attack, out of respect for Russia's close security ties with Syria.²¹⁴ Olmert also spoke directly with Turkish President Recep Tayyip Erdogan to inform him of the attack and to ask him to relay a message to Syrian President Assad. Olmert conveyed that Israel would not allow Syria to become a nuclear-armed state; however, Israel had no intention of attacking any further. His message was clear: Israel intended to uphold the norm of non-proliferation in the Middle East. Additionally, Olmert stated that if Syria did not draw attention to the attack, then Israel would stay silent as well.²¹⁵

In contrast to the select states that were privately informed of the attack and its purpose, public information on Al-Kibar remained limited. A day after the attack, the Syrian Arab News Agency reported that Israeli planes had violated Syrian airspace, but that Syria's air defense batteries had repelled the invading force. Three weeks later, Assad admitted to a BBC reporter that Israeli warplanes had struck Syrian soil, but he professed that the attack had been inconsequential and had only destroyed unused

²¹¹ Ibid.

²¹² Ibid.

²¹³ Bass, *A Surprise Out of Zion: Case Studies in Israel's Decisions on Whether to Alert the United States to Preemptive and Preventive Strikes, from Suez to the Syrian Nuclear Reactor*, 57.

²¹⁴ Makovsky, "The Silent Strike: How Israel Bombed a Syrian Nuclear Installation and Kept It a Secret."

²¹⁵ Follath and Stark, "How Israel Destroyed Syria's Al Kibar Nuclear Reactor."

military buildings.²¹⁶ Israel held to its tacit agreement to remain silent; additionally, the United States did not contest this incomplete narrative. Both states were fearful that an open declaration of Israel's military strength over Syria would further inflame the situation and could lead to war.²¹⁷ Over the course of the following year, details of the attack emerged in the open press and speculation arose that the target had been a blossoming nuclear weapons facility. These conjectures were confirmed with the 24 April 2008 briefing conducted by senior U.S. officials from the Office of the Director of National Intelligence (ODNI). During their presentation, ODNI briefers disclosed intelligence about Syria's covert nuclear facility, along with further information about Israel's attack and the United States' knowledge of it. Syrian President Assad was quick to disavow these claims; however, his denials were eventually rebuked in June of that year, when IAEA inspectors were allowed to access the destroyed buildings at Al-Kibar and uncovered trace evidence of nuclear material.²¹⁸

Beyond the immediate concern for dampening the hostility between Israel and Syria, several explanations exist for why the true impetus of the Al-Kibar strike remained secret for so long. First, due to the silence of both Syria and Israel, little evidence existed that the attack even took place, meaning there was no need to justify why it had occurred.²¹⁹ Additionally, the attack caused relatively limited collateral damage; other than the destruction of property and equipment, which according to Syria never existed, the bombing only killed between ten to thirty-six workers.²²⁰ Compared to the 2003 Israeli bombing of a terrorist training camp in Syria or the 2003 U.S. invasion of Iraq, the Al-Kibar strike was relatively insignificant. Additionally, the failures of the non-proliferation regime to peacefully enforce the NPT—as exemplified by the violations of

²¹⁶ Makovsky, "The Silent Strike: How Israel Bombed a Syrian Nuclear Installation and Kept It a Secret."

²¹⁷ Sanger, *The Inheritance: The World Obama Confronts and the Challenges to American Power*, 270.

²¹⁸ Follath and Stark, "How Israel Destroyed Syria's Al Kibar Nuclear Reactor."

²¹⁹ Andrew Garwood-Gowers, "Israel's Airstrike on Syria's Al-Kibar Facility: A Test Case for the Doctrine of Pre-Emptive Self-Defense?" *Journal of Conflict and Security Law* 16, no. 2 (2011), 273.

²²⁰ Makovsky, "The Silent Strike: How Israel Bombed a Syrian Nuclear Installation and Kept It a Secret."

