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# The Ethics of International Sanctions: The Case of Yugoslavia

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Sanctions such as those applied by the United Nations against Yugoslavia, or rather the actions of implementing and maintaining them, at the very least implicitly purport to have moral justification. While the rhetoric used to justify sanctions is clearly moralistic, even sanctions themselves, as worded, often include phrases indicating moral implication. On May 30, 1992, United Nation Security Council Resolution 757 imposed a universal, binding blockage on all trade and all scientific, cultural and sports exchanges with Serbia and Montenegro. In addition to expressing the usual “concern” and “dismay” regarding various events, the language of this Resolution also includes, on three occasions, unmistakably moral language “deploring” failures in meeting the demands of earlier resolutions.<sup>1</sup> There is no question that sanctions have political, economic, military and strategic consequences for the sanctioned state, perhaps exactly as desired by the sanctioning party. However, the question raised in this essay is whether in addition to these consequences, sanctions also produce morally reprehensible consequences that undermine their often-cited moral justification. If so, international economic sanctions are an immoral means of achieving primarily political goals.

Six morally significant consequences are: 1) The unethical, elevated susceptibility of the sanctioned to political (and other forms of) manipulation, 2) the inherent

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and unjust paternalism in the process of sanctioning, 3) the abandonment of strict moral criteria on virtually all levels of evaluation, primarily inside the sanctioned country, but also in sanctioning states best exhibited in the attitudes toward the sanctioned, 4) the general decline in moral consciousness, 5) the subsequent rise of many forms of violence within the sanctioned state in connection with the increase in lawlessness, and a general decline of expectations in all areas of life, and 6) the continual, arbitrary redefining of conditions for a final lifting of sanctions. In light of this moral phenomenology we shall argue that sanctions, lacking in moral justification, are simply a means for achieving the mentioned immoral goals. Furthermore, the argument will be that sanctions are a form of siege and, as such, an act of war, requiring the sort of justification that would be needed to justify a war.

### THE EXCESSIVE SUSCEPTIBILITY TO MANIPULATION

When a party is placed under sanctions, a very fertile soil for various forms of manipulation (by any interested party) is created. Because of the reduced flow of information (both from outside and from within), it is easy for those in power to control, select and channel information sources. When this control is reinforced with the meaning inertia of strong normative terms, such as the word "sanctions"—which *prima facie* steers the value orientation toward condemnation, it places the target country at an additional disadvantage of being further manipulated. This may bring about a situation in which the sanctioning party's various objectives are inexpensively, or at no cost, fully disguised. The repetitive and systematic negative media characterizations demonizing the target country are often simply a means of political manipulation. When utilized relentlessly, and over a significant period of time, they may lead to a condition we call one of "cultural manipulation, the outcome of which is severe disorder in identifying proper values."<sup>2</sup> For the sanctioned, the consequences are likely to be far-reaching and unpredictable. It may be possible, for the implementers to employ sanctions to use political and media attention in order to provoke a certain type of outcome favorable to its position.

The imposition of international sanctions, and stipulating and amending the ever-changing conditions for lifting those sanctions, indirectly strengthens the *status quo ante*—the prior state of social, political, economic and legal order. This occurs while slowly impoverishing the population of a target state economically, socially and politically. Sanctions create a negative opinion of the besieged in the eyes of those "outside." In the long run, through public sentiment spreading across the globe, sanctions reinforce negative attitudes toward those "inside." Because of this widespread negative sentiment, however, those same attitudes may then gradually start spilling "inside." This creates an atmosphere replete with feelings of self-abrogation, apathy toward all real opportunities of everyday life

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and discernible bitterness in the form of contempt for everything within the country, while overstating the value of everything on the outside. Yet for all its might, the all-encompassing feeling of hopelessness among the sanctioned hinders and even forestalls any meaningful criticism of current conditions. Tremendous room for cohesive forces is made. For example, on one hand, the reflex to defend one's core identity is triggered, while, on the other, any possibility for achieving an "improved" reality is dislocated to some locale "on the outside." That is, the place for achieving meaningful life is believed to be "outside" the sanctioned state, say, in the Western democracies. Hence, any domestic accomplishment is considered insignificant, and the established mechanisms of social verification lose their normal meaning and effectiveness.

