

ON SHUNNING UNDESIRABLE REGIMES: ETHICS AND ECONOMIC SANCTIONS

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I

IT IS often clear that economic sanctions will not force the sanctioned nation to change its ways. There is little likelihood, for example, that South Africa will give up apartheid, even in the face of fairly serious world economic pressure. The economic literature on sanctions seems to support the general lack of effectiveness of sanctions (Hufbauer and Schott, 1985). Yet in the face of this knowledge there continue to be calls to impose such sanctions.

The reasons given for sanctions under these circumstances are (a) to make a *witness* against particularly immoral behavior and (b) to avoid complicity in that behavior. John Galtung notes:

When military action is impossible for one reason or another, and when doing nothing is seen as tantamount to complicity, then something has to be done to express morality, something that at least serves as a clear signal to everyone that what the receiving nation has done is disapproved of. If the sanctions do not serve instrumental purposes they can at least have expressive functions. Thus as a highly dramatic (and costly) way of reinforcing international morality, economic sanctions may be useful ... (Galtung, 1983, pgs. 48-49.)

And John Tiemstra in his reflections on "Saving Nestle's Soul" writes:

Scripture tells us that we should have nothing to do with recalcitrant sinners. ...Perhaps, one might argue, this practice of avoiding individual sinners also extends to corporations. Just as we would not want to associate with an unrepentant individual, we might also want to avoid supporting by our purchases any corporation that is persistently notorious for its lack of responsibility.

Shunning is for the benefit of the ones shunning, not the one being shunned. It is a last resort, when every call to repentance has gone unanswered and there is no longer any earthly hope that the person might be saved. We therefore must shun in order to avoid being implicated in the sin being committed. I doubt that shunning is the major motivation behind the Nestle boycott. (Tiemstra, 1979, p. 4.)

Let us adopt Tiemstra's idea of calling this kind of sanction behavior "shunning." We find shunning most explicitly developed in the customs of certain Mennonite groups. The fundamental question of this paper will be whether there is indeed a moral duty to shun certain regimes because of their immorality. I begin with a formal definition of shunning:

An individual or institution A shuns another individual or institution B when A, in part or totally, refuses to engage in social, economic or political interaction with B (avoids B) as a witness against flagrant, willful and persistent immoral behavior by B.

Note that shunning is distinct from avoidance behavior motivated by considerations of self-interest. Thus a nation is not shunning when it bans the sale of strategic materials to an enemy, nor is an individual shunning if he refuses to associate with another out of fear that he will be "led astray" by the latter's vices.

Closely related to the problem of whether there is a duty to shun is the question why and how doing nothing seems a form of complicity. In a sinful world we must have cooperative relations with other sinners. Surely those relations do not make us accomplices to all of their sins.

Neither Galtung nor Tiemstra explores philosophical arguments regarding shunning. And although much of the extensive literature on international morality and especially on human rights policies is relevant to our questions, none of it, to my knowledge, directly addresses "shunning" as here defined.

Perhaps we can best begin by exploring the analogy with Christian shunning as practiced in Mennonite groups, which is based on certain New Testament passages which exhort Christians to avoid contact with those who have fallen away from Christian faith and life. J.C. Wenger in *The Mennonite Encyclopedia* gives this summary of Mennonite shunning:

The New Testament places much stress on the intimate life of fellowship and sharing which shall characterize the life of the members of the Christian Church. On such a premise, when anyone grows cold in the Christian life and finally reverts completely to a life of sin, it naturally becomes the duty of the congregation to remove such a person from the fellowship of the church. Avoidance is the name given to the practice of having no fellowship with such excommunicated and impenitent sinners. The New Testament instruction is "not to eat" with such a person, "not to keep company" with him. (I Cor. 5:11). The

term "avoidance" is taken from Rom. 16:17 where the apostle instructs the believer to "avoid" those who work against the peace of the church. Paul told the Thessalonian Christians to "have no company" with those who disobeyed his epistle. (II Thess. 3:14). II John 10 advises not to "receive into the house (neither bid god speed) him that brings not true doctrine." (Wenger, 1955, p. 200)