North Korea, Iraq, and Iran—led many states to contemplate whether the use of unilateral force was the only effective preventive measure.²²¹ Along with these theories, the turn toward opaque proliferation, shifting from open technology transfers to covert acquisitions, also altered the need to justify counter-proliferation actions in the public arena. Syria's clandestine nuclear weapons program meant that Israel had to justify its actions to fewer states. This shrinking pool of states altered the legitimization process for Israel, influencing it to take responsibility for its actions, but only to a select group of stakeholders.

D. MORALITY OR POWER?

A surreptitious entry to obtain evidence, a silent raid to destroy a secret facility, and a thundering silence following the attack. It is difficult to portray the campaign against Al-Kibar as anything but the clear exercise of power to advance national interests or protect against the threat of nuclear genocide. The absence of information on the strike itself is only rivaled by the lack of details on the deliberations made by Israeli national security leaders prior to it. These gaps in knowledge make it impossible to argue that there was an open discussion over appropriate behavior. Moreover, from an explanatory perspective, neither constructivism nor normative theory can contend with the realist perspective that the attack on Al-Kibar's was borne out of national interests and concerns for the balance of power. At the same time, however, realist analysis fails to fully explain Israel's behavior both before and after the strike. Post hoc, Israel's actions might appear as logical, preference-following decisions—taking incremental steps to gain support of an ally prior to the attack and notifying key stake holders afterwards to justify its actions. This is what states do. But what makes these choices self-evident—what directs states to take gradual steps or seek to legitimize their actions? This thesis contends that part of the answer to these questions can be found in the influence of norms.

International norms do not determine how states will act, but they do influence states, providing guidelines for behavior. Normative causal mechanisms do not discount

²²¹ Spector and Cohen, "Israel's Airstrike on Syria's Reactor: Implications for the Nonproliferation Regime."

the effect of realpolitik or national interests on the behavior of states, but rather, they provide a fuller understanding of the pathways that states take to achieve their national aims. The three interlocking normative mechanisms—communitarianism, gradualism, and legitimization—influenced Israel’s preventive attack; however, their influence was loosened, truncated, and tampered due to shifts in the international system. First, the constitutive quality of norms and communitarian thinking relaxed Israel’s concerns for Syria’s sovereignty. Those concerns, however, were already weakened due to the loosened normative landscape and Israel’s established identity as an intervening state. Second, the sanctioning component of norms influenced Israel to take incremental steps before violating Syria’s sovereignty; yet, Syria’s clandestine acquisition of nuclear technology from North Korea limited the time and options available for Israel to exercise a gradualist strategy. Moreover, the shift toward a unipolar system narrowed the number of states that could sanction Israel and placed its attention on securing the support of the United States. Finally, the ethical character of norms and legitimization led Israel to frame its behavior as norm-enforcing, but due to the opaque nature of Syria’s proliferation, Israel only had to justify its actions to a few key stakeholders and could remain largely silent otherwise.

From a theory-testing perspective, the Al-Kibar case study does not fit well with the model of preventive attack that can be induced from Osirak. What it does illustrate, however, is that the decision to attack was not a false dilemma between morality or power, but rather, it was a balancing between the two principles. Normative decisions, and their corresponding behavior, are not made in a vacuum. Carr argues that the coordination of morality and power is fundamental to political action, but the balance between those two basic principles is not determined on a fixed scale that can be equally applied to every situation. Rather, the coordination of morality and power is continually shaped by changes in the international system: the fall of a powerful state that alters the structure of the system, the asymmetric turn in how rogue states circumvent sanctions, and the shift in the ethical backdrop of what is appropriate behavior—changes that can strengthen or dampen the influence of norms.

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VI. CONCLUSION

Philosophers will not become kings nor kings philosophers except in the perfect city in the sky, which is not now and never will be a city of this world.

