

From “Humanitarian Intervention” to “Responsibility to Protect”: Peacemaking and Policing – the View of the Historic Peace Churches

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Introduction

As early as 1937, a decade before the World Council of Churches (WCC) was founded and while facing the danger of a second world war, the ecumenical conference on “Church, Community and State” in Oxford stated: “If war breaks out, then pre-eminently the Church must manifestly be the Church, still united as the one Body of Christ, though the nations wherein it is planted fight each other, consciously offering the same prayers that God’s name be hallowed, His kingdom come, and His will be done, in both, or all, the warring nations”.¹

Despite this wide consensus, re-stated in the first Assembly of the WCC in 1948, culminating in the famous consensus “War is contrary to the will of God”², three main opposing positions remained in all the ecumenical discussions up to the last WCC-Assembly in Porto Alegre (2006): those arguing in the tradition of the “just war” theory, those who spoke against war in times of weapons of mass-destruction and those who argued, that from a Christian perspective war can never be justified.

The Historic Peace Churches (and individuals in other churches) have remained firm in their position “to refuse military service of all kinds, convinced that an absolute witness against war and for peace is for them the will of God, and they desire that the Church should speak to the same effect”.³ Shortly after the first Assembly, Willem A. Visser ‘t Hooft, the first WCC General Secretary, invited the Historic Peace Churches (Mennonites, Society of Friends and Church of the Brethren) to share their conviction with the wider ecumenical family. This resulted in the well-known series of Puidoux Conferences⁴. All major theological arguments on war, peace and the relation of church and state can be found in the documentation of these conferences.⁵

Through the decades WCC conferences and meetings have continued to debate the appropriate Christian response to violent conflicts. They have repeatedly condemned both the use of disproportionate armed force and the failure of the international community to protect populations in the face of predictable massive violence. Since the end of the “cold war” (fought in “hot wars” all over Africa, Asia and Latin-America), the debate has been reshaped immensely by contributions from political institutions as well as churches. Despite the lasting differences concerning the use of violence as “last-resort” (*ultima ratio*), a common tendency and willingness to approach the challenge in a much more holistic way has emerged. The 2003 meeting of the WCC-Central Committee paved the way for fruitful ecumenical discussions in the following

¹ Cf. The Churches Survey Their Task: The Report of the Conference at Oxford 1937 on Church, Community, and State, ed. by Joseph Houldsworth Oldham (London: G. Allen & Unwin, 1937).

² Cf. Report on Section IV; in: Man’s Disorder and God’s Design. The Amsterdam Assembly of the World Council of Churches. New York: Harper 1949.

³ Ibid.

⁴ Donald Durnbaugh (ed.), On Earth Peace: Discussions on War /Peace Issues between Friends, Mennonites, Brethren and European Churches 1935-1975. Elgin/IL: The Brethren Press, 1978.

⁵ Cf. Fernando Enns, The Peace Church and the Ecumenical Community. Ecclesiology and the Ethics of Nonviolence. Pandora Press and World Council of Churches Publications 2007.

years⁶, leading up to the 2006 document: “Vulnerable Populations at Risk. Statement on the Responsibility to Protect”.⁷ Never before have churches from different traditions been able to formulate such a consensus on the crucial matter of violence-prevention, intervention and reconciliation.

Mennonites – together with the other HPCs – again have been heard and have experienced great respect by the other WCC members during this process of discussions.⁸ Prior to and at the IX. Assembly of the WCC in Porto Alegre, the final draft was handed to the delegates of the HPCs, and the content was significantly shaped by them. Personally, I am grateful for this rich experience of ecumenical conversations with brothers and sisters from other church traditions who were able to listen and understand even when not in full agreement, to seek together a faithful peace witness by the worldwide Christian community.

The Porto Alegre 2006 Document: Vulnerable Populations at Risk

In what follows I will – according to the main aspects of the 2006 document – each (A) present the HPC perspective, (B) demonstrate why HPC-representatives were able to agree, and (C) point out the lasting and demanding questions that need further dialogue.

