

CAMBRIDGE



PAPERS
towards a biblical mind

The new world order?

by Julian Rivers

'What is at stake is more than one small country, it is a big idea – a new world order – where diverse nations are drawn together in common cause to achieve the universal aspirations of mankind: peace and security, freedom and the rule of law.'

George Bush, on Iraq's invasion of Kuwait, 29 January 1991

Summary

This paper summarises the biblical teaching on international order, considers the way in which Christians have appropriated that biblical teaching, and evaluates recent developments in international relations. In the light of events in Kosovo and East Timor, it considers the justification and limits of the use of force in 'humanitarian intervention' and the development of international criminal law.

Introduction

On 24 March 1999, the House of Lords ruled that Augusto Pinochet, formerly president of Chile, could be extradited to Spain on charges of torture. That same evening, NATO aircraft started bombing Serbia, in an attempt to stop President Milosevic's programme of ethnic cleansing in Kosovo. From the International Criminal Court to the UN intervention in East Timor, recent months have once again highlighted the struggles – and the hypocrisies – of the search for justice in the international order.

Christians have engaged with international relations in various ways. Realists point to the overriding significance of economic and military power in the world. The turmoil of the nations is ceaseless, and appeals to justice are too easily hypocritical expressions of self-interest.¹ For all its accuracy, realism alone will not tell us how the international order *ought* to be structured; it risks simply reinforcing the status quo. Pacifists take the view that the Christian ethic is non-violent, and that Christians have a responsibility to challenge radically the militaristic assumptions of the world.² 'Christian humanitarians', by contrast, defend the use of force to achieve justice; they might well support recent interventions.³ Finally, a substantial body of conservative American thought insists that the creation of international organisations, however well-intentioned, is an anti-Christian, even apocalyptic, attempt to build world government.⁴

International relations in biblical thought

The Bible proclaims the inadequacy of all political solutions to the problems of humanity. Nevertheless, it is not silent in the area of international relations. In his speech before the Areopagus, Paul highlighted the providence of God in establishing and sustaining 'every nation of men' from 'one man'.⁵ These twin strands of the unity of humanity and the diversity of nations run throughout the entire Scriptures, and are in tension with each other.⁶ The first chapters of Genesis stress the unity of humanity in its rebellion against God. The table of the nations and the account of the destruction of the tower of Babel suggest that linguistic and national diversity is established not only as an act of God's judgement on human pride, but also as an act of mercy, preventing humanity from combining to cause suffering and evil.⁷ Karl Barth pointed out that national diversity does not appear as a theme before Babel, and is therefore not to be seen as part of the creation order.⁸ There is nothing sacrosanct about the geographical boundaries and inhabitants of any particular state which could give credence to nationalism; what is commanded is a principle of national diversity, not any particular division.

Amos, Isaiah, Jeremiah, Daniel and Ezekiel all prophesied concerning the nations and empires surrounding Israel. Their principal theme was that the rise and fall of nations was not random, but subject to the providence of God;⁹ military defeat, and national

volume 8

number 4

december 1999

ISSN 1361-7710

Writing Group

D.R. Alexander Ph.D.
J.R.D. Coffey Ph.D.
R. Macaulay M.A. B.D.
P.S. Mills Ph.D.
M.J. Ovey M.A.
A.J. Rivers LL.M.
M.G.G. Schluter Ph.D.
C.J. Townsend M.A.

Subscriptions

PO Box 27
Cambridge CB1 8TR

Tel/Fax: (01223) 501631

email: cpapers@campublic.co.uk

http://www.campublic.co.uk/cpapers/

1 Reinhold Niebuhr, *Moral Man and Immoral Society*, 1960, chapter 4.

2 John Howard Yoder, *The Politics of Jesus*, 2ed. 1994.

3 Paul Ramsey, *War and the Christian Conscience*, 1961.

4 The best-known example is Pat Robertson, *The New World Order*, 1992.

5 Acts 17:26; This reading is not uncontroversial. See I. H. Marshall, *Acts* (Tyndale New Testament Commentaries) 1980, pp287–8.

