

**THE SANCTIONS THEORY:  
A FRAIL PARADIGM FOR INTERNATIONAL LAW?**

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TABLE OF CONTENTS

<b>INTRODUCTION.....</b>	<b>2</b>
<b>THE LOGIC OF SANCTIONING.....</b>	<b>4</b>
<b>DECONSTRUCTING THE LOGIC.....</b>	<b>8</b>
<b>A WORLD OF PUNISHMENT.....</b>	<b>10</b>
<b>CONCLUSION.....</b>	<b>12</b>

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## INTRODUCTION

President Obama's State of the Union speech proves once again that many of the issues in today's international and, even domestic affairs, are entangled with economic sanctions and their consequences.<sup>2</sup> Interestingly enough, three out of five foreign policy issues addressed by Obama involved economic sanctions and embargos.<sup>3</sup> From Iran negotiations and the new thaw with Cuba to the pressure on Putin's government, economic sanctions seem to play a critical role.

Focusing on Iran's case, one can observe how economic sanctions play into the dynamics of international as well as domestic politics. Back in September, the speech of President Rouhani of Iran at the United Nations General Assembly had one message: help us with the nuclear issue problem and we will help you defeat ISIS.<sup>4</sup> This was the most pragmatic speech delivered by an Iranian president after the Iranian Revolution of 1979; President Rouhani did not engage himself in any universalistic, messianic, or moralistic speech. Evidently, he was trying to cut a deal.

On the other hand, since the start of new conciliatory efforts between Iran and the West, Republicans—with the intermittent support of a fraction of Democrats<sup>5</sup>—in the United States have consistently endeavored to halt any progress on the nuclear talks between Iran and the United States;<sup>6</sup> And, for better or worse, they seem to have a plausible

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<sup>2</sup> For a full transcript of the speech, *see* <http://www.npr.org/2015/01/20/378680818/transcript-president-obamas-state-of-the-union-address>.

<sup>3</sup> Dan Murphy, *Obama's State of the Union Address: Foreign Policy Highlights*, THE CHRISTIAN SCIENCE MONITOR, Jan. 21, 2015, available at <http://www.csmonitor.com/World/Security-Watch/Backchannels/2015/0121/Obama-s-State-of-the-Union-address-foreign-policy-highlights>

<sup>4</sup> Somini Sengupta, *Iran's President Says West's 'Blunders' Aided Rise of Islamic State*, N.Y. TIMES, Sep. 25, 2014, available at <http://www.nytimes.com/2014/09/26/world/middleeast/hassan-rouhani-iran-united-nations.html>.

<sup>5</sup> Senator Robert Menendez from the Democratic Party has become the lead person behind the new sanctions bill, Michael D. Shear, *Obama and Senator Robert Menendez Spar on How to Handle Iran*, N.Y. TIMES, Jan. 15, 2015, available at <http://www.nytimes.com/2015/01/16/us/politics/obama-and-senator-robert-menendez-spar-on-how-to-handle-iran.html>

<sup>6</sup> *See e.g.*, Kristina Wong, *Menendez, Kirk Introduce New Iran Sanctions Bill*, THE HILL, Jan. 27, 2015 available at <http://thehill.com/policy/defense/230961-menendez-kirk->

argument: the reason Iran came back to the table of negotiation was due to the devastating effects of sanctions on its economy.<sup>7</sup> Iran's currency value—i.e. Rial—nosedived, unemployment surged, inflation increased to an unprecedented level, and the GNP and GDP plummeted. Republicans argue that if we press Iran further with more sanctions it is highly likely they will soon succumb to forgoing nuclear ambitions altogether with minimal need for diplomacy and long futile negotiations. That was the idea behind the bill introduced on December 11, 2013 to Congress for implementation of newer sanctions,<sup>8</sup> only a few weeks after P5+1 reached an interim agreement with Iran.<sup>9</sup> With the victory of Republicans in the November mid-term election, the push for new sanctions and the halt of talks gained momentum again.<sup>10</sup>

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[introduce-new-iran-sanctions-bill](#); Luke Johnson, Ryan Grim, & Michael McAuliff, *Republicans Drag Senate to A Halt to Force A Vote on Iran Sanctions*, HUFFINGTONPOST, Feb. 26, 2014, available at [http://www.huffingtonpost.com/2014/02/25/senate-republicans-iran\\_n\\_4855813.html](http://www.huffingtonpost.com/2014/02/25/senate-republicans-iran_n_4855813.html)

<sup>7</sup> Elsewhere I have assessed and critiqued this argument, see Farshad Ghodoosi, *Combatting Economic Sanctions: Investment Disputes in Times of Political Hostility, A Case Study of Iran*, FORDHAM INT'L L. J. 1731 1766-1769 (2014).