1. Arguing from the Perspective of the Church

- A. For the HPCs it is essential that the ecumenical community does not simply repeat or adopt political statements developed by secular institutions. The church might find such analysis helpful and build on the insights and research of such institutions. But the church needs to argue on the basis of her Trinitarian confession, by theological-ethical reflection, “speaking truth” (witnessing) to all of society from her particular perspective. This is her public duty, her responsibility, her mission. If she fails to do so, it becomes irrelevant that she speaks at all. “The Church must manifestly be the Church”, as the Oxford conference assured.⁹
- B. The WCC-document starts with a clear Christological confession, providing the argument for a Christian Ethic: “In the New Testament, Jesus calls us to go beyond loving the neighbour to loving the enemy as well. This is based on the loving character of God, revealed supremely in the death of Jesus Christ for all, absorbing their hostility, and exercising mercy rather than retribution (Rom 5:10; Luke 6:36). The prohibition against killing is at the heart of Christian ethics (Mat 5: 21-22).”

C. It is important for the churches to discuss and clarify their ecclesologies, since this self-understanding becomes the shaping ground for her ethical convictions. For HPCs the church is

⁶ Cf. Semegnish Asfaw, Guillermo Kerber, Peter Weiderud (eds.), *Responsibility to Protect. Ethical and Theological Reflections*. Geneva: World Council of Churches 2005. Arnold Neufeldt-Fast was asked to present the view of the Historic Peace Churches: *Christianity and War: The Pacifist View*, pp. 31-36.

⁷ *Vulnerable populations at risk. Statement on the responsibility to protect. Document No. PIC 02-2 of the World Council of Churches' IX. Assembly in Porto Alegre / Brazil 2006.* <http://www.wcc-assembly.info>.

⁸ I have outlined this in more detail in: *Public Peace, Justice, and Order in Ecumenical Conversation; in At Peace and Unafraid. Public Order, Security, and the Wisdom of the Cross*, ed. by Duane K. Friesen and Gerald W. Schlabach, Scottsdale, Pennsylvania: Herald Press 2005, pp. 241-259.

⁹ Cf. John H. Yoder, *The Royal Priesthood. Essays Ecclesiological and Ecumenical*, ed. by Michael G. Cartwright, Grand Rapids/MI: Eerdmans 1994. *The Otherness of the Church*, pp. 54-64.

Yoder, John H., *The Priestly Kingdom: Social Ethics as Gospel*. Notre Dame: University of Notre Dame Press, 1984.

that entity in the world that witnesses to and lives according to the truth of God's reconciling work in Jesus Christ. If the church fails to do so, her *esse* as church is at stake!

2. Arguing from an Ecumenical Perspective

- A. HPCs have always argued that loyalties among Christians should be stronger than any other loyalty in the world, because it is the confession to Christ that forms and qualifies all our relations into the one body of Christ (Gal 3:28 "There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female: for ye are all one in Christ Jesus"). Germans have experienced this reality during and after the Second World War while starving from the disastrous consequences of war, when they received "care-packets" from HPCs of "hostile" nations.
- B. In ecumenical theology, the world is perceived first of all as the "one household of God". This is the argument for a Christian responsibility for one another that is not limited to one's own church, faith tradition, nation or ethnic group. The responsibility to protect the vulnerable reaches far beyond the boundaries of nations and faith-traditions. It is an ecumenical responsibility.
- C. If the churches within the ecumenical community agree to this truth, what would be the consequences? Within roman-catholic theology it becomes quite obvious how the unity of the church is an essential element of peace building.¹⁰ Therefore claiming to be a peace-church implies an ecumenical self-understanding.

3. A Theology and an Ethic of Non-violence

- A. Among the three traditional positions within the ecumenical family concerning war and peace, HPCs (and individuals of other churches) have repeatedly stated that they do not see another possibility then "to refuse military service of all kinds, convinced that an absolute witness *against* war and *for* peace is for them the will of God". HPCs believe that "right believe" (*recte credere*) is as important as "right living" (*recte vivere*). This approach to faithful discipleship includes following the example of Jesus, living out – as far as possible in an imperfect world – a "messianic ethic", of which non-violence is the key-element. The primary mission and responsibility of the church is to live this new communion within society. The "commitment to non-violence is ultimately grounded in eschatology of trust in the victory over evil of God revealed in Jesus' life, teachings, death, and resurrection."¹¹
- B. Since every human being is created in the image of God and shares the human nature as Jesus did, every member church of the WCC agrees "on the primacy of non-violence". The document respects those who refuse the use of force in all circumstances. Their form of responsibility is to persist in preventative engagement and, whatever the cost to risk non-violent intervention during the use of force. It acknowledges that either of these approaches may fail too, but they both need to be respected as expressions of Christian responsibility.

