
International Sanctions as International Punishment**Author(s):** Kim Richard Nossal**Source:** *International Organization*, Spring, 1989, Vol. 43, No. 2 (Spring, 1989), pp. 301-322**Published by:** The MIT Press**Stable URL:** <https://www.jstor.org/stable/2706704>**REFERENCES**

Linked references are available on JSTOR for this article:

[https://www.jstor.org/stable/2706704?seq=1&cid=pdf-](https://www.jstor.org/stable/2706704?seq=1&cid=pdf-reference#references_tab_contents)

reference#references_tab_contents

You may need to log in to JSTOR to access the linked references.

JSTOR is a not-for-profit service that helps scholars, researchers, and students discover, use, and build upon a wide range of content in a trusted digital archive. We use information technology and tools to increase productivity and facilitate new forms of scholarship. For more information about JSTOR, please contact support@jstor.org.Your use of the JSTOR archive indicates your acceptance of the Terms & Conditions of Use, available at <https://about.jstor.org/terms>

, The MIT Press, Cambridge University Press and University of Wisconsin Press are collaborating with JSTOR to digitize, preserve and extend access to *International Organization*

JSTOR

International sanctions as international punishment Kim Richard Nossal

Much of the continuing debate over international sanctions, among scholars and political leaders alike, has focused on their “effectiveness.” On the one hand, there is a pervasive view that the many applications of sanctions in the twentieth century¹ show conclusively that they do not “work.” As M. S. Daoudi and M. S. Dajani have demonstrated in their exhaustive review of seven decades of literature and public statements on sanctions, the view that these measures are an ineffective tool of statecraft has become almost axiomatic.² Yet, as Philip Hanson has noted, policymakers do “not seem to have been deterred by any academic conventional wisdom from applying sanctions.”³ Indeed, practitioners of statecraft seem to hold contradictory views: those who are prone on occasion to embrace sanctions eagerly are just as prone to dismiss their efficacy.⁴ It is perhaps not surprising that much

My thanks to Thomas J. Lewis, David A. Baldwin, and the reviewers of *International Organization* for their helpful comments and criticisms.

1. For the most comprehensive survey of sanctions in the twentieth century, see the survey of 103 “episodes” of sanctions by Gary Clyde Hufbauer and Jeffrey J. Schott, *Economic Sanctions Reconsidered: History and Current Policy* (Washington, D.C.: Institute for International Economics, 1985), especially Appendix C, “Case Abstracts,” pp. 107–753.

2. See M. S. Daoudi and M. S. Dajani, *Economic Sanctions: Ideals and Experience* (London: Routledge & Kegan Paul, 1983). David A. Baldwin, *Economic Statecraft* (Princeton, N.J.: Princeton University Press, 1985) likewise demonstrates the degree to which this skepticism has become the “received wisdom” in the literature on economic sanctions.

3. Philip Hanson, *Western Economic Statecraft in East-West Relations: Embargoes, Sanctions, Linkage, Economic Warfare and Detente*, Chatham Papers no. 40 (London: Routledge & Kegan Paul, 1988), p. 14.

4. George Shultz’s comment in July 1982 is not untypical: “As a general proposition, I think the use of trade sanctions as an instrument of diplomacy is a bad idea. . . . Our using it here, there and elsewhere to try to affect some other country’s behaviour . . . basically has not worked.” Quoted in Daoudi and Dajani, *Economic Sanctions*, p. 187; see Appendix II, pp. 178–88, for similar comments from other senior American officials. Likewise, Ronald Reagan and Margaret Thatcher have denied the efficacy of sanctions against South Africa, yet both eagerly embraced sanctions against the Soviet Union.

International Organization 43, 2, Spring 1989

© 1989 by the World Peace Foundation and the Massachusetts Institute of Technology

of the literature on sanctions focuses on a dominant puzzle: “If sanctions do not work, why do states continue to impose them?”⁵

To be sure, there is a revisionist view that challenges the pervasive orthodoxy that sanctions do not work. This view has been advocated most forcefully by David Baldwin, who argues that contrary to the repeated assertions of practitioners and scholars, sanctions *do* “work” and that the real problem is the received wisdom. Using a power analysis perspective derived from the literature on social power, Baldwin argues that when viewed as part of a state’s repertoire for the exercise of influence toward others in the international system, economic sanctions are indeed an effective tool of statecraft.⁶

There can be little doubt that Baldwin’s work makes a significant contribution to our understanding of sanctions, mainly because he eschews the temptation to measure the “success” or “failure” of sanctions in the kind of simplistic terms favored by analysts such as Gary Hufbauer and Jeffrey Schott, who regard the cardinal criterion for “effectiveness” as a change in the behavior of the state against which the sanctions were imposed.⁷ Instead, Baldwin is led to his conclusions by a more complex analytical focus that stresses the importance of the multiple objectives and multiple targets of economic statecraft. But while he comes to more sophisticated conclusions about the “effectiveness” of economic statecraft than many other students of sanctions, Baldwin nonetheless shares with them a common desire to find “rational” purposes for these measures. Indeed, his argument is explicitly based on a model of means-end rationality for explanations of foreign policy.⁸ For example, he argues that we should not be content with the claim frequently made that sanctions constitute an “expressive” activity,⁹ a “release of internal tension” directed primarily at a domestic audience without other

5. James M. Lindsay, “Trade Sanctions as Policy Instruments: A Reexamination,” *International Studies Quarterly* 30 (June 1986), p. 153.

6. Baldwin, *Economic Statecraft*.

7. “In determining whether the episode was ‘successful,’ we confine our examination to changes in the policies, capabilities or government of the target country.” Hufbauer and Schott, *Economic Sanctions Reconsidered*, p. 32. For a comparative assessment of the work of Baldwin and Hufbauer and Schott, see Stefanie Ann Lenway, “Between War and Commerce: Economic Sanctions as a Tool of Statecraft,” *International Organization* 42 (Spring 1988), pp. 397–426.

8. For a statement of these analytical assumptions, see Baldwin, *Economic Statecraft*, especially pp. 15–18.

9. See Johann Galtung, “Pacificism from a Sociological Point of View,” *Journal of Conflict Resolution* 3 (March 1959), pp. 69–71. As I understand Galtung’s application of the sociological notions of “expressive” and “instrumental” behavior to foreign policy, the latter is motivated by a desire to resolve a conflict between two parties. By contrast, expressive behavior is designed to serve “the function of tension release from the latent intensity” generated by a conflict (p. 69); the settlement of the conflict is of secondary importance. Galtung uses the distinction in his 1967 discussion of sanctions against Rhodesia, but he shifts his definition considerably: he claims that “the expressive function” of sanctions is to send a “clear signal to everyone that what the receiving nation has done is disapproved of.” See Johann Galtung, “On the Effects of International Economic Sanctions, with Examples from the Case of Rhodesia,” *World Politics* 19 (April 1967), p. 412. For an application of the distinction between

ends. Rather, he urges that we examine episodes of sanction for their “instrumental” purposes—in other words, for the use of a sanction as an “activity carried out because of the results it is expected to produce rather than for its own sake.”¹⁰ For Baldwin, as for most others, sanctions are but one of a number of means to foreign policy ends that can be rationally adduced. Thus, the question for him, as for others, is, What are the useful purposes of this form of statecraft?