The kind of sanctions that the people of Yugoslavia are currently subjected to is particularly conducive to this potentially far-reaching and long-term manipulation. Civilians in Yugoslavia are almost completely subjugated to the crusade-like logic of the West, wherein every action undertaken by the sanctioner is justified and even in the interest of those against whom the sanctions are placed.

Consequently, we can clearly identify a double effect of the increased susceptibility to manipulation which sanctions bring about. First, there is the dramatic effect of sanctions to chip away at the quality of life for ordinary people in the targeted state. And second, sanctioned people develop deep resignation, or indifference toward their life prospects and find meaningful existence on the outside, far from their actual home.

### PATERNALISM

The capacity of sanctions to be used as a tool of manipulation produces the second morally questionable consequence of their imposition: paternalism. Paternalism is the standpoint from which another is presumed to be unaware of what is in one's best interest. This directly conflicts with the liberal presumption of principled equality of all people, and the idea that one's personal goals carry more weight for them than the goals of others. Paternalism is always *prima facie* wrong, as it is doomed to neglect the moral and other competencies of some adult humans. At the level of international affairs, paternalism generates the position that some nations are not "adult" enough (with equal rights in principle), while other nations are authorized (perhaps bound by duty) to lend a "helping" hand. But how? By engaging in manipulation and destroying the vision of meaningful existence of those who are being helped? To justify a paternalistic attitude the media are employed to create the image of the sanctioned as infantile, incompetent or evil beings. They are often portrayed as an uncivilized group, people who are not owed any respect, and need not be treated as beings with dignity.

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As in a paternal relationship, the goal is to correct behavior, bring about order, or at least orient in the proper direction. It is well known that radical political doctrines, such as Marxism, began with the thesis that all but a few enlightened individuals—the elite ordained with a sort of special cognition—have no knowledge, and could not know the “real” purpose of life. The masses, therefore, must be led or forced to follow the right path toward “meaningful existence.” U.N. economic sanctions may propose to lead society along this path. However, even in the Western tradition where individuality is prized, one may see that “all men” are not “created equal.” For example, a similar paternalistic attitude was directed toward Native Americans for much of American History. Their land was taken away from them in order to offer them “protection” by placing them on reservations and by restricting their freedom of movement. It was believed that those actions that degraded them most were actually in their best interest.

Even in philosophy, we find that moral paternalism is pervasive. The “apostle of liberalism,” John Stuart Mill stated that even though everyone is the best judge of his own interests, “everyone” does not mean quite “all.” At first, Mill is a strict and consistent liberal. His “very simple” principle found in his essay *On Liberty* clearly attributes many liberties to the individual who must under no circumstances be coerced to accept anything that will be to his perceived disadvantage. This principle says that:

the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection... His own good, either physical or moral, is not sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise, or even right...<sup>3</sup>

However, the phrase “member of a civilized community,” to which the qualification “everyone” from the thesis that everyone is the best judge of their own interests refers, applies only to adult human beings “in the maturity of their faculties,”<sup>4</sup> omitting children, madmen and those who live in “backward states of society.” “Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end.”<sup>5</sup> A thesis like this one implies a paternalistic political philosophy, which could serve to justify, e.g., various colonial interventions. What is important here is that those who are “immature” are denied freedom in its various forms—including not only freedom of movement and trade, but also the kind of freedom that implies respect and principled equality of opinions and espoused viewpoints: some viewpoints are privileged while others are discriminated against. The option of quarantining groups is logically implied under some conditions as a real possibility on the basis of this standpoint. And if the quarantine is then

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labeled with such a lofty and prestigious term as "sanctions" the door is wide open for paternalism of a very high intensity.

Therefore, paternalism is one of the immoral consequences of sanctions. What must be realized, however, is that the presupposition that this paternalistic attitude is justified provides the foundation for "moral acceptance" on the part of the sanctioners and all others. This falsely suggests that the multitude of negative consequences that sanctions have for sanctioned people are somehow deserved.