¹⁰ Cf. Called Together to be Peacemakers. Report of the International Dialogue between the Catholic Church and the Mennonite World Conference, 1998-2003; in: Information Service. The Pontifical Council for Promoting Christian Unity N.113, 2003/II/III, 111-157.

¹¹ Appendix to: Fernando Enns, Scott Holland, Ann K. Riggs (eds.), Seeking Cultures of Peace. A Peace Church Conversation, Geneva: WCC, and Telford, Pennsylvania: Cascadia, 2004.

In contexts of crisis churches (as well as other faith communions) play a major role in trust-building and truth-finding processes, because they are rooted in the daily spiritual and physical realities of the people. Faith communities have the opportunity to participate in the development of national and multilateral protection and war prevention systems. (This has been proven in truth and reconciliation commissions, trauma-healing centres, in providing safe meeting places for adversarial groups, etc. as it becomes visible during the ecumenical “Decade to Overcome Violence”).

- C. The “primacy of non-violence” includes the possible option for violence. HPCs question whether this implies remaining within the logic of violence, falling into the trap of the circle of violence – even when violence is seen as the last resort. How can the churches mark clearly and convincingly, that resorting to violence really is “crossing an ethical boarder-line” and does not imply abandoning the goal to overcome the “spirit, logic and practice of non-violence”, as it is stated in the “Decade to Overcome Violence”?¹²

4. Shifting the Perspectives:

- from national sovereignty to human security
- from the interveners to the people in need
- from intervention to protection

A. HPCs have never accepted the status of a state-church for themselves, but have argued strongly against the “constantinian” closeness of church and state. Therefore national sovereignty has never been a “sanctified concept” for them. In most cases they have found themselves in opposition to national governments, they have been oppressed, tortured and killed for their convictions. In general they have remained sceptical towards governmental institutions. On the other hand some of them became involved in nationalistic movements as much as other Christians did during the 20th century (f.ex. in Nazi-Germany). For these groups the shift to human security is a helpful re-adjustment of their perspective as well.

B. The primary responsibility of national governments is to provide welfare and safety for their citizens. If a government is not able or willing to do so, the international community “has the duty” to assist and, in extreme situations, to intervene. “States can no longer hide behind the pretext of sovereignty to perpetrate human rights violations against their citizens and live in total impunity.” The document shifts the debate from the viewpoint of the interveners to that of people in need of assistance, focussing on the needs and rights of the civilian population. Everyone has a right to be protected by the others.

C. When shifting the perspective from national sovereignty to human security, we need to be realistic in answering crucial questions like: who is the “international community”, who decides? Is it the United Nations in their present form, the Security Council? Or is it a “coalition of the willing”? (There is no mandate of the UN for the operation “Enduring Freedom”; still most of the western countries claim to have a right and a duty to fight such a “war against terror”). If we do not find answers to these pressing questions, the whole argumentation of “last resort” reveals itself as inconsistent – or becomes sheer theory.

b. What does it mean to shift the perspective to the people in need? Is it really the people then to decide when and how to intervene? Who are these people, how do they express their will? Can the churches – and other faith communions – be helpful in expressing *their* needs and cries, *their* political will and wisdom? (Did the people (!) of the D.R.Congo ask the EU-troops to intervene in order to monitor the elections in 2007?).

¹² Cf. Mid-term of the Ecumenical Decade to Overcome Violence 2001-2010. Document No. PB-17 of the World Council of Churches’ IX. Assembly in Porto Alegre/Brazil 2006. <http://www.wcc-assembly.info>.

c. What is the real difference to shift from intervention to protection, beyond a mere terminological change? “ISAF” (International Security Assistance Force in Afghanistan) f.ex. is not demonstrating such a shift, since it is following the same pattern, becoming more and more a military intervention while being legitimized politically on the basis of protection.

5. Prevention as the Primary Concern

A. HPCs have invested a lot of resources in conflict prevention, promoted by the simple fact that violent intervention is not an option. They have at times been ready to abstain from their rights, their security, or to forgive in order to prevent a conflict. This implies the readiness to suffer, opting for vulnerability instead of using violence against others, which is seen as a mark of the church in these traditions. It also entails a different concept of justice, restorative instead of retributive, aiming at right relations instead of punishment, and it includes a different definition of security: never to rely on the “principalities and powers” or on military strength (Ps 33).

