

‘ROGUE STATE’ IS NOT ‘OK’:
A CRITIQUE OF AN AMERICAN USAGE

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[penultimate draft]

Like ‘OK’, the term ‘rogue state’ is American in origin. Unlike that term, its use has not spread throughout the world: it is nearly always applied in statements by officials of the United States, a practice starting in the Clinton administration. Their explications and employment of this term determine its primary usage. I will be asking whether this usage, like that of the admirable ‘OK’, is desirable, and, if not, how people should respond to it.

The term soon emerged as a replacement for ‘backlash states’, the label used in the explanation and defense of the category by Anthony Lake, Clinton’s National Security Advisor, most notably in an article in *Foreign Affairs*. These states, he explained, are ‘a group of outlaws’, ruled by ruthlessly repressive cliques, embarked on dangerously ambitious military programs, especially the development of weapons of mass destruction, and chronically unable to engage constructively with foreign countries.¹ North Korea, Iraq, Iran and Libya were his examples. (The article was illustrated by a photo gallery of Kim Il Sung, Saddam Hussein and Khomeini, captioned ‘A defiant bunch’.)² George W. Bush’s National Security Strategy of 2002 specified similar criteria with forceful detail and an important addition to Lake’s list. Rogue states are said to be brutal tyrannies that display no regard for international law and callously violate international treaties, ‘are determined to acquire weapons of mass destruction’ and, in addition,

¹ A. Lake, ‘Confronting Backlash States’, in *Foreign Affairs*, Vol. 73 (1994), pp. 45f.

² *Ibid.*, p. 47.

‘sponsor terrorism around the world’.³ After temporary retirement under Obama, the term roared back to life at the start of the Trump administration. In the National Security Strategy of 2017, rogue states, exemplified by North Korea, are characterized by succinct versions of George W. Bush’s criteria and said to be ‘the scourge of the world today’.⁴

The Bush administration’s statement of criteria, all said to be part of rogue state status, is notably detailed, but all of the criteria do not fit each application. For example, North Korea was not sponsoring terrorism around the world. In practice, the label affirms that a regime is so bad, all-told, in some or all of the noted ways, that it should, for that reason, be treated as an outlaw, through deployment of force, threats, exclusions and denunciations that are incompatible with acceptance as a member of the international community. (The countries labelled as ‘rogue states’ serve as paradigms of what is bad enough.) Of course, some adverse treatment of these kinds is compatible with treating a country as a fellow-member of this highly metaphorical community. When the U.S. threatened unfavorable tariff treatment to get its way in the Uruguay Round, it was not treating the developing countries forced to accept stringent copyright and patent protections as rogue states. U.S. restrictions on exports to China of militarily useful technology and condemnation of the repression of the Tiananmen protests were not exclusions from the international community and demotion to the status of a rogue state. In contrast, American

³ U.S. Department of State, *U.S. National Security Strategy: Prevent Our Enemies from Threatening Us, Our Allies and Our Friends with Weapons of Mass Destruction*, 2002, p. 1, <<http://2001-2009.state.gov/r/pa/ei/wh/15425.htm>> accessed 13 April 2018.

⁴ D. Trump, *National Security Strategy of the United States of America*, December 2017, p. 26, <<https://www.whitehouse.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905-2.pdf>> accessed 15 April 2018.

treatment of a state as rogue involves these uncommunal abnormalities: willingness to impose economic sanctions meant to destroy the vitality of its whole economy in order to force change; openness to military support for regime change if its costs are expected to be proportionate to this openly desired achievement; recurrent, assertive and public denunciation of the rogue regime as committed to practices that are abhorrent to basic human values; the withholding of normal diplomatic relations and resistance to the rogue government's inclusion in mutually beneficial negotiations.

This package of accusations and responses must be distinguished from others, even more dire. Launching war against another country, imminent attack, and (perhaps) concerted preparations for war on another country can justify a defensive war. Within a nation's borders, if genocide, war crimes, ethnic cleansing and crimes against humanity are being perpetrated on a wide scale, these horrors are now generally recognized as a basis for humanitarian intervention, which might include military intervention, under the rubric of 'Responsibility to Protect'. Arguments for these responses to aggression are not arguments for the combination of moral accusation and forceful response endorsed in the U.S. government's usage of 'rogue state'. It is meant as a distinctive addition to the international repertoire of justifications.

