Is There Such a Thing as a Rogue State?

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Since the end of the Cold War it has become common for US officials and leaders to classify some states as rogues, pariahs, renegades, or outlaws.1 George W. Bush has recently added to this vocabulary by referring to an ‘axis of evil’. These descriptions have a political function and some critics of US policy claim that their sole purpose is to justify military spending in the post-Cold War era or to send warning signals to those states deemed to be a threat to US interests. Other critics doubt whether the states that have been included from time to time on the list of outlaws really deserve this description, and some argue that the US itself, and perhaps other Western powers, qualify for inclusion.2 However, my main concern in this paper is not the issue of whether the states usually identified as ‘rogue’ – North Korea, Iraq, and Iran, for example – deserve to be so classified, or whether the term can be plausibly applied to the United States or even Australia. I want to concentrate on the notion of rogue or outlaw state itself – what meaning it has, what it is supposed to imply; whether its use can ever be justified, and how it is supposed to relate to ideas about just war and international justice that have informed philosophical thinking about relations between states.

What does the term ‘rogue’ or ‘outlaw’ state mean and imply? The term has traditionally been applied to those states that abuse their own people – the regimes which

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violate in a drastic or systematic way the human rights of citizens. But US officials do not seem to regard the commission of crimes against its own people as either a necessary or sufficient reason for putting a state on the list of rogues. A rogue state, according to their thinking, is one that poses a threat to other states – particularly to the United States and its allies. Nevertheless, it seems likely that a broader and more impartial conception of ‘rogue’ state will be easier to defend. A rogue or outlaw state, let us say, is a gross violator of basic moral standards embodied in international law or expressed by widely accepted principles of international justice. A state can deserve this description by violations of human rights as well as by being a threat to other states. But I will be particularly concerned in this paper about whether a state can be a rogue for the latter reason.

If ‘rogue state’ is to be any more than a rhetorical device, it cannot be another word for ‘enemy’. Should it be used to describe any state that has in some way breached international law or widely held standards of justice, or poses a threat to law and order in the international community? The problem is that law breaking is a common phenomenon in international society. Most states have broken international laws at one time or another; they have violated treaties, betrayed their allies, put others in danger, and some have even fought unjust wars. Many have arsenals of dangerous weapons even though it is generally agreed that such weapons pose a serious threat to others – perhaps humanity itself. So if we insist on this wide conception of ‘rogue state’, then many states, perhaps most of the significant actors in world affairs, are likely to be on the list. This does not mean that this usage could not serve important political and moral purposes. It might be employed, for example, to point out how far removed is the present international status quo from anything that could be regarded as a rational world order.
Is there a viable and useful conception of a rogue state that is closer to what the US State Department has in mind? Such a concept would be narrower than one which condemns all states that pose a threat to peace, law and order in international society. Possessing dangerous weapons or breaking international law is not sufficient to make a state into a rogue in this narrower sense. Presumably, the wrongs committed by a rogue state or the threat it poses are so gross as to lose it the respect that states in international society are supposed to accord to each other. To be a rogue is far worse than being merely an enemy. Enemies are generally worthy of respect and even states that fight unjust wars are generally presumed to have some rights. But a rogue state has, presumably, put itself so far beyond the pale that its rights as a member of international society, even its very right to exist, no longer exist. I take it that this is the implication of labelling a state as a rogue, in the narrower sense of the term.

The assumption that rogue states do not deserve the moral and legal standing that is usually accorded to members of international states society is implied by commonly expressed views about how rogue states should be treated. Because of their outlaw status, rogue states are regarded as legitimate objects of hostility, targets on which weapons systems can be trained, even legitimate targets for military attack and invasion just because of their outlaw status. They don’t necessarily have to engage in overt aggression in order to make themselves legitimate targets for war-like responses. President Bush insists that America should be prepared to retaliate against threats posed by members of the axis of evil, but since he believes that states so described are threats by their very nature, this suggests that they can be attacked at any time.

It is not only legitimate to make rogue states the object of hostility and hostilities, according to this understanding of the term. It is also legitimate to overthrow their
government, put their leaders on trial, and reconstruct their political institutions. It might be legitimate to subject them to an indefinite period of military occupation, to partition their country, or even to incorporate it into another political association. These measures are supposed to be justified by their status as rogue states – i.e. as states that do not deserve respect.