In this article, I address this orthodox puzzle, but I focus on one useful purpose of international sanctions that tends to be either overlooked or dismissed outright in the literature on sanctions: the purpose of punishment. I argue that exploring sanctions from the perspective of punishment as a purposive human behavior provides us with useful insights into the utilities of international sanctions. My argument proceeds in three stages. First, by exploring the meaning of the term “sanctions,” I seek to establish that sanctions can and should be distinguished from other forms of hurtful statecraft. Sanctions constitute a form of “international punishment,” despite the obvious problems of using the notion of punishment in circumstances in which there is no legitimate superordinate authority, and despite the widespread skepticism about the punitive utility of international economic sanctions in the literature. Second, I explore the various purposes of punishment—compulsion, prevention, and retribution—to demonstrate that only some of these purposes are understandable when a model of means-end rationality is used. However, for all of the nonrational elements of punishment, I nonetheless argue that we should see these harms as more than mere forms of “expressive” symbolism embraced for their own sake; rather, we should see them as “instrumental” means to a purposive end.¹¹ Third, I examine the case of U.S. sanctions imposed after the Soviet invasion of Afghanistan as an illustration of the degree to which punitive intent, particularly retributive intent, can motivate sanctions. I conclude that just as we cannot entirely understand punishment as a purposive human activity solely

instrumental and expressive behavior as applied to international economic sanctions, see Peter Wallensteen, “Economic Sanctions: Ten Modern Cases and Three Important Lessons,” in Miroslav Nincic and Peter Wallensteen, eds., *Dilemmas of Economic Coercion* (New York: Praeger, 1983), pp. 87–129, especially pp. 98–102.

10. Baldwin, *Economic Statecraft*, p. 16; see also pp. 97–99. It might be noted that Baldwin’s interpretation of what constitutes “instrumental” activity, while it is both more logical and more elegant than Galtung’s definition in “*Pacifism*,” is nonetheless considerably at variance with that definition.

11. This is not, therefore, merely Galtung’s “expressive” argument about sanctions restated in different form. Punishment may be an activity that is “expressively gratifying” (in the sense that Galtung used that term in 1959 on p. 71 of “*Pacifism*”); or (as he was to use the same term in 1967 with a rather different meaning) punishment may serve the “expressive function” of signaling disapproval to others, both domestically and internationally. Rather, I argue below that punishment is always an activity that is purposive, self-conscious, and “instrumental” (as Baldwin uses the term), even though its ends (or useful purposes) cannot always be understood when a model of means-end rationality is used.

by reference to a rational model of a means to a clearly delineated end, so too we cannot entirely understand sanctions as a form of international punishment by an attachment to a rational model of policy behavior. But in the nonrational purposes of punishment we may find the key to the sanctions puzzle, for focusing on punishment explains why sanctions as punishment “work” and therefore why this tool of statecraft continues to be embraced by foreign policymakers.

Sanctions and wrongdoing

One of the impediments to clear discussions about the useful purposes of sanctions is the use of the term “sanction” itself. Definitions tend to be idiosyncratic, often sloppy, and frequently in violation of the minimum requirement that a word be defined in a way that generally conforms to common usage. For some, sanctions are those legal policy instruments that are used to enforce international law.¹² For others, sanctions are the instruments of economic coercion.¹³ Some, such as Klaus Knorr, only use the term in a sociological sense: sanctions, whether positive or negative, are simply the means of exercising power.¹⁴ For others still, sanctions are the economic instruments used to achieve “foreign policy goals.”¹⁵ It is perhaps hardly surprising that Baldwin notes in exasperation that the term “is used in so many different ways that there is much to be said for avoiding it altogether.” However, he ends up using it—albeit reluctantly—if only because “ignoring it is impossible.” But by using it, Baldwin merely adds to the definitional confusion: he provides his own definition, which simply equates economic sanctions with economic statecraft writ large.¹⁶

However, as Baldwin himself recognized in his cogent critique of interdependence,¹⁷ definitions matter. When scholarly inquiry focuses on the motivations for using a set of policy instruments, and particularly on the effectiveness of those instruments, coherence can hardly be expected if the investigators cannot agree about the subject of their inquiry. Thus, my ex-

12. See, for example, Hans Kelsen, *The Law of the United Nations* (New York: Praeger, 1950), pp. 760ff; and the discussion in Daoudi and Dajani, *Economic Sanctions*, pp. 2–9.

13. See Donald L. Losman, *International Economic Sanctions: The Cases of Cuba, Israel and Rhodesia* (Albuquerque: University of New Mexico Press, 1979), in which embargo and sanctions are used interchangeably throughout the book. See also Richard Stuart Olson, “Economic Coercion in World Politics, with a Focus on North–South Relations,” *World Politics* 31 (July 1979), pp. 471–94.

14. Klaus Knorr, *The Power of Nations: The Political Economy of International Relations* (New York: Basic Books, 1975), chaps. 1 and 6.

15. This is the definition that underlies the mammoth survey of economic sanctions by Hufbauer and Schott. See *Economic Sanctions Reconsidered*, p. 2.

16. Baldwin, *Economic Statecraft*, p. 36.

17. David A. Baldwin, “Interdependence and Power: A Conceptual Analysis,” *International Organization* 34 (Autumn 1980), pp. 471–506.

amination of the notion of sanctions is not merely a semantic exercise designed to add yet another idiosyncratic definition to an ever-expanding stock. Rather, it seeks to show that economic sanctions can, and should, be distinguished from other types of economic statecraft (if we accept Baldwin's entirely reasonable definition of economic statecraft as economic instruments used by governments for "influence attempts" in international politics¹⁸). I argue that two distinguishing characteristics can be identified: first, international sanctions are imposed for acts of wrongdoing; and second, they are punitive in intent.

It is important to begin by noting that sanctions are invariably imposed in response to some act. Some students, such as Klaus Knorr, Richard Olson, and Donald Losman,¹⁹ tend to focus on the instruments of economic statecraft employed by governments rather than on what prompts their imposition. Thus, all coercive economic policy instruments—embargoes, boycotts, and indeed any disruption in the "normal" or "customary" levels of economic intercourse between states—are too often simply described as economic "sanctions." Likewise, other students focus on the intended effects of sanctions, excluding, for example, cases in which the goals sought by economic means are "economic" and examining only cases in which the goals sought by employing economic instruments of statecraft are "political."²⁰ The major problem with such approaches is that they obscure the well-established etymological link between sanctions (both positive and negative) and morally wrong (or right) behavior.²¹ They thus distort not only the meaning of the term itself but also—and more important—our assessment of the "effectiveness" of this instrument of statecraft.

On the other hand, Margaret Doxey has argued that the element of wrongdoing is critical to our understanding of sanctions: "It is still possible—and desirable—to preserve the sense of sanctions as penalties linked to real or alleged misconduct."²² Such usage, it might be added, accords well with the Latin origin of the word, which clearly establishes the relationship between

18. Baldwin, *Economic Statecraft*, p. 32.

19. Knorr, *Power of Nations*, chap. 6; Olson, "Economic Coercion," p. 474; and Losman, *International Economic Sanctions*, chap. 1.

20. Such an exclusion is not uncommon. See, for example, Lindsay, "Trade Sanctions," p. 155; Hufbauer and Schott, *Economic Sanctions Reconsidered*, p. 2; Miroslav Nincic and Peter Wallensteen, "Economic Coercion and Foreign Policy," in Nincic and Wallensteen, *Dilemmas of Economic Coercion*, p. 3; and James Barber, "Economic Sanctions as a Policy Instrument," *International Affairs* 55 (July 1979), pp. 367–68.

21. *The Oxford English Dictionary* thus distinguishes between "vindictive" and "remunatory" sanctions, but both kinds are clearly linked to wrongdoing (or "rightdoing"), as can be seen in the first usage of "positive" sanctions appearing in 1692: "The strictest Sanction which any Sovereign Power can give unto its Laws is, when it . . . hath . . . declared, That it will conferr a sufficient share of good Things, or Rewards, for so doing; and of Evils, or Punishments, upon any breach, or neglect of its Commands."

