

"The democratist crusade: intervention, economic sanctions, and engagement"

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Winter 2004/05

World Policy Journal

The US has often used economic sanctions to buttress its crusade to support democratic institutions in other countries and to express its displeasure over the policies of certain governments. Well-known examples of the use of sanctions to punish erring countries include those meted out in the 1990s to punish the Haitian military junta, the Iraqi dictatorship and the Yugoslavian government. However, since sanctions are not always as effective as the US would like them to be as the cases of Yugoslavia and Iraq have shown, it may now be necessary to review their use as a diplomatic weapon.

The promotion of democracy and human rights through economic sanctions has become one of the most important components of contemporary American foreign policy. For two decades--since the congressional legislation of the mid-1970s--the imposition of economic sanctions on states whose governments violate human rights, including the right to live under a democratically elected government, has become a regular feature of American foreign policy. The enlargement of democracy, the Clinton administration has said, ought to replace the containment of communism as the foremost objective of American foreign policy. Economic sanctions--imposed against a number of countries, threatened against many others--is an important aspect of that quest.

There is no fixed understanding of the democratist enterprise today. In its justification for the occupation in Haiti, the Clinton administration seemed most insistent on the need to maintain democracy and prevent human rights abuses within the Western Hemisphere; the emphasis placed on geographical propinquity in the president's September 15 war message seemed, by implication, to cast doubt on the importance of this project elsewhere, an interpretation buttressed by his decision, in May 1994, to delink human rights and trade in its policy toward China. The regionalist emphasis in human rights policies, to be sure, has always been pronounced: the oil-producing monarchies of the Persian Gulf, to take the most striking example, have never been seriously pressed by the United States to change their internal institutions. There is, too, a more general fear in the West that democratization in the Islamic world may bring to power, as was threatened in Algeria, fundamentalists who are implacable in their opposition to the United States and other Western countries. Yet despite the limitations and exemptions that seem almost certain to attend any active attempt to

promote democracy and human rights in the world, the appeal of this enterprise over the past decade and more indicates that the American public is favorably disposed to it in principle, if not always (because of the potential costs incurred) in practice.

Crusaders for democracy and human rights share the belief that the universal appeal and intrinsic justice of their objectives serve to override the traditional legal prohibition against interference in the internal affairs of other states, but there are still significant internal tensions within the broader movement. Human rights activists came largely out of the political left. Protesting against "counterrevolutionary America," they called in the 1970s for a rupture of U.S. relations with such rightist authoritarian regimes as South Vietnam, Cambodia, Iran, Nicaragua, and South Africa. The democratist project was more an innovation of the Reagan administration, whose object initially was the support of insurgent groups against communist regimes (Afghanistan, Nicaragua, Angola).

By the late 1980s, however, a certain junction had been effected that bridged the older ideological divide. The Reagan administration withdrew support from rightist regimes in the Philippines and Haiti, and the Democratic left harshly condemned Chinese repression at Tiananmen. Success, moreover, gave a fillip to the enterprise. The "third wave" of democratization, which began in 1974 and brought near its crest the breakup of the Soviet Union and the adoption of democratic institutions in South Africa, coincided in large part with the shift of American policy in the mid-1970s and seemed to attest dramatically to the wisdom of an activist prodemocracy policy.(1)

Just as there are differing priorities among those who wish to actively enlarge the domain of democracy and human rights, so too there is a wide variety of actions imprecisely though conventionally identified with economic sanctions. Sanctions may include restrictions on travel and financial remittances, cutoffs in military or export aid, adverse changes in trade status (e.g., the elimination of the sugar quota or the denial of most favored nation status), or prohibitions on loans from private banks or international financial institutions.

Significantly, acts customarily identified with sanctions range from such measures as the withdrawal of military aid--which is clearly within the moral and legal discretion of the sanctioning government and is not owed to anyone--to steps that involve the active destabilization of the target regime, up to and including measures, such as economic blockades, that were once always considered acts of war. Acts conventionally identified with "economic sanctions," in other words, occur on both sides of the legal barrier traditionally distinguishing peace from war, just as they fall on both sides of the moral barrier distinguishing the withdrawal of aid from the infliction of injury. Recovering the significance of those distinctions is an important purpose of this essay.

The Problem of Intervention

Perhaps the most striking feature of the democratist crusade is its illegality under the traditional standards of international law. That law forbade intervention in the internal affairs of states. According to that older conception, which prevailed during much of the greater part of the Westphalian system (1648-1945), the members of international society consisted of states, not of individuals. Individual rights entered into the fabric of the law of nations only insofar as a state might take umbrage at an offense against one of its subjects or citizens. In that system, as the legal scholar W. E. Hall wrote, every state had the right "to live its life in its own way, so long as it [kept] rigidly to itself, and refrain[ed] from interfering with the equal right of other states to live their life in the manner which commend[ed] itself to them."⁽²⁾ The rule, of course, was often honored in the breach. Partly because of those frequent violations, and partly because its operational meaning in particular contexts might be twisted by artful diplomatists, it is sometimes held that the rule against nonintervention was not a fundamental norm of the law of nations; but this view rests upon an elementary confusion. We might as well maintain that the prohibition against murder is not part of domestic law because the norm is often violated or its violators escape their just reward.