To label a state as a rogue will have serious implications for its citizens, as well as for other states. Some of the critics of the notion emphasise the politically de-stabilising effects of its application. But the concept is also problematic from a more comprehensive moral point of view. It seems to be at odds with a tradition of reasoning about justice in international affairs that derives from just war theory.

Just war theory is based on the recognition that war, hostility and law breaking is likely to occur in international society. States have opposing interests and will often be tempted to ignore legal requirements or obligations in order to pursue what they regard as their vital concerns. They may have different ideas about what is just, and in any case are inclined to make judgments in their own favour, and no institution has the moral authority or political power to adjudicate their disputes. But just war theory also depends on the idea that war does not have to be unrestricted or perpetual. States can and should act with restraint. They should seek peaceful means for settling their conflicts and should engage in war only as a last resort. Belligerents should impose restrictions on their behaviour so that important human values can be upheld, and so they can end their conflict by establishing a lasting peace. Just war theory presupposes that states should seek to live in

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3 For example, this statement was made by one US senator: ‘I’d institute a policy that I call rogue state rollback. I would arm, train and equip…forces that would eventually overthrow the governments and install free and democratically elected governments’ (Litwak, ‘A Look At Rogue States’, 1).
peace with each other and that they should be prepared to negotiate, make compromises for the sake of peace, and that even in war they should treat their enemies with respect.

Just war theory requires that states not treat each other as outlaws, infidels, or pariahs. The just war tradition is opposed by many of its defenders to the idea of holy war. Holy warriors, whether conducting a crusade in the name of religion or for some other ideological purpose, are not inclined to accept limits or make compromises; nor are they likely to respect the existence, interests and political integrity of those they fight. Their aim is to destroy, convert, or conquer their enemies, and they will not willingly accept any outcome short of this goal. The idea that there are rogue states, enemies unworthy of respect who can be legitimately attacked or subverted, and forcibly converted to a different kind of politics is a view more compatible with the holy war idea than with the just war tradition.

The just war tradition gives us a good reason for resisting the application of the term, or for opposing the very idea of a rogue state. Nevertheless, there may be good reasons for applying the label to some states, or at least for thinking that it could have a legitimate place in the theory and practice of international politics. I will consider three arguments that might be offered by those who want to defend the narrow notion of rogue state as I have defined it. The first is an argument by analogy. The second derives the category from theories about international justice. The third is a paradigm case argument.

Criminals and Law Enforcement in International Society

The argument by analogy goes like this. Those who commit crimes, particularly those who commit serious crimes, deserve to be rounded up, subdued, disarmed, and punished. Their criminal activity should be stopped. Steps should be taken to ensure that they are no longer a danger to society. Rogue states are the criminals of international
society, and those who take it upon themselves to enforce the law in international society are entitled to subdue them, punish them, and ensure that they are no longer a danger. I will call this the policing analogy.

There are several immediate difficulties with this argument. First of all, as already mentioned, law breaking is fairly common in international society, and it would not demonstrate the usefulness of the category of rogue state if every state that has broken the law counts as a criminal. Any attempt to brand a state as a rogue would have to give an account of what activities in international society are so bad as to count as criminal. Criteria which merely serve the interests of those who make the accusations are obviously not acceptable. But it is not clear whether we can come up with impartial, plausible, and also reasonably precise necessary and sufficient conditions for being a rogue. States labelled as rogues are generally those which have authoritarian governments and are known, or believed to have, an arsenal of dangerous weapons. But the question remains why these properties, singly or together, should make a state into a rogue. In fact, a lot of states that have both of them are never so described. And if possessing dangerous weapons of destruction is not in itself enough to justify calling a state a rogue, then it is not clear why it should be called a rogue if it harbours people who might at some time engage in terrorist actions. If a state uses, or is about to use, its weapons, or if terrorists groups are executing their attacks or have a clear intent to do so, then those under threat have a right to hit back. But if we regard states that merely have the potential to do or encourage these activities as rogues, then once again the concept becomes too broad.