6 O. R. Johnston, 'God and the Nations', *Evangelical Review of Theology*, 1977, p83.

7 Genesis 10; Genesis 11:1–9.

8 Church Dogmatics III.4, Section 54.3.

9 See Mark Dever, 'Reflections on Providence: Can we read events?' *Cambridge Paper* vol.2 no.2 and Michael Schluter, 'The Rise and fall of Nations: How far can Christians interpret history?' *Cambridge Paper* vol.3 no.3.

dispersal, were the response of a just God to national sin. One of these sins was political imperialism, with the ambition, pride and aggression that accompanied it. Just as Assyria was brought down for her sins, so too would Egypt and Babylon.¹⁰ Isaiah¹¹ and Daniel¹² taught that every oppressive human empire will eventually be brought down by God through human agency until he establishes his 'King on Zion'.¹³

But political imperialism, with its destruction of national diversity, is not the only relevant national sin. The idolatrous worship of economic prosperity, religious persecution, treaty-breaking, torture, and slave-trading are all included in the causes of God's anger.¹⁴ Even small nations can be punished for these sins. This is consistent with the biblical witness to the unity of humanity and the universality of the justice of God. National diversity never implies moral relativity.

The prophetic analysis of international relations is most intense in the apocalyptic vision of Babylon. The Babel theme reappears in Isaiah 13–14, in which the judgement of God is pronounced on an empire that 'struck down peoples' and 'made kingdoms tremble'.¹⁵ The rise and fall of Babylon is a supernatural principle revealed in the destiny of particular empires. It reaches its culmination in the Revelation of John, in which 'Babylon' rules over kings, peoples, multitudes, nations and languages.¹⁶ The characteristics of this great empire are idolatrous economic prosperity, immorality and persecution. Even this empire will be brought down, and the human attempt to build world empire fails cataclysmically and for the last time.¹⁷

National diversity is transcended, rather than removed, in the Kingdom of God. At Pentecost, each person heard God's salvation proclaimed in his own language, not in some new common tongue.¹⁸ Paul accommodated himself to the cultural diversity of his audiences, and the new Jerusalem is filled with the nations and the splendour of the kings of the earth. Here, there is diversity without division.¹⁹ Only God can establish what arrogant humanity repeatedly fails to achieve.

The New Testament writers endorse the legitimacy of government authority.²⁰ The function of all government is to use force to ensure peace, justice and liberty.²¹ While Christians are to eschew violence in their personal relations, the maintenance of justice by force is the assumed social context of that self-denying ordinance. John the Baptist commanded the repentant soldiers to be content with their wages and avoid oppression, and two of the earliest believers were centurions in the Roman army.²² It is never suggested that their new faith was incompatible with their existing role. The only way of reconciling this material with Christ's injunction of personal non-violence²³ is to accept that the existence of government is morally required. Love both justifies and sets limits to the use of force.²⁴ Love requires us to intervene to protect the weak and oppressed, but knowledge of our own sinfulness and powerlessness leads us to establish systems of government to fill the place of haphazard private intervention. At the same time, the governmental concentration of power can itself be perverted by sin, and must be carefully limited.

There is no reason why these principles of government should not be true between states as within them. Christ proclaimed the inevitability of war until the end of time,²⁵ and his endorsement of the Old Testament²⁶ must include the principles of national diversity

and universal justice. An interpretation of the Bible that restricts the use of military power solely to the preservation of national diversity, effectively restricting the use of force to self-defence, and is not willing to countenance the use of force to uphold basic principles of justice does not reflect the balance of the biblical message. Nor, however, does an interpretation that excessively concentrates power – in its most extreme form as single global government – in the pursuit of justice. The challenge is to maintain an international order that reasonably resolves that tension.

The tension was paradigmatically resolved in Israel's political order. For many, the teaching of the Old Testament Law on the use of force is overshadowed by the command to obliterate totally the existing peoples of the Promised Land. However, it is necessary to observe the clear distinction drawn in Deuteronomy 20 between the unique Israelite war of occupation and the normal practice of war. In the case of the latter, the army was to be recruited voluntarily, and moderation was to be shown in the conduct of war. When compared with the unfailing practice of armies ancient or modern, the treatment of captive women was remarkably enlightened. One should also note the embryonic concern to limit environmental damage.²⁷ Israel's army was to be arranged on a local militia basis that minimised the possibility of wars of aggression. Horses and chariots were banned, for her terrain was such that they would be of little use in defending the country from invasion.²⁸ It was the great sin of kings from David²⁹ onwards that they created a permanent professional army supplied with the latest military hardware.

The organisation of the armed forces on a local militia basis, while it tends to restrict the use of force to self-defence, is not incompatible with a war of aggression, should the local units feel strongly enough. The story of Deborah may be such an instance.³⁰ However, there is a strong connection between local military organisation and neutrality, as the modern example of Switzerland shows. It is not insignificant that, after its occupation of the Promised Land, the Israelite army was never called to be the agent of God's providential wrath on unjust nations.³¹ Nevertheless, military intervention against grossly unjust neighbours is not condemned, so much as made difficult by military organisation. The problem today is that the modern technology of war may make the existence of professional standing armies essential, so we have to look for other procedures that make aggression – even in the service of justice – subject to widespread consent.