22. Margaret P. Doxey, *International Sanctions in Contemporary Perspective* (London: Macmillan, 1987), p. 4. Compare her earlier, more restricted, definition in *Economic Sanctions and International Enforcement*, 2d ed. (New York: Oxford University Press, 1980), p. 7.

wrongdoing and the hurts imposed on wrongdoers. *Sanctio* was the penalty specified for a transgression of a law or decree and particularly for a violation of a sacredness. The Latin origin thus suggests that a sanction is not simply a penalty imposed for a violation of the rules; it is a punishment for a “wrong” deemed to be immoral, or offensive to the moral conscience, and damaging to the interests of the community as a whole. Punishment thus involves not only a concrete cost (the deprivation of something of value) but also a public expression of the community’s moral disapproval of the act.²³ When this is applied to international politics, it could be argued that what prompts one state to invoke “sanctions”—not merely the instruments of economic coercion—is the perception that the target state has violated norms of moral behavior valued by the sender and thus deserves not only concrete penalties but also a public proclamation of the target’s impiety.²⁴ Such usage more clearly reflects the etymology of the word as well as its concern with the moral gravity of the violation and (to the extent that there is a “public realm” in international politics²⁵) the essentially “public” nature of the “objectionable” act.²⁶

There is, of course, little agreement on what constitutes a “morally objectionable” act in interstate relations. Indeed, much of the literature on economic sanctions sidesteps the thorny and necessarily normative issue of wrongdoing. For example, Hufbauer and Schott refer to the “objectionable” policies of targets but make little effort to indicate why they think that some “objectionable” behavior warranting economic responses (Japanese trading practices, for example) should not be considered as cases of economic sanctions, while other “objectionable” behavior warranting similar economic responses (Zimbabwean criticism of U.S. foreign policy, for example) should

23. Joel Feinberg, *Doing and Deserving: Essays in the Theory of Responsibility* (Princeton, N.J.: Princeton University Press, 1970), pp. 96–97, argues that we make such distinctions in domestic law between “penalties” for rule breaking that is not considered evil (overstaying one’s time at a parking meter, for example) and “punishments” for acts of wrongdoing that are morally offensive to the community and therefore involve both “hard treatment” and condemnation.

24. Such statements accusing the target with violation of some sanctity have always been an integral component of international sanctions, whether it be Athenian charges of Megaran impiety in cultivating consecrated ground or American condemnations of Soviet violations of “certain irreducible standards of civilized behavior” in downing a civilian aircraft. See Thucydides, *The Peloponnesian War*, trans. Rex Warner (Harmondsworth, U.K.: Penguin, 1954), p. 118; and Seymour M. Hersh, “*The Target Is Destroyed*”: What Really Happened to Flight 007 and What America Knew About It (New York: Vintage, 1986), p. 184.

25. On this, I follow Hedley Bull’s assertions concerning “community” in the contemporary international system; see *The Anarchical Society: A Study of Order in World Politics* (New York: Columbia University Press, 1977), chap. 2.

26. Galtung also stressed the importance of norms in the imposition of sanctions, arguing that the purpose of economic sanctions was to alter behavior that violated norms held by the sender. See Galtung, “Effects of International Economic Sanctions,” p. 380. My purpose, by contrast, is not to focus here on the *intended effects* of sanctions but, rather, on what kind of international behavior provokes them. See also Daoudi and Dajani, *Economic Sanctions*, p. 7.

be.²⁷ Doxey, by contrast, does try to establish the nature of international standards by surveying practices in the League of Nations, the United Nations, and various regional organizations and also outside organizational contexts. Her survey demonstrates the limited extent of widely held standards of behavior and the degree to which the responses of the international community to "wrongdoing" are "highly erratic."²⁸ Doxey's work also demonstrates the difficulty of generalizing about which acts, under which circumstances, will be seen by states as "morally objectionable" and thus deserving of "sanctions." Not only is it difficult (some would say impossible) to establish clear and universally held standards of "right" and "wrong" in the absence of a superordinate authority to give these terms meaning, but responses to acts that are essentially similar in nature will invariably be highly dependent both on context²⁹ and on the dictates of realpolitik.³⁰

"Punishment" in international politics

To this point, I have argued that sanctions can be distinguished from other forms of statecraft by the type of acts that provoke their imposition. The second distinctive feature of sanctions is their punitive intent. It is usually argued that the intent, or purpose, of sanctions is to cause harm to the target state in order to achieve a number of foreign policy objectives. James Lindsay's examination of these goals is a useful exemplar of this kind of analysis. He suggests that when states use sanctions, they are seeking to achieve one or more of five broad ends: compliance, subversion, deterrence, international

27. Hufbauer and Schott, *Economic Sanctions Reconsidered*, p. 27.

28. See Doxey, *International Sanctions*, p. 143.

29. The markedly different international reactions to the destruction by a Soviet fighter of Korean Air Lines flight 007 in September 1983 and the destruction by a U.S. cruiser of Iran Air flight 655 in July 1988 amply demonstrate this. In 1983, the downing of 007, with the loss of 269 lives, was widely characterized in Western rhetoric as an evil and morally repugnant act that was deserving of sanctions. Indeed, many Western leaders called it an act of "murder," with the attendant implications of *mens rea* on the part of those who had participated in the decision. In 1988, by contrast, the downing of 655, with the loss of 290 lives, was widely characterized as a "tragic accident." Few were willing to see this as an act of moral wrongdoing, much less attribute murderous intent to those who had authorized the shootdown; there was no international support for Iran's initial demand that sanctions be imposed against the United States.

30. The degree to which the perceptions of wrongdoing will often depend on an essentially amoral calculus can be seen in the reactions of the U.S. government to violations of one of the cardinal rules in contemporary international law and practice—the proscription against one state sending its troops uninvited into another state and replacing the legitimate government there by force. This rule has been openly broken on numerous occasions since 1975: by Indonesia in 1975 (East Timor), by Vietnam in 1978 (Kampuchea), by Tanzania in 1979 (Uganda), by the Soviet Union later that year (Afghanistan), by Argentina in 1982 (Falklands), and by the United States in 1983 (Grenada). Judging by the U.S. government responses, however, only some of these acts were perceived to be "wrongful" or morally repugnant.

symbolism, or domestic symbolism.³¹ If, however, as I have argued, sanctions are policy responses to acts perceived by the sender to be acts of moral wrongdoing, it is difficult to exclude the *punitive* objective of sanctions: in other words, the goal of punishing an act of wrongdoing.

At first blush, it may seem incongruous to use the term “punishment” in the context of international politics. For both the common and philosophic uses of the word in the English language strongly suggest that punishment tends to be understood primarily in the context of the rule of law and legitimate authority. Thomas Hobbes’s definition of punishment establishes this relationship clearly: “an Evill inflicted by publique Authority on him that hath done, or omitted that which is judged by the same Authority to be a Transgression of the Law.”³² The Hobbesian formulation explicitly denies that a hurt administered by other than public authority, or for reasons other than in response to a transgression of law, is punishment; rather, in these (and nine other) instances, the harm must, in Hobbes’s view, be termed an act of hostility, not punishment.³³ This formulation endures both in political theory³⁴ and in the contemporary literature on punishment³⁵: the authoritative status of the agent inflicting harm on a transgressor of laws remains integral to how in domestic politics we distinguish between acts of punishment and acts which, without that legitimate authority, we would otherwise term theft, battery, forcible confinement, or murder.