Is this distinctive addition morally desirable? The search for an answer might begin by asking whether economic sanctions in the relevant sense of embargos meant to damage a whole economy are justified by the flaws that are part of rogue state status.

Tyranny is not a sufficient flaw. Economic sanctions do not worsen the lives of tyrants and their henchmen. They are apt to provide an excuse for their mismanagement of the economy while strengthening the force of their appeals to nationalist sentiments, and, if the tyrants are theocrats, their pretense of defending the faith. If the sanctions inflict their intended damage,

their victims are the victims of the tyrant. If liberation from tyranny is the goal, there ought to be strong evidence that the outcome of the sanctions will be a juster, stable regime, not, for example, Libyan chaos, and that the harms to innocent victims of the transition, including both deprivation and violent disorder, will be justified. There ought to be a warrant for belief that most innocent subjects of the tyranny give their informed consent to this dangerous operation. These conditions are hardly ever met by brutal tyrannies. They are not met by severe economic sanctions launched against the American examples of rogue states.

While the American ‘rogue state’ practice is a distinctive, new way of exercising power across borders, these terms of moral assessment are familiar from the oldest surviving part of the ethics of political choice, ‘just war theory,’ with roots in Augustine’s writings and important parallels in the writings of Mencius, the ancient Confucian sage. Launching a war with a given aim is wrong if the moral reasons to do so are not as strong as the moral reasons to continue on the most promising path of peace. The word ‘theory’ in ‘just war theory’ is an impressive title for what is really a useful check-list -- with the traditional labels ‘just cause’, ‘likelihood of success’, ‘proportionality’, and ‘last resort’ -- in deciding whether this great moral test is met. What is the war aim, the goal whose achievement would constitute victory? How likely is it to be reached and how likely are further benefits from reaching it? How likely are harms to those morally worthy of concern if this goal is pursued through war? What costs are risked in pursuing a path other than war? This perspective on launching an initiative that causes harm even if it pursues a worthy goal and seeks genuine benefits is readily applied to severe economic sanctions imposed on a rogue state, and it will dominate my assessments here. It helpfully dismisses as irrelevant valid moral judgments that would be relevant to the exercise of force by a world government effectively enforcing global laws. Kim Jong Un deserves, at best, life imprisonment without

parole. Iran's theocracy should not exist. But what actually matters for transnational conduct is harm and benefit to innocent subjects of their unjust regimes and other governments in our unruly world.

So far, moral scrutiny has not challenged the main American justifications of severe economic sanctions, which appeal, not to tyranny, but to support for terrorism beyond the rogue state's borders or to its development of weapons of mass destruction. Iran is the current paradigm of the support for terrorism that contributes to rogue status. It provides an excellent paradigm of moral reasons not to resort to 'rogue state' treatment including severe economic sanctions in response to support for terrorism, reasons involving harm to innocents, increase of the injuries that are supposed to be reduced, and encouragement of further disproportionate responses. The Iranian regime gives rhetorical and material support to Hezbollah and Hamas. These organizations have provided groups who are poor and politically marginalized or repressed with the most prominent representation they have, which is much worse than they deserve. These organizations occasionally engage in violence against innocent civilians, meant to instill fear, violence which kills some victims. However, the innocent victims of economic sanctions are much more numerous than the victims of terrorism and their death toll is greater. (In the first year of large-scale economic sanctions against Iran, imports of medicine from the U.S. and Europe declined by 30%, largely due to the cut-off from the international banking system.)⁵ Moreover, the combination of economic sanctions with the denunciation of the regime as defying basic human values, unworthy of inclusion in mutually beneficial deliberations and deserving of

⁵ See S. Namazi, 'Sanctions and Medical Supply Shortages in Iran', Wilson Center (Washington, DC), February 2013, p. 1 <https://www.wilsoncenter.org/sites/default/files/sanctions_medical_supply_shortages_in_iran.pdf> accessed 15 April 2018.

overthrow if the time is ripe has *encouraged* Iran's staunch support for Hezbollah and Hamas, as a proxy for Iranian interests in Lebanon and Syria and a contributor to deterrence of Israel and Saudi Arabia, whose threats to the regime are magnified by their super-power patron's assignment of rogue status. In declaring how severe just retribution for sponsorship of terrorism would be, the super-power also encourages disproportionate responses by other countries. (In the four years between Hamas' becoming the government of Gaza and Israel's invasion in Operation Cast Lead, ten Israeli civilians died from rockets launched from the territory, including periods in which Hamas worked to prevent launchings. Estimates surveyed in the report of the UN Fact-Finding Commission on Operation Cast Lead generally put the toll of civilian deaths from the Israeli military action at over a thousand, about a third under the age of 18.)⁶ The harm to innocents of large-scale economic sanctions imposed in response to support for terrorism has not been justified by its likely gains, especially as compared to the expression of special concern through specific disapproval and specific restrictions of the flow of military resources.