Just war theory and the rise of international law

Augustine's views on international order were basically in line with the biblical witness.³² Reflecting on the bloodshed and oppression that had accompanied the expansion of the Roman Empire, Augustine argued that the ideal form of international order was a multitude of small prosperous states, satisfied with moderate territory and power. He insisted that the dominant pacifist tradition of the early church was mistaken when applied to public office, as distinct from personal attitudes: it might be necessary to use force in the international sphere to uphold basic principles of temporal justice. Obviously this would apply in cases of self-defence, but war could also be used punitively against tyrants. The problem that Augustine failed to resolve was the absence of any international judge to determine the occasions and limits of legitimate punitive force. How could self-interest and imperialism be prevented from corrupting a just military intervention?

Augustine was the first in a long tradition of Christian thought about the legitimacy of war, the main period of which spanned from 1140³³ to about 1500, when the intellectual unity of Christendom

10 Ezekiel 31; Jeremiah 50:17–18.

11 Chapters 13–27 should be seen as a unit expressing the triumph of God's kingdom over the nations: J. A. Motyer, *The Prophecy of Isaiah*, 1993, pp131–134.

12 Chapter 2.

13 Psalm 2.

14 Amos 1:3–2:3.

15 Isaiah 14:6; Isaiah 14:16.

16 Revelation 17:1, 15, 18.

17 Revelation 17:16–17.

18 Acts 2:6.

19 Revelation 21:24.

20 Matthew 22:15–22; Romans 13:1–7; 1 Peter 2:13.

21 Romans 13:3,4; 1 Timothy 2:2,4; 1 Peter 2:14,16.

22 Luke 3:14; Matthew 8:5–13; Acts 10–11.

23 Matthew 5:39; Luke 6:29.

24 Paul Ramsey, 'Justice in War', in *The Just War: Force and Political Responsibility*, 1968.

25 Matthew 24:6–7.

26 Matthew 5:13–20.

27 The reference to 'trees' could include economically productive non-combatants: James B. Jordan, 'The Israelite Militia in the Old Testament' in Morgan Norval (ed.) and Larry Pratt, *The Militia in 20th Century America: a Symposium*, p29.

28 Deuteronomy 17:16; 1 Samuel 8:11–18.

29 Yigael Yadin, *The Art of Warfare in Biblical Lands*, 1963 vol. II p285. This view is not uncontroversial.

30 John Bright, *A History of Israel*, 3ed. 1981, p181 (Judges 4–5).

31 While David's conquests went beyond the territory of the promised land (John Bright, *A History of Israel*, 3ed. 1981, pp199–203) this is neither approved nor condemned.

32 Herbert A. Deane, *The Political and Social ideas of St. Augustine*, 1963.

33 Gratian's *Corpus Iuris Canonici* was an authoritative synthesis of existing views.

began to splinter. Just war theory reflected a continued commitment to limiting the use of force, making it the servant of justice and peace, rather than their enemy. It divided the justice of war into two parts, the justification of resorting to force at all (*ius ad bellum*) and justice in the conduct of war (*ius in bello*). The former stated that war required proper authority, just cause and a right intention; the latter sought to limit the conduct of war by insisting on right attitudes, non-combatant immunity and treatment of the enemy with the least severity possible. For example, the NATO intervention in Kosovo is questionable under the first head (lack of authority) and its use of cluster bombs is questionable under the second.

The sixteenth to eighteenth centuries saw the gradual detachment of just war theory from its theological underpinnings, to be replaced by modern, secular, international law. What started with Grotius³⁴ as a practical need to establish legal relations with non-Christian peoples, became under Kant³⁵ a belief that justice in the international order could be based on human reason alone. As the power of weaponry increased, and as reason was increasingly understood merely as the efficient means to an arbitrarily chosen end, the Enlightenment vision of limited war collapsed. In Clausewitz's famous words, war became simply the continuation of politics by other means, with the possibility that the balance of aggressive power might collapse into total war. In 1914, it did.

A return to an international order based explicitly on Christianity is hard to imagine. Even at the zenith of just war theory, the church was only able to moderate the use of force by entering into intellectual alliance with secular traditions of chivalry and social class.³⁶ But Christian faith can inform our participation in the development of the international order. The main principles that need to inform that order are, first, that military power should be dispersed among nations, secondly, that military power is only to be used to remedy grave injustice and with widespread consent, and thirdly, that the force applied to remedy the injustice should be the minimum necessary.