<sup>8</sup> Senator Robert Menendez explicates the rationale behind the introduction of the new bill: "Current sanctions brought Iran to the negotiating table and a credible threat of future sanctions will require Iran to cooperate and act in good faith at the negotiating table"; "[Additional] sanctions will influence Iran's calculus and accelerate that process toward achieving a meaningful diplomatic resolution", Press Release, United States Senate Committee on Foreign Relations, Twenty-Seven Senators Introduce the Nuclear Weapon Free Iran Act, (Dec. 19, 2013) (on file at <http://www.foreign.senate.gov/press/chair/release/twenty-seven-senators-introduce-the-nuclear-weapon-free-iran-act>); See also Mark Landler, *Senate Bill to Impose New Sanctions on Iran Spurs Veto Threat from White House*, N.Y. TIMES, Dec. 19, 2013, available at [http://www.nytimes.com/2013/12/20/world/middleeast/senate-bill-to-impose-new-sanctions-on-iran-spurs-veto-threat-from-white-house.html?\\_r=0](http://www.nytimes.com/2013/12/20/world/middleeast/senate-bill-to-impose-new-sanctions-on-iran-spurs-veto-threat-from-white-house.html?_r=0)

<sup>9</sup> Marcus George, *Interim Nuclear Agreement Between Iran and Six Powers*, REUTERS, Nov. 24, 2013, available at <http://www.reuters.com/article/2013/11/24/us-iran-nuclear-agreement-text-idUSBRE9AN0FS20131124>. For a legal analysis of the interim nuclear agreement see, Dunan Hollis, *Is the New Iranian Deal a Secret Treaty?* OPINIO JURIS, (Jan. 13, 2014) <http://opiniojuris.org/2014/01/13/new-iranian-nuclear-deal-secret-treaty/>; Farshad Ghodoosi, *Comprehensive Solution to an Agreement: How the New Iran Deal is Framed under Iranian Law?* OPINIO JURIS, (Jan. 22, 2014), <http://opiniojuris.org/2014/01/22/guest-post-ghodoosi-comprehensive-solution-agreement-new-iran-deal-framed-iranian-law/>

<sup>10</sup> Jemery Diamond, *Why the Iran Sanctions Fight is a Bid Deal*, CNN, available at <http://edition.cnn.com/2015/01/26/politics/iran-sanctions-negotiations-explainer/>. Democrats behind the new Iran sanctions bill promised not to pursue it until the next deadline in the negotiations, Jeremy Diamond, *Democratic Senators to Hold Back on Iran Sanctions*, CNN, Jan. 27, 2015 available at <http://www.cnn.com/2015/01/27/politics/iran-sanctions-menendez-letter/>

Whether the nuclear talks succeed or fail, Iran's case would be cherished as yet another example for the success of economic sanctions in maintaining world order.<sup>11</sup> However, the paradigm that has shaped around economic sanctions suffers from profound contradictions. The aim of this piece is to dissect and deconstruct the sanctions theory, and to show its paradox and normative inconsistencies. The first section narrates the logic supporting sanctions. The following section shows the weaknesses of the logic of sanctioning. The last section shows normative and theoretical shortcomings of the sanctions theory vis-à-vis international relations theories.

## THE LOGIC OF SANCTIONING

The legality of the imposition of sanctions is reflected in Article 41 of the United Nations Charter. The Article is part of Chapter VII of the U.N. Charter, which aims to “restore international peace and security.”<sup>12</sup> In the minds of the drafters of the new world legal order “complete or partial interruption of economic relations”<sup>13</sup> would restore—or at least contribute to the restoration of—international peace and order. This tool of coercion and compliance in international law has largely remained dormant and under-utilized until the post Cold-War era.<sup>14</sup> Only in 1966 and 1977 did the Security Council impose sanctions against Southern

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<sup>11</sup> One factor that is surprisingly missing in academic and non-academic debates over Iran's case is the major shift of U.S. foreign policy towards Iran. In a sharp transition from 2005, the U.S. Government shows its willingness to accept uranium enrichment in Iran's territory.