The practice of labelling as rogues states which merely have a potential to cause harm – the idea that a rogue state is a rogue by nature - creates a further difficulty for the analogy. It is not generally regarded as acceptable to subdue or punish someone just
because they might engage in criminal behaviour. The policing analogy is of no help in justifying such actions.

Furthermore, the analogy, if taken seriously, has dangerous implications. There are no reliable institutions in world society for enforcing laws, or trying or punishing law breakers. The United Nations plays a role in law enforcement in international society, but its attempts at doing so have been sporadic and not always effective. And its decision-making procedures are far from impartial. The United States and its allies have often undertaken the role of law enforcers with or without United Nations approval, but these actions are motivated by their own security needs, and not necessary by an impartial respect for law and order. There is no reliable way in which an appeal made by those accused of unlawful behaviour can be heard, and there is no real protection for those who face the prospect of being punished as criminals by those they have reason to regard as their enemies. The ‘punishment’ inflicted might well take the form of revenge and go far beyond anything that they deserved for their crimes. As Locke points out, a situation where agents are the judges in their own cause and are likely to be motivated by ill-nature, passion, and revenge in their exaction of punishment will tend to generate confusion, disorder, and perpetual conflict.4

The policing analogy also encourages the idea that law and order must prevail. Defeating a criminal state is bound to be regarded by those who take on this task as an important, even imperative objective, which can justify extreme measures. Since nothing less than total defeat of the criminal state is acceptable, those who fight against it will regard it as justified to do what is necessary to achieve this aim. The stage is set for protracted and bitter conflicts – wars that will have a tendency to overstep the limitations

4 Locke is describing the state of nature where everyone is entitled to be a law enforcer (Two Treatises of Government, II, 2, ¶13).
which just war theory tries to impose on conduct in war. Moreover, even those who insist on upholding jus in bello restrictions will be tempted to make additions to the categories of people who can be legitimately attacked. Anyone who abets a criminal state in any way – not just those actively engaged in combat – are likely to be regarded as implicated in its criminality, and they could include not only government officials, but anyone whose activities keep their political society functioning – even those whose function is to engage in trade with the rest of the world. In this way, people who like to think of themselves as supporters of just war theory are encouraged by the policing analogy to undermine the primary intent of the theory – that is, to restrain conflict and put restrictions on who can be attacked.

Locke thinks that maintaining law and order in the state of nature would have unfortunate consequences. The prospects for enforcing the law in international society are in fact much worse. Since both ‘criminal’ states and law enforcers are likely to be armed with weapons of mass destruction, their confrontations are likely to cause a lot more damage to innocent bystanders, especially to the population of ‘criminal’ states. Moreover, the agreement of rational people concerning principles of right, on which Locke’s account depends, is much harder to defend in international society as a whole. Some ideals and standards are widely held among people of international society. But there is also a lot of disagreement about matters of justice, and it is unlikely that an appeal to intuition or rationality will resolve all of them. Those who are labelled criminal may not agree with the ideas of justice which are supposed to justify their punishment, and if so, they will regard attacks on them as grossly unjust.

So far my arguments against the analogy between domestic enforcement of law and order and enforcing law and order against states deemed to be criminal have been mostly
utilitarian. Treating states as criminals is likely to have bad consequences. However, the policing analogy is also conceptually flawed.

Criminals have no right to defend themselves against the forces of law and order. Resisting arrest is itself a crime, and those who help criminals put up a resistance can also be accused of wrong-doing. So the analogy suggests that rogue states have no right to defend themselves against those who enforce law and order, and that citizens who put up a resistance are implicated in the criminality.

Indeed, it is a basic principle of modern versions of just war theory that people of a political society generally have a right to defend themselves against attack and incursion. They cannot be regarded as law breakers simply because they put up an armed resistance to invasion or armed attack. The policing analogy requires that we suspend this right of self-defence in the case of so-called rogue states. Nevertheless, I think there are good reasons why we should hesitate to do so – why we should presume that citizens, even those belonging to a rogue state, have a right of self-defence. If they do have this right then the policing analogy fails in a drastic way.

