European Economic Sanctions against Russia

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Economic sanctions and statecraft

In the world of international diplomacy, sanctions have emerged as the weapon of choice for nations seeking to punish, pressure, or paralyze their adversaries. This article briefly summarizes the ethical background of economic sanctions, viewed as a punitive tool of statecraft. Building on insights from the field of applied ethics, it explores the moral and logical justification of European economic sanctions against Russia after its 2022 invasion of Ukraine.

After introducing the notion of economic sanctions and how they are conceptualized, it discusses their ethical foundations on cosmopolitan and utilitarian grounds. Then, it disproves the case for a consistent application of just war principles to economic sanctions and concludes by explaining why, if not under military premises, European economic sanctions against Russia could still be morally justified.

What economic sanctions are

Economic statecraft is characterised by three main features: (i) economic-based policy instruments aimed at influencing the target state's behaviour; (ii) a domain of influence for the actions undertaken against another international actor in the political arena; (iii) and, above all, gaining relevant changes of (any) aspects of the target actor's behaviour. Following this framework, economic sanctions can be defined as "the deliberate, government-inspired withdrawal, or threat of withdrawal, of customary trade or financial relations", where customary refers to the mean levels of economic activity in the absence of the sanctions. At the empirical level, economic sanctions resemble siege warfare: they try to undermine the economic stability of a target country to gain its compliance and/or submission at the political and/or military level.

Economic sanctions are meant to serve as a tool to stop ongoing human rights violations and deter the target country from committing future ones. They can be distinguished into two major types: (i) trade restrictions, directly affecting export and import capabilities, but also involving tariffs and wholesale embargoes; (ii) financial restrictions, consisting of asset freezing and investment bans directed at the target country. Marinov and Nilli's interpretation views economic sanctions as viable instruments to strengthen and protect democracy. According to this view, the success/failure of sanctions should be measured by taking into account whether the target country's political system moved closer/farther from procedural democracy. Nevertheless, UN data indicates that the behaviour of target countries didn't change overall after the application of economic restrictions in about 80% of cases, undermining these premises.

The ethics of economic sanctions

James Pattison argues that economic sanctions should not necessarily be seen as morally problematic per sé. Within the framework of the Harm-Distribution approach, rather than questioning the permissibility of economic sanctions in the first place, one should view sanctions as the distribution of currently inevitable burdens. The idea behind this simple argument is that sanctions, with all else being equal, are likely to distribute harm more fairly with respect to war than doing nothing, thus imposing a reasonable burden. Nevertheless, economic sanctions should not necessarily be discarded on the grounds of lack of consent. Requiring the consent of innocent people

for economic sanctions to be morally legitimate is likely to condemn the citizens of the target state to be the next victims of their regime's actions.

Moreover, the principle of universal jurisdiction implies that economic sanctions may be legitimate in cases where the target state is violating the fundamental rights of individuals other than the sender state's own members. As a consequence, every human being has a prima facie duty, from a cosmopolitan viewpoint, to boycott the actions of any regime committing fundamental rights violations, either to an ethnic community or a minority or to the population of another sovereign country. To do so, one is entitled to refuse to trade with nationals of the target country currently violating basic rights.

The applicability of just war principles to economic sanctions

A moral justification of economic sanctions could be framed following the principles of just war theory. To do that, a sound argument should satisfy the principles of: (1) *jus ad bellum* (2) *jus in bello*, which respectively subsume: (1a) just cause; (1b) proportionality; (1c) right intention; (1d) legitimate authority; (1e) penultimate resort; (2a) discrimination. Under an orthodox view of just war theory, all of the listed principles must be satisfied to consider economic sanctions as 'just'. Nevertheless, the principle of discrimination is not satisfied in the case of economic sanctions: by treating individual agents as mere means to an end and using their suffering as a means of persuasion, sanctions violate the Kantian principle that considers every human being as an 'end in themselves'.

Furthermore, a utilitarian perspective raises concerns about the effectiveness of sanctions, given the harm they inflict on innocent people. If economic sanctions are working as a procedure that disproportionally harms the civilian population without achieving their predetermined goals, then they are morally problematic on the same grounds as warfare is questioned upon. Under the framework of just war theory, economic sanctions trying to influence or change the target state's leadership can thus be considered as the functional equivalent of wars, where the combatants are identifiable with the leaders imposing the sanctions and their target opponents, and the non-combatants are the target country's civilians. For these reasons, a just war theory-driven justification of economic sanctions appears not to be a viable alternative.

The legitimacy of European economic sanctions towards Russia after the invasion of Ukraine

Sanctions have proven to be efficient if they are successful in draining the authoritarian regime's available resources, as a way to push away from the incumbent target state's leadership and its supporting elites. Elites' support for the regime generally decreases in proportion to the diminishing ability of the authoritarian target leader to ensure the expected and sustained flow

of benefits that this rich part of the population has been profiting from. Adapting Cecile Fabre's reasoning, Russia violated Ukrainian human rights and international law with its invasion of the sovereign state of Ukraine at time T1, and the EU thus imposed economic sanctions as a reaction to Russian behaviour at time T2, threatening future and stronger sanctions if further violations would occur. Using economic sanctions at time T2 as a punitive and persuasive instrument, imposing some (financial) costs C on a policy P (the invasion of Ukraine) taken by Russia state at T1, to impede other future wrongdoings at time T3 and stop Putin's aggressive behavior (P) seems morally justified from the point of view of Western countries.

Notwithstanding the moral permissibility of sanctions, one should also check whether the sanctions are proportionate and sufficiently discriminating. Opinion polls show that nearly half of Russian citizens are convinced that European sanctions were either conceived out of hostility toward Russia, and nearly 80% of them think Russia shouldn't make concessions and pursue its aggressive strategy. On the one hand, if these premises are accepted, economic sanctions would appear as a violation of the principles of proportionality and discrimination, as discussed above, and hence morally unsupportable. On the other hand, if a case about the moral responsibility of ordinary Russian citizens is made by claiming that they hold some responsibility regarding the ongoing harm Ukrainian citizens are experiencing, and that they are therefore proportionally liable with respect to the action taken by their government, one could argue that without any counter action taken by those same citizens against Putin's regime no feasible concern under the principles of proportionality and discrimination could be established.

Bearing in mind a degree of harm would be produced anyway, and that it would either affect Russian or Ukrainian citizens, one can see that a cosmopolitan and utilitarian view, as presented above, would grant the case for a moral justification, and hence the legitimacy of European economic sanctions against Russia. In other words, everyone has a right – if not a duty – not to sell/buy goods to/from a state that is blatantly violating either human rights and/or international norms, with the goal and the assumption of provoking the lowest possible harm to innocent individuals. While the cosmopolitan dimension warrants the enforcement of people's punitive actions against states outside their sovereign and legal jurisdiction, the utilitarian dimension helps to understand how the harm caused to Russian citizens is morally preferable and justified to the harm inflicted by Russia on Ukrainian citizens.