Treating states as rogues might, nonetheless, be justified by the feature that figures most prominently in such designations, the development of weapons of mass destruction. Nuclear weapons are the crux. Attacks on a whole economy, which will inflict suffering on many innocents if they succeed, might be justified by a decrease in a small risk of harm, if this outcome would be catastrophic. However, the 'rogue state' combination of broad economic sanctions, assertive denunciation of a regime as a barbaric scourge, exclusion from normal diplomacy and threats to the regime's security is not a good strategy for reducing or containing

⁶ UN Human Rights Council, *Human Rights in Palestine and Other Occupied Arab Territories:*

Report of the United Nations Fact-Finding Mission on the Gaza Conflict, 25 September 2009, pp. 90f.

<<http://www2.ohchr.org/english/bodies/hrcouncil/docs/12session/A-HRC-12-48.pdf>> accessed 18 April 2018.

nuclear proliferation. Possession of nuclear weapons by a regime in the defiant bunch that challenge the sole super-power is only useful as a deterrent against regime-destroying military intervention, a prospect made all the more fearful by the fate of the rogues, Khaddafi and Saddam Hussein. The 'rogue state' practice increases the incentive to develop and maintain this supremely dangerous form of deterrence.

Both by increasing this incentive and by intruding on diplomacy, the recurrent treatment of North Korea and Iran as rogue states has weakened efforts to limit their development of nuclear weapons. Significantly departing from the 'rogue state' doctrine, the Clinton administration joined North Korea in signing on to the so-called Agreed Framework in 1994. This was a diplomatic *quid pro quo* in which North Korea retracted its plan to withdraw from the Non-Proliferation Treaty and made commitments to stop progress toward the development of nuclear weapons, while the United States promised large cost-free deliveries of fuel oil, financing of the construction of a light water reactor, and movement toward normalization of diplomatic and political relations, including formal security guarantees. Inhibited by Congressional opposition, the United States did not keep its promises, even though the administration regarded North Korea as in basic compliance. Nonetheless, North Korea's distance from nuclear capacity was largely maintained for eight years. Then, George W. Bush declared that North Korea was joined with Iran and Iraq in an Axis of Evil, and the U.S. ended the Agreed Framework, on the basis of a controversial claim of a covert uranium enrichment project. North Korea promptly withdrew from the Non-Proliferation Treaty and conducted its first nuclear test four years later.

The Six Party talks, which began in August 2003, were also burdened by 'rogue state' rhetoric and action, from prelude through negotiations to final termination. They were preceded

by George W. Bush's remarks, made public in 2002, 'I loathe Kim Jong Il! ... They tell me, we don't need to move too fast, because the financial burdens on people will be so immense ... if this guy were to topple. ... I just don't buy that ... Either you believe in freedom ... or you don't.'⁷ Eight months before the talks began, the *New Yorker* reported this observation about planned treatment of Kim Jong Il as a rogue by a participant in the administration's strategy meetings: 'Bush and Cheney want this guy's head on a platter. Don't be distracted by all this talk about negotiations. There will be negotiations but they have a plan and they are going to get this guy after Iraq. He's their version of Hitler.'⁸ Three months before the talks began, a paradigmatic rogue, Saddam Hussein, was overthrown and executed, in a war partly justified by false claims of hidden weapons of mass destruction, leading the North Korean government to proclaim that 'the Iraqi war teaches a lesson that in order to ... defend the security of a country and the sovereignty of a nation it is necessary to have a powerful physical destruction force [North Korea's characteristic euphemism for nuclear weapons].'⁹

The Six Party talks became substantive in 2004, moving toward a revival of the Agreed Framework. But they were slowed by intense US recalcitrance on energy provision, diplomatic normalization, and security guarantees – for example, the declaration, after four years of negotiations, that the U.S. would only sign a treaty ending the Korean War after first completely verifying the total dismantling of North Korea's nuclear weapons programs and destruction of its

⁷ B. Woodward, *Bush at War* (Simon and Schuster, 2002), p. 340.

