THE JUST CAUSE
FOR THE MORALITY OF HUMANITARIAN INTERVENTION

Irwan

Abstract
One of the dominant controversies of the last decades of the 20th century is the question: “What should international community or other states do when a country is unable or unwilling to stop massive and systematic human rights violations within its territory (for example: violent prosecution against civilians in the province of Kosovo in 1999)? Does the international community have a moral obligation to intervene in the country, which has its own sovereignty, through humanitarian intervention to end the massacre?” Although there is a general consensus on the importance of humanitarian intervention, it is much debated in the fields of moral, law, politic, philosophy in the international world. To discuss the morality of humanitarian intervention, we need the just war tradition because the just war tradition provides the best framework for discussing the moral arguments for and against humanitarian intervention. In just war theory, a humanitarian intervention can only be undertaken for a serious reason; there should be a just cause. This simple article tries to search the just cause for the morality of humanitarian intervention according to four gurus in war and peace theory, that is: Pope John Paul II, United States Conferences of Catholic Bishops (USCCB), International Commission on Intervention and State Sovereignty (ICISS), and Michael Walzer. The method used in this article is literature study.

Abstrak

Keywords

1 STIKAS Santo Yohanes Salib, West Kalimantan. Irwan, Lic.Th. teaches moral theology. E-mail: irwan.widjaja@stikassantoyohanessalib.ac.id.
Just cause, humanitarian intervention, Pope John Paul II, United States Conferences of Catholic Bishops (USCCB), International Commission on Intervention and State Sovereignty (ICISS), Michael Walzer

Alasan yang adil, intervensi kemanusiaan, Paus Yohanes Paulus II, United States Conferences of Catholic Bishops (USCCB), International Commission on Intervention and State Sovereignty (ICISS), Michael Walzer

INTRODUCTION

The question of the morality of humanitarian intervention is part of the broader question of the morality of war because military intervention is an act of war, whether war is “declared” or not.\(^2\) The just war tradition helps us to study the morality of humanitarian intervention.\(^3\) The just war tradition provides an important moral framework for restraining and regulating the limited use of force by governments and international organizations. In the document *The Harvest of Justice is Sown in Peace*, the US Bishops (United States Conferences of Catholic Bishops) explain that the just war tradition begins with a strong presumption against the use of force and then establishes the conditions when this presumption may be overridden for the sake of preserving the kind of peace which protects human dignity and human rights. The just war tradition consists of a body of ethical reflection on the justifiable use of force for overcoming injustice, reducing violence and preventing its expansion. The just war tradition aims at: (a) clarifying when force may be used, (b) limiting the resort to force, and (c) restraining damage done by military forces during war.\(^4\)

According to Michael Walzer, the moral reality of war is divided into two parts, firstly, with reference to the reasons states have for fighting, secondly, with reference to the means they adopt. The first kind of judgment is adjectival in character: they say that a particular war is just or unjust. The second is adverbial: they say that the war is being fought justly or unjustly. The medieval writers made the difference a matter of prepositions, distinguishing *jus ad bellum* (justice of war) from *jus in bello* (justice in war).\(^5\)

The document *The Harvest of Justice is Sown in Peace* does not mention exactly what *jus ad bellum* (justice of war) and *jus in bello* are. However, in *The Challenge of Peace: God’s Promise and Our Response*,\(^6\) (hereafter CP) the older document from USCCB, *jus ad bellum* is understood as “why and when recourse to war is permissible” (CP, 85) and *jus in bello* as “the conduct of war” (CP, 101). Coady contends that within the humanitarian context, the *jus*

---


ad bellum is of primary interest (although the jus in bello, too, can also be of interest, because immoral ways of intervention will often cast doubt on its overall legitimacy). 7

The USCCB document The Harvest of Justice is Sown in Peace mentions seven criteria of jus ad bellum: (1) just cause, (2) comparative justice, (3) legitimate authority, (4) right intention, (5) probability of success, (6) proportionality, and (7) last resort. 8

A humanitarian intervention must have a just cause. The reason must be serious and morally warranted to trigger a military intervention overriding the non-intervention principle. What is the just cause for a humanitarian intervention? After we understand some related concepts, we will see the arguments from Pope John Paul II, United States Conferences of Catholic Bishops (USCCB), International Commission on Intervention and State Sovereignty (ICISS), and Michael Walzer.

UNDERSTANDING SOME RELATED CONCEPTS TO HUMANITARIAN INTERVENTION

Before we learn the just cause for a humanitarian intervention, it will be helpful for us to clarify some related terms which are often used in international discussion, i.e.: crimes against humanity, the crimes of genocide (or genocide), the gross and systematic violations of human rights, and ethnic cleansing.