<sup>12</sup>“ The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.”, U.N. Charter, art 39.

<sup>13</sup> “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations”, U.N. Charter, art. 41.

<sup>14</sup> Anna Segall, *Economic Sanctions: Legal and Policy Constraints*, 81 INT'L REV. OF THE RED CROSS 763, 763 (1999), available at <https://www.icrc.org/eng/resources/documents/misc/57jq73.htm>.

Rhodesia and South Africa, respectively.<sup>15</sup> It was the end of bi-polarity in international order that shifted the paradigm towards the liberal use of economic sanctions.

The idea of sanctioning a state is premised on a few assumptions. First is the presumption that states are generally rational entities, indicating that states conduct cost-benefit analyses in their domestic and, relevant to our discussion, their foreign affairs.<sup>16</sup> Secondly, economic sanctions increase the costs of states by cutting their economic relations with other countries and, therefore, reducing cross-border commerce.<sup>17</sup> Thirdly, because states cannot remain distant from international trade for a long period of time, they will inevitably undo the undesired behavior and undertake the desired measures. Fourthly, the international community will stop imposing sanctions once the desired goal is achieved. Fifthly, it signals to other states that non-compliance with the international order or disturbance of the peace is very costly and will result in the deprivation of a multitude of privileges offered by the world community.<sup>18</sup>

The collapse of the bipolar world of the Cold-War era paved the way for a wide implementation of sanctions in the modern era.<sup>19</sup> Economic sanctions turned into an indispensable tool in the battle against what came to be known as “rogue states.”<sup>20</sup><sup>21</sup> The increasing utilization of

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<sup>15</sup> JEREMY MATAN FARRALL, UNITED NATIONS SANCTIONS AND THE RULE OF LAW 3 (2007).

<sup>16</sup> GOLNOOSH HAKIMDAVAR, A STRATEGIC UNDERSTANDING OF UN ECONOMIC SANCTIONS: INTERNATIONAL RELATIONS, LAW, AND DEVELOPMENT 136 (2014).

<sup>17</sup> For an analysis of the relationship between the traditional approach to power and politics and the added costs of economic sanctions, see DAVID A. BALDWIN, ECONOMIC STATECRAFT 130-133 (1985).

<sup>18</sup> DANIEL W. DREZNER, THE SANCTIONS PARADOX: ECONOMIC STATECRAFT AND INTERNATIONAL RELATIONS 15-17 (1999).

<sup>19</sup> “American primacy gave the United States unprecedented freedom of action and brought coercive diplomacy and economic sanctions into the paradigm with much greater frequency...” P. EDWARD HALEY, STRATEGIES OF DOMINANCE: THE MISDIRECTION OF U.S. FOREIGN POLICY 5 (2006).

<sup>20</sup> Following the collapse of the bipolar world, the perception of the U.S. administration was that their task shifted to deal with recalcitrant states commonly referred to as “rogue states” during the Clinton and Bush administrations. In a controversial article published in 1994, Anthony Lake, then national security advisor to President Clinton, elaborated the task of United States in confronting “backlash states”: “As the sole superpower, the United States has a special responsibility for developing a strategy to neutralize, contain and, through selective pressure, perhaps eventually transform these backlash states into constructive members of the international community.” He enumerated Cuba, North Korea, Iran, Iraq and Libya as “backlash” states. Anthony Lake, *Confronting Backlash States*, 73 FOREIGN AFF. 45, 45-46 (1994).

economic sanctions caught the attention of political scientists as well as other social science experts. Soon, a considerable body of literature emerged to explain economic sanctions. This body of literature was centered on what I call the “functionality paradigm of economic sanctions”, meaning they endeavor to analyze whether economic sanctions “work.”<sup>22</sup>

Lawyers and legal academics entered the debate later. One of the main reasons seems to be that the imposition of economic sanctions—more or less—is lawful in today’s international law.<sup>23</sup> As a result the majority of legal pieces has focused on delineating standards for the imposition of economic sanctions.<sup>24</sup> International lawyers found it sufficient to subject the sanctions to the vague standard of proportionality that they borrowed from other areas of international law, including international human rights law. However, intellectual efforts in the literature surrounding economic sanctions have remained far underdeveloped compared to other areas such as human rights or laws of war. The topic of economic sanctions has remained to be an often-neglected area in international law, unlike other disciplines such as political science.