⁸ S. Hersh, 'The Cold Test: What the Administration Knew about Pakistan and the North Korean Nuclear Program', in *The New Yorker* (27 January 2003), p. 47.

⁹ Korean Central News Agency (Pyongyang), 18 April 2003, cited in B. Cumings, 'Decoupled from History' in Cumings, E. Abrahamian and M. Ma'oz, *Inventing the Axis of Evil* (New Press, 2004), pp. 66, 89.

weapons.¹⁰ They were disrupted by a temporary U.S. freeze of assets in North Korea's crucial international bank in Macau, a move described by a senior State Department official as turning 'the talks into nothing more than "a surrender mechanism."' ¹¹ And they ended when the U.S. moved to tighten sanctions in response to a failed North Korean satellite launch. The end was soon followed by another North Korean underground nuclear detonation.

Having established North Korean nuclear and missile capacity, the current brutal tyrant, Kim Jong Un, seems to have achieved agreement by the U.S. President to direct talks. Writing in April 2018, I will assume that these talks will occur. [A discussion, written in June, of their outcome and of the U.S. withdrawal from the Iran nuclear accord occurs at the end of this essay.] Kim Jong Un's stated goal of denuclearization of the whole peninsula is longstanding on the part of the regime. It should be understood as involving the ending of US threats to the security of the regime, which are plausibly regarded as nuclear since nuclear weapons positioned in South Korea or, more recently, offshore have long been part of U.S. military strategy.¹² Given past history, North Korean anxiety, and American strategic goals, North Korea is unlikely to entirely give up

¹⁰ See J. Watts, 'Bush offers North Korea a deal to end the world's oldest cold war', in *The Guardian* (8 September 2007), <<https://www.theguardian.com/world/2007/sep/08/usa.northkorea>> accessed 21 April 2018.

¹¹ J. Brinkley, 'U.S. Squeezes North Korea's Money Flows', in *The New York Times* (10 March, 2006), p. A12.

¹² From 1958 to 1991, the U.S. positioned a substantial arsenal of nuclear weapons in South Korea, including atomic demolition mines that could contaminate border areas to defend against North Korean troops. The land-based arsenal was removed as part of a worldwide withdrawal of tactical nuclear weapons in 1991. See B. Cumings, *North Korea* (New Press, 2004), pp. 52-5. As David Sanger noted in a *New York Times* report, the removal of tactical nuclear weapons from South Korea 'was largely a gesture to the North because nuclear-armed submarines could come right up to the coast' ('Seoul Looks North, Balancing Hope and Anxiety', in *The New York Times* (December 16, 1992), p. A18).

its nuclear and missile capacity. But the rapprochement now sought by North Korea – the ending of opprobrium and sanctions, declarations of respect for security, economic cooperation, a peace treaty and normalization of diplomatic relations – might combine with desirable nuclear limits, stopping the creation of an arsenal of reliable long-range nuclear missiles. The recurrent intrusion of the ‘rogue state’ doctrine, in Korea and elsewhere, reduces, rather than increasing, the chances of such progress.

Similarly, the treatment of Iran as a rogue state had postponed for decades the regime’s agreement in 2015 to close the gap between its technological capacity and actual creation of nuclear weapons. A nuclear program to expand the country’s energy infrastructure and increase revenues from oil exports flourished under Reza Pahlevi, was ended at the start of the Islamic Republic and then resumed two years later, accompanied by strong warnings of the dangers to humanity of nuclear weapons by Khomeini. The U.S. government’s recurrent treatment of the Islamic Republic as a rogue state included denunciation of the evil of the regime, the absence of movement toward normal diplomatic relations, the open encouragement of overthrow, support for insurgent militia, sometimes resorting to terrorism, and extensive publicity of unsustainable claims, often from the Israeli government, of rapid movement toward nuclear armament. What had become clear by the start of the new century was that the regime, faced with this ‘rogue state’ opprobrium, sought the ‘latent deterrence’ of unrealized capabilities to develop nuclear weapons. As a former director of the International Atomic Energy Agency put it in 2004, ‘You don’t need to develop a weapon, you just develop a capability. And that is the best