### SURRENDER OF STRICT MORAL CRITERIA

The third morally reprehensible consequence of sanctions is the abandonment of fundamental principles for the sake of allegedly higher ones. For the sanctioned, the general level of predictability and confidence in fulfillment of everyday expectations drops significantly, as the simplest transactions with the outside world become impossible. Since no country is completely isolated, numerous associations and agreements now become severed, causing people to doubt that these associations will continue to function and that agreements will remain in place. Competition acquires malignant forms: even the most mundane things become inaccessible. For example, one cannot buy foreign papers at the local newsstand, products manufactured abroad cannot be repaired because of the lack of spare parts, and laws governing the quality of goods become entirely extraneous, for all commodities become precious. People find themselves dealing with the sort of temptations they would otherwise not face. While, of course, viewed from the "inside," this could be seen as a form of adaptation to the new political and economic reality in a sanctioned state, the sanctions cause a comprehensive decline of value standards and degradation of public conduct. One may liken the relationship of a nation under sanctions and the external powers to the oppressed and the oppressors or the slaves and the masters. There are consequences for both sides; the sanctioned succumb to servility, sycophancy or exaggerated and even suicidal haughtiness, while the sanctioner develops a sense of arrogance, righteous indignation and unwarranted moral superiority.

One of the consequences of this comprehensive decline in all value criteria, suspension of many laws, and the lowering of expectations, is a severe limitation placed on the ability for adaptation in the context of the general state of emergency brought about by sanctions. Changes needed in order to accomplish effective adaptation within the state of sanctions are difficult or impossible to bring about. Sanctions simply cement the *status quo*. Because they function as a form of siege, sanctions prevent any significant change. After nearly a decade of life under sanctions it is a widespread conviction in Yugoslavia that sanctions are to blame for the lack of political and social change in this period. If bringing about such political change was among the goals of sanctions, they have failed miserably. However, this

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is not due only to various technical or practical obstacles to any meaningful change. There is another factor, the dialectic between change and *status quo*, which necessitates the preservation of the *status quo*. Once this latter dialectic, at work here, is fully grasped it can offer a powerful reason against sanctions.

The *status quo*, as an accomplished fact, always enjoys a *prima facie* moral priority with respect to any possible (or contemplated) change. Any change normally must come, as it were, packaged with the accompanying justification, while preservation of the prior state requires no such justification. Its justification consists in the mere fact that it *is* the arrangement currently in place. However, this logic of moral asymmetry between a *status quo* and any (contemplated) change applies only under the assumption that change (of the requisite sort) is practically feasible, and no obstacle stands in its way. If change is rendered impossible, not because of the workings of some laws of nature, but because of the effects of some human intervention (like sanctions from the outside) that strengthens cohesive forces on the inside, then that the *status quo* becomes absolutely entrenched. Hence, the thesis about the *prima facie* priority of the *status quo* loses its force. As such there is no need to examine that contemplated change be justified since change is not practically feasible. In this event the *status quo* can be said to have lost its *prima facie* legitimacy.

If change is justifiable (while neither in principle impossible nor outside the scope of possible will), yet it is rendered practically infeasible, as in the context of siege, then the *status quo* acquires an unprincipled, privileged status. It may present itself as a legitimate prior state, even though its justification (based on the fact that it is the current state of affairs) pales in comparison to the justification that *could* be offered for the envisaged change—had the change not been rendered impossible. For, in order for the priority that *status quo* enjoys to be overcome by the justification that accompanies the proposed change, change itself must be practically feasible; if that is not the case, then change is prevented in an unprincipled way. Consequently, the *status quo*, with a double advantage, now consisting of its *prima facie* priority with respect to justification and this unprincipled disqualification of any change, unjustifiably finds itself in the position of something that could not even be put in question. This is exactly what happens in the situation of sanctions and precisely for the reason that they are a form of siege. The state of siege justifies the implementation of the state of emergency and produces strong cohesive forces that focus on defending the existing state of affairs, so that there may not be any mention of change let alone a deliberating regarding its justification.<sup>6</sup>

In the circumstance when a group is under sanctions, however, there is not only the atmosphere of emergency but also a *de facto* crisis. Being under siege or sanctions is tantamount to a state of crisis—creating a new situation in which the previous state becomes preserved in a non-principled way by forces beyond

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anyone's control. Yet the *status quo* preserved by sanctions need not be, and usually is not, the real *status quo ante* but some condition that happened to be in place at that time. In the circumstance of suspension of law and (higher) quality expectation, this is, as a matter of fact, a sort of new *status quo*, a warlike, semi-warlike or pseudo-warlike state that otherwise would be undesirable for longer periods of time.