—Kenneth W. Thompson²²²

Any investigation into the realm of international norms risks becoming a philosophical discourse on ethics that can betray the practical aspect of statecraft. The study of norms collides with the widely-held tenant that anarchy is the defining characteristic of the international system and that national interests are the guiding principle of state behavior. Within the state, norms are often embodied by laws, rules, and regulations, which describe and enforce the standards of appropriate behavior; among states, however, the absence of a supranational power limits their efficacy in the international realm. Furthermore, the nature of war—where the rule of laws is often silenced—only amplifies the effects of the anarchic society.²²³ Many scholars and policymakers argue that these problems cause norms to be a poor tool of reference for military strategy. Furthermore, beyond this structural dilemma is the concern that the study of norms can easily turn from informative scholarship about the way the world exists to normative scholarship about how the world should exist, trading what is for what should be. All theories of international relations are an approximation for the behavior of states, but theories of norms or ethics have a greater risk of becoming philosophical idealizations. Kenneth Thompson, a prominent realist and normative scholar, emphasizes this point when he alludes to both Plato's commentary that the world will be a better place when kings are philosophers and philosophers are kings,²²⁴ and to

²²² Kenneth W. Thompson, *Masters of International Thought* (Baton Rouge: Louisiana State University, 1994), 29.

²²³ James D. Morrow, *Order within Anarchy: The Laws of War as an International Institution* (Cambridge, UK: Cambridge University Press, 2014).

²²⁴ John Cooper, ed., *Plato: Complete Works* (Indianapolis: Hackett, 1997), bk. Republic.

Thomas More's description of that world as a place called Utopia, the Greek word for "nowhere."²²⁵

This concern over unreliable heuristics or utopic idealizations should make both scholars and policymakers cautious when exploring international norms; however, apprehension should not limit the study of norms, especially when that knowledge offers greater understanding for a significant phenomenon within the international system, preventives attack. This thesis has taken two distinct steps to address these concerns. First, it emphasized that norms have a bounded explanatory capacity—their influence is not deterministic but does have a critical effect on state behavior. Furthermore, this thesis stressed that norms are more than ethical guidelines; rather, they also have a sanctioning effect, which follows the logic of consequence, and a constitutive quality, which can escalate hostility as easily as the balance of power. This thesis concludes by exploring both the academic and policy significance for understanding how international norms influence the preventive use of force to counter nuclear proliferation. First, it reviews the three normative causal mechanisms and the limits of their explanatory power. Then, it offers future avenues of research to further refine this topic. Finally, it explores the policy implications of these findings, examining both their predictive value and their worth for foreign policy decision-making.

A. TOWARD A THEORY

This thesis argues that three interconnected normative causal mechanisms—communitarianism, gradualism, and legitimization—work in sequence to influence a preventive attack to counter nuclear proliferation. First, the constitutive quality of norms provides a communitarian divide between states, weakening concerns for the sovereignty of the proliferating state and lessening the restrictions for intervention placed on the regional leader. Communitarianism furthers the enmity between the proliferator and the preventer and increases the motivation for intervention just as much as concerns over

²²⁵ Thomas More and Paul Turner, *Utopia*, Penguin classics (London: Penguin Books, 1965).

shifts in relative power.²²⁶ Additionally, the normative landscape of the time—lessened or increased concern for sovereignty, intervention, and non-proliferation—can serve as an accelerant or impediment of that motivation. Second, the sanctioning component of norms forces the dominant state to seek a gradualist campaign to halt its rival's proliferation. Gradualism constrains the dominant state to take incremental steps—ranging from private diplomacy to covert action—before openly violating the sovereignty of its adversary, in order to avoid being punished by the international community. However, this campaign is often shortened based on the opaqueness of the proliferation and the amount of time available to respond. Furthermore, the nature of that campaign is shaped by accessibility to the proliferator's supporting states and by the international structure of power. Finally, the ethical character of norms offers a framework for the attacking state to justify its actions to the international community. Legitimization of the attack demonstrates that it was not just a calculation over the balance of power, but that it also involved the normative dilemma of whether to violate the norms of sovereignty or allow a rogue state to violate the non-proliferation norm and threaten the existence of the dominant state. Justification for the attack is also influenced by the international structure of power, with the attacking state only seeking to legitimize its behavior to specific states based on the distribution of power.