deterrence.’¹³ This is the stance that Gary Samore, who would be Obama’s special assistant on nuclear proliferation until 2012, attributed to Iranian officials in 2008: ‘I’ve had Iranian officials say ... for their own survival and security, they need to have the ability in extremis to build nuclear weapons. ... [T]hey say they would never actually build nuclear weapons, because they know that would scare the neighbors ... [and] could cause a nuclear arms race in the region.’¹⁴ Well-established claims about Iranian nuclear development have been compatible with the ‘Key Judgment’ in the 2007 U.S. National Intelligence Estimate that Iran had ‘halted its nuclear weapons program’ at a point well short of means of creating nuclear weapons in 2003.¹⁵ Thus, the terms of the Joint Comprehensive Plan of Action to which Iran and the U.S. agreed in 2015, along with the UK, China, Russia, France, Germany and the EU, had long been feasible goals of negotiations that could have been launched without the extremely stringent sanctions that preceded the accord. A sequence in which the severe pressure of broad economic sanctions on a defiant regional power is followed by acceptance of constraint may do more for American

¹³ Mohamed el-Baradei in D. Sanger, ‘When a Virtual Bomb May Be Better than the Real Thing’, in *The New York Times* (5 December 2004), <https://www.nytimes.com/2004/12/05/weekinreview/when-a-virtual-bomb-may-be-better-than-the-real-thing.htm>> accessed 21 April 2018.

¹⁴ Council on Foreign Relations, ‘Symposium on Iran and Policy Options for the Next Administration, Session Two,’ 8 September 2008, <<https://www.cfr.org/event/symposium-iran-and-policy-options-next-administration-session-two-nuclear-dimension-and>> accessed 22 April 2018.

¹⁵ Office of the Director of National Intelligence, *Iran: Nuclear Intentions and Capabilities*, (Washington, DC, 2007), p. 6, <https://www.dni.gov/files/documents/Newsroom/Press%20Releases/2007%20Press%20Releases/20071203_release.pdf> accessed 21 April 2018.

geopolitical power than negotiations without these pressures, which the U.S. has distinctive capacities to mobilize. The justification of the impact on innocent people is another matter.

So far, the assessment of treatment of regimes as rogue states has not taken account of enduring tendencies to misapply the criteria or to make unjustifiable harms to innocent victims of the measures constituting treatment as a rogue state much graver than what they must, by their nature, inflict. However, the assessment of a practice should take account of systematic dangers of misapplication and excess – as we do in assessing lax norms for lying to promote good consequences and lax legal rules for the use of evidence obtained without a warrant. If the desire to arrest and to convict did not increase the incidence of insufficiently justified intrusion by police or reduce discouragement of such intrusion by prosecutors, then the exclusion of evidence obtained without a warrant would unacceptably weaken protection against crime. But the actual temptations of power must be taken into account -- not just among police and prosecutors, but among great powers, especially the sole superpower.

In the planning and implementation of US foreign policy, the promotion of American transnational influence, in a world in which American military preeminence is a central resource, is, expressly, the underlying goal. In the many thousands of pages of revealing accounts of this process, including *The Pentagon Papers*, candid autobiographies and Bob Woodward's many narratives, everyone advances strategies for promoting American power and no one ever says that an initiative should not be tried because of expected harm to foreign innocents, even though it might advance America's power. This is a much stronger and much more lethal source of misapplication and excess than district attorneys' desires to get convictions.

In the apt description by a military leader of the devastating bombing of Iraq in the first Gulf War, it struck 'against all those things that allow a nation to sustain itself' in order 'to let

people know, “Get rid of this guy and we’ll be more than happy to assist in rebuilding.”¹⁶ The United States regulated post-war sanctions, through veto power in a UN committee, in this spirit. For example, the US blocked most purchases needed to restore electricity, including power generation for sewage treatment, and, in early 2001, placed holds on \$280 million in medical supplies.¹⁷ The result of the sanctions regime was ‘an explosive rise in the incidence of ... cholera and typhoid’,¹⁸ ‘severe hunger and malnutrition’ and ‘massive human suffering’,¹⁹ effects described by survey teams of UN agencies that had been prefigured by predictions of U.S. military intelligence a week after the start of the war.²⁰ In subsequent responses to a designated rogue state, George W. Bush’s administration might, imaginably, have exercised due care in determining whether Saddam was developing weapons of mass destruction or, upon military victory over Saddam, sought to avoid carnage through compromise with Baathist cadres, Shia forces and Sunni tribal leaders. This is not the real world, in which the first priority was the elimination of a defiant regional power and the imposition of a regime compliant with US interests. Iraq Body Count’s tabulation of deaths specifically reported by morgues and