In the light of our contemporary policies, it is ironic to recall that it was the U.S. government that did the most to establish the primacy of this rule in the nineteenth-century law of nations, a practice that changed only with Woodrow Wilson's Mexican policy in 1913. Summarizing that doctrine in 1852, Daniel Webster noted that

from President Washington's time down to the present day it has been a principle, always acknowledged by the United States, that every nation possesses a right to govern itself according to its own will, to change institutions at discretion, and to transact its business through whatever agents it may think proper to employ. This cardinal point in our policy has been strongly illustrated by recognizing the many forms of political power which have been successively adopted by France in the series of revolutions with which that country has been visited.⁽³⁾

That traditional understanding was restated by John Bassett Moore, then legal counselor of the Department of State, at precisely the moment that Wilson was moving to overturn it: "The Government of the United States having originally set itself up by revolution has always acted upon the de facto principle. We regard governments as existing or as not existing. We do not require them to be chosen by popular vote. We look simply to the fact of the existence of the government and to its ability and inclination to discharge the national obligations." The reason for this policy, Moore explained, was that we could not

become the censors of the morals or conduct of other nations and make our approval or disapproval of their methods the test of our recognition without intervening in their affairs. The government of the United States once boasted that the Pope, the Emperor of Russia and President Jackson were the only rulers that ever recognized Don Miguel as King of Portugal. This action on the part of President Jackson was ascribed to "our sacred regard for the independence of nations."(4)

The United States has frequently departed from this standard in the twentieth century, the departures having grown far more frequent in the last decade; nevertheless, the nonintervention principle underlying this doctrine of recognition continues to find expression in contemporary treaties and agreements. Prohibitions against intervention in the internal affairs of states are reaffirmed, often in the strongest terms, in all the governing charters and declarations of contemporary international law. At the same time, there has grown up alongside the traditional prohibition against internal intervention a body of human rights law that strongly affirms the rights of individuals, declarations that increasingly contain statements of the democratic entitlement.

It is often held that the United States and its allies have secured widespread agreement to the proposition that the norms commanding the observance of democracy and human rights have entirely displaced the traditional prohibition against intervention, thereby virtually obliterating the substantive content of "domestic jurisdiction." According to legal scholar Thomas Franck, a "democratic entitlement" has emerged in recent years that enjoys a "high degree of legitimacy" within international society.(5) But this view is highly questionable, for three reasons.

First, the fact that these contradictory norms appear side by side in international legal documents may more plausibly be read as indicating a state of confusion rather than of consensus within contemporary international law. Second, nowhere in the charters and declarations that ostensibly speak for all people (as opposed to those with a merely regional significance) is authorization given to employ either economic or military coercion to fulfill the rights proclaimed. Indeed, many such declarations clearly deny any such inference.(6) There is a striking contrast, finally, between the purported near universal agreement on these norms and the reality of profound dissensus among actually existing nations and regimes. It is no doubt the case that the cumulative weight of international legal norms gives outside states a right of comment (or, as the case may be, of denunciation) in the case of human rights abuses. It is far more difficult to tease out of this body of law the authority to undertake coercive internal interventions.

But the case for observing the nonintervention norm need not rest on its legal standing. More impressive are the prudential reasons that support nonintervention, above all the contribution its observance makes toward peace. Nonintervention is one

of the central devices by which the society of states has traditionally managed differences and accommodated itself to the plural and heterogeneous character of the human race. Coercive democratization, by contrast, is dangerous precisely because it aims for a degree of homogeneity in the political organization of human beings that has never existed and that, in all probability, will never exist. It is a revolutionary enterprise. It not only divides the international system between democratic and nondemocratic states, but proposes hostile measures that are intended to force authoritarian states into the democratic camp or punish them severely if they do not give in. It proposes no policy of peaceful coexistence; it propounds no ethic of "live and let live."

That this policy is justified in the name of peace is perfectly understandable. All such homogenizing projects in international history--whether of the revolutionary variety associated with Jacobinism and Bolshevism or the counterrevolutionary variety associated with the Counter-Reformation and the Holy Alliance--have rested upon the same justification. Because democracies do generally maintain pacific relations with one another, moreover, the democracy-equals-peace argument commands widespread assent.

