



[Ben W. Heineman Jr.](#) - Ben Heineman Jr. has held top positions in government, law and business. He is the author of *High Performance with High Integrity* (Harvard Business Press, 2008).

Why Chemical Weapons Are Different

By: Ben W. Heineman Jr.

September 9, 2013

Blistering skin, eye damage, and excruciating deaths were just some of the reasons nations decided to ban these substances after World War I.



The current global—and Congressional—debate about whether to deploy force against Syria for its use of sarin gas on civilians will depend, in part, on whether the reasons for a post-World War I agreement banning the offensive use of chemical and biological weapons continue to be honored.

The 1925 Geneva Protocol did not focus on World War I's terrible new 20th-century technologies that made 19th-century military tactics obsolete and led to mass slaughter: advancements in barbed wire, machine guns, and artillery led to incomprehensible and horrible effects on combatants. It was the impact of gas use on both the Western and Eastern fronts that led to the prohibition on chemical and biological warfare, even though it had led to only about one percent of the deaths there. The protocol viewed gas warfare as different from the other methods of mass killing, and banned the use of "asphyxiating, poisonous or other gases" as well as "bacteriological methods."

At least three strains of reasoning were advanced by the International Red Cross, religious leaders, the military, and politicians to help mobilize public opinion in favor of a special prohibition against chemical and biological warfare.

First, there were the unique methods of killing—and the special suffering—caused by the gases of World War I, which were first used by the Germans in the battle of Ypres in 1915 and then by all the armies. Chlorine damaged ears and eyes and caused death by asphyxiation. It was subsequently replaced by phosgene, a colorless gas that damaged the lungs and caused suffocation in a delayed reaction after exposure. Mustard gas caused blistering of the outer body and internal organs, especially the lungs. Death might come only after prolonged agony. And those who survived often had serious respiratory and other health issues for the rest of their lives.

Second, there was the "indiscriminate" impact of gas warfare. It was diffused broadly in the atmosphere—and could blow back into the offensive users or affect civilian populations. This uncontrolled aspect of gas warfare led to opposition among some military leaders on all sides.

Finally, there was a fear of an unknown future. Despite the relatively small number of actual deaths and casualties from chemical warfare compared to the horrific total, there was worry about its much broader use in the future. The inhuman, terrifying images of soldiers in gas masks fed these emotional concerns.

Together, these reasons led to a special strain of public fear and loathing that prompted the collective action embodied in the 1925 protocol. It stated that such warfare "has been justly condemned by the general opinion of the civilized world." Forty nations originally agreed to the protocol. Today that number is more than 130—although the United States did not officially adopt the protocol until 1975. And Syria adopted it in 1968.

The exceptional nature of chemical and biological warfare was reflected in the Chemical Weapons Convention, which entered into force in 1997. It sought to remedy many of the defects of the Geneva Protocol by prohibiting manufacturing and stockpiling, requiring destruction of existing stocks, establishing a verification system, and establishing a special monitoring body, the Organization for the Prohibition of Chemical Weapons. More than 180 nations have ratified the CWC—but not Syria.

Of course, the conventions by themselves do not have an enforcement mechanism. The legal route to collective action against miscreant states today requires invocation of general UN legal process. And there have been numerous other instances of chemical weapon use before Syria—from Japan against China in the early 40s to Iraq against Iran and the Kurds in the 80s.

Yet, at least in theory and often (though not always) in practice, the world community, going back at least to the 1925 protocol, has made a decision that chemical and

biological weapons are *morally* different from conventional weapons--which, some would say, can kill just as widely, horribly and indiscriminately.

Today, of course, chemical and biological agents are classified as weapons of mass destruction. And the reasons advanced in the 1920s are much the same as advanced now by the Obama Administration in its argument to take action in Syria (although the specter of asymmetrical use by terrorists is added to use by states). Secretary Kerry has said that the deaths of more than 1,400 Syrian civilians because of chemical agents shows "the large-scale, indiscriminate use of weapons that the civilized world has long ago [agreed] must never be used." He added, "Our sense of basic humanity is offended...by this cowardly crime" involving the "world's most heinous weapons." The administration is showing films of the deaths that, per CNN, reveal "Men sprawled on a tile floor, shirtless and convulsing. Children, too, seemingly unable to control their shaking and flailing. Panic and screams in the background."

The decision about whether to use force against Syria turns, then, on whether the reasons advanced in support of the 1925 Geneva Protocol are still singularly important. Obviously, there are many other considerations, including effectiveness, proportionality, limits, and the broader deterrent effects of any U.S. action that might be supported by certain allies.

The "chemical and biological warfare is different" strand of argument is critical, because if the United States acts it will be doing so, at least ostensibly, for moral reasons. There are strong arguments that there is no authority in international law for U.S. deployment of military force in these circumstances. That is why the reasons behind the protocol cast a long shadow over today's debate—a debate that is now about the ethical necessity, not the questionable legality, of U.S. military strikes to punish the Syrian regime for gassing its civilians.

###

<http://www.theatlantic.com/international/archive/2013/09/why-chemical-weapons-are-different/279482/>