¹⁶ B. Gellman, ‘Allied Air War Struck Broadly in Iraq’, in *Washington Post* (23 June 1991), p. A1.

¹⁷ See J. Gordon, ‘Cool War’, *Harper’s Magazine* (November 2002), pp. 4, 2, 8, based on documents leaked by appalled UN staff; <www.harpers.org/CoolWar.html> accessed 17 April 2018. For a full account, see Gordon, *Invisible War: The United States and the Iraq Sanctions* (Harvard University Press, 2010).

¹⁸ World Health Organization, ‘The Health Conditions of the Population of Iraq since the Gulf Crisis’ (1996), p. 14, <http://apps.who.int/iris/bitstream/10665/59845/1/WHO_EHA_96.1.pdf> accessed 17 April 2018.

¹⁹ FAO/WFP, ‘Crop and Food Supply Assessment Mission to Iraq’ (1993), p. 1, <<http://www.casi.org.uk/info/undocs/fao1993.html>> accessed 17 April 2018.

²⁰ Armed Forces Medical Intelligence Center, ‘Disease Information’, <www.gulfink.osd.mil/declassdocs/dia/19950901/950901_0504rept_91.html> accessed 17 April 2018.

established news sources attributed 9,270 civilian deaths to US-led forces in the two years after the invasion.²¹ The estimates in a study of Iraqi mortality in the forty months after the invasion in *The Lancet* have a mid-point of 650,000 excess deaths in the forty months after the invasion, 600,000 of them violent, including 76,000 violent deaths attributable to Coalition forces among Iraqi women and Iraqi males younger than fifteen or older than forty four.²² The focus on transnational power in the making of U.S. foreign policy inevitably produces such abuses of the rogue-state rationale for forceful intervention.

Suppose that, for these reasons, the American way of treating governments as rogue states is a morally undesirable practice. How should we respond to this moral fact? The answer will depend on who we are. Those engaged in the planning of US foreign policy who share this moral assessment can offer rationales of power for alternative strategies of special concern pursued with carrots as well as less punitive sticks, even if their moral motivation is a love that dare not speak its name.²³ Foreign policy establishments in other countries can refuse to follow

²¹ See Iraq Body Count, 'A Dossier of Civilian Casualties in Iraq, 2003-2005' (July 2005), p. 10

https://www.iraqbodycount.org/analysis/reference/pdf/a_dossier_of_civilian_casualties_2003-2005.pdf accessed 17 April 2018.

²² See G. Burnham et al. 'Mortality after the 2003 invasion of Iraq', in *The Lancet*, Vol. 368 (2006), pp. 1421-8. A. Alkhuzai et al., 'Violence-related Mortality in Iraq from 2002 to 2006', in *New England Journal of Medicine*, Vol. 358 (2008), pp. 484-93 entails about 400,000 excess deaths in the same period, with an estimate of 151,000 violent deaths, after attempted compensation for the omission of 10% of the initial sample because of inadequate local security.

²³ As Under Secretary of State and a member of Lyndon Johnson's Senior Advisory Group on Vietnam, George Ball was perhaps the single most important individual among those who sought de-escalation. His biographer notes, 'Ball questioned the [Vietnam] War on moral grounds. He avoided discussing the conflict in these terms because his first

the American lead. Multinational organizations, above all the United Nations, can contribute to an alternative response to tyranny and danger through investigations and resolutions in diverse forums that expose and to some extent constrain governments with roguish defects but do not endorse rogue-state exclusion and detach adverse judgment from the promotion of America's preeminence in power through apt criticism of U.S. allies, such as Israel.