The problem arises because the term ‘state’ is ambiguous. It can mean merely the institutions of government and those who fill leadership roles or it can be used to refer to a ‘nation’ – a political society of individuals. Those who talk about rogue or criminal states are generally using the term in the first way. They mean to attribute criminal behaviour to leaders, government officials, or members of a particular political faction – and not, generally, to the ordinary citizens of the society. Indeed, the more authoritarian the leadership, the less likely that ordinary citizens are implicated in acts deemed to be crimes. A political society, on the other hand, consists of more than the leaders or central institutions of government. It includes all relations between people which depend on or are governed by political institutions or practices. These institutions take many forms and
exist at various levels, and make possible many different forms of cooperation. People can rightly value some of their institutions and forms of cooperation even when they have no reason to value their leaders. They may also value the potential they have as members of a nation to control their political destiny even though their authoritarian leaders now put restrictions on their political self-determination.

A military attack on a state, at least in conditions of modern warfare, is an attack on the nation, not just on the leadership or central government institutions. It physically disrupts the lives of people, invades their land, threatens their lives and their livelihood, makes it more difficult for them to maintain institutions they have reason to value, and it may undermine their ability to determine their political destiny in the way that they wish. Added to these considerations are the uncertainties associated with war, the intentions of the invaders, and the effects of their actions. It is not only understandable why people are often prepared to defend their nation even when they despise their leaders. Mostly, they are justified in doing so. This does not mean that there are never cases where the right of self-defence is overridden by other considerations. Even just war theory allows that an attack on a nation can be justified in some circumstances. But it does show that the analogy with law enforcement in domestic society is far too flawed to justify making war on states deemed to be rogues, and thus this analogy cannot be used to justify the use of the concept of a rogue state.

**Principles of Justice and Outlaw States**

It might be argued that the need for such a concept follows from the very existence of ideas about justice in international society – including just war theory itself. For if there is such a thing as law in international society or principles of justice that we think ought to govern relations between states and other international agents – in other words,
if international society is not in a Hobbesian state of nature – then we will have a use for the concept of an agent who is outside the law. We can allow, as does just war theory, that a state does not become an outlaw simply by breaking a law or sometimes violating a principle of justice. But surely (the argument goes) it must have this status if it refuses to recognise the law, refuses in any way to be bound by it. Every theory of right, every system of law draws a line which separates those who are prepared to live within the law from those who are not. For example, a state would surely be an outlaw if it refused to recognise and make efforts to obey the restrictions of just war theory. Or it would deserve this description if it refused to accept or systematically violated fundamental principles of international law such as basic human rights.

The possibility of there being ‘outlaw’ states is an acknowledged implication of Rawls’s Law of Peoples. As Rawls conceives it, the Law of Peoples consists of the principles of justice for world society that could be agreed to not only by liberal democratic peoples but also by those he describes as ‘decent hierarchical peoples’ - peoples who recognise basic human rights and have representational institutions of some kind. Separately and together these ‘well-ordered peoples’ can agree to respect each other as equals, to observe treaties, refrain from aggression and to protect such human rights as freedom from slavery and serfdom, liberty of conscience, and freedom of ethnic groups from mass murder or genocide. Outside of this confederation of ‘well ordered peoples’ are those who are either unable or unwilling to be part of it. They include ‘burdened societies’, which for one reason or another are not able to uphold principles of justice in their territory; ‘benevolent absolutisms’, which recognise basic human rights but do not
provide their members with a meaningful role in political decision-making; and ‘outlaw states’ – regimes which refuse to recognise or comply with the law of peoples.\textsuperscript{5}

What are the implications of classifying a state as an outlaw? It might be thought that those states that through their actions or intransigence cannot be regarded as belonging to a well ordered world society do not deserve to be treated according to the principles that they reject. They do not have to be treated as equals, the principle of non-intervention does not apply to them. Even the requirements of just war theory may not hold for conflicts with them – or may be applicable only in a limited way. Rawls sometimes seems to agree. The distinction between benevolent absolutisms and outlaw states seems to be intended to mark the difference between what well-ordered peoples can tolerate and what they cannot, which political associations are worthy of respect and which are not.