Eight years of sanctions on Yugoslavia is a relatively long period in anyone's life. Life under sanctions may become so "normal" that at some later point it might prove extremely difficult to adapt oneself in an environment free of sanctions. This is not only because of the habit-forming effects of the newly established system of conduct, but also because processes based on a new war-like state of emergency are put in place which serve to legitimize it. What this means is that in order to escape humiliation people are prepared to tolerate the condition of the besieged, and even to defend it from outside influences because it is not known what those may bring. Any suggested change provokes resistance and fear. It follows, therefore, that sanctions serve to strengthen political regimes rather than cause their downfall, contrary to their explicitly stated goal.

In fact, in order to bring a regime down (if that is a goal of sanctions) one must in the end engage in a direct action of some sort, perhaps even open confrontation.<sup>7</sup> Opponents to our argument may assert that sanctions may serve to pave the way to the downfall of an unwanted regime. But how is this done? Paving the way occurs through a prolonged process of targeting a population to the point of exhaustion. Imposing sanctions involves an even greater degree of humiliation for the besieged than would occur had there been a change of regime brought about in some other fashion—possibly through dialogue. People resist being forced to change and "improve," particularly via a procedure by which they are humiliated and terribly victimized.

Hence, far from facilitating change, sanctions fortify the *status quo* and lead to the *de facto* surrender of strict moral criteria. This is manifested in the population's readiness to acquiesce to much hardship over a prolonged period. These are conditions that they would not otherwise tolerate. As they absolve the regime of responsibility for its failures, the sanctioned adopt lower moral standards and exhibit general decline in moral consciousness.

#### DECLINE IN MORAL CONSCIOUSNESS

The fourth interesting and morally relevant consequence of sanctions is a form of moral or quasi-moral *acquiescence to a lower axiological level*, which characterizes, or is a prelude to, the state of passive, servile and even (in Hegelian terms) slave consciousness. In real life this means that a social condition is created in which one no longer initially relates to others with usual degree of mutual

respect and expectations that previously existed in that same society. This is visible in ways one relates to fellow citizens, the government and even the closest friends and relatives. Affected by the new state of poverty something one has no previous familiarity with and that inevitably results after sanctions start taking their toll, one starts experiencing difficulties in "getting along." This may occur on various levels including one's own family and in a variety of other conflicts. Finally, this new condition defines a different degree of mutually presupposed respect and generally a new level of expectations from others (and oneself). The old, stricter expectations are no longer applicable; "old" norms are seen as idealistic, utopian, absent of the sense of reality or even as insistence on one's own foolishness, perceived as a remnant of better times. For example, others are not expected to live up to the formerly high level of trust, nor is there the previous sense of responsibility from a personal standpoint (e.g., with respect to keeping promises, honoring one's word etc.). The definition of honor, under pressure from the new state of affairs, while it somewhat persists, sufficiently changes over time to permit a higher level of tolerance toward evil. This is termed acquiescence to lower axiological level.

Surely this state is desirable from the point of view of the sanctioner in achieving, at little cost, the efficiency with respect to the first two described "interesting consequences"—manipulation and paternalism. It is easier to undertake manipulation and justify paternalism if one deals with passive or servile people who are so despondent that their behavior appears masochistic. To the sanctioner, a drop in moral standards opens up a wide and long-term opportunity for destruction and devastation that would otherwise probably be outside of its reach without manipulation and paternalistic justification. This, in turn could not be enjoyed if it did not provoke the state of consciousness on the part of the targeted that acquiesces to these demoralizing initiatives. In any event, for the besieger, benefits at the level of justification are great. Even if certain actions of the besieger are not likely to be condoned by the international community, they may yet be accomplished if carefully camouflaged in a more legitimate cloak. For example, plans to invade, subjugate or obliterate the targeted group may not be openly advocated; however, this may be tolerated as collateral damage, the supposedly unintended consequences of a mission. In fact, anything may be justified as just punishment for resistance and unwillingness of the sanctioned to be good and well disposed. Here, the goal is achieved and a very small price paid by the sanctioner. Ironically, it may even be the case that the sanctioner expects gratitude in return for its well-intended actions, comparable to how masters justify flogging a slave for his own benefit. Thus the true reward becomes the "end of the whipping" or the lifting of sanctions. In this case, a power stands to get something for nothing. Again there is acquiescence to a lower axiology, as the sanctioned taking responsibility for the objective

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consequences of actions committed by the sanctioner and translating it as a consequence of his own merit or fault. In a sense, merit and fault exchange places if defeat is understood or experienced as victory.