Avoidance is not to be harsh or coldly legalistic: "...Let such moderation and Christian discretion be used that such shunning and reproof may not be conducive to his ruin, but serviceable to his amendment. For should he be in need, hungry, thirsty, naked, sick, or visited by some other affliction, we are in duty bound, according to the doctrine and practice of Christ and his apostles, to render him aid and assistance, as necessity may require; otherwise the shunning of him might rather be conducive to his ruin than to his amendment (I Thess. 5:14)." (*Ibid.*; quotation from the *Dordrecht Confession of Faith.*)

Three ideas seem to stand out here. First, the purpose of shunning is to protect in some way the Christian fellowship, to mark it as special and not something which a person may just take for granted. Second, the shunning is not to be "conducive to his ruin" but rather "serviceable to his amendment." Third, the duty to shun is limited to people who are or who have been members of the Christian fellowship. And it has to do with a certain type of irreligious behavior rather than with general immorality. In fact the question of shunning those never associated with the fellowship, whether or not they are immoral, does not come up. Christian shunning is not a duty that applies towards non-Christians in general.

Thus "secular" shunning differs from Christian shunning in that it involves all members of a moral community. Likewise, the grounds for secular shunning are not a falling away from the Christian walk but a flagrant, persistent and willful violation of the moral order. The problem, then, is to establish by appeal to general moral principles a duty of individuals, corporations, or nations to shun other individuals, corporations, or nations. Two parallels with Christian shunning will emerge. First, just as the purpose of Christian shunning is to protect the specialness of the Christian fellowship, so the purpose of secular or moral shunning is to protect the specialness of the moral community. Second, to the extent that secular shunning involves punishing an offender, its purpose is not to be "conducive to his ruin" but rather "serviceable to his amendment."

II

A fundamental task of morality is resolving conflicting interests. If we both want the same piece of land, ethics provides a basis for resolving the conflict by identifying "mine" and "thine." If in anger I want to smash your

face, ethics indicates that your face's being unsmashed is a legitimate interest of yours which takes precedence over my own interest in expressing my rage. Thus ethics identifies the *rights* of individuals when their interests conflict.

But how can a case for shunning be made on this view of morality? Whose interests (rights) does shunning protect? The shunner may well have to sacrifice his interest, e.g., by foregoing a beneficial trade relationship, but whose rights are thereby protected? In shunning there seem to be no "rights" that are protected. For shunning, as we have seen, does not assume that the resulting cost will change the disapproved behavior. If economic sanctions against South Africa will not bring apartheid to an end, and thus will not help the blacks get their rights, on what grounds might it be a duty to impose such sanctions?

We find the answer when we note that there is another "level" of moral duties. When Galtung speaks of "reinforcing ... morality," he has identified a duty that goes beyond specific acts of respecting people's rights. The argument goes like this: There is more involved in respecting the rights of others than not violating them by one's actions. For if there is such a thing as a moral order, which unites people in a moral community, then surely one has a duty (at least *prima facie*) not only to avoid violating the rights of others with one's actions but also to support that moral order.

Consider that the moral order itself contributes significantly to people's rights being respected. It does so by encouraging and reinforcing moral behavior and by discouraging and sanctioning immoral behavior. In this moral community people mutually reinforce each other's moral behavior and thus raise the overall level of morality. Were this moral order to disintegrate, were people to stop reinforcing each other's moral behavior, there would be much more violation of people's rights. Thus to the extent that behavior affects the moral order, it indirectly affects people's rights. And this is where shunning fits in.

Certain types of behavior constitute a direct attack on the moral order. When the violation of human rights is flagrant, willful, and persistent, the offender is, as it were, thumbing her nose at the moral order, publicly rejecting it as binding her behavior. Clearly such behavior, if tolerated by society, will weaken and perhaps eventually undermine altogether the moral order. Let us look briefly at those three conditions which turn immoral behavior into an attack on the moral order.

An immoral action is flagrant if it is "extremely or deliberately conspicuous; notorious, shocking." Etymologically the word means "burning" or "blazing." The definition of shunning implies therefore that those offenses require shunning which are shameless or indiscreet, which the person makes no effort to hide and no good-faith effort to excuse. Such actions "blaze forth" as an attack on the moral order. But to merit shunning the action must also be willful and persistent. We do not consider the actions of the "backslider," the

weak-willed, the one-time offender to be challenges to the moral order. It is the repeat offender, the unrepentent sinner, the cold-blooded violator of morality whose behavior demands that others publicly reaffirm the moral order. When someone flagrantly, willfully, and repeatedly violates the moral order, those who believe in the moral order, the members of the moral community, must respond in a way that reaffirms the legitimacy of that moral order. How does shunning do this?