In international politics, of course, there exists neither a public authority to inflict legitimate harm on transgressors nor laws (as that term is understood in a domestic political context) that can be transgressed. Indeed, what Alfred Lindesmith says of punishment in primitive societies might well apply to international politics: where there are no “central governments capable of exercising coercive control over the subgroups which constitute the society, it would not be logical to speak of either crime or . . . punishment.”³⁶ It might therefore be reasonably suggested that the hurts administered by sovereign states on each other for whatever reason cannot be called “punish-

31. Lindsay, “Trade Sanctions,” pp. 155–56. See also Barber, “Economic Sanctions as a Policy Instrument”; and Nincic and Wallensteen, “Economic Coercion and Foreign Policy,” pp. 4–8.

32. Thomas Hobbes, *Leviathan*, ed. C. B. Macpherson (Harmondsworth, U.K.: Penguin, 1968), chap. 28, p. 353; original italicized.

33. *Ibid.*, pp. 354–57.

34. Indeed, for some, the right of an individual to be punished is integral to liberal democratic contract theory. See, for example, Thomas J. Lewis, “Contract Theory and the Right to Be Punished,” *American Behavioral Scientist* 28 (November–December 1984), pp. 263–78.

35. Ted Honderich defines punishment as “an authority’s infliction of a penalty on an offender”; see *Punishment: The Supposed Justifications* (Harmondsworth, U.K.: Pelican, 1971), p. 19. See also Sir Walter Moberly, *The Ethics of Punishment* (Hamden, Conn.: Archon, 1968), p. 35.

36. Alfred Lindesmith, “Punishment,” in *International Encyclopedia of the Social Sciences*, vol. 13 (New York: Collier Macmillan, 1968), p. 219.

ments" at all; instead, such acts fall more properly under Hobbes's "acts of hostility" committed in a state of war.³⁷

The literature on international sanctions tends to reflect the essence of the Hobbesian connection between legitimate authority and punishment: there is no legitimate authority in international politics; there is no law; and there can therefore be no punishment, only acts of hostility. The problem is that most authors fail to make the careful semantic distinction that Hobbes himself insisted on, and they proceed to use "punishment" and "harm" interchangeably. Robin Renwick, for example, acknowledges that one of the *effects* of economic sanctions is punitive, but it is clear that he is using the term "punishment" simply to mean "hurtful" measures to achieve the other "purposes" of compliance, subversion, or deterrence, rather than hurtful measures intended to be a punishment.³⁸ Likewise, both Baldwin and Knorr seem to use the term "punishment" simply to mean the infliction of harm or injury.³⁹ Thus, while Knorr does suggest that one of the goals of economic power is "symbolizing displeasure and inflicting punishment,"⁴⁰ it is clear that he is not referring to the punishment of wrongdoing. While technically not incorrect,⁴¹ such synonymous usage tends to focus our attention on the harm itself and to obscure the reasons why the harm is being administered.⁴² More important, using "punishment" merely to mean "harm" obscures almost entirely the concept of harm imposed for wrongdoing.

There are certainly some students of sanctions who recognize that punishment is a particular type of harm. Fredrik Hoffmann, for example, notes *en passant* that there are "morally 'good' and morally 'bad' nations, and it is implied in the very term 'sanction' that this measure is not just any political action; it is intended to be used against nations that deserve 'punishment'."⁴³

37. In *Leviathan*, p. 356, Hobbes asserted that "Harme inflicted upon one that is a declared enemy, fals not under the name of Punishment: Because seeing they were either never subject to the Law, and therefore cannot transgresse it, . . . all the Harmes that can be done them, must be taken as acts of Hostility."

38. See Robert Renwick, *Economic Sanctions* (Cambridge, Mass.: Center for International Affairs, 1981), pp. 91–92: "The purpose of sanctions was conceived initially as being either preventive or remedial. Their main effect, however, has invariably been *punitive*. There are international circumstances in which it may become necessary to take some punitive action, falling short of the use of force, either to weaken the regime to which sanctions are applied or, by penalizing it for one undesirable action, to try to deter it from further action of that kind."

39. See, for example, Baldwin, *Economic Statecraft*, pp. 264–65; and Knorr, *Power of Nations*, p. 4.

40. Knorr, *Power of Nations*, p. 138.

41. "Pain" and "punishment" are derived from the same root: from the Latin *poena*, the money that was paid in atonement for some wrong, which itself is from the Greek *poinē*, payment or penalty.

42. It is for this reason that we would not likely describe a victim being beaten up by a mugger as being "punished"; by contrast, it would be more appropriate to use the word "punishment" to describe the actions of a victim who was able to turn on the mugger and beat him.

43. Fredrik Hoffmann, "The Functions of Economic Sanctions: A Comparative Analysis," *Journal of Peace Research* 4 (April 1967), p. 144.

David Leyton-Brown and Margaret Doxey, by contrast, explicitly add punishment to their list of the purposes of sanctions. Leyton-Brown argues that such punishments serve to define the parameters of acceptable behavior and thus add to international order.⁴⁴ Likewise, Doxey notes that foreign policymakers frequently “protect themselves from later accusations of failure by asserting that punishment, not target compliance, is the object of the exercise. In other words, sanctions are presented as measures which make life more difficult for the target by attaching a cost, or price, to its conduct; a kind of fine for international misbehaviour.”⁴⁵

But Hoffmann, Leyton-Brown, and Doxey are in a minority. Most others appear to be distinctly uncomfortable with the idea that international sanctions might have punitive purposes, a discomfort that has deeply embedded historical roots. For example, the Royal Institute of International Affairs group that prepared a report on sanctions in 1938, during the interwar period, ironically made no mention of the element of punishment in their discussion of the purposes of sanctions. In one odd passage, they went so far as to deny that the hurtful sanctions clearly specified under Article XVI of the League of Nations Covenant were penalties at all:

The Covenant . . . is based on the view that the object of sanctions is purely that of preventing the success of aggression. It lays down no penalties for the violation of international law. . . . It merely prescribes the methods which Member States are bound to follow in rendering assistance to the victims of aggression.⁴⁶

Such views may have been prudent in the mid-1930s, when there was a common fear in the Western democracies that the imposition of economic sanctions by the League against Germany, Italy, or Japan would precipitate a general war.⁴⁷ But it is difficult to argue that the “methods” set out by those who framed the Covenant were not intended as anything but punishments for wrongdoing. The “League experiment” was explicitly designed to bring the conditions of domestic order to the international system. A set of rules was laid out in the Covenant; transgressors were threatened with the imposition of clearly specified hurtful penalties if they broke the “law”; and the penalties were to be exacted by an institution that was supposed to come as close to being an “international public authority” as possible. The

44. David Leyton-Brown, “Lessons and Policy Considerations About Economic Sanctions,” in David Leyton-Brown, ed., *The Utility of International Economic Sanctions* (London: Croom Helm, 1987), p. 303.

45. Doxey, *International Sanctions*, p. 92.

46. Royal Institute of International Affairs (RIIA), *International Sanctions* (London: Oxford University Press for the RIIA, 1938), p. 13. Such a view was not uncommon among practitioners at the time: for example, the Ecuadorian delegate to the League Assembly argued in 1935 that “the sanctions envisaged under the Covenant involve no punitive intention, no element capable of wounding the pride of any nation which may embark upon a war.” Quoted in Daoudi and Dajani, *Economic Sanctions*, p. 71.