With the increase of the utilization of economic sanctions, legal academia forcefully entered the scene. This time the scholarship was not

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<sup>21</sup> For an analysis of sanctions after the Cold War and the shift of U.S. sanctions policy, see GARY CLYDE HUFBAUER ET AL., *ECONOMIC SANCTIONS RECONSIDERED* 125-154 (3d ed. 2009).

<sup>22</sup> For instance, Hufbauer’s scholarship shows us that the effectiveness of economic sanctions declined to 35 percent by the 1990s. Gary Hufbauer & Barbara Oegg, *Economic Sanctions for Foreign Policy Purposes* in *HANDBOOK ON INTERNATIONAL TRADE POLICY* 512-514 (2007). Pape strongly questions the empirical basis for success stories of economic sanctions and suggests that economic sanctions are rarely successful, Robert A. Pape, *Why Economic Sanctions Do not Work*, 22 *INT’L SEC.* 90, 119-120 (1997). For other similar scholarship, see e.g., Kimberly Ann Elliott, *The Sanctions Glass: Half Full or Completely Empty?*, 12 *INT’L SEC.* 50, 50-65 (1998); David Baldwin, *Evaluating Economic Sanctions*, 23 *INT’L SEC.* 189, 189-195 (1998). For a more optimistic account of the effectiveness of economic sanctions, see DANIEL W. DREZNER, *THE SANCTIONS PARADOX: ECONOMIC STATECRAFT AND INTERNATIONAL RELATIONS* 18 (1999).

<sup>23</sup> For an analysis of whether economic sanctions would eventuate in responsibility of the state imposing sanctions, see Farshad Ghodoosi, *The Limits of Free Movement of Capital: The Status of Customary International Law of Money*, 7 *NW. INTERDISC. L. REV.* 287, 320-324 (2014).

<sup>24</sup> See e.g., W. Michael Reisman & Douglas L. Stevick, *The Applicability of International Law Standards to United Nations Economic Sanctions Programmes*, *EUR. J. INT’L LAW* 86, 86-141 (1998); August Reinisch, *Developing Human Rights and Humanitarian Law Accountability of the Security Council for the Imposition of Economic Sanction*, 95 *AM. J. INT’L L.* 851-871 (2001).

focused on standards, guidelines, or customary norms applicable to the imposition of sanctions. The aim of the new scholarship was to generate a new paradigm of international law. This new movement argued that international law not only works because of sanctions, but also it is “law” because it can “sanction.”<sup>25</sup> Sanctioning is not simply justified under international law and cherished as a tool for countermeasures and reprisals; sanctioning should act as the main pillar and generative force for international law. This theory seems to be at odds with other theories of international law, which with varied degrees believe in engagement. A quick look at several theories of international law shows us that it is nearly impossible to envisage international law without having engagement in our normative framework.<sup>26</sup>

The reasons for such a shift in international law is manifold: it preempts or decreases the chance of unlawful use of force, which is deemed to be a preemptory norm of international law; it reduces casualties and potential human rights violations due to military operations; and the imposition of sanctions is plausibly easier to be subjected to checks and balances.<sup>27</sup> Furthermore, sanction theory allows international lawyers to

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<sup>25</sup> Oona Hathaway and Scott Shapiro at Yale are pioneers in this approach to international law: “...we argue that the coercion used to enforce the law need not involved the threat and exercise of violence. Rather, it may involve the threat of exclusion, as we call it, outcasting.” Oona Hathaway & Scott Shapiro, *Outcasting: Enforcement in Domestic and International Law*, 121 YALE L. J. 251, 258 (2001). See also Robin Bradley Kar, *Outcasting, Globalization, and the Emergence of International Law*, 121 YALE L. J. ONLINE 413, 413-477 (2012).