If the political conception of political liberalism is sound, and if the steps we have taken in developing the Law of Peoples are also sound, then liberal and decent peoples have the right, under the Law of Peoples, not to tolerate outlaw states. Liberal and decent peoples have extremely good reasons for their attitude. Outlaw states are aggressive and dangerous; all peoples are safer and more secure if such states change, or are forced to change, their ways. Otherwise, they deeply affect the international climate of power and violence (81).

It might be thought that Rawls is supporting the idea that it would not be unjust to attack, invade, and forcibly change the political structure of outlaw states. However, this is not Rawls’s intention. Since outlaw states are dangerous and not deserving of respect, the principle of non-intervention does not apply to them, but this does not mean that they can be attacked with impunity or are subject to any kind of intervention that suits the

\textsuperscript{5} Rawls, Law of Peoples, 4-5.
interests of ‘well-ordered’ states. Well-ordered states are justified in protecting themselves from the aggression of outlaw states, but Rawls insists that both ad bellum and in bello restrictions apply to hostilities with them. Though the long term aim is to bring all societies to honor the Law of Peoples and to become full members in good standing of the society of well-ordered peoples’, this aim does not by itself justify armed intervention. Intervention, according to Rawls, can take many forms. Pressure of various kinds can be imposed on outlaw states. They can be refused economic assistance or denied access to mutually beneficial cooperative schemes (93).

But what if these other forms of intervention don’t work? What if a military attack would be more effective? Since outlaw states are supposed to be dangerous and since their existence does not have to be respected, it seems that violent methods for removing the threat that they pose are legitimate, at least as a last resort. This reasoning seems to be supported by empirical assumptions that Rawls endorses. Rawls’s ‘realistic utopian’ approach to international law and order depends on the idea that liberal democracies do not go to war with each other. He believes that if liberal democracies can accept common principles of justice and if the motivations and behaviour of decent hierarchical peoples are similar enough so that they to are able and willing to abide by the same requirements, then the foundations for a peaceful and just world order would be laid. One way of understanding what Rawls means by an outlaw state is that it is a political agent whose natural tendencies are toward war rather than peace. Though it may not be at the moment aggressive, its nature is to be so. If so, then why can’t we argue that the very existence of outlaw states is a danger to international society, and that the threat they pose – particularly if they have an arsenal of dangerous weapons – justifies military intervention and eradication. The jus ad bellum restrictions of just war theory should, according to this argument, give way to the ‘supreme emergencies’ posed by the existence of outlaw states.
There are several immediate problems with this argument. The first is that the empirical data we have about the behaviour of states is not such as to inspire confidence in the truth of any hypothesis about their predispositions. Even the widely accepted idea that democratic states do not go to war with each other is based on evidence that is circumstantial and limited. Up to now there have been very few states in the world that count as liberal democracies and their failure to go to war with each other might be due to other circumstances rather than the nature of their governments. The second, more serious, problem is that the category of ‘outlaw states’, at least as defined by Rawls is a negative one. States are outlaws when they aren’t benevolent absolutisms, decent hierarchies or burdened peoples. Their governments, their relation with their neighbours, their internal political dynamic, the nature of their leaders may be quite different in each case, and it would be impossible to judge that all are dangerous merely because they are categorised as outlaws.

This invites a more general criticism of Rawls’s categorical approach. Some states have violated human rights within their borders but have been in other ways good international citizens. They have kept their treaties and minded their own business. Some states (like Napoleonic France) have been aggressive and extremely disruptive as far as international relations are concerned, but more respectful of human rights than most other states. Some liberal democracies (and decent hierarchical peoples) have failed to respect the rights of minority groups. The kinds of violations states perform, their openness to outside influences also differ, and so do the possibilities for internal reforms. This suggests that in the context of a theory of international justice Rawls’s categories may not be all that helpful. Indeed they could be misleading and dangerous. Since many states fit the categories only more or less or partly one and partly the other, how they are classified is likely to depend on the interests and predispositions of those who do the classifying.
For example, we are likely to regard those authoritarian states which do not threaten our interests as benevolent despotisms – even though their human rights record may be far from perfect; and on the other hand, we will be inclined to regard as outlaws those states that are a threat to our interests even though they are no more abusive of human rights than other states not so classified.