This phenomenon is exactly what transpired in Yugoslavia. Every defeat was loudly hailed as some sort of "victory." In a strange way, it continued to reinforce the mystical force of the regime, producing expectations invested in some far-removed, better future. Thus, the acquiescence to a lower axiology had produced a long-term, paralyzing self-deception in the population. This, in turn, reduces the awareness of reality to a form of wishful thinking where the declared reality and actual world exchange places. Inability to accept "defeat" (or what is perceived as such) has a disabling effect on adaptation and one's power to survive a crisis. In the end, the illusion of victory coupled with the long-term debilitating effects of popular self-deception and belief in an altered form of reality makes it almost impossible for the members of society to extract themselves from the crisis environment.

#### WHOLESALE RISE IN VIOLENCE

The fifth immoral consequence of sanctions is in fact the most significant: the general escalation of violence in all directions. This is particularly morally significant in the case of sanctions against Yugoslavia. The escalation of violence that has occurred is predictable given the comprehensive decline in all value criteria, which characterizes a situation of sanctions. It is worth mentioning, however, that other elements discussed here also have a tendency to incite violence. In general, a sort of slippery slope is generated which eliminates the usual boundary lines for appropriate behavior. This facilitates a higher degree of coercion and unpleasant and improper actions that stand a better than average chance of being undertaken, accomplished and even justified. Sanctions open the door for diverse forms of violence, not necessarily direct and physical violence, but also violence of a political, cultural, psychological or spiritual nature. For example, the restrictions in trade and transportation compel people to make extraordinary efforts in order to realize their usual purposes. To the extent that sanctions act as a form of siege in disguise, they bring about great uncertainties, primarily with respect to their duration. Prevalent uncertainty presents a huge burden, and thus a form of psychological repression. Spiritual violence takes two most common forms. First, given that people are forced to utilize too much time and energy to satisfy their most elementary needs, not much is left in them for "spiritual" efforts. Second, the atmosphere of uncertainty, induced desperation and hopelessness allows all kinds of primitive obscurantism to flourish. Political violence is not direct; it is hidden in the atmosphere of the siege, which in advance reduces the chances for a successful political shift as a result of the above-described mechanism that prevents meaningful change.

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Moreover, violence takes many forms, from institutional violence to incidental accidents. Escalation of violence is a result of the absence of normal civic conditions for life. Finally, of course, there exists the escalation of violence that springs from the increased opportunity for direct coercion by the sanctioned government upon its own citizens. For example, sanctions compel the authorities, in part due to the shortage of goods and rationing, to restrict freedoms. This takes various forms including stricter control of financial dealings in the country or restrictions on social rights such as free medical care or education. More importantly, however, sanctions open new room for the government to increase repression, and justify it in a way that will always seem convincing to a degree. This is made possible by the diminished level of law enforcement that often borders on a state of complete lawlessness.

#### **PRINCIPLED INDEFINITENESS OF CONDITIONS TO LIFT SANCTIONS**

The fact that sanctions have morally questionable implications is further supported by another feature of sanctions, one that we shall here call their sixth implication. The difficulty, perhaps even the impossibility, of clearly defining conditions under which sanctions would be lifted is two-fold. If sanctions truly represented a form of punishment, based on what should be an institutional decision not unlike a court ruling, then the conditions for their lifting must be clearly defined at the outset. What is more, some authority must be behind the "punishment," providing assurances that once the conditions for lifting the sanctions are satisfied, lifting would indeed happen. Difficulties exist on both these counts.

The shortcomings, in fact, are not initially visible. Despite the fact that the issue of sanctions implementation has to be a matter of some quasi-court decisions, understood as a political act of extracting desired concessions, it is necessary that the need for sanctions be formulated in terms of a bona fide public demand. For example there must be public consensus that sanctions are merited. In the case of international sanctions, this may require world consensus. Without attaining this support, the coercive force of sanctions or even the threat of sanctions, could not be established. The point is not only that it would be hard to justify the implementation of sanctions without setting clear goals for them, but that the clear specification of those goals is a condition of their effectiveness.