However, these important initiatives will not end the dangerous recurrence of the foreign-policy practice I have criticized. A great power's foreign policy requires a strategic focus, to effectively coordinate a vast congeries of officials, instill domestic support, establish the basis for other countries' cooperation as allies, and signal adverse consequences to those opposed to the great power's interests. The end of the Cold War made forceful intervention against defiant regional powers less dangerous but also made it harder to justify an immense military establishment to the American public. Defiant regimes that threaten to shift regional balances of power toward China or Russia, America's great-power competitors for transnational influence, are an enduring possibility and recurrent fact. When international disengagement becomes popular in the United States or defiance by regional powers or challenges by great powers become more intense, singling out rogue states as morally vital targets for forceful exclusion is a cogent means of strengthening American transnational power. In any case, the enduring faction of politicians committed to the aggressive assertion of American preeminence will recurrently dominate the formation of American foreign policy.

In the face of this moral danger, those with no official standing have their own work to do. Through public criticism, they can help to postpone the recurrence of the unfortunate

priority was to change what he considered to be a flawed U.S. policy.' See J. Bill, *George Ball: Behind the Scenes in U.S. Foreign Policy* (Yale University Press, 1997), p. 174.

practice, reduce its vitality, and make it harder to implement. In any case, they should try. In this endeavor, they can and have taken advantage of the terms in which the American government denounces ‘rogue states’, weakening support for its practice of forceful exclusion.

Rogue states are ‘regarded as breaking international law and posing a threat to the security of other nations.’ Indeed, this is the definition from Oxford’s online dictionary inscribed at the top of Google’s 6.8 million search results for the term. This characterization fits the United States, which has recurrently violated requirements for Security Council approval in the UN Charter in bombing and invading other nations.

Satisfying another criterion, the United States has sponsored terrorist groups, such as the contras in Nicaragua and UNITA in Angola. The United States has given abundant crucial material support to violence by allies ravaging civilian populations in ways that merit the same opprobrium as terrorism --for example, in military aid specifically enabling deadly terrorization by Indonesia in East Timor, Turkey in Kurdish regions, and, now, Saudi Arabia in Yemen. (Since the latest civil war in Yemen broke out in early 2015, Saudi Arabia’s relentless bombing of civilian neighborhoods and large civilian gatherings, combined with a naval blockade, has been by far the leading cause of the death of at least ten thousand civilians, the displacement of three million and a cholera epidemic claiming over a million lives. The Obama administration authorized arms sales of over a hundred fifteen billion dollars sustaining this operation while providing vital direct assistance. Trump has announced further support on this scale.)²⁴ In such countries as Mobutu’s Congo, the Pahlevis’ Iran, and, currently Saudi Arabia and Israel-Palestine, the United States has been an important patron of highly repressive rule. In sum, the compelling reasons for condemning the states whom the US designates as rogues provide

²⁴ See N. Niarchos, ‘Making War’, in *The New Yorker*, 26 January 2018, pp. 31, 33, 34.

compelling reasons for condemning the United States, along with regimes that the US supports. In this respect, the US is a rogue state.

This appropriation of the epithet is not a basis for forceful exclusion of the US from the international community, which would be a disaster. Rather, it channels the outrage properly occasioned by states the US labels ‘rogue’ into distrustful rejection of the special prerogative that the US claims to force change on them. It is one aspect of one part of a complex division of labor that can reduce transnational injustice in US foreign policy.

[Added 24 June 2018. On 8 May 2018, Trump withdrew the United States from the Joint Comprehensive Plan of Action, which he had previously characterized as ‘the worst deal in history’. The provisions of the agreement, his announcement declared in its heading, did not adequately serve his endeavor to ‘Counter Iran’s Malign Influence and Deny Iran All Paths to a Nuclear Weapon’.²⁵ His justification of the withdrawal the next day featured forceful characterizations of rogue conduct by the regime: ‘With all of the places they’re involved, it’s bedlam and death and we can’t allow that to happen. ... They’ve gotta understand life. ‘Cause I don’t think they do understand life.’²⁶ The stringent U.S. sanctions on Iran prior to the Joint Comprehensive Plan were restored together with secondary sanctions denying access to financial systems in the United States to any company doing business with Iran.

²⁵Presidential Memorandum, ‘Ceasing U.S. Participation in the JCPOA and Taking Additional Action to Counter Iran’s Malign Influence and Deny Iran All Paths to a Nuclear Weapon’, 8 May 2018, <https://www.whitehouse.gov/presidential-actions/ceasing-u-s-participation-jcpoa-taking-additional-action-counter-irans-malign-influence-deny-iran-paths-nuclear-weapon/> accessed 22 June 2018.