These complexities suggest that it would be better to concentrate on specifying what acts should be condemned in international society, and what, given the circumstances, ought to be done about them. One advantage to this approach is that it avoids the problematic idea that a state can be declared a pariah just because it has a particular kind government or ideology, and it also allows us to acknowledge that even liberal democracies may sometimes do actions that deserve international condemnation and perhaps even international sanctions.

It also allows us to make a distinction that Rawls ignores between respecting a regime and respecting a nation or in Rawls’s preferred terminology, a peoples. It is notable that Rawls, who for various reasons prefers to use the term peoples rather than ‘states’, nevertheless speaks of outlaw states rather than outlaw peoples. Though Rawls does not discuss this change of usage, the reasons for it seem obvious. The behaviour which makes a state an outlaw should be attributed to an unrepresentative political regime rather than the people of a political society. But this observation raises a number of questions. First of all, why should respect for regimes be a matter of all or nothing? Regimes may be more or less respectable. They may be respectable in some ways and not in others. Second, what should we say about the peoples ruled by a regime that is undeserving of respect? Rawls allows that individuals in outlaw states are worthy of respect, but he has nothing to say about the nation – the political society which these people form and which can, at least to some extent, be distinguished from the regime that
rules them – or about the aspirations of people in such states to determine their political
destiny. It seems right to insist, at least in many cases, that the nation, or aspirations to
nationhood, deserve respect even when the regime does not. If so, then this respect would
influence our ideas about what intervention, if any, is justifiable in order to reform or de-
stabilise an outlaw regime. And as I argued earlier, respect for people as members of a
political society is a further reason for ruling out unprovoked military attacks on their
nation.

The Paradigm Case Argument

The third defence of the notion of a rogue state is a paradigm case argument. It
insists that there is at least one obvious, uncontroversial example of a rogue state, namely
Nazi Germany. It not only made aggressive war on its neighbours; its aim was total
conquest and subjugation of their populations and government. It had no respect for the
limitations imposed by just war theory. Moreover, it committed atrocious acts against its
own people and against people in other countries. Most people agree that Nazi Germany
deserved to be treated differently from other states which from time to time have engaged
in unjust wars. Most of us think that the Allies were justified in demanding unconditional
surrender, refusing to negotiate with Nazi leaders, putting them on trial as criminals,
occupying the country, reforming German political institutions and removing Nazis from
government positions. (In fact most people think that the latter was not done thoroughly
enough.) Many people would probably agree that it would have been a good thing if the
Nazi government could have been destroyed before its evil tendencies had become so
manifest – before it had a chance to do so much damage. If people endorse the way
Germany was treated after World War II, if they agree that the intrinsic evil of the Nazi
government would have justified action designed to protect international society from the threat it posed, then surely they have to agree that the notion of rogue state is meaningful and that it might have other applications.

One obvious problem with this argument is that even if we agree that the label rogue is rightly applied to Nazi Germany, it is not easy to make use of this paradigm. The nature of the problem is demonstrated by a familiar controversy. Japan as an enemy state was treated in much the same way as Germany; the Allies demanded unconditional surrender; it was occupied and ruled for a time by its erstwhile enemies; its system of government was overhauled and its leaders were punished. It was, in other words, treated as an outlaw. However, some people argue that this treatment was wrong; that Japan was no more an outlaw than other states who have waged wars (unjustly or not). The question is whether Japan was enough like the paradigm case, and answers to this question are likely to differ depending on what similarities and differences people regard as important.