B. The churches “agree on the essential role of preventive efforts to avoid . . . crisis before it reaches serious stages”. “Prevention is the only reliable means of protection”. Elements of prevention are economic development and fair trade, education, respect for human rights, good governance, political inclusion and power-sharing, control over the instruments of violence (small arms in particular), the rule of law, and to promote confidence in public institutions. The “long-term agenda is to pursue human security and the transformation of life according to the vision of God’s Kingdom”. The churches “call on the international community and the individual national governments to strengthen their capability in preventive strategies, and violence-reducing intervention skills together with institutions of the civil society.”

C. As long as the international community does not invest at least as much resources in prevention as they do in military capacities, this approach seems unrealistic. Would prevention be taken more seriously if violent intervention was not legitimised (by the faith communities) as an option any longer?

6. Be realistic about the evil in the world: When prevention fails

A. HPCs have been realistic about the evil in the world, since in many cases they were the ones suffering, being persecuted, tortured and put to death by governmental powers. These constrains were sanctioned by the condemnations of the roman-catholic church as well as main-stream reformation-churches. HPCs opted against retribution and self-defence by violent means, preferring to make themselves vulnerable, because they did not see a legitimization for a Christian to use evil means to prevent evil. Romans 12:21 “Be not overcome of evil, but overcome evil with good”.

The challenge to protect others became a reality, when Mennonites and others found themselves in safe places, protected by governments, changing from mere recipient objects to political actors themselves. They understood and accepted the responsibility to protect, most often in search for alternative, non-violent and non-military ways (f.ex. by accompany programs for the victims, Christian Peace Maker Teams, etc.).

B. The WCC-document notes the very realistic image of violence and evil in the Scriptures: “the biblical witness . . . informs us about an anthropology that takes the human capacity to do evil in the light of the fallen nature of humankind (Gen. 4).” Therefore the “challenge for Christians is to pursue peace in the midst of violence”.

It continues: It is in those who are most vulnerable that Christ becomes visible for us (Mat 25: 40). The churches honour the strong witness of many individuals who have recognised the responsibility to protect those who are weak, poor and vulnerable, through non-violence, sometimes paying with their lives. Churches should nevertheless be engaged in increasing the capacity of the local people to be able to intervene themselves by strengthening structures of the civil society and modern public-private partnerships, in terms of prevention as well as protection. Churches are called to offer their moral authority for mediation between differently powerful actors.

C. To be realistic about the evil in the world does include being realistic about the evil within oneself as well as the evil in political institutions. The risk of becoming corrupt by the use of force, allowing for “collateral damages”, taking decisions on the grounds of national or economic interests rather than on the interests of those who suffer, and the temptation of exercising unjust power (for the “common good”) is a real danger – for individuals, governments, and for the churches.

What could be a strong and sustainable corrective concerning these dangers?

7. The ethical dilemma of the use of force – no guarantees!

A. The challenge to grant protection to those in immediate danger by violent means presents an ethical dilemma. On the one hand there is the demand to stay non-violent whatever the cost, on the other hand the clear call to protect the neighbour. Some within the HPCs do not agree that this poses a dilemma, because violent intervention simply is not an option, since the “responsibility to protect” goes beyond the neighbour: it needs to include the perpetrator as well. And since there are no guarantees for successes in either way, there is no ethical justification to opt for the use of violent intervention.

B. The fellowship of churches “is not prepared to say that it is never appropriate or never necessary to resort to the use of force for the protection of the vulnerable.” Despite the considerable consensus, the document notes that “some within the churches refuse the use of force in all circumstances. Their way of showing responsibility is to persist in preventative engagement and, whatever the cost – as a last resort – to risk non-violent intervention during the use of force.” Those who hold this position agree that their approach may fail too. Both positions need to be respected as “expressions of Christian responsibility”.

C. What is the real ethical dilemma for the churches? This needs to be explored together more deeply. Does the ethical dilemma only occur, when violence is accepted as a last resort?

8. Limitations to the use of force

A. HPCs ask, whether it really makes a difference to limit the use of force and violence, while staying in the paradigm of violence (“the spirit, logic and practice of violence”). Is it realistic to try to limit the use of violence in situations of intervention? The traditional “just war” theory has never really functioned as a limitation to the use of violence but has been interpreted again and again as an ethical legitimization to wage war. From the perspective of the HPCs sacrificing human lives can never become a means to reach “higher goals”, because God is the giver and sustainer of life. (Otherwise torture would also become a possible “tool” again).