The term crimes against humanity was used first by the International Military Tribunal for the Prosecution and Punishment of the Major War Criminal. The first modern international criminal court was constituted by victorious Allied powers after they defeated of the Axis Powers. 9 In the Nuremberg Tribunal 1945-1946, the major war criminals of the European Axis countries (including Germany, Italy, and Hungary) were charged with offenses in three categories of crimes: crimes against peace, war crimes, and crimes against humanity. 10

What is crimes against humanity? International law contains several different definitions of crimes against humanity; however, they generally involve acts of physical violence or persecution committed against vulnerable groups of civilians. 11 Crimes against humanity was defined in Article 6(c) of the International Military Tribunal as:

murder, extermination, enslavement, deportation, and other inhumane acts committed against any civilian population, before or during the war, or persecution on political, racial, or religious grounds in execution of or in connection with any crime within the jurisdiction of the tribunal, whether or not in violation of the domestic law of the country where perpetrated.” 12

The Rome Statute of the International Criminal Court (it was done at Rome on 17 July 1998 and in force on 1 July 2002 by the United Nations) expanded the definition from the International Military Tribunal in Article 7 as follows:

---

8 USCCB, op. cit., 13.
12 Ibid., 211.
For the purpose of this Statute, “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack:

(a) Murder;
(b) Extermination;
(c) Enslavement;
(d) Deportation or forcible transfer of population;
(e) Imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law;
(f) Torture;
(g) Rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity;
(h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;
(i) Enforced disappearance of persons;
(j) The crime of apartheid;
(k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.13

What is genocide? The term “genocide” was invented only in 1944 by a historian to describe the Holocaust, even though it has been practised for centuries.14 Following the Nuremberg Tribunal, the newly created United Nations affirmed in 1946 the law and principles that formed the basis of the judgments and proceeded to draft the convention. The Article II of the Convention on the Prevention and Punishment of the Crime of Genocide, adopted by the General Assembly on December 9, 1948, states:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethical, racial or religious group, as such:

(a) Killing members of the group;
(b) Causing serious bodily or mental harm to members of the group;
(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
(d) Imposing measures intended to prevent births within the group;
(e) Forcibly transferring children of the group to another group.15

The Rome Statute of the International Criminal Court in Article 6 uses this same definition.

Two categories of international crime (crimes against humanity and genocide) both emerged in the 1940s as a response to the Nazi atrocities committed before and during World War II. Aside from some minor and insignificant technical distinctions, all acts of genocide are subsumed within the definition of crimes against humanity. Genocide can be viewed as the most extreme form of crimes against humanity—the acts must be committed with intent to destroy a group. The ad hoc tribunals for the former Yugoslavia and Rwanda have given the term “the crime of crimes” to genocide. But, if the distinction is no longer particularly consequential with respect to criminal prosecution, it remains important because there is no real equivalent to the genocide convention for crimes against humanity.\(^\text{16}\) Both crimes against humanity and genocide could be committed in time of peace as well as during war (Article I of the Convention on the Prevention and Punishment of the Crime of Genocide).\(^\text{17}\)

Crimes against humanity and genocide are in many ways the counterpart to the concept of gross and systematic violations of human rights, which is also prohibited by international law. The terms genocide and crimes against humanity are used by criminal courts to hold individuals accountable, while the phrase “gross and systematic violations of human rights” usually applies to acts of governments.\(^\text{18}\) This individual accountable aspect of crimes against humanity and genocide is explicit in the definition found in the International Criminal Tribunals for Rwanda Statute, adopted by the Security Council in November 1994: “The International Tribunal for Rwanda shall have the power to prosecute persons responsible for the following crimes when committed as part of a widespread or systematic attack against any civilian population on national, political, ethnic, racial or religious grounds.”\(^\text{19}\) In fact, because the acts of governments or states are committed by individuals, the terms are merely different ways to designate the same phenomenon: atrocities committed against vulnerable groups, usually racial or ethnic minorities.\(^\text{20}\)

