

## Rawls' Theory of Humanitarian Intervention: Philosophical Implication for the Surge in Islamic Terrorism

### Author Details:

**Valentine Banfegha Ngalim (Ph.D.)**, The Department of Educational Foundations, Faculty of Education & Frankline Berinyuy (MPHIL) Department of Philosophy, Catholic University of Cameroon, Bamenda

### Abstract

*the unprecedented levels of humanitarian and military interventions around the globe in the so-called defense for human rights and the aftermath of such interventions are so serious that it becomes very important to consider this study. The good motives for interventions such as to fight the abuse of human rights and improvement in the living condition of people may be good enough, but often some of the hidden reasons that accompany these interventions make us ask if this is not just a ploy to destabilize stable nations and take their oil or minerals. In this paper, we are going to look at the intrinsic relationship that exists between humanitarian interventions and Islamic terrorism. We are going to contend that a surge in terrorism is or has its roots in uncontrolled intervention especially those not backed by the authorization of the United Nations.*

**Key Words:** Humanitarian intervention, Human Rights, state, peoples, autonomy, sovereignty, terrorism

### I. INTRODUCTION

The attack on the World Trade Centre popularly known as 9/11 and the aftermath which can be surmised in President George Walker Bush's declaration of war against terrorists where ever they are found, opened the floodgates to mass murders, huge property damages, drone attacks, ethnic cleansing, bloodbaths, regime change and ultimately humanitarian and military intervention. It is this state of affairs that led Michael Walzer (1999) to assert that "it isn't too much of an exaggeration to say that the greatest danger most people face in the world comes from their own state and the chief dilemma of international politics is whether people in danger should be rescued by military forces from outside"(xi). This Walzerian assertion leads us to the question of humanitarian intervention which for the purpose of this paper will be defined like L.J. Holzgree does as the threat or the use of force across state borders by a state (group) aimed at preventing or ending widespread and grave violations of fundamental human rights of individuals, without the permission of the state within whose territory force is applied. I will indicate that Rawls' use of human rights violation to support humanitarian intervention is not legitimate because it is based on a political conception which has a faulty base. In this light, we shall make it known that intervention, leads to a serious violation of state borders and sovereignty. It is going to be my position that the violation of sovereignty indirectly violates the fundamental metaphysical principle of equality amongst peoples. This violation is so grave that it is in my opinion directly linked to a surge in terrorist activities worldwide. By legitimacy here, I mean the normative status of humanitarian intervention as an instrument of international justice.

The issue of humanitarian intervention is particularly important as it has an inseparable connection to the unprecedented activities of terrorists which have become rife in the 21<sup>st</sup> century. The answer to the surge in the Islamic terrorism lies in the serious consideration of the aims and clear motives of humanitarian intervention. In this paper, I will argue that Rawls' political conception of human rights on its own, lacks the foundational claims to determine the substantive content of human rights because he bases his presuppositions on the relations between peoples, not on the individuals who possess these rights by virtue of being human. I will also highlight the fact that if this is the case, then his postulations are not founded since a people with the same human rights cannot invade another even under humanitarian motives. If we are found to be right, then Rawls' concept of humanitarian intervention based on political conception is not tenable. We shall finally show that the abuse of the motives of humanitarian intervention is directly fuelling the surge of terrorism all around the globe. In fine, I will argue that humanitarian intervention remains problematic because it violates the fundamental rights of people who live in a concrete historical border and community and their inherited cultures and fundamentally challenges the autonomy and sovereignty of a

particular state. This violation of culture and borders to me will be the remote causes of terrorism in the world. We shall now turn our attention to Rawls consideration of humanitarian interventions.

## II. Rawls on HUMANITARIAN INTERVENTION

Reading through Rawls' corpus especially *The Law of Peoples*, we discover that the idea of Humanitarian intervention is very much linked to his political conception of human rights. In this light, it becomes necessary to have a bird's eye view of his political conception as it will greatly help us in our consideration. Before we consider Rawls' particular take on human rights as it helps us in this paper, it would be good to say that any consideration of human rights takes us down two fundamental divides. First, there is the naturalistic conception of rights which according to Simmons Johns (2001) sees rights as what all human beings possess at all times and in all places in virtue of their humanity or their human nature. Second, there is the political conception of rights which is championed by Rawls and closely followed by Joseph Raz. These see the distinctive nature of human rights in relation to what role rights play. A closer look at Rawls' conception of rights will shed more light on the political conception of rights of which Rawls is the protagonist and originator.