Insofar as the experience among democracies is made to justify aggressive measures against nondemocracies, however, the argument is a non sequitur. Because democracies do not fight each other, we are urged to undertake war or war-like measures against nondemocratic states, the ultimate goal of perpetual peace forming the ground for the commencement of economic sanctions and possibly of war. The pacific relationship that democracies tend to have with one another provides no justification for any such policy.

The questionable authority to undertake coercive democratization is only slightly improved by the support it receives from the United Nations or other international organizations. It is true that multilateral authorization corresponds broadly to intuitive notions of international legitimacy. The broader the scope of concerted action, the more it seems the action has the sponsorship of international society as a whole. It may constitute insurance against the pursuit of purely selfish interests, and provide a valuable source of restraint. Without denying the value of acting in concert with the United Nations or regional security organizations, one may still note a few oddities in what exactly is happening when we speak of action by the "international community."

The role of American leadership, in the first place, clearly seems to be crucial; the effectiveness of interventions conducted by the "international community" has been heavily dependent on American initiative, financing, logistical support, or military power. In the cases where the so-called international community has acted in recent years (e.g., Iraq, Somalia, Haiti), it has usually done so at the behest of this country.

Normally, the consensus is achieved through American pressure, and it often happens that states swallow real misgivings over the wisdom of U.S. action so as not to prejudice their relations with this country. It is doubtful that "consensus" is the right term to describe what is happening; in its basic characteristics, it seems rather to be an elevated exercise in ward heeling.

A second oddity has to do with the authority of international organizations to undertake the democratist crusade. In the case of Haiti, both the U.N. Security Council and the Organization of American States authorized economic embargoes that had the restoration of democracy as their object; and the Security Council (but not, significantly, the OAS) authorized the use of U.S. military power to accomplish that objective as well. Still, one searches in vain through the U.N. or OAS charters for the authority to do so. Whether wisely or not, these organizations were erected squarely on the foundation of the equal sovereignty of states. They contain no guarantee of a republican form of government, such as exists in the U.S. Constitution.(7)

But let us waive these objections for the moment--conceding that the "constitution" of international society can undergo growth, and that to bind it too closely to the original understanding is to deprive it of its capacity to adapt to the changing needs of the international society it is meant to serve. Let us also concede that the movement for democracy and human rights is part of the warp and woof of international politics today, and that this has support from voices all over the world, in every civilizational time zone. Having noted the objections to the journey, let us go ahead and set sail on this mission to make every state a liberal democracy. What do we find when this objective is paired with the instrument of economic sanctions?

Economic Sanctions: Unintended Consequences and Innocent Bystanders

The image of embarking on a voyage is not inappropriate, for the principal forerunner of today's trade embargo is the naval blockade. In strategic thought, economic sanctions exemplify the strategy of attrition, that is, the attempt to wear down the enemy by striking at the whole of its economic life, which is ultimately the basis of its military power. In the classic economic boycott, like the airtight naval blockade, sanctions move toward the total elimination of economic and diplomatic intercourse with the target state, of the sort described by Woodrow Wilson in 1919 in characterizing the measures that would be taken against aggressors under the League of Nations: "We absolutely boycott them.... There shall be no communication even between them and the rest of the world. They shall receive no goods; they shall ship no goods. They shall receive no telegraphic messages; they shall send none. They shall receive no mail; no mail will be received from them."(8) Such a strategy represents an attempt to punish the enemy so badly that it has no choice--on any rational calculation of costs and benefits--but to submit.

Attrition's main competitor in strategic thought is a strategy of forcible disarmament, in which military operations are aimed, as the phrase suggests, at forcibly disarming the military power of the adversary. The great promise of the economic blockade is that it allows you to harm the enemy without hurting yourself. Unlike military operations aimed at forcibly disarming the adversary, you need not risk your soldiers. In the most favorable circumstances, this kind of operation against the enemy's economy is capable of establishing a radical asymmetry between what you pay and what the adversary suffers. That is why it is so attractive. A condition of what political economists call asymmetrical interdependence will not always apply; and where it does not apply economic sanctions will begin to appear much less attractive. But even when this condition does apply--when, that is, we can inflict a lot of pain on the other guy without suffering too much ourselves--there are problems to be encountered.

Historically, two great liabilities have attended this strategic concept, both of which are relevant to the contemporary policy of spreading democracy through economic sanctions. The first is that this kind of long-term squeeze is normally incapable of achieving the desired outcome, a liability that is exacerbated in proportion to the scale of the objectives sought. If, as is often the case today, the objective is the removal of the enemy government from power--which an insistence on democratic procedures will normally require--the ability of economic sanctions to achieve the desired outcome is highly doubtful.