Foremost, this proposed mid-level theory is bounded by the specific circumstances being investigated: preventive attack to counter the proliferation of nuclear weapons. This thesis does not argue that the three causal mechanisms apply to all preventive attacks but rather, that they were observed in cases where a dominant state sought to forestall the nuclear ambitions of a rival. Empirical limitations have also restricted the development of this theory; breaking into the black box of a state's motivations and the decision-making processes of its leaders is a difficult task. Inferences can be made about a state's preventive motivations; however, it is difficult to disaggregate the effects of multiple motivations. The normative idea that communitarian thinking could spur hostility between two adversarial states runs to the same conclusion

²²⁶ This intervention is not necessarily undertaken on behalf of the community, although it might be justified as such. Rather, the communitarian divide emboldens the specific preventive concerns of the dominant state.

as the realist concept of disproportionate power shifts. State motivations, especially preventive motivations, are multi-faceted and multi-causal, and cannot be reduced to a singular balance of power calculation nor to historical enmity.

This methodological dilemma begs the question that if self-interest can correctly explain a state's preventive motivation, then is there a need for a normative explanation? This is an especially valid critique given the fact that balance of power analysis offers a more transitive heuristic that can be quickly applied across a wide range of cases, compared to the nuanced approach of categorizing states by their behavioral identity. Although balance of power theory offers a wide ranging capacity to explain state behavior, as Waltz notes, the overarching power of a structural theory is not meant to dismiss the explanatory power of other arguments but rather, to allow scholars to focus on the unitary level of analysis to "search for more idiosyncratic causes."²²⁷ By diving into questions of national identity and culture, researchers can observe how the constitutive quality of norms can overtake their restrictive nature and can lead to greater hostility. Understanding that an action is likely is not the same as understanding why it is likely; therefore, by providing a more robust explanation—one steeped not only in national interests but also in national identity—scholars of international politics can further the body of academic knowledge and provide worthwhile contributions to policymakers as well.

Several steps can be taken to further refine the causal mechanisms laid out in this thesis. First, scholars can dive deeper into the foreign policy decision-making of Israel, Iraq, Syria, and the surrounding states in these two case studies. As more information for both Osirak and Al-Kibar becomes available, researchers can examine the discourse among national security and foreign policy leaders to look for further signs of communitarian thinking, fear of punishment, and concern for ethical justification. Second, scholars can look toward other case studies involving decisions to conduct preventive attack to counter nuclear proliferation—specifically cases where an attack was strongly considered but ultimately did not occur, such as the Cuban Missile Crisis, the

²²⁷ Kenneth Waltz, "Reflections on Theory of International Politics: A Response to My Critics," in *Neorealism and Its Critics* (New York: Columbia University Press, 1986), 329.

case of North Korea's nuclear proliferation, and the Iran nuclear deal framework. This thesis intentionally focused on building a theory based on cases that involved an attack; however, exploring how these causal mechanisms might have halted an attack could further explain their influence. Finally, researches can look beyond cases involving nuclear counter-proliferation toward other examples of preventive attack—such as attacks to prevent the spread of chemical weapons or other strategic armaments—to determine what parallels exist.

B. TOWARD A POLICY

Beyond advancing the academic body of knowledge, this thesis also offers guidance to policymakers. The first policy-related aim is to provide a predictive framework to observe the counter-proliferation behavior of other states. Although the United States has demonstrated its support for the NPT and the non-proliferation norm, this support does not mean that U.S. non-proliferation and counter-proliferation efforts will always be aligned with those of other states. By looking for the two causal mechanisms that precede an attack—communitarian thinking and a gradualist campaign—intelligence professionals and strategists can have a better sense of the likelihood of an attack. A state's concerns over a rising nuclear-armed opponent are only intensified by historical enmity and the view that the adversary state is outside the bounds of one's community. Furthermore, the investment of time and energy toward both diplomacy and covert action is a telling indicator of whether a state is focused on halting proliferation.

Although historical tension and incremental steps might seem to be obvious indicators, understanding how these factors influence state behavior can add more nuance to their predictive value. The pattern of disregarding the sovereignty of a neighboring state—both its territorial integrity and right to exist—is an important driver for enmity and one that is not always captured by balance of power analysis. Moreover, this behavior highlights how the behavioral identity of an adversary can have a profound influence on the national priorities of a dominant state. The United States would have struggled to assert influence in the Middle East with the presence of a nuclear armed Iraq

and Syria; however, it still did not feel compelled to conduct a preventive attack against either state. Israel, on the other hand, not only feared a shift in the balance of power, but also faced an existential threat from nuclear weapons and continued hostile relationships with both states. By understanding another state's opinion of its social position within its region and the international system, the United States is better positioned to predict and potentially influence future preventive attacks.