47. For a brief but useful discussion, see Renwick, *Economic Sanctions*, chap. 2.

penalties against a Covenant-breaking state—harms legitimized by the international community—had all of the structural properties of punishment as we know it in a domestic context.⁴⁸

Such discomfort with the idea of the punitive purposes of sanctions is no less evident in the present era, when the attempted legalism of the League has long been abandoned. One indicator of this is the tendency to characterize “punishment as a goal of sanctions” as the vaguely irrational product of emotionalism, authoritarianism, or sadism. For example, it is clear from Knorr’s brief discussion of the sanctions imposed against India by the United States in January 1972 that he thinks that punishment is merely the result of “emotionalism”: economic sanctions, he suggests, can be used to “gratify the actor’s emotional desire for hurting a recalcitrant government.” He claims that the American measures resulted “from a sheer and petulant desire to punish and rebuke New Delhi.”⁴⁹ Johann Galtung, for his part, completely dismisses the punitive element at the outset of his examination of economic sanctions against Rhodesia. He acknowledges that sanctions are intended to achieve “either or both of two purposes: to punish the receivers by depriving them of some value and/or to make the receivers comply with certain norms.” But he doubts that sanctions can serve *both* purposes: “Modern penology does not seem to warrant much belief in punishment as a *general* method for making people comply.” Thus, those who would use punishment even when the prospects of compliance are slim are summarily written off as “highly punishment-oriented in the sense that punishment has become an automatic and probably also cherished goal in itself.” Then, noting offhandedly that “this punishment-oriented attitude is probably widespread, particularly as applied to the international system, and serves to maintain negative sanctions,” Galtung puts aside the issue altogether: “We shall disregard the punishment aspect and be interested in sanctions only as a way of making other international actors comply.”⁵⁰

The issue of “punishment as a goal in itself” has also been raised by other authors. Sidney Weintraub, for example, suggested that when American sanctions against Cuba “failed to achieve this goal [the overthrow of Castro], . . . the primary aim of policy became one of punishment of the communist regime.”⁵¹ Weintraub’s surmise is altogether too much for Baldwin, for whom such measures can easily be shown to have rationally instrumental purposes (“lowering the attractiveness of the Cuban example to others, limiting Castro’s capabilities, and imposing costs on the Soviet Union”).

48. Doxey, *International Sanctions*, chap. 3.

49. Knorr, *Power of Nations*, p. 138.

50. See Galtung, “Effects of International Economic Sanctions,” pp. 380–81; emphasis in original.

51. Sidney Weintraub, “Current Theory,” in Sidney Weintraub, ed., *Economic Coercion and U.S. Foreign Policy: Implications of Case Studies from the Johnson Administration* (Boulder, Colo.: Westview Press, 1982), p. 10.

“Pure, unadulterated sadism,” Baldwin asserts testily, “is rarely a foreign policy goal.”⁵²

One would be hard-pressed to disagree. But Knorr, Galtung, and Baldwin, it can be argued, confuse several important points about the goals of punishment. First, punishment is much more than simply expressive behavior—a “petulant” venting of an “emotional desire to hurt recalcitrants.” While an act of wrongdoing invariably gives rise to such expressive emotions as petulance, anger, and vengeance, the punishment of that act is, as I argue below, a purposive and instrumental behavior (and, it might be noted, is meted out in the vast majority of instances without anger, petulance, or other “emotionalism”). In other words, the purpose of punishing a wrongdoer is not simply to vent emotions, although that may be a consequence of the punishment.

Second, punishment cannot, by definition, be a “goal in itself.” To say that “one punishes in order to punish” or that “one punishes for the sake of punishing” is to make tautological nonsense of the normal understanding of the word. Punishment must by definition be a purposive behavior, a hurt inflicted for identifiable reasons and with identifiable objectives. If I “punish” someone, it is by definition “for something”—in two senses. First, the person punished must have done (or be thought to have done) something “wrong.” Second, the act of punishment is by definition an act designed to achieve an end or ends related to the wrongful act (with the end usually but not always being the prevention of its recurrence). By contrast, the same is not true if I “hurt” someone. I may hurt without the target having done anything “wrong” to provoke my harm; likewise, I may hurt capriciously, with no particular objective or goal in inflicting the harm. In short, it is the purposiveness of the action that gives the word “punish” its meaning.

Third, Baldwin asserts and Galtung implies that punishment and sadism are basically the same. But simply equating the two muddies distinctions that are important to maintain. Sadism has but one goal: the creation of pleasure by inflicting hurt and pain on another. Sadists need not predicate their infliction of pain on the prior behavior of their targets, and they will be indifferent about the effects of their attacks on the subsequent behavior of their targets or of others. And that is why punishment and sadism, though they can be intertwined,⁵³ differ radically. Punishment is always predicated on the prior behavior of the target, and that prior behavior is always wrongful (or considered to be wrongful). Likewise, punishment has numerous purposes, but the infliction of sadistic delight is not among them. Thus, the assertion that punishment, if it does not achieve the goal of compliance but

52. Baldwin, *Economic Statecraft*, p. 182, footnote 105.

53. For example, one could envisage a situation in which the individual meting out punishment to an offender derived pleasure from the offender’s pain. But pain that is inflicted in order to derive sadistic delight is not, by definition, punishment.

is administered nonetheless, is sadistic defies not only common usage but also, it could be argued, defies common sense.⁵⁴

In short, much of the literature on sanctions, even if it ignores the careful distinctions Hobbes was trying to make, treats the issue of punishment from a fundamentally Hobbesian perspective: because “punishment” cannot by definition exist in international politics, the term does not require much care in either definition or usage. Does it follow, however, that because our understanding of “punishment” tends to be so tied to legitimate authority, foreign policymakers cannot be motivated by *punititive intent* in their relations with other states? Certainly, for all of the essential ugliness of the milieu in which they regularly operate, foreign policymakers do not seem to be immune to having their moral sensibilities shocked by acts they regard as “wrongful.” If we relax the Hobbesian requirement of a sovereign authority to distinguish “hostility” from “punishment” and if we adopt Hugo Grotius’s succinct definition of punishment as “an evil suffered that is inflicted for an evil committed,”⁵⁵ it could be suggested that when policymakers are confronted with wrongdoing, primary among their considerations in formulating a response will be the desire to punish—in other words, to respond to “evil” with “evil.” To see the instrumental utility of international sanctions as a punishment of wrongdoing, we must first explore the rational and the not-so-rational purposes of punishment.

Punishment and its purposes

Punishment of wrongdoing, I suggested above, is always a purposive and instrumental act. What, then, are the instrumental purposes of punishment? In a domestic context, legal harms are inflicted upon offenders for one or more of three broad purposes: for prevention, for compulsion, and for retribution. First, a harm may be meted out by public authorities in order to deter or prevent⁵⁶ future wrongful behavior by the individual being punished, or in order to deter wrongful behavior by other individuals in the community, or both. Second, and less frequently, punishment may be inflicted in order

54. The “punishment-is-sadism” position tends to unravel when applied to ordinary cases of punishment for noncompliance. For example, according to this position, a librarian who continued to fine me after I refused to return an overdue book or a judge who continued to imprison me for repeatedly refusing to comply with a judicial order would have to be considered a sadist.

55. Hugo Grotius, *The Law of War and Peace (De jure belli ac pacis)*, trans. Frances W. Kelsey (1925; reprint, Indianapolis, Ind.: Bobbs-Merrill), p. 462. Kelsey translates “*malum passionis quod infligitur ob malum actionis*” as “an evil of suffering which is inflicted because of an evil of action.”