<sup>26</sup> See e.g., MICHAEL REISMAN, THE QUEST FOR WORLD ORDER AND HUMAN DIGNITY IN THE TWENTY-FIRST CENTURY: CONSTITUTIVE PROCESS AND INDIVIDUAL COMMITMENT 112-133 (2013) (showing that international law functions through the constitutive process of authoritative decision-making); ANNE-MARIE SLAUGHTER, A NEW WORLD ORDER 15 (describing international works through government networks); TAI-HENG CHENG, WHEN INTERNATIONAL LAW WORKS 2 (2012) (focusing on decision-makers in international relations and the interactions between their decisions and international law); ANDREW T. GUZMAN, HOW INTERNATIONAL LAW WORKS: A RATIONAL CHOICE THEORY 18 (2007) (arguing that reputation, reciprocity, and retaliation fosters the possibility of international cooperation); JACK GOLDSMITH & ERIC POSNER, THE LIMITS OF INTERNATIONAL LAW 225-226 (2005) (presenting an instrumental and positive account of international law in which states’ self interest is the key factor); Harold Koh, *Transnational Legal Process*, 75 NEB. L. REV. 181, 183-186 (1996) (discussing that international law works through states internalizing international law norms.); ABRAM CHAYES & ANTONIA HANDLER CHAYES, THE NEW SOVEREIGNTY: COMPLIANCE WITH INTERNATIONAL REGULATORY AGREEMENTS 3 (1995) (presenting a managerial model of international law in which the discourse generated by international law fosters compliance); THOMAS FRANCK, FAIRNESS IN INTERNATIONAL LAW AND INSTITUTIONS (1995) (explaining that fairness and legitimacy in the rules are the primacy reason for compliance in international law).

<sup>27</sup> “...international law is not enforced by an international police force—and that is exactly as it must be. . . . the existence of international police exerting physical power to force states to comply be inconsistent with the very meaning of international law, which is based on respect for the sovereignty and self-determination of states. . . . international law does not have the power to rob states of their sovereignty. Instead, it only has the

proudly present international law under the positivistic account of law, because it can sanction wrongdoers. Essentially they believe that sanction theory is the missing puzzle piece in international law.

Before analyzing this new paradigm of international law, we should briefly touch on the alleged relationship between sanctions and democratization. In cases where the target state is an autocratic regime, the sanction theory maintains that the economic pressure on ordinary people results in wide dissatisfaction and eventual uprising. The bottom-up push from people not only forces the targeted state to change course but also paves the way for more internal accountability in that state.<sup>28</sup>

## DECONSTRUCTING THE LOGIC

The rosy and miniaturist picture depicted by the sanction paradigm almost never happens. Even success stories of sanctions imposed on South Africa (1961-1994), Yugoslavia (1991-1998), and Libya (1992-1999) are viewed with skepticism by several academics.<sup>29</sup> This should not come as a surprise, as the factors involved in social and political change are extremely complex. It remains almost impossible to measure the extent to which decisionmakers of targeted states choose to change course because of economic boycotts.<sup>30</sup> In fact, countries can find alternative routes to receive their needed supplies using other methods, although they are often more expensive. Furthermore, target countries should be less concerned with maintaining their competitive edge if their ties are cut with international trade. International trade does not merely bestow benefits on the participating states; it rather creates a harsh competitive environment in which states try to over perform each other. It is not clear whether regaining ties with the international economy creates an incentive for states to change course. The sanction theory is premised on a highly

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power to take away the very benefits that it has itself generated.” Hathaway & Shapiro, *supra* note 19, at 348-439.

<sup>28</sup> Barbara Geddes, *What Do We Know About Democratization After Twenty Years?*, 2 ANN. REV. POL. SCI., 115, 119 (1999) (“virtually all transition specialists believe that poor economic performance increases the likelihood of authoritarian breakdown...”).