What is ethnic cleansing? According to Norman M. Naimark, the term was initially used to describe the attacks by Serbs on Bosnian Muslims (1992), which were undertaken for the purposes of driving the Muslims out of targeted Bosnian territory that was claimed by the Serbs. Some analysts use it as a euphemism for genocide, but it is different. The definition of genocide focuses on the intentional murder of part or all of a particular ethnic, religious, or national group. By contrast, the purpose of ethnic cleansing is the forced removal of a population from a designated piece of territory. Although campaigns of ethnic cleansing can lead to genocide or have genocidal effects, they constitute a different kind of criminal action against an ethnic, religious, or national group than genocide. The mass murder of roughly 7,300 Bosnian Muslim men and boys in Srebrenica in July 1995 has been designated by the court as genocide. However, the transcripts of the International Criminal Tribunal for Former Yugoslavia frequently mention ethnic cleansing, but subsume it under the category of forced deportation, a crime against humanity that was widespread particularly in Bosnia. The Yugoslav cases demonstrate that ethnic cleansing involves not just the driving out of a people, but the eradication of their culture, architectural monuments, and artifacts. The idea is to eliminate entire civilizations from targeted territories, along with the peoples who represent them.\(^\text{21}\)

\(^\text{16}\) Cf. W. A. Schabas, op. cit., 216.
\(^\text{17}\) Cf. A. Aust, op. cit., 270.
\(^\text{19}\) W. A. Schabas, op. cit., 213.
JUST CAUSE FOR HUMANITARIAN INTERVENTION ACCORDING TO POPE JOHN PAUL II

After we understand crimes against humanity, genocide, the gross and systematic violations of human rights, and ethnic cleansing, we return our discussion to the just cause for a humanitarian intervention according to Pope John Paul II. Entering the third millennium, Pope John Paul II elaborated the moral theology of war and peace. In the Message for the Celebration of the World Day of Peace: “Peace on Earth to Those Whom God Loves” of January 1, 200022 (hereafter WDP), the Pope talked about peace. In the context of struggle for universal peace, he also talked about the morality of humanitarian intervention. The Pope talked about crimes against humanity which happened within states in the beginning of his teaching on humanitarian intervention:

Crimes against humanity

7. [...]  

8. In our time, the number of wars between States has diminished. This fact, albeit consoling, appears in a very different light if we consider the armed conflicts taking place within States. Sadly these are quite numerous on practically every continent, and often very violent. [highlighted by the writer] For the most part, they are rooted in long-standing historical motives of an ethnic, tribal or even religious character, to which must be added nowadays other ideological, social and economic causes.

These internal conflicts, usually waged through the large-scale use of small-calibre weapons and so-called “light” arms - arms which in are fact extraordinarily lethal - often have grave consequences which spill over the borders of the country in question, involving outside interests and responsibilities. While it is true that the extreme complexity of these conflicts makes it very difficult to understand and evaluate the causes and interests at play, one fact cannot be disputed: it is the civilian population which suffers most tragically, [highlighted by the writer] since neither ordinary laws nor the laws of warfare are respected in practice. Far from being protected, civilians are often the prime target of the conflicting forces, when they themselves are not directly involved in armed activity as a result of a perverse spiral which makes them both victims and assassins of other civilians.

All too many and horrifying are the macabre scenarios in which innocent children, women, and unarmed older people have become intentional targets in the bloody conflicts of our time; too many, in fact, for us not to feel that the moment has come to change direction, decisively and with a great sense of responsibility.

Above, Pope John Paul II said, “In our time, the number of wars between States has diminished. This fact, albeit consoling, appears in a very different light if we consider the armed conflicts taking place within States. Sadly these are quite numerous on practically every continent, and often very violent.” The 20th century was the century of war. The world experienced two great wars: the World War I (1914-1918) and the World War II (1939-1945). These two great wars were wars between states. Since World War II, according to Dinah L. Shelton, it is estimated more than 250 armed conflicts have occurred with casualties numbering

---


upwards of 170 million people.23 More than 75 percent of armed conflicts since 1945 were intra-state rather than inter-state wars.24 Some of these conflicts have been genocidal or involved war crimes and crimes against humanity, such as so-called ethnic cleansing and the use of rape as an instrument of war. The repressive regimes committed massive human rights abuses, such as kidnapping and disappearance of political opponents, massacres of minorities and systematic torture also fall within the rubric of crimes against humanity and, sadly, exist in contemporary society.25 The last twenty years alone have seen major crimes against humanity which happened within states, in Somalia, Rwanda, East Timor, Bosnia, Kosovo, Liberia, Haiti, and the Darfur region of Sudan.

Who is the victim of these crimes against humanity which happened within states? Pope John Paul II said, “it is the civilian population which suffers most tragically.” And then, the Pope stated that a humanitarian intervention should be taken “when a civilian population risks being overcome by the attacks of an unjust aggressor” (WDP, 11). In another occasion, he talked about the right to use force for protecting the innocent and helpless:

The right to use force for purposes of legitimate defence is associated with the duty to protect and help innocent victims who are not able to defend themselves from acts of aggression. . . Far too often, the civilian population is hit and at times even becomes a target of war. In some cases, they are brutally massacred or taken from their homes and land by forced transfers, under the guise of “ethnic cleansing”, which is always unacceptable. (no. 504)26

Thus, the just cause for a humanitarian intervention according to Pope John Paul II is to protect a civilian population (the innocent and helpless) from an unjust aggressor.