56. There is, of course, a difference. Punishments can *prevent* an offender from repeating the offense by making the consequences of the transgression costly enough that the offender will seek to avoid experiencing these costs in the future; by rehabilitating the offender through penitent expiation, catharsis, or correction; or by making it physically impossible for the offender to repeat the crime by amputation, lobotomy, or removal of the offender from the

to compel an offender to cease wrongful behavior. The punishments inflicted on those refusing to comply with a lawful order (for example, the order from a judge to answer a query or from a legislature to return to work) are “compellent”⁵⁷ in nature: the harm is inflicted until the offender obeys. Third, punishment may be inflicted for retribution⁵⁸—the infliction of pain on an offender in return for an evil inflicted on the community. In other words, the harm is seen as the appropriate response of the community to someone who had the choice to act otherwise but chose to act wrongfully.

It will be immediately evident that the first two purposes of punishment involve an essentially rational means-ends calculus. The harm is inflicted as a means to achieve an identifiable end that is always future-oriented. Harm is inflicted on an offender in order that something *will* occur: (1) the offender will comply; (2) the offender will be deterred or prevented from offending again; or (3) others will be deterred. The retributive purpose of punishment, by contrast, involves a minimally rational calculus of the purposes of punishment. The retributivist’s reasoning is backward-looking and predicated only on what *has* occurred: (1) the offender should be punished because he broke the law (following J. D. Mabbott⁵⁹); (2) the offender should be punished because he did wrong, and a wrong must therefore be done to him (the more traditional response that dates back to the *lex talionis* of ancient civilizations but continues to inform how most political communities view punishment⁶⁰); or (3) the offender must be punished because we cannot allow such a wicked act to go unpunished; if we did, we would be endorsing evil (another variant of retributivism⁶¹). There is nothing in the retributive punishment that is directed toward the future actions of either the offender or others.⁶² Indeed, the reasoning, such as it is, circulates entirely around the offense. For what reason is the offender being punished? Because he offended. What purpose will be served by punishment? The offender will be harmed and will thus receive a just desert for the offense. Moreover, by harming the offender,

community through incarceration, banishment, or execution. But only the first of these preventive punishments is, properly speaking, a “deterrent punishment,” for it makes little sense to argue that an offender who does not offend again because he has been rehabilitated or because it is physically impossible for him to do so has been “deterred” from offending again.

57. This companion term for deterrence was coined by Thomas Schelling in *The Strategy of Conflict* (New York: Oxford University Press, 1960), p. 195.

58. This may, but need not, include the purpose of restitution: imposing on the offender responsibility for restoring the *status quo ante malum*.

59. Mabbott argues that punishment is the necessary and obligatory corollary of law breaking, not wrongdoing: one punishes a person not because he is evil, but because he has broken a law. See J. D. Mabbott, “Punishment as a Corollary of Rule-Breaking,” in Rudolph J. Gerber and Patrick D. McAnany, eds., *Contemporary Punishment: Views, Explanations and Justifications* (Notre Dame, Ind.: University of Notre Dame Press, 1972), pp. 41–48.

60. For example, the durability of the retributive justification for punishment can most clearly be seen in modern public policy debates about the appropriateness of capital punishment.

61. For a discussion, see Feinberg, *Doing and Deserving*, pp. 103–13.

62. See the discussion in R. A. Duff, *Trials and Punishments* (New York: Cambridge University Press, 1986), p. 236.

we will have avoided becoming *particeps criminis*. Although there is no clear future-oriented end in such a formulation, this does not suggest that the punishment is neither purposive nor instrumental. Retributive punishment may be motivated by inchoate reasoning⁶³; it may be nonrational; it is impossible to justify normatively.⁶⁴ But punishment for retribution is no less purposive or instrumental than punishments imposed to deter or compel. The “useful purpose” of this punishment is the harm that will be done to the offender, an equivalence of evil suffered for an evil committed—an analytical construct that is fundamentally different than “petulance,” “punishment for its own sake,” or sadism.

It will also be evident that deterrent and compellent punishments, because they are future-oriented, are susceptible to “success” or “failure.” The subsequent behavior of the offender (or others) will determine whether inflicting a particular harm on an offender has prevented, deterred, or compelled, and thus the “effectiveness” or “ineffectiveness” of deterrent and compellent punishments will become evident—in the fullness of time. In the case of retributive punishment, by contrast, there is both an automaticity and an immediacy to its “success” and “effectiveness.” Because it is imposed without regard to future behavior, such punishment is immediately “effective”—as soon as, and to the extent that, the offender is harmed by the punishment. In short, retributive punishment, by its very nature, always “works.”

Punishment and sanctions: the case of Afghanistan

What tends to be missing from orthodox discussions of the useful purposes of international sanctions is a recognition that these measures, as an instrument of punishment for wrongdoing, may be motivated by the same non-rational and inchoate calculus that underlies punishment in a domestic context. It was suggested above that when foreign policymakers are confronted by what they regard as wrongdoing or evil behavior by other governments, they are likely to be moved by the same desire to punish the perpetrators that moves us to punish individuals who commit wrongful or evil acts in civil society. And just as that punitive urge may have a number of rationales in a domestic context, so too might it be argued that various rationales are possible in punishment at the international level. The reaction of the United States to the Soviet invasion of Afghanistan provides an instructive case study of the punitive motive at work.

63. As Feinberg notes in *Doing and Deserving*, pp. 103–4, the notion that a society which fails to punish wicked acts endorses them “does seem to reflect, however dimly, something embedded in common sense.”

64. See, for example, Honderich, *Punishment*, chap. 2, pp. 22–51; and the selections in Gerber and McAnany, *Contemporary Punishment*, chap. 2.

Because the Soviet Union did not withdraw its troops from Afghanistan immediately after the imposition of sanctions, this episode has frequently been held up as a good example of the “failure” of sanctions,⁶⁵ a conclusion that is inevitable if one begins with such a one-dimensional view of the effectiveness of sanctions. On the other hand, there are more sensible approaches to assessing both the purposes and the effectiveness of these measures. The sanctions could be interpreted as having been motivated in part by a desire to signal resolve and leadership to the domestic public—not an unimportant consideration in an election year.⁶⁶ Alternatively, the American response could be analyzed as a Baldwinian “influence attempt” or a Knorrian “power play,” with the economic (and other) sanctions having been motivated by numerous external and domestic political purposes, including some purposes (such as “signaling” to the Soviet Union, to American allies, and to other states) having little to do with the punishment of wrongdoing.⁶⁷

However, given the widespread perception, particularly in the West, that this invasion was a morally wrong act, can we be certain that the sanctions were not primarily driven by a desire to punish the perpetrator of that act, as, for example, Robert Paarlberg and Peggy Falkenheim, suggest?⁶⁸ To suggest the primacy of other nonpunitive alternatives, as Baldwin does,⁶⁹ is not necessarily to deny the punitive hypothesis.⁷⁰ If a desire to punish was indeed one of the motivations of foreign policymakers in Washington in this case, it could be argued that one or more of the purposes of punishment underlay the hurts administered against the Soviet Union. Three possibilities can be suggested: punishment to compel, punishment to deter, and punishment for retribution.

Punishment to compel

As Hufbauer and Schott see it, the sanctions were imposed to compel: the hurt was designed to secure a Soviet withdrawal from Afghanistan. There

65. Hufbauer and Schott, for example, assign a score of “outright failure” on their “success” scale in *Economic Sanctions Reconsidered*, p. 664. For a survey of the generally negative assessments of the “effectiveness” of these sanctions, see Baldwin, *Economic Statecraft*, pp. 267–68.

66. See Peggy L. Falkenheim, “Post-Afghanistan Sanctions,” in Leyton-Brown, *Utility of International Economic Sanctions*, pp. 107 and 127.

67. See Baldwin’s cogent discussion of the “targets” of the Afghanistan embargo in *Economic Statecraft*, pp. 261–68.

68. See Robert L. Paarlberg, “Lessons of the Grain Embargo,” *Foreign Affairs* 59 (Fall 1980), p. 155: “The purpose . . . was simply to punish the Soviet Union for its invasion of Afghanistan.” See also Falkenheim, “Post-Afghanistan Sanctions,” p. 107.