Thus the objective to be reached by sanctions *must* be publicly stated in such a manner that the other side has a clear understanding of them. However, this is contrary to a situation in war where a state does not want to reveal to its enemy what strategic or military tactics it will employ in order to achieve its goals. Often this may include concealing even one's final ends. Nonetheless, a state will have no effect on its enemy unless it "reveals" to its opponent that it is under attack, that is,

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unless an attack is made. Such is the situation at hand: the goals set to be achieved by means of international sanctions are first stated, then through the coercive power of this public demand and actions that follow, the desired consequences are elicited.

But what may be defined as a goal in this example? Clearly, only that which is perceived as something that is achievable. This is a matter of rationality, for if the demand is issued for more than can be attained, a state's credibility is put on the line as well as possible concessions that might have otherwise been obtainable. Effectiveness of the outcome is of crucial importance. For the outcome, ironically, is what confirms the power and authority to issue a demand for anything in the first place. Without this power, we would be dealing with something entirely different such as wishes, desires, visions, descriptions of ideals, interpretations of the way things ought to be, etc. Yet, none of these may be the basis for sanctions.

In fact, it is the power and authority that the sanctioner possesses which enables it to use sanctions to maintain control of a situation overtime. As conditions constantly change the goals of the sanctioner are modified respectively. Yet the constant amendments to the conditions necessary for lifting the sanctions are not due to initial deceitfulness or hypocrisy on the part of the sanctioner. Rather, the policy shifts that accompany the imposition of sanctions may be seen as a consequence of the power discrepancy, with the sanctioner having the ability to take more and more from the situation.

Undoubtedly, if there was another source of power constraining the behavior of the state imposing sanctions, such behavior would be more difficult. For example, if more attention had to be paid to the opinions of allies, or if there was a need to "excessively" justify the act of implementing sanctions and "sell" it to the public then the results may be less extreme. Yet, normally when the sanctioner has adequate power from the beginning, additional goals are set and new demands issued once the first set are reached.

In short, in cases of this sort, the satisfaction of one goal opens up the possibility for setting another goal that, until then, could not have been imposed as a goal. However, when the first goal is achieved, then the need for some other goal arises. This occurs even though up until that time there is no preset second goal, because it would have been irrational since conditions for its satisfaction were simply not there. Thus, the cycle starts all over again, with the possibility that a new opportunity will present itself, the opportunity to achieve some third goal, then the fourth, etc. This continues as long as power and authority remain in the hands of the sanctioner.

How long will this keep happening? This question is unanswerable in advance, for it is an empirical matter. Theoretically, opportunities will present themselves until they are all exhausted. Case in point, as of the time of this writing, Secretary of State Madeleine K. Albright has made an announcement that the U.S. administration agrees to lift its economic sanctions on Serbia as soon as

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it holds a free election. There have been many new pronouncements in the past eight years, which stray far from the original intent that, ironically, was tied to the U.S. attempt to prevent the breakup of Yugoslavia.<sup>8</sup>

It is unnatural not to want something which is perceived as good, achievable, and significant, simply because something else has been achieved which was at a prior occasion perceived as the sole achievable thing. If something is wanted and achievable, what is there that could prevent it from happening? No other principle could be applied here in order to draw the line in advance other than the principle that requires that, following the initially set goal, all opportunities that present themselves also be exhaustively pursued.

Thus when sanctions are in question, they cannot be stopped once implemented, or at least it is much easier to set them in motion than to stop them. And since there is no internal barrier or check on authority, which would be there from the outset, and no barrier can be introduced later, such as respect for those who are treated paternalistically, then there is no possibility to halt the onslaught of sanctions until all opportunities are exhausted. The conditions, therefore, are just as in war: there is no end until final victory. There is no pre-established procedure or defined end, neither this procedure nor the conceived end can be expressed in legal terms, only political. This is where it becomes perfectly apparent that sanctions have much more in common with war than with court procedures. It is only natural to press all the way to the final victory, not just to the initially defined point.