First, by refusing publicly to have to do with such a person one announces support for the moral order and backs up the announcement with action. This action reinforces the commitment to the moral order both of the shunner and of the other members of the community. (Secretary of State Shultz in effect made this argument in his call for international sanctions on Libya in the early days of 1986.)

Further, shunning may have a *moral* effect on the shunned person, even if the direct impact is not adequate to change the immoral behavior. If the shunned person thinks of herself as part of the moral community, shunning may well make clear to her that she is, in fact, removing herself from that community by the behavior in question. Thus shunning may achieve by moral suasion what cannot be achieved by "force."

Finally, shunning may be a form of punishment, of moral sanction, whose appropriateness depends not on whether it will change the person's behavior, but on whether he *deserves* the punishment for violating the moral order. Punishment than can be viewed as a way of maintaining the moral order, of "purifying the community" after it has been made "unclean," as ancient communities might have put it.

Yet not every immoral action requires that we shun. As noted above, we live in a fallen world. None of us is perfect. If the argument implied that we may have nothing to do with anyone who is immoral, it would consist of a *reductio* of the very notion of shunning. To isolate a person, to shun him, to give him the "silent treatment," is a serious thing. Nothing strikes at a person's wellbeing as person more directly than such ostracism. Furthermore, not every immoral act is an attack on the moral order. Actions which are repented and actions which are done out of weakness of will clearly violate but do not attack the moral order. Thus because of the serious nature of shunning, it is defined as a response not just to any violation of the moral order, but to attacks on the moral order itself through flagrant, willful, and persistent wrongdoing.

We can also now see why failure to shun can under certain circumstances suggest complicity. But it is not that we have a duty to shun because failure to do so suggests complicity. Rather, because we have an obligation to shun in certain circumstances, when we fail to do so others may interpret our failure as tacit complicity in the willful, persistent, and flagrant immorality.

III

In this section I address a number of objections, beginning with the claim that the argument only applies to individuals and not to states.

1. Many maintain that there are no moral rights or duties among nations. Others hold that nations have a right to self-determination which obligates other nations not to interfere in their internal affairs. On what grounds can we say that nations as well as individuals can be obligated to shun and be liable to be shunned?

As I see it, nations are agents in the sense that they do things that affect people's interests—"do things" in the sense in which people do things and not in the sense in which the wind does things—for they have both the power to affect people's interests and the ability to decide whether or not to do so. But being an agent in this sense is a sufficient condition for having moral responsibility. And the argument for the duty to shun is perfectly general, applying to all morally responsible agents. Institutions such as the state can act in ways which directly attack and undermine the moral order, and individuals and institutions can sanction such offenders as a witness to the moral order. As moral agents states are also obligated to support the moral order and hence to shun when the situation demands. (For more detailed analysis of the arguments that morality applies to nations see Cohen (1985) and Beitz (1979).)

But perhaps Thompson's pragmatic argument against interfering in the affairs of other states rules out national shunning:

Respect for domestic jurisdiction causes diplomatists to question a crusading approach to human rights. Routine interference in the essential conduct of the affairs of one government (that is, in its definition of its rights and duties) by another is a recipe for disaster in political relationships. Furthermore, history offers little support for the assumption that moral intervention changes institutions and practices elsewhere; sometimes such intervention can even make the situation worse. Given the realities of national sovereignty, methods such as quiet diplomacy, the private offering of incentives and rewards, and sustained individual contacts are more likely to yield results. Workability is a companion principle to respect for domestic jurisdiction. Together they provide the diplomatists' main guidelines for action in human rights as in other spheres of foreign policy. (Thompson, 1980, pp. 91-92)

As a general caution against our desire to "do something" when we do not like the policies of another country, Thompson's pragmatic approach is sound. But shunning represents a special situation in which, persuasion and direct pressure having been tried and having failed, the objective is not to change behavior but to witness against it. "Workability" has been tried and has

failed; the flagrant, persistent, and willful violation of human rights continues and must be confronted publicly.