## III. Rawls' POLITICAL CONCEPTION OF HUMAN RIGHTS

The political conception of Human rights was first championed by Rawls when he published his groundbreaking work *The Law of Peoples* (1999). Since the appearance of this work, many other philosophers like Joseph Raz have very strongly defended the idea of a political conception of human rights. By human rights, Rawls (1999) means an "a class of rights that play a special role in a reasonable law of peoples; they restrict the justifying reasons for war and its conduct, and they specify limits to a regimes' internal autonomy" (79). Rawls goes ahead to insinuate that when these rights are regularly violated, we have commanded by force, a slave system and no cooperation of any kind. In Rawls mind and in his words, if any state violates human rights regularly, then it limits its rights to its internal autonomy and should therefore not complain if external agents interfere in its internal affairs by means of economic, political sanctions or even coercive intervention. So for Rawls, a repeated violation of Human rights is more than sufficient reason for humanitarian intervention. This Rawlsian postulation clearly challenges and violates the UN Charter or the 1965 *Declaration on the Inadmissibility of Intervention in the Domestic Affairs of States*. This Declaration states that "[...] all members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state." (4). The Declaration goes further to indicate that no state has the right to intervene, directly or indirectly *for any reason whatsoever* in the internal or external affairs of any state. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the state or against its political, economic and cultural elements are condemned. We should take note of the italicized phrase "*for any reason whatsoever*." This phrase brings us to the problematic nature of humanitarian intervention which for Rawls can be justified on the grounds of a regular violation of the human rights of the people in the violating state.

At this point, the basic question is what makes Rawls' conception of Human rights political and not moral, theological or philosophical? In answer to this, Rawls (1999) says he has not drawn the contents of his human rights from any comprehensive doctrines which come from a theological, philosophical or moral conception of the human person. By comprehensive doctrines, he means a system of moral beliefs not only about the specific subject of political institutions, but also about a wider range of subjects, such as how best to lead one's life, what sort of virtues to aspire to, what sort of relationships to have, and so on. Comprehensive doctrines frequently also involve views about the metaphysics and epistemology of the moral beliefs in question. Examples of comprehensive doctrines are religions, utilitarianism, Kantianism. When Rawls says his conception of human rights is political, he wants to avoid a stalemate between comprehensive and political liberalism. In his mind, a political consideration of human rights based on a common understanding will easily lead to a consensus which is necessary to establish mutually respectful peace. In Rawls estimation and understanding, political conception of rights would easily lead to general acceptability as people will use public reason which is binding on all participants to reason. The agreement that is got from a political conception cannot be got from a comprehensive conception because the

agreement will never be reached based on conflicting personal beliefs and philosophies. After defining what human rights are, the next thing that should concern us now is what the contents of the political conception of human rights are?

After his elaborate innovation on the political conception of human rights, the next major preoccupation in our minds is what goes into the constitution of his conception of rights? Rawls (1999) goes on to provide us with a rather lists of rights. For him, these rights include the rights to life (including means of sustenance), and personal liberty (including liberty of conscience and personal property and equal treatment under the law. Rawls lists carefully eliminate most of the rights found in the international declaration of rights including the rights to freedom of expression and association and the right to democratic political participation. For Rawls (1999), these are liberal aspirations. In his mind, what he has identified as rights above are not particular or peculiar to Western traditions. After considering his position on rights, we now turn our attention to the issue of interference or intervention.