The desired end result, as previously noted, does not have to amount to a complete obliteration, it could be about anything, but the point is that there is no principled possibility of determining in advance the conditions, or final conditions, for lifting the sanctions. New goals, of course, come into existence under some description of what is desired as the end state, but this does not mean that these were the goals put forward at the outset. However, the fact that the conditions to lift sanctions may shift indefinitely does not indicate that, in principle, fair play is eliminated, or requirements of justice somehow violated. Rather, this suggests that the kind of justification that can be offered is not based on principles. The issue is analogous to the question of whether some acts of war are justifiable. This question, just as in the case of sanctions, cannot be answered in advance, nor before history reveals the results—that is, before it is unveiled who is the victor in the conflict. If sanctions are successfully thwarted, this will indicate that they were unjust; however, if the party succumbs to sanctions this could mean that they were just.<sup>9</sup> Insisting that sanctions are unfair carries no weight. For if the side imposing sanctions did not believe itself to be in the right—the proof of which is only in the effectiveness of accomplishing the set goals, and nothing else—they would not get involved in this activity in the first place. This again shows that sanctions, as a distribution of power, are a way one state may impose its values on another less powerful state.

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## CONCLUSION

Can there be principled moral justification for internationally-imposed sanctions? Are there rules or a set of purposes realizing that would justify, as a matter of principle, the implementation of sanctions? The main focus of this essay has been precisely this moral phenomenology. We conclude that there are a number of negative outcomes resulting from applying sanctions, and that they stem exactly from the fact that sanctions purport to have a general and principled justification. The six kinds of such consequences examined—susceptibility to manipulation, paternalism, abandonment of strict moral criteria, general decline in moral consciousness, a sweeping rise of violence and continuous redefining of the conditions for a final lifting of sanctions—affect not only those against whom the sanctions are directed, but also those who implement and maintain them.

The result is that sanctions function as a form of siege and, as such, sanctions represent an act of war. For this reason, international sanctions require the sort of justification that would be needed to justify a war. Therefore, it must be determined whether there are goals that if, realized, would justify acts of war.

Given this, it is unlikely that the requisite goals of sanctions could be derived from a general description of some principle, such as liberalism, or a description of some state of affairs, such as one involving human rights. This does not imply that there could be no moral justification for sanctions in some situations. Such a case may include liberal considerations, in the broadest sense, and the state of human rights as *among* the reasons given in the justification. These reasons alone, however, would be insufficient for a complete justification. Moral reasons alone could never be a sufficient ground for implementing sanctions. Political, economic and strategic reasons must be present as well, but that would not be true if there existed a principled justification for sanctions. For if there were moral justification of sanctions, no other reasons would be required. Then, however, not only would sanctions have to be lifted immediately after the demands are satisfied, but also in the process of their imposition and implementation extreme attention would have to be paid to all those negative consequences at the level of moral phenomenology discussed here. These consequences would function as moral constraints to make sure that the duration of sanctions is as short as possible, rather than prolonged by the process of escalating demands from continuously setting new goals for sanctions to accomplish. These new demands obviously cannot have their roots in morality.

The essential requirement that there be these other reasons makes the imposition of sanctions as an act of war. Sanctions are often a tactically rational tool as they promise maximum benefits for a minimum investment on the part of the sanctioner. If a state wanted to destroy or significantly weaken another while trying to conceal these intentions and was unwilling to take responsibility

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for the consequences, which it would have to assume in a straightforward occupation, one of the available options would be to destroy the other from inside. Consequently, sanctions may appear to be the best or perhaps a necessary condition for accomplishing this goal.

The mechanism, uncovered here, of escalating demands in the case of international sanctions against Yugoslavia can be historically traced in terms of the following sequence. Initially, the implementation of sanctions (on May 30, 1992) played the role of facilitating the West's intention to support the separation of Slovenia, Croatia and latter Bosnia from Yugoslavia. It helped secessionist units achieve their independence. In fact, the political and final effect of sanctions functioned effectively in this way. It was then the question of the "internal logic" with respect to the functioning of this mechanism and how it would unfold. The mechanism initiated the process of setting new goals and making new demands. And how far did things go? It proceeded to NATO bombing of Serbs in Croatia and Bosnia in 1995 in an effort to expel them from those areas, and, finally, to the U.S.-led NATO aggression against Yugoslavia. The international sanctions against Yugoslavia illustrate very clearly how the process of escalating demands on a target country, inherent to the very process of sanctioning, can lead ultimately to overt aggression. This is further evidence of how little hope there is for international sanctions to ever be on firm moral footing.