A frequent objection to “human rights” policies may also be raised to shunning: By what right does one nation impose its values on another? The argument may proceed by noting that shunning represents the reaction of a community to those who reject its standards in particularly serious way. But, it will continue, surely there is no such moral community among nations, since there is no world-wide agreement on basic moral standards.

José Zalaquett addresses these questions in his lecture on “Human Rights and Moral Dimensions of International Conduct.” His thesis is that there is a world-wide consensus on basic human rights, as is evidenced by the fact that the world’s nations have signed the United Nations Charter (Zalaquett, 1983). Thus besides general arguments for moral obligations among nations, the explicit recognition of certain duties by the nations of the world supports the claim that there is a world moral order which ought to be protected.

So, as moral agents, agents who can be responsible for violating people’s rights, nations as well as individuals (and presumably other institutions, such as corporations—although we have not examined these cases separately) have a *prima facie* duty to shun under certain circumstances and ought to be shunned under certain circumstances.

2. We should also consider the objection that shunning violates the obligation to “keep talking” to a “wayward” brother or sister, the obligation not to “write them off.” The kind of “moral banning” that shunning involves in fact may *undermine* the moral order by isolating more and more individuals from the moral community. Turning again to Galtung, we find the objective of changing behavior contrasted with that of punishing for the sake of punishing:

...it makes good sense to ask a politician engaged in sanction policies, “If you cannot have both, which outcome would you prefer, punishment without compliance or compliance without punishment?” If he insists that punishment is a sufficient condition for compliance, then he is naive; if he insists that punishment is a necessary condition for compliance, then he is probably in addition highly punishment-oriented in the sense that punishment has become an automatic and probably also cherished goal in itself. This punishment-oriented attitude is probably fairly widespread, particularly as applied to the international system, and serves to maintain negative sanctions. If compliance is not obtained, there is at least the gratification from knowing (or believing) that the sinner gets his due, that the criminal has been punished. (Galtung, 1983, p. 20.)

Two points are relevant to meeting this objection. First, one does not shun as a first resort. There are many steps of personal and public persuasion and pressure that should be taken before one decides on shunning. Are not human

rights better promoted through “quiet diplomacy”? (See Zalaquett, 1983, pp. 79-80.) Recall the criteria of persistency, willfulness, and flagrancy which must be met before one shuns. Thus shunning is not something that will drive people or nations from the moral community, but rather a recognition of the fact that they have removed themselves from the moral community. Second, shunning is not a complete rupture of relationships, a complete refusal to have to do with. Even while imposing sanctions as a public witness against the immoral behavior, one can continue talks designed to bring the shunee back to the moral community. Recall the Mennonite norm “that such shunning and reproof may not be conducive to his ruin, but serviceable to his amendment.”

3. A third objection is that shunning is hypocritical. How, for example, can the United States in good conscience shun South Africa, given (a) its own injustices at home and (b) its failure to apply the same principles to the Soviet Union?

(a) “Let him who is without guilt throw the first stone.” This biblical injunction will make anyone pause before judging publicly her neighbor's morality. Yet must we not do this on occasion? Must we not, having admitted our own failings and shortcomings, having done our best to put our own house in order, and having thereby affirmed our own commitment to the moral order, on occasion publicly disassociate ourselves from those whose behavior indicates the refusal to do just that? We may be wrong; others may see us as a hypocrites. But in the end we must follow our consciences in this as in other matters.

(b) The objection can also be that shunning must be hypocritical because nations cannot consistently shun *all* human rights violators. Is there not hypocrisy in applying different standards to the Soviet Union, which is large and powerful, and to South Africa, which is relatively small and weak? Certainly many conservatives are offended by an eagerness of liberals to condemn South Africa which is not matched by an equal eagerness to condemn the Soviet Union—although the Soviet Union seems equally guilty of willful, persistent and flagrant violations of the moral order. There is no hypocrisy or inconsistency, however, if there are situations in which a *prima facie* duty to shun is overridden by some other duty.