### **Rawls on Violation of Human Rights as Motive for Intervention**

Given Rawls's take on his fundamental respect of human rights in his political conception, the pivotal question is: is any state whatsoever and for whatever reason justified to interfere or intervene in any sovereign nations internal or domestic affairs? Or in other words, does any nation of a group of nations have any moral duty to intervene for instance in Aleppo in Syria or like the case in Libya to stop the "massive human rights" violations when the 1965 International Declaration on what and law clearly forbids any state or a group of states from intervening in the domestic affairs of another state? In short, does a particular superpower have the right to violate the borders of another sovereign state in order to save lives? To answer these questions, we need to make it clear here that we are not talking about attacking another state because in self-defense when a state is attacked, it has the right to intervene or when there is grave threat to peace or the security of another state like the case of Iraq which attacked Kuwait in the 1990s. The case of self-defense cannot be taken as a humanitarian intervention because it involves an act of protection of one's own citizens. Humanitarian intervention in Malcolm Shaw's (1973) words involves the use of force to protect the basic human rights or the well-being of citizens of another state in case of egregious violations. (Also if killing your own citizens gives others the rights to intervene and interfere, then what do we do with countries where the death penalty is still part of life like in America or where people use their guns to kill at will?)

The position of interference it does not seem to be a special preserve of Rawls as Grotius in *De Jure ac Pacis* (1926) argues that if a tyrant should inflict upon his subjects such treatment as no one is warranted in inflicting, other states may exercise a right of humanitarian intervention. This may have the same taste as Rawls, but he bases his findings and arguments on the natural law notion of the universal community of mankind while Rawls bases his on his political conception of human rights. Against this Grotian position, philosophers like Immanuel Kant, Emer de Vattel and Christian Wolff (1934) contend that the states have a duty to refrain from interfering in other's affairs for the same reason that individuals have a duty to respect each other's autonomy. Wolff (1934) maintains that to interfere in the government of another as opposed to the natural liberty of a nation as one nation is altogether independent of the will of other nations in its action. If any such things are done, they are done without rights. This is based on an analogy between persons and states. Just as people are autonomous agents and are entitled to determine their own actions from interference as long as the exercise of their autonomy does not involve the transgression of certain moral constraints, so it is claimed that states are also autonomous agents whose autonomy is similarly deserving of respect.

Rawls' political conception of Human rights as political, not metaphysical/natural rights puts limits on a state's sovereignty. Like we said, his theory is political, not naturalistic, that is, based on the nature of the individual human being. Rawls does this in three ways; first, he holds that human rights are not rights that we have by virtue of the fact that we are human. In this regard, Rawls (CP. 552) argues that human rights are minimum standards of well-ordered political institutions for all peoples who belong, as members in good standing, for just political society. Second, he distinguishes between human rights and constitutional

rights or the rights of liberal democratic citizenship and other rights that belong to certain kinds of political institutions both individualist or associationist. Thirdly, Rawls makes rights part of the political relations between peoples and not between human beings. All of these in the Rawlsian corpus makes us understand that in Rawls' thought, rights are between people, not individuals. In Rawls' (1999) vocabulary, a people is not a state. A state for him is an entity that claims to be sovereign while people by contrasts are organized societies that lack the kind of absolute sovereignty characteristically predicated of states. This does not mean that people are subsumed within a *foedus pacificum* or a world federation. What this means is that they are not free to use military force—except to defend themselves or others against any aggression or to abuse the transnationally recognized rights of persons within their borders. The fundamental issue here is what meaning the concept of rights will have if rights are not derived from human beings or persons but from moral and political relations that obtain between peoples. In this sense, do basic human rights still constitute human rights if they are developed in function of the respect that people owe each other. For want of better terms instead of human rights Rawls would better talk about relational rights or peoples' rights. This Rawlsian' political conception of human rights has a negative impact on his theory of intervention because he gives the impression that individuals have no rights. Now it is taken for granted that if individuals have no rights then the people who are a conglomeration of the individuals would equally have no rights and his theory runs into a serious difficulty of defending people who did not have rights and so to use the abuse of human rights to intervene would be to build on a faulty foundation. In so doing in Nagel T (1999) views he strips the idea of the critical humanitarian intervention of its core. Because if the reason for intervention is not to defend the helpless individuals' rights, then his conclusions are utopic. Now we shall turn our attention to consider the implications of Rawls' conceptions of intervention on a state's sovereignty.