The nuclear latency of Japan offers a telling illustration of the value of both communitarianism and gradualism as predictive tools. It might be difficult to imagine Japan as having a nuclear motivation given its history; however, this stance could change if the United States abdicated its extended nuclear deterrence in East Asia. Japan holds a significant nuclear latency—through its nuclear fuel cycle capability stemming from its civilian reactors—that would greatly shorten its breakout time to become a nuclear weapons state.²²⁸ If Japan lost the nuclear assurance of the United States, then it could seek to develop a nuclear arsenal on its own. It also might be difficult to imagine China conducting a preventive attack against Japan; however, as a regional hegemon, China would be more threatened by a nuclear-armed Japan than any other state. If China perceived that Japan did have a nuclear motive, it would likely not only be concerned about a shift in the balance of power, but also the historical enmity between the two states. Although the United States and Japan have moved past their hostility during World War II to become allies, China and Japan's enmity runs much deeper, touching on perceptions of national superiority and historical atrocities. This deep-seated hostility is unlikely to be forgotten, and it could further China's preventive motivation.

Nuclear latency also offers a telling indicator to observe gradualist behavior to counter-proliferation because it is a new method of proliferation that pushes the acquisition paradigm toward an ambiguous gray zone between pursuing or not pursuing nuclear capabilities. Nuclear latency allows states to achieve the capacity to quickly weaponize, without risking the condemnation and cost that come with acquiring a nuclear

²²⁸ Joseph F. Pilat, "Report of a Workshop on Nuclear Latency," Nuclear Proliferation International History Project (Washington, D.C.: Woodrow Wilson International Center for Scholars; Los Alamos National Laboratory, October 2014), <https://www.wilsoncenter.org/publication/exploring-nuclear-latency>.

weapon outside of international guidelines. It also means the incremental steps available to deal with such a threat would also change. China would likely seek a new pathway to forestall Japan's nuclear efforts—coupling diplomatic efforts with more coercive steps, such as cyber-attacks. Evidence of increased cyber activity against Japanese nuclear infrastructure, coupled with more fervent diplomatic engagement would be a telling indicator of China's willingness to attack if necessary. Regardless of the specific manner that China, or any state, would counter the proliferation of a rival, the paradigm shift to nuclear latency should remind policymakers to be cognizant that dominant states will be forced to shift their gradualist strategies to adjust to new methods of proliferation.

Another policy-related goal of this thesis is to demonstrate how a better understanding of the influence of norms can serve U.S. foreign policy decision-making. The first preventive attack to counter proliferation was the Allied commando raid on Nazi Germany's Norwegian heavy water plant at the Norsk Hyrdo site in Vemork, Norway.²²⁹ The precedent set by that attack provides telling lessons for the change in the Unified Command Plan (UCP) of the U.S. Department of Defense, which will transfer counter-proliferation responsibility from Strategic Command to Special Operations Command. With special operations forces at the forefront of U.S. defense counter proliferation operations, future preventive attack could be again carried out by commando forces or their surrogates. Understanding the influences of sovereignty, intervention, and non-proliferation can provide a worthwhile starting point for how to employ such forces, especially when considering the ramifications of whether to keep their role covert. Furthermore, as the system leader, the United States has a definitive role in shaping the normative landscape of the international system and its actions have the consequence of reshaping the standards for appropriate behavior. Preventive attacks to counter nuclear proliferation should not only be judged by their effect on the balance of power or their enforcement of the non-proliferation norm, but also by how those attacks will adjust the line between the norms of sovereignty and intervention.

²²⁹ Dan Kurzman, *Blood and Water: Sabotaging Hitler's Bomb* (New York: Henry Hold and Company, 1997).

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