²⁶ C. Lucey & J. Lederman, ‘Trump Warns Iran Against Resuming Nuclear Program’ in PBS Newshour (9 May 2018), <https://www.pbs.org/newshour/politics/trump-warns-iran-against-resuming-nuclear-program> accessed 22 June 2018.

On 11 June, Trump met with Kim Jong Un. He had explained that he would know in the first minute of their meeting whether they could reach a deal, and from the first his response was warm and embracing. The next day, in proclamations of camaraderie, not roguery, he declared that he and Kim had signed ‘a terrific document’, noting that Kim ‘really wants to do something I think terrific for their country ‘ and that ‘his country does love him.’²⁷ The very brief document that the President celebrated simply committed North Korea to working ‘toward complete denuclearization of the Korean Peninsula’, which, as the President’s advisors had repeatedly explained, was a traditional North Korean commitment requiring American denuclearization that had always been unacceptable to the United States. Trump declared that there would be no further major joint military exercises of the U.S. and North Korea so long as he and Kim continued the process of rapprochement that had been well begun. Sanctions remained in place, but Trump’s comment, the day of the meeting, on the most important prospect for easing their pressure, reduced Chinese enforcement, was that Xi Jinping had closed the border ‘maybe a little less the last couple of months. That’s okay.’²⁸

What do these events portend for the ‘rogue state’ practice? Denunciation of brutal tyranny has always been a component, including in the 2017 National Security Strategy, in which North Korea is characterized as ‘a ruthless dictatorship without regard for human dignity’.

²⁷ ‘President Trump Sits Down with George Stephanopoulos: Transcript’, in ABC News (12 June 2018), <https://abcnews.go.com/Politics/president-trump-sits-george-stephanopoulos-transcript/story?id=55831055> accessed 22 June 2018.

²⁸J. Williams, ‘Full Transcript of Trump’s North Korea Summit Press Conference’ in *Vox* (12 June 2018), <https://www.vox.com/world/2018/6/12/17452624/trump-kim-summit-transcript-press-conference-full-text> accessed 22 June 2018.

This opprobrium has now dwindled to a fleeting reference to domestic oppression in Trump's justification for withdrawal from the Joint Comprehensive Plan. Stringent sanctions have been justified as the appropriate means of avoiding possession of a nuclear arsenal by rogue regimes. Trump currently seems to envision a process of relaxing sanctions and normalizing ties that could postpone North Korea's verified abandonment of its nuclear bombs for over a decade. For the time being then, subject to the President's return to past rage at North Korea, the rogue state tactic is in semi-retirement. But the response to these events by Democratic politicians, the most eminent American newspapers and established foreign-policy experts will encourage its return. This provides a teaching moment for those opposed to the tactic.

Those respectable critics note that, despite Trump's boasts about his skill in deal-making, he advanced Kim's global status and ended military maneuvers that threatened the regime while receiving nothing in return. True enough, but if Trump's narcissism leads to lax enforcement of oppressive sanctions, heightened economic cooperation across the North-South border, and such partial measures as North Korea's abandonment of nuclear missile development, that is an effect of presidential narcissism that a friend of humanity should celebrate. Trump's embrace of Kim is denounced as a departure from a liberal political order in which, as Paul Krugman put it on the editorial page of the *New York Times*, 'for 70 years American greatness and American goodness went hand in hand'.²⁹ While Trump's exuberant praise of Kim is appalling, it might fruitfully be noted that Trump's overt friendliness to a tyrant is a side-note to recurrent American support for tyranny when this has served American interests for seventy years. Trump is denounced for abandoning the feasible barrier to Iran's achievement of a nuclear arsenal in the Joint Comprehensive Plan and for alienating the European signatories. True enough, but the human

²⁹ P. Krugman, 'Fall of the American Empire', in *The New York Times* (19 June 2018), p. A24.

cost of American sanctions is rarely noted in these denunciations and understandably so: the extreme pressure that Trump is reviving came to fruition under Obama. How soon and how harmfully the rogue state practice fully revives will depend, in part, on criticism focused not on Trump's egregious flaws but on enduring inhumane tendencies of U.S. foreign policy.]