69. See *Economic Statecraft*, pp. 264–66, for Baldwin’s view of the punitive motive in the Afghanistan case.

70. Indeed, because the task of foreign policy analysis is to reconstruct decisions in terms that sound both purposive and rational, there is always the possibility that the “rational reconstruction” of decisions by a particularly clever analyst may result in an *ex post facto* rationalization that reads more into motivations than may have been there.

is little to commend this argument. While there is some evidence to suggest that the continued application of sanctions eventually became linked in the public statements of American officials to “compliant” behavior by the Soviet Union,⁷¹ there is little evidence that anyone in the administration entertained a serious expectation that the Soviet Union would actually bow to Western sanctions and withdraw.⁷² Not only were the measures unlikely to succeed in harming the Soviet Union sufficiently for that purpose,⁷³ but more important, the manner in which they were imposed virtually guaranteed that the Soviet leadership would never suffer the humiliating loss of face that bowing to the publicly announced American ultimatum would have entailed.⁷⁴

Punishment to deter

The harms imposed by the American sanctions could be interpreted as a deterrent punishment directed primarily against the Soviet Union to deter Soviet leaders from future wrongdoing of a comparable kind. Or, alternatively, the sanctions may have been a deterrent punishment imposed on the Soviet Union but aimed at all states in the international system for the purpose of demonstrating the high costs of invasion and thereby deterring them from violating a cardinal principle of the contemporary international order.

There is little evidence to suggest that the Carter administration sought to injure the Soviet Union in order to impress other states of the need to uphold the principle of the nonuse of force. Not only is there nothing in the public statements of senior officials during this period to suggest that this was a factor, but the argument itself makes little intuitive sense. The use of

71. For example, on 11 January 1980, Secretary of State Cyrus Vance claimed that one of the purposes of the sanctions was “to make it very clear to the Soviet Union that they will continue to pay a heavy price as long as their troops remain in Afghanistan.” *The New York Times*, 12 January 1980, p. 4.

72. See, for example, Vance’s pessimistic assessment of the likelihood that the Soviet Union would withdraw by the middle of February, the date set by President Carter for the imposition of a boycott of the Olympics. *The New York Times*, 21 January 1980, p. A4.

73. For one assessment of the impact of these sanctions, see Falkenheim, “Post-Afghanistan Sanctions,” pp. 111–27. Compare Hufbauer and Schott, *Economic Sanctions Reconsidered*, pp. 655–65. It might be noted that eventually the United States embraced measures that did make it more costly for the Soviet Union to continue occupying Afghanistan. But the American military assistance funneled to the Afghan rebels after 1984 was not, properly speaking, a punishment.

74. This argument has been made regarding the Polish crisis of 1981–82. See Paul Marantz, “Economic Sanctions in the Polish Crisis,” in J. L. Black and J. W. Strong, eds., *Sisyphus and Poland: Reflections on Martial Law* (Winnipeg: Ronald P. Frye, 1986), p. 122. Indeed, one might conclude that trying to compel the Soviet Union by employing sanctions will always be a mug’s game: with the standard having been set by Nikita Khrushchev’s ignominious descent into nonpersonhood after he bowed to the ultimatum issued by John F. Kennedy during the Cuban missile crisis, it is highly unlikely that any conceivable package of economic sanctions would move another Soviet leader to suffer comparable humiliation and risk a similar fate.

force by either the United States or the Soviet Union is, because of the system-determining status and power of these states, always a *casus unique*; to suggest that sanctions were imposed against the Soviet Union primarily to deter smaller states from using force by demonstrating the costs attached to such statecraft stretches credulity. Moreover, the inconsistent response of President Carter to the use of force by other states in 1979 (Vietnam's invasion of Kampuchea, China's invasion of Vietnam, and Tanzania's invasion of Uganda) prompts some skepticism about the administration's attachment to the norm of the nonuse of force.

On the other hand, there is considerable rhetorical evidence to suggest that these measures were designed as punishments to deter the Soviet Union itself from further uses of force. From the outset, the public statements of senior policymakers frequently stressed that the invasion posed a threat to other states in the area. For example, Donald McHenry, the U.S. representative at the United Nations, told the Security Council on 6 January 1980 that a strong response was needed because "no state will be safe against a larger and more powerful neighbor if the international community appears to condone the Soviet Union's armed intervention."⁷⁵ Likewise, on 11 January, Cyrus Vance, the Secretary of State, stated that one of the purposes of sanctions was "to make sure that they [the Soviets] understand that aggression will be faced up to whenever it occurs."⁷⁶

This theme was particularly evident in President Carter's statements, beginning with his first statements on the issue on 27 and 28 December 1979.⁷⁷ In a major television address on 4 January 1980, he noted explicitly that the invasion posed a threat to Iran and Pakistan and was a "steppingstone" to "possible control" of the Persian Gulf. The deterrent theme, with its implicit reference to the "Munich syndrome," was sounded most vigorously in the conclusion of that address: "History teaches perhaps very few lessons. But surely one such lesson learned by the world at great cost is that aggression unopposed is a contagious disease."⁷⁸ Likewise, the State of the Union address on 23 January made clear the link between the injury of sanctions and deterring further Soviet military expansion.⁷⁹ The punishment-for-deterrence theme, not coincidentally, is repeated several times in Carter's memoirs. For example, he noted in his diary on 3 January that "unless the Soviets recognize that it has been counter-productive for them, we will face additional serious problems with invasion or subversion in the future."⁸⁰

However, as noted above, the hurts imposed by these measures were very

75. *The New York Times*, 7 January 1980, p. A1.

76. *Ibid.*, 12 January 1980, p. 4.

77. *Ibid.*, 29 December 1979, p. A5; and 30 December 1979, pp. 1 and 10.

78. *Ibid.*, 5 January 1980, p. 6.

79. *Ibid.*, 24 January 1980, p. A12.

80. Jimmy Carter, *Keeping Faith: Memoirs of a President* (New York: Bantam Books, 1982), p. 473. See also p. 471: "The brutality of the act was bad enough, but the threat of this Soviet invasion to the rest of the region was very clear."

limited in nature, casting some doubt on the conclusion that the U.S. government was in fact hoping that the primary result of these measures would be the deterrence of similar Soviet wrongdoing elsewhere. Indeed, there is some evidence that some officials openly doubted whether the sanctions would have any deterrent effect.⁸¹ More important, however, as David Baldwin has noted, by mid-January sanctions had been abandoned as the primary means of deterrence and had been replaced by the threat delivered in the Carter Doctrine that a comparable forceful Soviet expansion in the Gulf would be met with the use of force. Such a threat, because it raised the stakes hugely, was a far more effective means of curbing such adventuristic predilections as the Soviet leadership may have been entertaining.⁸²

Punishment for retribution

There is, however, a third possibility. It is undeniable that the Soviet intervention was greeted by anger in the United States⁸³—and elsewhere. Given this, it can be argued that the punishment of the Soviet Union was also motivated by a retributive, and hence minimally rational, calculus. Such a retributive formulation, if it were to be made explicit, would run roughly as follows: “The Soviets have chosen to commit an evil act, and therefore some evil (such as the hurts administered by economic and other sanctions and also the reprobation that will accompany these concrete measures) will be the just desert of such an offense against the international community. Such hurts as we are willing to mete out will probably not be sufficiently harmful to deter either the Soviet Union or others from using force in defense of their interests in the future (for that, we will have to draw a line and threaten to use force if they cross it). They definitely will not compel the Soviet leaders to withdraw their forces from Afghanistan. But the act was wrongful and offensive to the international community, and because of that (and for no other reason) it cannot go unpunished. Sanctions, by harming the Soviet Union in a concrete and material manner, will achieve this end: an evil of some equivalence will have been imposed.” Such a formulation, it might be noted, suggests a rationale that is both purposive and instrumental—and, more important, is quite “effective.”