<sup>29</sup> See e.g., HOSSEIN ASKARI ET AL., ECONOMIC SANCTIONS 44-55 (2003); GARY CLYDE HUFBAUER ET AL., ECONOMIC SANCTIONS RECONSIDERED: HISTORY AND CURRENT POLICY 12-13, 112-114 (1990); DAVID CORTRIGHT & GEORGE LOPEZ, ASSESSING SMART SANCTIONS: LESSONS FROM THE 1990S IN SMART SANCTIONS: TARGETING ECONOMIC STATECRAFT 1, 6-19 (2002) .

<sup>30</sup> “Political leaders often redirect the pain of sanctions onto the most vulnerable, or against political opponents.” CORTRIGHT & LOPEZ, *supra* note 24, at 6.



questionable binary of isolation/community, believing being part of a community merely confers benefits.<sup>31</sup>

Moreover, the link between democratization and sanctions rests on shallow grounds. First and foremost, economic pressure would enfeeble the middle class who are considered the force for change in democratization.<sup>32</sup> Secondly, economic pressure muzzles the ordinary routes of conducting business while paving the way for governments and military to be sole actors in the business sector. This results in fortifying the military camps of targeted states which are normally the forces pushing against democratization. Lastly, the external threat in the form of sanctions would be constantly invoked and utilized by targeted states to oppress the opposition.<sup>33</sup>

The aim of this piece, however, is not to remain at the same context of arguing against or for the efficacy of economic sanctions. The purpose is to analyze the theory of economic sanctions at its normative stance. The sanctions paradigm suffers from a basic paradox.<sup>34</sup> As discussed in the previous section, sanctions theory rests on the presumption that the targeted states are rational, conducting cost-benefit analysis. However, the paradox lies at the step prior to the imposition of sanctions. Security threats of so-called “rogue states” are typically described, implicitly or explicitly, in terms of irrational behaviors. For instance, in the case of Iraq, a mad leader with high military capability engendered a serious security threat to the world community. Or, the access of the irrational fundamentalists of Iran to nuclear weaponry creates a survival threat for the neighboring countries and, most importantly, Europe. A brief survey of security threats narrated following the Cold War shows us that the majority of it has been based partially or wholly on the potential irrational behavior of certain leaders or countries. Henceforth, the paradox of sanctions rests on the fact that the remedy to such

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<sup>31</sup> See generally Hathaway & Shapiro, *supra* note 20.

<sup>32</sup> The paramount example is the unprecedented harsh sanction program of Oil-for-Food, enacted by the Resolution 1302 of the Security Council. Not only did the sanction not result in any popular revolts against Saddam Hossein but it also led to what some called genocidal tactics. See HAKIMDAVAR, *supra* note 11, at 94.

<sup>33</sup> Furthermore, economic sanctions enfeeble democracies and undermine democratic leaders. See Susan Allen, *The Determinants of Economic Sanctions Success and Failure*, 31 INT’L INTERACTIONS 117, 123-124 (2005).

<sup>34</sup> Daniel Drezner employed the term sanctions paradox to analyze the reason states utilize economic sanctions despite the fact that international relations theory shows sanctions are not effective. See generally DREZNER, *supra* note 13. However, I use the term to show the inherent inconsistencies and paradoxical nature of the sanction theory, especially at normative and theoretical level.

behaviors is premised on presumably a rational reaction of the same allegedly irrational actors.

## A WORLD OF PUNISHMENT

The sanctions paradigm remains at odds with the developments and paradigms describing the world in which we live. The liberalist paradigm has cherished the economic element as a factor to reduce cross-border armed conflicts. Economic engagement between nations highly decreases the option of armed conflicts as a method for resolution to disagreements. Constant economic relationship fosters alternative and peaceful methods for resolving potential conflicts between nations. Furthermore, integrated economical relationships among nations inevitably raise the cost of resorting to violence and brute force for resolving disputes.<sup>35</sup> This brief description of the liberalist's recipe for conflict avoidance demonstrates that the economic sanctions paradigm stays at sharp contrast with it. Boycotting a nation by cutting their economic ties with other nations augments and even incentivizes resorting to the use of force for disputes. In many of the instances of economic sanctions, such as Iraq and Yugoslavia, the conflict eventually resolved militarily. By closing the economic avenue, the access of the targeted state to the international judicial institution becomes highly restricted as well, a matter that leaves military encounter as the only option on the table.