That failure, in turn, raises again the question of whether it is advisable to do directly what you had previously tried to do indirectly. Though economic sanctions have normally been conceived as an alternative to war--certainly they were by Jefferson and Wilson--the total boycott or embargo tends historically to be associated closely with military action, either because military force is necessary to enforce the thoroughgoing blockade or because the situation produced by sanctions may produce strong incentives to go to war. The trade embargo against Panama in 1988 and 1989 displayed this dynamic; the embargo against Haiti did the same. They are only the latest instances of a frequently recurring phenomenon.(9)

The pressure to go to war--to move toward a strategy of forcible disarmament--that often ensues from the failure of draconian economic sanctions is related to the second liability that attends the economic squeeze, which is its indiscriminate character. Unlike military operations directed at the enemy's military power, this inflicts punishment on the entire economy and society. This distinction between discriminate military operations aimed at forcibly disarming the enemy's armed forces and a strategy of attrition that inflicts punishment on the entire economy and society may, of course, break down in practice. Under conditions of modern warfare, a strategy of forcible disarmament will often mean the intensification rather than relaxation of such indiscriminate punishment, especially if "military necessity" is given a broad

definition; the saving grace of such a strategy is that it offers the promise of a rapid resolution and a quicker return to peace.

Three particular disadvantages are associated with the economic embargo. It badly hurts the most vulnerable sections of society, the sick, the young, and the aged. Given the circumstances in which it is applied, it can have no result but that. Yet acts that inflict foreseeable suffering on civilian populations have always been considered the most objectionable feature of interstate conflicts; international law has always been intent on minimizing such actions to the degree compatible with military effectiveness. In deference to such objections, nearly all the recent embargoes--such as those against Iraq, Serbia, and Haiti--have exempted food and medical supplies from their terms.⁽¹⁰⁾ Concerned states and nongovernmental organizations, moreover, usually mount compensating efforts to supply food and medicine. Despite these efforts, sanctions always reach in practice items critical to the well-being of the civilian population; the general destruction of economic life that is the avowed purpose of such embargoes swamps the halfhearted compensating efforts that accompany them. However emphatic we are in insisting on the humanitarian exemption, therefore, it cannot be taken seriously as a description of existing practice.

A second liability is that the sectors of the economy that suffer most from external sanctions are those that have the most intercourse with the rest of the world and tend to be more amenable to its influence. Such was the case in South Africa; it remains the case today in Cuba. This baneful effect is exacerbated by the near total blackout in embargoed societies of information from printed sources.

Finally, economic sanctions may hurt neighboring economies in whose well-being we have a stake. The revocation of most favored nation status for China would have dealt a serious blow to the economies of Hong Kong, Taiwan, and other Southeast Asian countries that have developed close ties with China. The trade embargo against Yugoslavia, though employed as a measure of collective security against Serbian aggression in Bosnia-Herzegovina and not as part of the democratist crusade, has had a ruinous effect on the economies of surrounding states. If it were seriously enforced, it would undoubtedly sink the prospects for Macedonia, already reeling from Greece's closure of the border between the two states.

Despite the effects on neighboring economies, neither the international community nor the Western powers has provided a commensurate level of financial compensation to states injured by recent economic sanctions. A particularly unfortunate side effect of sanctions is that economic activities come to be dominated by criminal organizations, a stranglehold they are not likely to easily yield when the conditions that gave rise to them are no longer present.

The consequences for innocent bystanders may not be intended, but they are foreseeable. It seems wholly implausible to allow refuge in the justification that because good consequences were intended we can wash our hands of responsibility for the evil consequences that in fact occur. The justification for this behavior, if there is one, must be on the theory that it is permissible to do evil so that good may come, that the norm against harming the innocent must be overridden by the greater good of ensuring liberal democratic government.

Economic Engagement: The Chinese and South African Cases

The debate over whether economic sanctions can contribute to democratization or human rights is the obverse side of another question: the extent to which the introduction of the institutions we associate with market capitalism--private property, exchange relations dictated by the market rather than state bureaucracies, an expanding scope for economic transactions across borders--contributes to political liberalization. Proponents of economic sanctions typically argue that the maintenance of trading relations or other types of economic interaction strengthens the coercive apparatus of the state. If we trade with repressive regimes, in other words, we strengthen their ability to maintain their control, over their own societies. On this view, trade is the enemy of reform.

The opposing view holds that, over time, the existence or expansion of commercial contacts strengthens the society against the state; it expands the domain of civil society--the arena of economic, social, and cultural life that exists independent of the state; and it lays the foundation for the greater realization of human rights and, ultimately, points toward democratization. Trade, on this view, is the ally of reform.