The public justifications offered by the decision-makers themselves for imposing sanctions suggest such a conclusion. For even if read in the wider context of the speeches or interviews in which they occur, the excerpts

81. For a report on the debate within the administration on the effects of sanctions, see *The New York Times*, 6 January 1980, p. 16.

82. See Baldwin, *Economic Statecraft*, p. 264–65.

83. For example, President Carter let it be known that he was “personally angered” not only by the intervention but also by Leonid Brezhnev’s response. See *The New York Times*, 4 January 1980, p. 6. For a broader discussion of Carter’s images of the Soviet Union, see Jerel A. Rosati, *The Carter Administration’s Quest for Global Community: Beliefs and Their Impact on Behavior* (Columbia: University of South Carolina Press, 1987), especially chap. 3.

below are cast in the idiom of retributive, not compellent or deterrent, punishment:

President Carter, 31 December 1979: [It is] imperative . . . that the leaders of the world make it clear to the Soviets that they cannot have taken this action to violate world peace . . . without paying severe political consequences.⁸⁴

President Carter, 4 January 1980: The world simply cannot stand by and permit the Soviet Union to commit this act with impunity.⁸⁵

Deputy Secretary of State Warren Christopher, 6 January 1980: We intend to carry them [the sanctions] out for long enough so that the Soviet Union incurs some cost for this really quite unprecedented action. . . . We don't intend to set any time for withdrawing the sanctions. I think one of the lessons coming out of the Czechoslovak crisis is that the response needs to be determined and of considerable duration.⁸⁶

Secretary of State Cyrus Vance, 15 January 1980: I think they took a conscious, calculated decision in invading Afghanistan and they are going to have to pay the price for it.⁸⁷

President Carter, 20 January 1980: We must make it clear to the Soviet Union that it cannot trample upon an independent nation and at the same time do business as usual with the rest of the world. We must make clear that it [the Soviet Union] will pay a heavy economic and political cost for such aggressions.⁸⁸

President Carter, 23 January 1980: But verbal condemnation is not enough. The Soviet Union must pay a concrete price for their aggression. . . . That is why the United States has imposed stiff economic penalties on the Soviet Union.⁸⁹

President Carter, memoirs, regarding "punitive action" against the Soviet Union for having "acted outrageously": I was determined to lead the rest of the world in making it as costly as possible. . . . I was determined to make them pay for their unwarranted aggression.⁹⁰

Likewise, *The New York Times* noted in its analysis of the differences within the administration about the likely effects of sanctions: "Despite these dif-

84. *The New York Times*, 1 January 1980, p. 4.

85. *Ibid.*, 5 January 1980, p. 6.

86. *Ibid.*, 7 January 1980, p. A6.

87. *Ibid.*, 16 January 1980, p. A14.

88. Letter to Robert J. Kane, president of the U.S. Olympic Committee, quoted in *The New York Times*, 21 January 1980, p. A4.

89. *The New York Times*, 24 January 1980, p. A12.

90. Carter, *Keeping Faith*, pp. 471, 472, and 476.

ferences there is general agreement that the situation requires a credible American response.”⁹¹ In short, it could be inferred from the nature and tone of these quotations that even if the Soviet Union had bowed to American pressure or even if the leadership in Moscow actually had intended to press on militarily to the Gulf (or used force in Poland) and were deterred from doing so, there would nonetheless have been a desire to inflict harm on the Soviet Union for having acted wrongfully in the first place.⁹²

It is true that to argue that one of the purposes of imposing sanctions against the Soviet Union was to exact a hurt for the invasion of Afghanistan may sound nonrational, particularly to the analyst who will demand to know what purpose (other than sadistic delight) will be achieved by hurting. That, however, is precisely the point: punishment, as a purposive human activity that is intended to hurt people, is, for all its purposiveness, not an activity that is amenable to high standards of means-end rationality.

Conclusion

The argument advanced here must be suggestive and heuristic, if only because of the difficulties of demonstrating conclusively that a punitive calculus, particularly in its retributive form, informs foreign policy decisions on sanctions.⁹³ What I have sought to show, however, is that while sanctions may have numerous other “purposes,” the desire to punish will always be an integral factor in their imposition. If these measures are seen as the harms imposed for an act of wrongdoing, as I have argued they should be, then the punitive purpose of sanctions should not be overlooked or dismissed. And if we admit that sanctions are a form of “international punishment” for wrongdoing, then we cannot avoid dealing with the various reasons why human beings purposively harm each other in this way. I have argued that a model of means-end rationality has limited utility for understanding why

91. *The New York Times*, 6 January 1980, p. 16. It might be noted that Henry Kissinger sounded a comparable theme, according to James Reston. See “Kissinger on Afghan Crisis,” *The New York Times*, 4 January 1980, p. A23: although Kissinger was opposed to “grand gestures,” he did agree that the Soviet Union “must be made to pay a price for its latest outrage.”

92. The comparison with the punishments invoked after the shootdown of Korean Air Lines flight 007 is instructive. Even though it was highly unlikely that such an incident would recur, there was nonetheless a desire to inflict a penalty on the Soviet Union for its action. See Hufbauer and Schott, *Economic Sanctions Reconsidered*, pp. 738–43; Hersh, “*The Target Is Destroyed*,” pp. 185–86; and Alexander Dallin, *Black Box: KAL 007 and the Superpowers* (Berkeley: University of California Press, 1985), pp. 93–94.

93. Chief among the empirical difficulties is knowing what passes through the minds of decision-makers when they are confronted with actions of others which deeply offend their moral sensibilities. We can make some educated assumptions about the empathetic responses of a leader when informed of some act of wrongdoing; but in public statements and memoirs, the visceral and more nonrational responses will inevitably be filtered, and often mitigated, by the necessity of appearing to be acting in accordance with the precepts of means-end rationality.

punishment is imposed in a domestic context. It is argued here that it is just as difficult to understand international harms imposed for wrongdoing if we view them in purely rational terms.

The argument that a desire to punish wrongdoing can motivate foreign policymakers brings us back to the question posed by so many students of international sanctions: Why do policymakers persist in using what is supposed to be an ineffective tool of statecraft? How we answer this question, as Baldwin rightly notes, depends on how we define effectiveness. Baldwin's approach leads us to conclude that sanctions are in fact a most "effective" and rational instrument of diplomacy. And if we look at sanctions from the perspective of punishment, we come readily to the same conclusion. However, while Baldwin argues that effectiveness must be deduced from using a model of means-end rationality, I argue here that effectiveness can also be deduced from the nonrational, but nonetheless instrumental, purposes of punishment. In the case of sanctions against Afghanistan, the retributive purpose was clearly in evidence. And if economic sanctions are indeed imposed for retributive reasons, rather than for deterrent or compelling reasons, their "effectiveness" is ensured, for their effectiveness lies in their capacity to impose some harm on the target. To the extent that sanctions impose an injury on the wrongdoer (and no analyst of sanctions claims that these instruments of economic statecraft do not hurt the target in *some* way), international sanctions cannot but "work." This may explain why sanctions have been and are likely to remain a durable and attractive policy option for foreign policymakers who are confronted with acts they regard as morally repugnant, the conventional wisdom about the ineffectiveness of this instrument of statecraft notwithstanding.