### **Intervention and its implications for a state's sovereignty**

When Rawls insists on using people instead of the traditional states, the issue is what referring to peoples rather than to states does to the nature of autonomy and sovereignty. When Rawls (1999) chooses to talk about peoples and not states, he wants to avoid the traditional mentality of what a state implies. Also, he uses peoples to distinguish his own thinking about international justice from that about political states as traditionally conceived with their powers of sovereignty as included in the positive International Law for three centuries after the Thirty Years War (1618-1648). According to Rawls (1999) therefore, the traditional powers of sovereignty include the rights to war and unrestricted internal autonomy. Traditionally, states have had a right to go to war in pursuit of state policies and a right to do as it wills with people within its own boundaries. Peoples lack these traditional powers of sovereignty. Now if peoples lack these powers, these could mean two things; firstly, that following the principle of equality amongst peoples, they could not interfere with the internal domestic affairs of another state and secondly, within this context super states could interfere with the domestic affairs of weaker states. If our reading of Rawls (1999) is correct, then we would return to a kind of Hobbesian state of nature where life is barbaric and the survival of the fittest and in this case the survival of the strongest. However, Rawls tries to preempt this kind of barbarism by introducing a second original Position by which the laws made are generally accepted by the peoples hence the Law of peoples which are binding on all. Now another question which surfaces is: in the community of peoples, does a state still have the rights to violate the right of another state if it was not part of this original position.

To meet the above difficulties, Rawls (1999) distinguishes the various kinds of people found in the world community of peoples; he has the liberal and non-liberal decent peoples who together constitute a well ordered people as well as outlawed state, societies burdened by unfavorable conditions and benevolent absolutism which honor most human rights but deny their members a meaningful role in making political decisions. Despite these classifications of peoples, the problem is further compounded because in his *A Theory of Justice* he claims that those who can participate in shared political discussions on the norms governing political life should have equal rights to do so. He further remarks that equal justice is owed to those who have the capacity to the part in the discussions. The difficulty comes because with the second original position found in the Law of People's the second level is fair to people's and not to individual persons why do people take precedence or individuals.

Two problems arise from Rawls' discussion on intervention. First, it is based on peoples' rights, not on the inviolable moral, equality of persons which he stressed in a *Theory* of human rights and conception of intervention. Secondly, the notion of free and equal individuals, however, is a necessary part of every theory of human rights and conception of intervention. Rawls account of human rights is a function of the relationship between peoples. This mainly applies to how people treat each other as peoples. For Rawls, it is quite another thing how they treat their own members. In this regard, Jones (1996) holds that if a theory adopts peoples as relevant moral units of international political life, it is hard to see how it can deliver an international concern for the rights of individual human beings. In this light, he continues that human rights are rights that we as individuals possess as human beings. They are not the right that we have because we are members of a certain group or community nor are they rights that depend on the right holder's obligation to perform the behavior which is supposed to be authorized by rights. Rawls postulations that the state that violates human rights does not need to complain if other states intervene within their borders has a few ramifications. From these, it becomes evident that Rawls seeks to protect peoples and not individuals. Also, this consideration is not cogent because he does not talk about peoples' boundaries and talks about states. This is shooting himself in the feet. With this, we turn our attention to humanitarian intervention and the surge in Islamic terrorism.

### **Humanitarian intervention and the surge in Islamic terrorism**

Though Rawls does not use the word terrorism, his intolerant sect or outlawed state has the characteristic of terrorists. At this point, the question is what is terrorism. Michael Walzer (2002) defines terrorism as the deliberate or reckless killing of civilians or the extensive damage to their property with the intention of spreading fear through a population and communicating a political message to a third party usually a government. From what Walzer says, we can clearly see that terrorism is a means to an end. The destruction and killing is merely a means to send across a message. Based on the above definition we can say that terrorism is self-defense? To the extent that it protects someone from an unjust aggressor, it is self-defense. Now when we talk about Islamic terrorists, we refer to attacks that are mostly perpetrated by Muslims in the name of Allah. In the case of terrorism who is practicing the self-defense? Is it the aggressor or the victim of the aggression? For instance, in the case of the 9/11 attacks on the WTC in America, could we say that America was practicing self-defense? Or could we say Al Qaeda was practicing self-defense?