In contrast with the disadvantages associated with sanctions, the maintenance of economic ties with undemocratic or otherwise oppressive regimes at least has the advantage of improving the material condition of their people or, conversely, of not making them more miserable than they already are. It is useful to consider this question, in the first instance, not in relation to civil and political rights, but to the provision of "basic human needs."⁽¹¹⁾ There are many countries--Indonesia and China, for example--whose regimes have plenty of blood on their hands but who have nevertheless performed admirably in raising the material condition of their people. In Indonesia, the number of people living in absolute poverty has dropped, according to the World Bank, from 60 percent of the population two decades ago to 15 percent today. There has been a comparable change in China. Millions of people are entering "middle-class-dom," ensuring a greater measure of economic security for themselves and their families. Though the vast satisfaction of basic human needs that it has brought and will bring is good in itself, and not dependent on whether it leads to

benign consequences in the political realm, this great Asiatic transformation probably will have benign consequences in several respects.

In assessing the significance of this epochal change, some historical perspective is necessary. For much of this century, not only was East Asia an exporter of war (we fought, after all, three wars there from 1941 to 1975), the whole region underwent a Joy Luck's club of internal catastrophes--Korea and Indochina flattened by civil wars and outside intervention, mass murder in Indonesia against the Chinese minority, all the insanities of the Cultural Revolution in China, genocide in Cambodia. Against this background, the fact that the weightiest of Asian societies--China--has turned toward economic development as its primary objective is a highly welcome change. The elevation of economic calculation over ideological fanaticism (or, to employ older terminology, of interest over passion) signifies a profound and auspicious civilizational turn.

This change is likely, in the first place, to promote a pacific bearing in external relations stemming from the realization that material well-being depends on peace. It would be absurd to conclude that this effect, by itself, is capable of swamping all the other motives that lead states to make war. There are many features of the emerging Asian system--extensive territorial disputes, uneven rates of economic and military growth, and nationalist attachments far more powerful than those existing in western Europe--that make hazardous any expectation of prolonged stability. Nevertheless, the early theorists of capitalism were right, I think, in expecting that the pursuit of wealth--what an earlier generation had termed avarice--would operate to diminish the weight in human personality of the demonic forces that normally lead human beings to pursue their bloody wars and revolutions.(12)

Second, the continuance of economic contacts seems likely to moderate, though not probably break, the authoritarian mold of the Chinese regime. That change is unlikely to be automatic. There are plenty of examples of regimes that combined capitalism with authoritarianism for long periods; China seems a good candidate to do the same. It seems also apparent the state may gain in power from the satisfactions brought by trade; as the legitimation of the regime will partly depend on its ability to satisfy rising expectations, trade will strengthen it.

Still, there are a number of effects that operate in the opposite direction, and that give the society greater power as against the state. One is the awakening to the external world of ever-widening circles of people. Trade allows them a window on the world; it also allows the world a window on them. Over time, the advance of modern communications means that the state loses control over the ability to determine the structure of social reality.

The penetration of capitalist techniques weakens the power of authoritarian and totalitarian states in a second way. To prosper, the state must make its peace with the power of the market. Governments that are otherwise arbitrary will find it in their interest to institute many of the legal protections of a liberal regime, at least those centering around stability of private property. Their protracted maneuvers to ensure a good credit rating also demonstrate, under the watchful eye of domestic factions, that the regime can be moved. Finally, market economies tend to produce growing numbers of people who enjoy means of support independent of the state bureaucracy, and who are increasingly important cogs in the machinery of wealth creation. The expectation seems justified that at some point their political power will grow accordingly.

The ultimate import of these considerations is necessarily speculative; much less so is how China would respond were the United States to impose commercial penalties in order to force it to reform its domestic practices. The potential bend in this government is strictly limited, for the obvious reason that China's rulers see the submission to such conditions as being a fundamental challenge to the legitimacy of the regime. (One suspects, indeed, that the arrests made before, during, and after Secretary of State Warren Christopher's mission to China in early 1994 had as their sufficient motive that they would constitute an act of defiance against the United States.) Even if one believes that free trade supports political authoritarianism (as the left has always charged), we are still being asked to sacrifice a clear interest on behalf of a policy that will produce nothing in the way of positive consequences. This looks suspiciously like a stupid gesture, not an act of moral courage.

Do the considerations that make the maintenance of commercial relations persuasive in the case of China extend also to the country--South Africa--over which bitter debate raged between "embargoers" and "engagers" in the 1980s? The question is very difficult to answer with any assurance, if only because both strategies were attempted, with neither fully displacing the other before the historic shift of the De Klerk government in moving decisively against apartheid and toward a democratic standard. One suspects that neither of these external forces was of decisive importance in producing this historic change, the specific sources of which must instead be sought in the effect of communism's fall on changing the program of the black majority while also allaying the fears of the white minority. This made reconciliation a possibility; the statesmanship of De Klerk and Mandela brought it to a glorious, though precarious, consummation.