The problem of applying the paradigm requires that we look more closely at the reasons why it seems so appropriate to treat Nazi Germany, or at least its leaders and officials, as outlaws or rogues. This is not such an uncontroversial matter as it first appears. In post war trials at Nuremberg, there were two categories of crimes for which Nazi leaders were condemned: crimes against peace and crimes against humanity. The court ruled that Nazis had committed crimes against peace by breaking the treaty it had signed as a member of the League of Nations and engaging in aggressive war against Czechoslovakia, Poland, France, and many other nations. If these ‘crimes against peace’ justified treating Nazi Germany as a rogue state then the paradigm provides some support for contemporary applications of the term. However, crimes against peace were not a sound basis for treating Nazi Germany and its leaders as outlaws. We can understand why those who had so much hope invested in the League of Nations would be especially angry
about German aggression and would want to punish German leaders. Nevertheless, I do not think that the post-war treatment of Germany and German leaders can be justified as an appropriate response to German aggression. Aggression, we can agree is wrong, and states are justified in retaliating against aggressors; and they may be justified in demanding reparations for the harm they have caused. But it is difficult to regard the trial of Nazi leaders for doing what many leaders have done before and since as anything more than victor’s justice. Treaty breaking and aggression do not by themselves justify treating a state as a rogue.

To explain why it was justified to treat the Nazi regime as criminal, we are on much firmer ground when we emphasise the second category of crime for which its leaders were tried at Nuremberg - their crimes against humanity: their attempt to annihilate the Jewish population of Europe and their other gross violations of human rights. However, if Nazi Germany was a rogue state because of its crimes against humanity then the concept of rogue that we are endorsing is significantly different from the one advocated by the US State Department. A state can be a gross violator of human rights without posing any threat to other states; and a state can be aggressive without being a gross violator of human rights. Military intervention may be necessary in the last resort to stop such violations (though other forms of intervention may be more appropriate in many cases). To solve the problem any form of intervention will have to deal with the cause, and this may require interference with a state’s political institutions: deposing leaders and perhaps putting them on trial, and/or reforming governments. But the reasons that justify this kind of interference in the political affairs of a state do not justify such interferences when the state in question is not a gross violator of human rights (or at least is no more so than other states which are not regarded as outlaws).
Conclusion

In this paper I have examined attempts to justify a particular use of the notion of a rogue state – namely, a state which does not deserve respect in international society and whose very existence is a threat to world society to the extent that it is a justifiable object of attack, invasion, and reconstruction. None of the arguments that I have examined for employing this concept are satisfactory. I have argued that the notion is unclear, even incoherent. Some of my moral criticisms of the notion of a rogue state depend on consequentialist considerations. I have argued the notion of rogue state is easily abused, and that its use can encourage holy wars against those states deemed to be rogues, with all the dangers that this entails. But I have also argued that the notion of a rogue state can be used to allow actions that violate basic non-consequentialist moral requirements: for example, respect for individuals and their political relationships.

There are other, perhaps more defensible, uses of the term rogue or outlaw state. I have suggested that it might be used to label any state that breaks what most people regard as international standards or in other ways behaves as a bad international citizen. Since most states, at least most powerful states, are from time to time bad international citizens, such a usage belongs to a more comprehensive critique of the international status quo. Or alternatively, the term could be used in a more traditional way to pick out those states whose regimes abuse human rights in a serious way or allow such abuses to happen.

Such uses are more coherent and easier to defend than the one I have been examining in this paper. But even they can be criticised for being less than helpful in so far as they suggest that all states labelled as rogues or outlaws are alike, that they are equally unworthy of respect, or that the same response is appropriate for all. For example, some regimes violate human right in the name of a racist, religious or nationalist ideology; others in order to undermine political opposition. Some are simply too weak to
prevent tribal or religious conflict or lack the will to do so. In some cases the abuses are mostly carried on by government officials; in other cases, these officials are aided and abetted by part of the population. How people in world society should respond to these violations will differ according to the circumstances, the form of government and political traditions, and the kinds of violations that are occurring. In some cases, support for opposition groups or economic sanctions may be enough to overthrow or reform the regime responsible for the abuses. In other cases, there may be no solution short of military intervention and occupation or even partition of the country.

The different ways in which human rights abuses can occur, and way in which differences in circumstances affect a choice of response underline a point I have made earlier. The best approach to morality in international affairs, as I suggested earlier, is not to try to define what kinds of states should be regarded as outlaws or rogues, but to specify what actions ought to be condemned by members of international society, and how they ought to respond to various kinds of wrong-doing in the circumstances in which they arise. This approach allows that even decent states can act very badly on occasions, and that even regimes that are not so decent may do some things right.