It may be said in the end that our ethical analysis shows it to be extremely difficult to justify international sanctions in moral terms. Any justification, if at all possible, must come from elsewhere. Particularly interesting, however, is the fact that other justification could obtain its partial grounding only *ex post facto*, from the consequences of implementing sanctions. Precisely this point, however, is what simultaneously restricts the range of available justifications by eliminating all principled justifications, among which, of course, the most significant is moral justification. This has the unpleasant consequence that exactly the sort of justification needed to support the initial decision to start implementing sanctions is unavailable. It is, therefore, morally suspect when calls are issued for social actions that include boycott, isolation and other forms of prohibition and containment that allegedly have no other justification but the one they could not have: moral justification.<sup>10</sup> ■

## NOTES

<sup>1</sup> These are resolutions 713 of 25 September 1991 and 752 of 15 May 1992.

<sup>2</sup> About this more later, in the section on "Surrender of Strict Moral Criteria."

<sup>3</sup> J.S. Mill, *On Liberty*, in J.S. Mill, *Utilitarianism, On Liberty, Essays on Bentham*, ed. M. Warnaco, Colleens/Fontanel 1971, p. 135.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*, 136.

<sup>6</sup> Sanctions become that factor responsible for eliminating the possibility of change—not as something which *normaliter* must be justified, but as something completely out of question, which leads to the situation when

*status quo ante* begins to enjoy, in a deeply unfair and unprincipled manner, a superior position that appears to result from its *prima facie* priority when in fact it is entirely due to the conditions wherein change is rendered impossible. Particularly perverse, in such conditions, appears the usual "justification" of sanctions as instruments of political change: for the purpose of change conditions are brought about that make change impossible. The decision should be exactly reverse: if you want change, do not go with sanctions. If, despite everything, you go with sanctions, then you must not want the change! This is a powerful argument against sanctions (assuming that the declared goals of sanctions are their real goals). However, independent of this, there is a particularly vexing problem that has to do with the relationship between acts of sanctioning and their goals. More on the morally suspect features of this dialectic is offered at the end of the essay.

<sup>7</sup> This need not necessarily be done by force, but may be accomplished in a way that should satisfy the following two conditions: first, that it offers significant likelihood of success (for example, by way of actively supporting specific political or economic forces in the country that are working—or want to work—towards implementing change, perhaps by slightly broadening the concept of "humanitarian intervention" to include positive sorts of "purposes" such as aid in its various forms—which may prove harder to resist than sanctions), and second, that the support offered isn't war-like. The second condition is necessary if what is wanted is a principled, non-coercive manner that is quite unlike war, and does not presuppose the kind of partiality (though inequality is already present there by assumption) that produces humiliation and contains "a secret reservation of the material for a future war." (Cf. I. Kant, *Perpetual Peace: a Philosophical Sketch*, in H. Reiss, *Kant's Political Writings*, Cambridge: Cambridge University Press, 1971, p. 93.) Of course, this would be valid only under the assumption that the declared goal of "sanctions" is the real goal, and it is not the case that it serves just as a cover for some other goals.

<sup>8</sup> For more on this latest policy see the aptly titled front-page article "A Policy Change on Serbia Tied to a Free Vote" in *New York Times* of 3 November 1999.

<sup>9</sup> It may appear that we are here applying the apparatus of some consequentialist moral theory. Whether sanctions (or wars) are good or bad will depend on their consequences. We intend no such application. While this point cannot be argued in the scope of the present paper, the claim that prior to "victory" (however it is conceived and who achieves it) there can be no valid claim to just or unjust causes, is meant as a conceptual point. This point is developed in more detail in Babic, *op.cit.* "War Crimes: Moral, Legal or Only Political?" A. Jokic (ed.) in *War Crimes and Collective Wrongdoing: A Reader* (forthcoming in 2000 by Blackwell Publishers).

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# “Creative Destruction— or Just Destruction?” Telecoms in Transition: Survival and Success in the Global Internet Economy

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