It does nevertheless appear that external sanctions played an important, if secondary, role in producing the great transformation. It may be that economic development--and the corresponding pressures "to open up skilled jobs to blacks, to establish legal black trade unions, to improve black education, to permit the free movement of labor, and to

expand black purchasing power"(13)--would have helped produce political liberalization over time, but South Africa experienced little in the way of economic development in the 1980s: unemployment grew from 26 to 43 percent from 1980 to 1991 (with the total number of unemployed rising from 2.5 million to nearly 6 million persons).(14) The lack of such development was attributable to many factors beside external sanctions, including internal resistance and the collapse in the price of gold; in addition, some external sanctions--particularly those generated by the divestment movement, which forced American companies to sell their South African holdings at fire-sale prices--had effects that were the opposite of those intended. Nevertheless, sanctions did impose serious costs on the South African economy; such costs, in turn, gave increasing urgency to the specter of an ever-growing black lumpenproletariat, bringing the Anglophone business community and ultimately the Afrikaners much closer to seeing the necessity of change.

That sanctions were a qualified success in the case of South Africa does not show that they will be successful elsewhere. The more general experience with sanctions to support a change of government strongly suggests the opposite conclusion. Even in the South African case, moreover, sanctions worked only through the morally suspect method of immiseration, and they also did serious damage to the economic base on which Mandela must now build.

The Hemispheric Conundrum

It is in the Western Hemisphere--more particularly, the Caribbean and Central America--where the democratist crusade has been most vigorously pursued in the recent past, and where it promises to be of critical importance in the future. Given the inherent disparity of power between the United States and our sister republics to the south, the conditions for successfully pursuing economic sanctions are better satisfied here than anywhere else. As is noted by the authors of the most comprehensive study of the effectiveness of economic sanctions, such methods are most successful when they "pick on the weak and helpless."(15)

In this hemisphere, to recur to our earlier terminology, the interdependence is truly asymmetrical. The only retaliation of which target states are capable comes in the form of refugee crises; so long as we are sufficiently hard-hearted, that danger can presumably be contained. In this hemisphere, too, the Organization of American States has given its imprimatur to the imposition of economic sanctions against nondemocratic states. The kind of objections that might be raised against this enterprise in the Confucian or Islamic worlds--whose governments seem uniformly to regard it as an arrogant assertion of Western values--do not apply in this hemisphere with anywhere near the same force. Finally, the movement toward democratic institutions that occurred throughout Latin America in the 1980s remains shaky in

some instances. As President Clinton emphasized in his address justifying intervention in Haiti, the failure to act against coupmakers in this hemisphere may render more precarious the durability of this historic move to democratic institutions.

Of all the justifications for the democratist crusade, it is probably the last that carries the greatest weight. When Franklin Roosevelt proclaimed the Good Neighbor Policy in 1933, bringing to an end the U.S. interventions of the preceding era, an increase in authoritarian governments did follow in its wake. When the Johnson administration proclaimed the Mann Doctrine in 1964, retreating from the democratic tendencies of the Alliance for Progress, the same result occurred. During the Cold War, to be sure, the United States often gave active support to authoritarian governments in Latin America, a reflection of the fear that the practical alternative to authoritarianism was not democracy but communism; the end of the Cold War has happily brought that reflex under control. Even in the absence of U.S. support for authoritarians, however, it might still be argued that a failure to make an example of Raoul Cedras and Fidel Castro would weaken the ability of other democratic regimes within the hemisphere to sustain themselves against their internal enemies.

In the end, however, that consideration seems inadequate to justify a guarantee of a democratic form of government in this hemisphere. As the experience in Haiti shows, even weak and unpopular governments can hold out for a very long time against trade embargoes. A combination of factors--apparent not only from Haiti but also from previous interventions, such as in Panama--makes it difficult not to move to military intervention. The credibility and prestige of the U.S. president is called increasingly into question; the suffering among the civilian population caused by the breakdown of economic life, together with refugee crises exacerbated by the embargo, makes it seem imperative to do something. At that point, military intervention is about all there is left to do.

Strangely enough, however, there is almost no support within the hemisphere for U.S.-led military interventions to restore democracy. In the Haitian crisis, our sister republics did us the favor of supporting every step along the way toward military intervention--save of course the occupation itself. The Clinton administration refused to take the matter to the OAS for the same reason it refused to get authorization from Congress: the votes in either place would almost certainly have failed. From this experience, one can only conclude that the multilateral declarations the OAS has issued in recent years in favor of representative democracy--most prominently the Santiago Declaration of 1991--do not mean what they seem to mean. They clearly do not betoken support for a military guarantee of democratic government. Nor may they necessarily be understood as indicating support for economic embargoes; predominant opinion among hemispheric states, though it favored sanctions in the case of Haiti, is decidedly opposed to similar measures in the case of Cuba. This general attitude, one

suspects, is most unlikely to change. The attachment of the Latin American republics to the nonintervention norm is too deeply rooted in their historic experience, where it has served as a shield against the well-meaning officiousness of the colossus to the north, for it to be easily surrendered, even if it subjects them to the criticism of willing the end (democracy) but not the means.