JUST CAUSE FOR HUMANITARIAN INTERVENTION ACCORDING TO UNITED STATES CONFERENCE OF CATHOLIC BISHOP

United States Conference of Catholic Bishop has two documents which talk about the just cause: first, the pastoral letter The Challenge of Peace: God’s Promise and Our Response (1983) and The Harvest of Justice is Sown in Peace (1993). The Challenge of Peace: God’s Promise and Our Response mentions the just cause criterion: “war is permissible only to confront ‘a real and certain danger,’ i.e., to protect innocent life, to preserve conditions necessary for decent human existence, and to basic human rights” (CP, 86). And in The Harvest of Justice is Sown in Peace, USCCB asserts, “Force may be used only to correct a grave, public evil, i.e., aggression or massive violation of the basic rights of whole populations.”27

Protecting civilian population from unjust aggressor is the just cause for humanitarian intervention. Undertaking an intervention in other state is a difficult case. It must meet the high threshold that should be required for a military intervention. There are strong reasons against intervention, and the principle of non-intervention should be lifted only to correct a grave, public evil, i.e., aggression or massive violation of the basic rights of whole populations.

27 USCCB, op. cit., 13.
JUST CAUSE FOR HUMANITARIAN INTERVENTION ACCORDING TO INTERNATIONAL COMMISSION ON INTERVENTION AND STATE SOVEREIGNTY

International Commission on Intervention and State Sovereignty issued a report in 2001 named *The Responsibility to Protect*. In this document, ICISS suggested that the just cause for a military intervention is as follows:

Military intervention for human protection purposes is an exceptional and extraordinary measure. To be warranted, there must be serious and irreparable harm occurring to human beings, or imminently likely to occur, of the following kind:

A. **large scale loss of life**, actual or apprehended, with genocidal intent or not, which is the product either of deliberate state action, or state neglect or inability to act, or a failed state situation; or

B. **large scale ‘ethnic cleansing’**, actual or apprehended, whether carried out by killing, forced expulsion, acts of terror or rape.28

Human protection from large scale loss of life or large scale “ethnic cleansing” is the just cause for a humanitarian intervention.

JUST CAUSE FOR HUMANITARIAN INTERVENTION ACCORDING TO MICHAEL WALZER

Michael Walzer is a prominent American political theorist and public intellectual. In his classic book *Just and Unjust War*, he argues that humanitarian intervention is justified when it is a response (with reasonable expectations of success) to acts “that shock the moral conscience of mankind.” This is the just cause. It is not the conscience of political leaders, but the moral convictions of ordinary men and women, acquired in the course of their everyday activities. There is not any moral reason to adopt that posture of passivity that might be called waiting for the UN (waiting for the universal state, waiting for the messiah . . . ). Then he gives an example by quoting Julius Stone (*Aggression and World Order*, p. 99).

Suppose . . . that a great power decided that the only way it could continue to control a satellite state was to wipe out the satellite’s entire population and recolonize the area with “reliable” people. Suppose the satellite government agreed to this measure and established the necessary mass extermination apparatus . . . Would the rest of the members of the U.N. be compelled to stand by and watch this operation merely because [the] requisite decision of U.N. organs was blocked and the operation did not involve an “armed attack” on any [member state] . . .

Responding to this situation, Walzer answers that any state, which is capable of stopping the slaughter, has a right, at least, to try to do so. He concludes, “They [humanitarian interventions] reflect deep and valuable, though in their applications difficult and problematic, commitments to human rights.”29

---


CONCLUSION
The just cause for humanitarian intervention:
✓ according to Pope John Paul II is to protect a civilian population (the innocent and helpless) from an unjust aggressor.
✓ according to United States Conference of Catholic Bishop (USCCB) is protecting civilian population from unjust aggressor.
✓ according to International Commission on Intervention and State Sovereignty (ICISS) is human protection from large scale loss of life or large scale “ethnic cleansing”.
✓ according to Michael Walzer is when humanitarian intervention is a response (with reasonable expectations of success) to acts “that shock the moral conscience of mankind.”

These four opinions are alike. The writer agrees with ICISS that the just cause for humanitarian intervention is human protection from large scale loss of life or large scale “ethnic cleansing”.

BIBLIOGRAPHY

The Magisterium of the Church


Books


Danish Institute of International Affairs, Humanitarian Intervention, Legal and Political Aspects, Danish Institute of International Affairs, Copenhagen 2000.