According to the UN Security Council in the preamble of a 1992 resolution, the Security Council declared that the suppression of acts of international terrorism including those in which states are directly or indirectly involved is essential for the maintenance of international peace and security. Can we say that America evoked this preamble and went on a war of self-defense against terrorists anywhere and everywhere they are found on the globe? To this, we would contend that to call the aftermath or the reaction of the USA after the 9/11 attacks a war in self-defense will be misleading. This is because America was not attacked by a state but by a terrorist group. So to have attacked a state in the fight was to have used other arguments and justifications and not the self-defense argument. This attack of the USA on Afghanistan led to humanitarian intervention in many Muslims nations like Iraq. These attacks amongst other things killed innocent people, damaged aged old civilizations, targeted civilian populations, attacked mosques, dehumanized the Muslim population of these states, led to the tapping of natural resources especially oil and in some cases like Iraq and Libya led to regime change and the imposition of western style democracies.

In short, many attacks recently have been against civilian targets to get the civilian populations to put political pressure on governments to stop genocide or to eliminate the weapons of mass destruction. Given that most of the countries that practice humanitarian intervention are countries that spare their own civilian population but destroy other populations and cultures would it be difficult to see the interconnection between the people attacked and those that seek to redress the situation?

An example of such a reaction which could be called terrorists was that of the Americans in the famous Boston Tea Party against the British. The Americans felt that they were deprived of their rights and that they were unjustly exploited and so they sought means legal or illegal of getting the British out of their country. Any foreign or British interest was attacked, and the British labeled these terrorists. Surely no one

would say the Americans were wrong. That is why according to J. Angelo Corlett after this they tried to change everything that would make them look British and top on the lists was to have their own English.

During the 1970s and even early 21<sup>st</sup> century, most of the terrorists' bombings were followed by a claim of responsibility by the terrorists. No doubt, this was an attempt to make clear the aim of the violence whether economic reform, political reform and so forth. To this effect, we can see that terrorism or terrorist activities constitute a means often employed by the weak to fight against or in defense of sovereignty and self-determination which is constantly being violated by many powers.

It is probable that from the rate of destruction, the imposition of foreign values and cultures on the victim nation, there is a relation or interconnection between humanitarian intervention and the surge in terrorism. In this regard, in the 1986 Nicaragua case, the International Court of Justice pointed to a problem with humanitarian intervention. The case concerned the mining of Nicaragua's harbors by the CIA, and by "contras," who were merely paid operatives of the U.S. The U.S. tried to topple the Nicaraguan government in the early 1980s, as a means to prevent what it predicted would be massive human rights violations by the communist government of Nicaragua in the region. Here is part of the Court's judgment:

In any event, while the United States might form its own appraisal of the situation as to respect for human rights in Nicaragua, the use of force could not be the appropriate method to monitor or ensure such respect. With regard to the steps actually taken, the protection of human rights, a strictly humanitarian objective, cannot be compatible with the mining of ports which is based on the right of collective self-defense. (341)

Highlighting the above, the ICJ opinion seems to see humanitarian intervention to prevent human rights abuses as just one form of aggression.

## Conclusion

Our thesis was to defend the view that humanitarian intervention violates sovereignty and cultures which ultimately have a direct connection with a surge in terrorist activities worldwide. An online article titled "Why Terrorists Hate America" written by William Blum quoting a Department of State Study in 1997, concluded that historical data shows a strong correlation between US involvement in international interventions and an increase in terrorist attacks against the United States. In this respect, former president Jimmy Carter said "we send Marines into Lebanon, and you only have to go to Lebanon, to Syria, and to Jordan to witness first-hand the intense hatred amongst many peoples for the United States because we bombed and shelled and unmercifully killed totally innocent villagers, women, children, housewives in those villages around Beirut. As a result of that, we became a king of Satan in the minds of those who are deeply resentful". In this respect, the terrorists responsible for the bombings of the World Trade Centre on September 2001 sent a letter to the New York Times stating in part, We declare our responsibilities for the explosions on the mentioned building. This action was done in response to the American political, economic and military support to Israel, the state of terrorism and to the rest of the dictator countries in the region. From these, we can see that there is a direct connection between humanitarian intervention and terrorism. It is our conclusion and conviction that a reduction in humanitarian intervention in the world will also lead to a reduction in the surge of Islamic terrorism in the world. In this regard, it is not going to be too much to say that if a nation receives many terrorist threats or actual attacks, they need to check the level of their involvement in the issues and affairs of others. At this point, given the rejection of the humanitarian intervention based on Rawlsian presuppositions, it is possible to have a world free of humanitarian interventions as to avoid a surge in terrorist activities around the world.

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