Domestic opinion in the United States is generally subject to the same reproach. Though it generally supported the tightening of economic sanctions against Haiti, the prospect of military intervention to restore democracy was distinctly unattractive to the public. Since Congress, following public opinion, would not approve, the president was forced to rest his authority on a joint appeal to executive prerogative and Security Council legitimation. The Council's authorization, however, is not a substitute for congressional approval, as was repeatedly emphasized in the debates over U.S. ratification of the U.N. charter in 1945. Equally unconvincing is the appeal to presidential authority. The Haitian case had none of the exceptional features--the need, for instance, for surprise or for immediate action--that presidents have relied on in the past to justify bypassing Congress.

It is difficult to believe that this disregard of constitutional principle is the best way of advancing the cause of democratic constitutionalism. In the case of Haiti, what made this procedure still more difficult to understand was the obvious prudential risks that were posed by it. To begin an open-ended occupation without securing congressional approval would seem a surefire method for putting oneself out on a dangerous limb. The president will have to be inordinately lucky and amazingly skillful in Haiti if he is to avoid having Congress saw that limb off.

A policy of nonintervention toward Haiti after the coup d'etat against President Jean-Bertrand Aristide in 1991, one must acknowledge, would have left his prospects of returning as very remote indeed. The U.S. military occupation of Haiti, moreover, surely represented a more honorable course of action than the perpetual maintenance of an inhumane embargo. Yet it still remains doubtful that the occupation will be judged successful a few years hence. Having removed the previous holders of the police power, the occupiers now face the unwelcome (and, in an alien culture, inherently problematic) task of holding it themselves. Those occupiers, in deference to domestic opinion, have also foresworn the task of "nation building" in circumstances where they must take it up in earnest or risk near-certain failure.

Will U.S. policy toward Cuba follow the same trajectory as that toward Haiti and Panama? The danger that it may do so ought surely to prompt a reconsideration of the 35-year-old embargo. Whatever the weight of its initial justification, to persist in it and even move more aggressively toward its tightening, as the Clinton administration has done, is a policy that seems grossly wrongheaded. The sole remaining legitimating

principle of the Castro regime is its repeated insistence that its failures stem from American aggression. We may well conclude that this charge is, in fundamental respects, mistaken, and that the failures of the Cuban model are to be attributed, above all, to the regime's attachment to Marxist principles, which do not work because they cannot work. It is nevertheless distinctly unlikely that any Caribbean state, even if its political and economic institutions had been designed by James Madison and Adam Smith, could have succeeded economically in the face of our relentless opposition; by all accounts, in any case, our hostile measures have exacerbated those failures and made the material condition of the Cuban people far worse than it would otherwise have been. In some quarters, this is judged a great success.

A different policy would aim to open up the island to American trade, tourism, and communications; would drop the hostile measures we have undertaken for over a generation; would end the state of virtual war that now exists between the two countries. Its objective would be to prepare for the day--which is surely coming--when the transition to democracy takes place, contributing to the likelihood that it occurs peacefully rather than violently. A peaceful transition is a consummation devoutly to be desired; current U.S. policy works strongly against it. One is tempted to rest this change of policy solely on the ground, with Jefferson, that the "exchange of surpluses and wants between neighbor nations is both a right and a duty under the moral law."(16) But it does nevertheless seem likely that an American initiative toward a more normal relationship would hasten rather than delay Cuba's move toward economic and political liberalization.

A Decisive Change in American Policy

Economic sanctions and war are the two primary coercive instruments to which states resort in order to achieve their goals. Just as one can draw attention to the moral and prudential liabilities that attend the latter without being a pacifist, so one can draw attention to the costs of economic sanctions without categorically forbidding their use in diplomacy. Given the role they have come to play in American diplomacy, such a conclusion would in any case be somewhat absurd. The practical question is not whether the United States should or will cease employing economic sanctions but whether some limits can be placed on its readiness to do so.

When paired with the goals of democratization or human rights, draconian economic sanctions are particularly suspect. They can only have effect by wreaking serious damage on a broad range of civil activities, yet they are normally incapable of inflicting sufficient deprivation on the holders of power to make them surrender. The maintenance of economic contacts, by contrast, will normally promote certain forms of liberalization. Both these considerations point toward the need for a decisive change in American policy.

