

The right of democracies to sanction other democracies

Author: Terence Rajivan Edward

Abstract. Avia Pasternak argues for a right that democracies have to sanction other democracies. This paper reconstructs her argument and objects to one of its premises.

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In an article entitled “Should Democracies Sanction Democracies?” Avia Pasternak observes that there are three areas of concern about a state sanctioning another state when that other state is violating human rights. First, there are concerns about whether sanctions are an effective means of bringing about a change in policy. Second, there are concerns about whether other states have a right to interfere in the decisions of the sanctioned state. Third, there are concerns about whether there really is an obligation for other states to interfere. Unless the human rights violations are atrocities on a large scale, these general concerns may well point to a No answer to the question of whether other states should sanction a given state. But Pasternak thinks that when our focus is on democratic states alone – when the question is whether a democratic state should sanction another democratic state – there are specific considerations which can serve to overturn this No answer, even if the human rights violations are relatively small scale. In this paper, I focus on her attempt to argue that one democratic state can have a right to sanction another democratic state.

In order for Pasternak’s argument to be of interest, we need to grant that states in general do not have a right to sanction other states merely as part of deciding on their own policies. If states in general have such a right, then there is no need to argue that there are

features of democratic states and their relationships which give rise to such a right, in certain circumstances. So let us grant that states in general do not have such a right.

Granting this point, Pasternak argues as follows:

...when one democracy adopts an undemocratic practice, it sends the message to other democracies that such behaviour is compatible with democratic norms. Other democracies that are in close contact with it could therefore potentially be influenced themselves by these changing norms. In order to prevent this detrimental effect they have a right to express their outright condemnation of this behaviour. In other words, in order to preserve their own democratic identity these other democracies have the right to make it clear that they reject the non-democratic policies of the liberal democracy with which they are in close contact. (Pasternak 2008)

In this passage, Pasternak does not actually mention sanctions, rather condemnation. But the question of her article, as indicated by its title, is whether democracies should sanction other democracies when they engage in certain violations. This passage is the only material in the article that plausibly supports a right for democracies to sanction other democracies. So we must either say that, contrary to her aim, Pasternak has no argument for this right, or else adapt the material. It is possible to take the second option and I shall take it. The final quotation I provide from Pasternak in this paper justifies taking it.

Adapting what she says, Pasternak seems to be making an argument that involves three premises:

- (1) A democratic state has a right to take appropriate means to protect its democratic culture.
- (2) If democratic state A and democratic state B are in close contact and state A violates some democratic norms, then the democratic culture of state B is under threat,

because citizens of state B may regard the norm-violating actions of state A as in fact acceptable behaviour for a democratic state.

- (3) An appropriate means of protecting state B's democratic culture from this specific threat is for state B to sanction state A.

From these premises, the following conclusion is drawn:

- (4) If democratic state A and democratic state B are in close contact and state A violates some democratic norms, then state B has a right to sanction state A.

In my evaluation of this argument, I contest the third premise. It is possible to qualify this argument considerably without affecting the points I make regarding this premise. Before coming to the evaluation, it is worth briefly pointing out a couple of assumptions that Pasternak makes, assumptions that I will not contest.

A question that is likely to occur to some readers is whether a democratic state which violates some democratic norms is still a democratic state. I think Pasternak is assuming that a state can still qualify as a democratic state while violating some such norms. Of course, this gives rise to another question: where should we draw the line? I will pass over this other question here. A second assumption of hers is that if a democratic state violates human rights, then it is violating some democratic norms, or liberal-democratic norms, to be more precise. This assumption is worth looking into, but I will not look into it here. (Pasternak's focus is, more precisely, on liberal-democracies. For a definition, see Quong 2010: 14-15)

Pasternak's argument is very original, but there is an objection to premise (3). If democratic state A and democratic state B are in close contact and state A violates some democratic norms, leaving the democratic culture of state B under threat, because the actions of state A may be regarded as acceptable behaviour, is there not a straightforward way for state B to protect its democratic culture? The government of state B can just provide an

argument to citizens for why the norm-violating actions of state A are violations of democratic norms. A good argument is needed, otherwise sanctions cannot be justified; but if there is a good argument, why can it not be presented to citizens of democratic state B *instead of* pursuing sanctions? Hopefully, citizens will recognize that the argument is good and then they will not believe that the norm-violating actions of state A are in fact acceptable behaviour for a democratic state. Given that this means of protecting the democratic culture of state B is available, how can one say that sanctions are an appropriate means? Since we are granting that a state does not have a right to sanction another state unless special circumstances obtain, I think we have to say that a means of protecting democratic culture which involves sanctions cannot be appropriate when there is this peaceful non-interfering means available. Whatever the full requirements for appropriateness, they have surely not been met.

A defence against my objection is that perhaps most citizens of state B have some irrational attachment to the belief that state A always behaves in a way that is acceptable for a democratic state. Even when presented with a good argument to the contrary, they continue to believe this. The only way to protect the democratic culture of state B is to change the behaviour of state A. Even if this is true, just imagine a member of state B's government reasoning along the following lines: "Our state has a right to sanction state A, because we have presented a good argument to citizens of our state that the actions of state A are violations of democratic norms, but unfortunately the argument has not made any difference to their beliefs." I am disposed to say, "You do not gain a right to interfere in the affairs of another state because citizens of your own state will not listen to reason! That is too great a violation of the other state's right to self-determination, because this right is compromised owing to the unreceptivity to reason of people beyond its boundaries." (Also note that,

whatever the other state is doing, to try to affect your citizens' beliefs in this way is itself a serious violation of liberal-democratic norms. This route does not engage with sane adult citizens as people who can make their own minds up, given adequate information.)

Towards the end of her article, Pasternak writes as if protecting the democratic culture of a state is not meant to function as a complete reason for pursuing sanctions, but only in conjunction with other reasons:

The justification for sanctioning would be not only that the democracy in question violated international law and harmed a third party, but also that it violated the democratic norms which it shares in common with other democracies and which it professes allegiance to. (Pasternak 2008)

But if the protecting-culture reason is objectionable when considered in isolation, in the way I have found it objectionable, it is unclear what difference it would make to add it to the reason that international law is being violated and that a third party is being harmed. If these two reasons do not in themselves give a right to sanction, if something else must be added, I cannot see how the something else is protecting the democratic culture of one's state. For there is the option of protecting it by providing an argument to citizens of that state; and one does not gain a right to sanction if that option fails.

Beyond having a right to pursue sanctions, I cannot see how the reason she identifies adds to a case for actually pursuing sanctions. Pasternak asserts that it adds to a case in another article:

...*B* has an increased right, and a better reason, to interfere in the affairs of *A* in order to reduce the risk of future damage to its own democratic culture. (2009: 63)

However, Pasternak once again overlooks the option of protecting one's democratic culture through giving reasons and does not address the concerns about pursuing other options if this

overlooked option fails. I find Pasternak's argument interesting. It may be that there is some highly qualified variation on it that applies to a very specific context, but I cannot see that the argument in its current form works.

References

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