It is possible, of course, to advocate shunning South Africa but to deny even a *prima facie* duty to shun the Soviet Union. One could argue that the purported grounds for shunning the Soviet Union (treatment of dissidents or the war in Afghanistan) do not constitute flagrant, persistent, and willful violations of the moral order. This kind of disagreement about shunning is unavoidable. For there will always be a strong element of judgment in decisions about shunning, even among people who agree on their basic moral principles. The reason is that notions like “flagrancy” inescapably involve judgments of degree and judgments of motives which do not admit of precise measurement.

But suppose there is a *prima facie* duty to shun the Soviet Union. Are there other duties which might override that *prima facie* duty? In *Morality and Foreign Policy*, Thompson (1980) argues against what he calls the monistic tradition of American foreign policy with its "search for clear-cut and unequivocal moral positions" and its rejection of "ambivalence and balancing of values." Instead, he supports the tradition of pluralism which recognizes that international moral problems usually involve conflicting values.

What kinds of obligations can override the duty to shun? A clear example is the obligation of self-preservation. If to shun the only grocer in town means to starve, then my duty of self-preservation overrides the duty to shun. On the level of relations between states the essential interests of the state have a similar claim. If there are such essential interests of a state (for example, preservation of borders and internal security), then the duty to protect those interests may well override a duty to shun. An argument that too much United States pressure on the Soviet Union regarding human rights would undermine the relationship between these countries necessary for world peace would be of this kind. Another example might be an argument that a nation ought not to alienate a trading partner who is the only source of a vital import. While these arguments might surely be used in bad faith to avoid an inconvenient duty to shun, that does not render them invalid. Thus there may be, but need not be any hypocrisy or inconsistency in shunning one nation for a certain attack on the moral order but not shunning another for an equally serious attack.

4. Finally, shunning can itself cause injustices. Should we shun a nation that violates the rights of some or all of its citizens if the burden will fall primarily on those victims? For example, sanctions against South Africa are often rejected on the grounds that they will hurt the South African blacks the most. Yet it is not clear what weight this argument has. Certainly shunning will cause economic hardship for South Africa, hardship which the oppressive regime may well transfer to the black people. But the oppressed people may welcome that additional burden, since it may, as it were, lighten their overall burden by recognizing their plight and their worth (*Würde*, dignity) as human beings. It may give them the moral encouragement needed to carry on their struggle. Finally, the cries of the black people against apartheid, along with their strikes and boycotts, seem to be evidence that they themselves are willing to make the sacrifices to fight apartheid. In other cases, however, the burden of shunning may in no way help the oppressed people. Then shunning itself would clearly be unjust and should not be done; alternative sanctions must be devised which will affect the offending members of the society.

Problems of justice can also arise within the shunning nation, since shunning will almost certainly impose unequal costs on its citizens. For example, sanctions will affect the employees and stockholders of certain companies significantly while affecting the general public little. This problem of uneven burden can arise with all forms of economic sanctions, not just with

shunning, of course. Recall the pain suffered by American farmers when President Carter stopped grain shipments to the Soviet Union after the invasion of Afghanistan. It seems clearly unfair to expect only part of the nation to bear the burden of the witness against immorality. To the extent that the domestic incidence of such policies can be identified, compensating policies should be devised, policies such as subsidies, opening of other markets, government purchase, etc. which can be funded out of general revenues and thereby spread the burden fairly over the whole nation.

IV

We began with the question whether it is ever a nation's duty to impose boycotts or other economic sanctions on another nation when it appears unlikely that the sanctions can raise the cost of the offending behavior high enough to force the other nation to change it. We saw that in the case of willful, persistent, and flagrant violations of human rights such a policy was called for as part of the duty to protect the moral order and the moral community. We then examined a number of problems for the theory, noting that morality does apply to nations as well as to individuals; that shunning is a last resort that does not rule out continued efforts to work with the offending nation, not a first resort; that there can be other duties which override the duty to shun, thus creating the appearance of hypocrisy or double-standardism; and that steps must be taken to ensure that the burden of shunning is distributed fairly, although imposing costs on the oppressed people themselves does not *per se* rule out shunning.

This essay is an initial exploration of the moral practice of shunning. Of course many questions remain, for example about *how* individuals and nations ought to be shunned. What is the appropriate type of avoidance, or are different kinds of avoidance appropriate under different conditions? But these explorations must await another occasion. Perhaps enough has been said here to put the topic of shunning on the ethicist's agenda and to start the discussion.

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