Such a turn in policy does not require the United States to cease distinguishing between the free and unfree worlds. The distinction between the two, in fact, should be at the center of our understanding of American purposes in the world. Though the area of the free world is not coterminous with the area embraced by U.S. security commitments, there is a genuine connection between the two. Through asylum, economic aid, publicity, or practical help in the way of institution building, the United States can and should take steps to bolster the cause of free government. We should clearly not aim, in our stance toward the unfree world, for anything approaching the degree of cooperation and mutual concordance that should be our objective within the democratic zone of peace. The question is how far our hostility should extend toward states that are not within the zone.

The great fear associated with the adoption of a less hostile policy is that it will encourage the forces of despotism in the World, producing a sharp contraction in the number of free governments. On this interesting question in philosophical history, I confess to having a greater degree of confidence than the pessimists in the appeal of free institutions. The ideals and institutions underlying American constitutionalism--representative government, freedom of speech and of opinion, the separation of church and state, the judicial protection of private property and individual rights, a stable currency--have often succeeded, in cultures vastly different from our own, in bringing prosperity and freedom within the framework of law. That is a very impressive achievement, especially given the far greater liabilities associated with all the available alternatives in politics and economics. The practical advantages offered by free institutions in delivering the goods that people tend to want gives them an insufficiently appreciated strength. If we could learn to act on that idea, we could afford to dispense with the often ineffective and normally inhumane embargoes to which U.S. policy still often remains wedded.

Notes

This essay was initially written for a colloquium on "Market Economics and Political Change," sponsored by the Colorado College North American Studies Program in March 1994.

1. See Samuel P. Huntington, *The Third Wave: Democratization in the Late Twentieth Century* (Norman, OK: University of Oklahoma Press, 1991).
2. William Edward Hall, *A Treatise on International Law*, 6th ed., edited by J. B. Atlay (Oxford: Oxford University Press, 1909), pp. 43-44.
3. Cited in John Bassett Moore, ed., *A Digest of International Law* (Washington, DC: GPO, 1906), p. 126.

4. "The Mexican Situation," May 14, 1913, in Arthur S. Link et al., *The Papers of Woodrow Wilson*, vol. 17 (Princeton, NJ: Princeton University Press, 1990), pp. 437-38.

5. Thomas M. Franck, "The Emerging Right to Democratic Governance," *American Journal of International Law* 86 (January 1992), pp. 90-91. Franck anticipates the day when "compliance with the democratic entitlement" would be "linked to a right of representation in international organs, to international fiscal, trade, and development benefits, and to the protection of U.N. and regional collective security measures." To similar effect, see Morton H. Halperin, "Guaranteeing Democracy," *Foreign Policy*, no. 91 (Summer 1993), pp. 105-22.

6. See the documents in Michael Krinsky and David Golove, eds., *United States Economic Measures Against Cuba: Proceedings in the United Nations and International Law Issues* (Northampton, MA: Aletheia Press, 1993).

7. It may be argued that the U.N. charter does not and cannot confine the Security Council in a defined ambit of authority and that the council's discretion is in fact unlimited save by the requirements of its voting provisions. It is doubtful, however, if its unlimited discretion in matters relating to "international peace and security" reaches so far as to obliterate the domestic jurisdiction of the state. The Security Council, at least, appears to acknowledge that its actions must be founded in the charter and do not reflect simply its unlimited discretion. Thus, in justifying the American-led intervention in Haiti, the council thought it necessary to justify its authority in relation to Article VII and its cognizance of the Security Council's jurisdiction over "international peace and security." What was not apparent from Resolutions 917 and 940 was the relationship that the Haitian crisis posed in fact to "international peace and security."

8. Link, *Papers of Woodrow Wilson*, vol. 63, p. 68.

9. Examples in American history in which economic coercion played a crucial role in accelerating the drift to war include the two wars with Great Britain of 1775-83 and 1812-15 and the oil embargo against Japan in 1941.

10. An exception to this general stance is the Cuban Democracy Act, which bans any shipments to Cuba, including food, from U.S. subsidiaries and which imposes highly restrictive rules on the donation of medical supplies.

11. See R. J. Vincent, *Human Rights and International Relations* (Cambridge: Cambridge University Press, 1986).

12. See Albert O. Hirschman, *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph* (Princeton, NJ: Princeton University Press, 1977).

13. Huntington, *Third Wave*, p. 98.

14. "A Survey of South Africa," *Economist*, March 20, 1993, p. 4.

15. Gary Clyde Hufbauer, Jeffrey J. Schott, and Kimberly Ann Elliott, *Economic Sanctions Reconsidered*, 2nd ed., vol. 1 (Washington, DC: Institute for International Economics, 1990), p. 114.

16. Jefferson to William Short, July 28, 1791, in Paul Ford, ed., *The Writings of Thomas Jefferson*, vol. 5 (New York, 1892-99), p. 364.

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