B. The churches make it clear that the use of force can only be legitimised to stop armed force “in order to reinstate civil means”. They do not believe it is possible to bring peace and safety by

lethal force. It can never be an attempt to find military solutions to social and political problems or to “militarily engineer new social and political realities.” “The distresses of deeply troubled societies cannot be quickly alleviated by either military means or diplomacy. But those who are most vulnerable are entitled to protection from at least the most egregious of threats.”

Therefore the churches try to limit the use of force implicitly listing criteria:
(I will include the remaining and critical questions according to each of the following criteria.)

The International Law as *ius ad bellum* and as *ius in bello*

Force needs to be controlled by international law in accordance to the UN Charter. It is obvious – and the churches are making this an imperative condition – that the use of force “can only be taken into consideration by those who themselves follow international law strictly”. The breach of law can never be accepted, even when the efficiency of the intervention is hampered. International law is the *conditio sine qua non* for every military intervention.

→ In which direction do we need to develop international law in order to make it “work”? What if it is only applied to the weak and the powerful members keep themselves protected from judicial means? International law becomes an immoral and unrealistic theory if not executed for all in the same way.

The proportionality of means (*debitus modus*)

→ Which means are proportional? Are “collateral damages” ethically acceptable? Is it proportional to risk one person’s life in order to possibly (!) save ten others? What is the rational? Where are the limits and who defines them?

The International community decides (*legitima potestas*)

The call for protective intervention will always aim at the international community and presuppose a discerning and decision-making process in compliance with the international community.

→ Is the UN capable of expressing the will of the “international community”? Does this imply accepting that at times there will be no decision, because of the present structure of the Security Council?

The concept of “Just Policing”

The churches wish to distinguish the use of “policing force” from “military war-fighting methods and objectives”. The churches call for “international police forces” to maintain some level of public safety.

→ This is a helpful distinction which needs further exploration.¹³ One needs to keep in mind though, that this distinction is immediately plausible only for those who experience “police forces” strictly bound to democratic control and law. For others it is more important to follow the goal towards non-violent police forces (This is the result of discussions with HPC-representatives in Colombia, who are facing severe injustice and violence by police forces).

e. Violent intervention as one aspect of many, but separated

The document states, that the use of force must be carried out in the context of a broad spectrum of economic, social, political, and diplomatic efforts to address the direct and long-term

¹³ Cf. Gerald Schlabach (ed.), *Just Policing, Not War. An Alternative Response to World Violence*. Collegeville, Minnesota: Liturgical Press 2007.

conditions that underlie the crisis. Interventions should include the resources and the will to stay with people in peril until essential order and public safety are restored and there is a demonstrated local capacity to continue to build conditions of durable peace.

Interventions should be accompanied by *strictly separate* humanitarian relief efforts.

→ Is it at all possible to separate the different approaches, if all come “from outside” and are seen as foreign interventions? What could the churches do to make the different actors and approaches distinguishable and prevent the “embedding” of civilian peace-makers and -keepers as well as relief personnel and the (free) press?

9. The impossibility to avoid guilt and the need for repentance

A. Neglecting the responsibility to protect implies guilt. But resorting to violence also inflicts in guilt – even if it is for the best of reasons. So guilt might be implied in any case. For HPCs this shall never be used as an argument in favour of the use of violence. In general they would always opt for non-violence if the case is stated as simple as that.

B. But the churches of the ecumenical community repent for their collective failure to live justly and to promote justice. They admit all together that when protection becomes necessary, the churches must recognise their “own collective culpability”.

C. If the churches do not accept the implied guilt for not having done enough to prevent the violent situation as well as the guilt implied in every use of violence, they are loosing every credibility. Here the example of Dietrich Bonhoeffer is helpful: in order to act responsibly one needs to accept becoming guilty. This is possible only on the basis of the forgiving of sins in and through Christ. Bonhoeffer clearly warns not to misuse this in a way of “cheap grace”.

We will need the different voices in the ecumenical family in order not to fall into the trap of “cheap grace” on the one hand or of self-righteousness on the other, reminding each other constantly that the church needs to promote active non-violence and insist on the protection of the vulnerable. Both are at the heart of her mission because both are core to the Gospel itself. In order to provide helpful ethical guidance for the very demanding difficulties in political decision-making, the ecumenical community needs to support and foster the debate, rejecting every attempt to “easy answers” or “imperialistic” approaches. The church will need to seek the will of the ones in need, giving voice to the most vulnerable.