Realists' explanation of cooperation at the international level also runs counter to the premises of sanctions theory. Realism, a classical approach in international relations, has long grappled with the topic of cooperation in international settings. The basic tenant of realism—which can be briefly described as the survival of the fittest—cannot explain the existence of cooperation in international relations. With the help of game theory, the realist scholars maintain that recurrent and long-term interactions between hostile nations fosters cooperation. In a world with no central authority, cooperation emerges out of rational “tit-for-tat” logic created out of long-term exposure and interactions of states.<sup>36</sup> Yet, the theory of sanctions neglects this basic argument of *realpolitik*. In contrast, sanctions theory encourages the states to boycott the wrongdoers in order to incentivize the targeted state to “join the world community.” However,

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<sup>35</sup> See JOHN MACMILLIAN, ON LIBERAL PEACE: DEMOCRACY, WAR AND THE INTERNATIONAL ORDER 114-124 (1998).

<sup>36</sup> See ROBERT M. AXELROD, THE EVOLUTION OF COOPERATION 60-63 (1984).

following the realism paradigm, boycotting disincentivizes the isolated state to reciprocate in a “tit-for-tat” game and therefore, the possibility of joining the world community eviscerates. Consequently, outcasting a state paves the way for the isolated state to remain in an anarchical, pre-cooperative stage, seeking to retain its survival through hard power.

Interestingly enough, sanctions theory does not seem to be in line with the ideational paradigm of constructivism. Diverse and rather incongruent strands in constructivism make it hard to have a clear-cut view on this paradigm. However, the constructivist movement emphasizes the ideational, social, as well as normative, aspects of the international setting. This paradigm endeavored to show the importance of non-physical elements, emphasized in realism, in shaping the world in which we live.<sup>37</sup> Yet again, sanctions theory does not seem to be at par with constructivism. The isolation from the international society does little help for the socialization of targeted states. Lesser collaboration and interaction with the international society prevent states from understanding, participating, and sharing the same norms, values, and ideas of the world community. Furthermore, the slash of ties of particular states from international institutions would result in a feeling of unfair treatment. Isolation causes a state to lose platforms, whether judicial or non-judicial, to voice its stance on matters, and defend itself; this results in further distrust of the targeted state in international institutions and international law.

It remains hard to conceptualize the theory of sanctions under a robust and coherent paradigm, be it liberalism, realism, or constructivism.<sup>38</sup> Henceforth, it is hard to imagine that economic out casting would replace the use of brute force or minimize the risk of it. Conversely, economic sanctions facilitate and incentivize the military confrontation between nations. Lesser interactions, lesser economic integration, and lesser socialization between states promote military confrontation instead. A world of punishment is not necessarily a safer or more peaceful world. Rather, it is through the cooperation that peace among nations could be achieved.

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<sup>37</sup> Constructivists endeavor to infuse the development of social sciences into the traditional rigid literature of international relations. See Vendulka Kubalkova et al., *Constructing Constructivism*, INTERNATIONAL RELATIONS IN A CONSTRUCTED WORLD 3, 36-38 (1998).

<sup>38</sup> Furthermore, following security studies, harsh sanctions convey the message to the targeted state that its security is threatened. This would result in disrupting the balance of threat between states and potential bandwagon against the threatening state(s). See STEPHEN M. WALT, THE ORIGIN OF ALLIANCE 5-6 (1990); see also BARY BUZAN ET AL., SECURITY: A NEW FRAMEWORK FOR ANALYSIS 25 (1998).

## CONCLUSION

Theory of economic sanctions remains a vague and understudied paradigm, which has been based on shallow grounds. The social sciences' academic debate has obsessively concentrated on the question of whether sanctions work or yield the desired results. International law scholarship for a long time limited itself with the standards applicable to the imposition of sanctions. However, recently, a new move endeavors to reformulate the entire field of international law based of the theory of sanctions. The new scholarship aims to argue that the imposition of economic sanctions should act as a long-missing element in international law, which was enforcement, a remedy that is far more humane and accessible than use of brute force. Yet, the sanction theory is premised on inconsistent theoretical and normative grounds. Reformulating international law based on the sanctions paradigm would create further theoretical, as well as practical, challenges for this discipline instead of resolving them.