The use of force in international law³⁷

In the aftermath of the First World War, states signing the Covenant of the League of Nations committed themselves to submitting disputes to the Council of the League, and to avoid war unless certain conditions were fulfilled. This led ultimately to the General Treaty for the Renunciation of War, the 'Kellogg-Briand Pact' of 1928. One of the weaknesses of the Kellogg-Briand pact was the tendency to read the ban on 'war' narrowly. This fact, coupled with the collapse of the League of Nations in the Second World War, gave rise to the most important current statement concerning the use of force in international relations, article 2(4) of the United Nations Charter:

'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, or in any other manner inconsistent with the purposes of the United Nations.'

One clear exception is recognised, which is individual and collective self-defence, and Chapter VII of the UN Charter contains a system by which the use of force may occasionally be legitimised by the Security Council in response to a threat to international peace.

The Security Council has five permanent members (USA, Russia, China, UK and France) and ten other members on a revolving basis drawn by convention to represent different areas of the globe. Each of the five permanent members has a veto, which until the end of the Cold War in 1990 meant that it rarely agreed any proposed resolutions. The response to the Iraqi invasion of Kuwait heralded the arrival of a new international consensus politics, and the last decade has seen an increased willingness to find the existence of a 'threat to international peace' which then legitimises military intervention. Somalia, Liberia, Rwanda, and (arguably)

Yugoslavia, have all been internal civil war situations, yet have been considered to threaten international peace. Widespread violations of international humanitarian law within a state have been held sufficient, as have the purported failures of Libya and Syria to deal with terrorists. There has thus been a tendency in the last ten years to take the first steps to approve military action against states for reasons of internal injustice, rather than external aggression.

The UN Charter originally envisaged that states would make resources available to create a permanent international force. This has not occurred. Instead, the UN is dependent on national governments committing the resources to achieve the ends stated in Security Council resolutions. Of course, the UN is not only engaged in legitimising the use of force in international relations. More prominently, it sends impartial observers and peace-keeping forces to states, activity which can only take place with the consent of the host government. There is in principle no objection to this consensual assistance. The real danger is one of slippage from peace-keeping to self-defence, and then from self-defence to enforcement. This slippage occurred in Yugoslavia, and it is significant that the peace-keeping troops sent into East Timor have the backing of a Security Council resolution permitting them to use 'all necessary means' to restore peace and order. On the other hand, the UN peace-keeping forces in Rwanda were never given the authority to use force to protect the Tutsi minority as the UN had promised. As a result, they stood by as hundreds of thousands were macheted to death, and politicians debated the meaning of 'genocide'.

The UN effectively functions not as a world government but as a body that authorises actions to enforce international law by *ad hoc* confederations of neighbouring states or other international bodies. While there is undoubtedly inconsistency in the Security Council's adoption of resolutions, which is compounded by a fair dose of hypocritical self-interest on the part of states willing to enforce them, the fact that modern nations are unlikely to reorganise their professional armies may mean that this is the best way available of regulating the use of force in the international order. It is extremely difficult to structure the membership and voting procedures of the UN Security Council such that limited intervention can be approved in cases of aggression and gross injustice, but without drawing major military powers into one side of the dispute. As well as revisiting the issue of representation, one possible way of mitigating the inconsistency which has resulted from the vetoes of the five permanent members would be to codify more precisely the circumstances in which international intervention is permitted.

The defence of Europe: NATO and the EU

The prime function of NATO remains the collective self-defence of states in the Euro-Atlantic area, but the situation in Yugoslavia has given NATO a new – and dubious – role in Europe. Although the UN Security Council had found the existence of a threat to international peace in Yugoslavia, it never sanctioned military force to achieve compliance with its resolutions. The NATO bombing in respect of Kosovo, while it may have been in the spirit of earlier resolutions, was not authorised by them. Some apologists for the action have sought to defend a residual principle of international law permitting 'humanitarian intervention', but the general view is that this is not reconcilable with article 2(4) UN Charter. In April 1999, the NATO General Assembly passed a motion suggesting that NATO should be able to act where the UN Security Council was 'unable'. The final version of NATO's New Strategic Concept,³⁸ which sets out the basic framework of NATO action for the next decade, commits the Alliance to non-defensive intervention under the authority of the UN Security Council *or the responsibility of the Organisation for Security and Cooperation in Europe*.³⁹ Increasingly, NATO has been presented as an authority parallel to the UN Security Council, rather than subordinate in cases of military intervention.

The Treaty of European Union (Maastricht, 1992) committed the European Union to the development of a common foreign and

34 *De iure belli ac pacem*, 1625.

35 *Perpetual Peace*, 1795.

36 James Turner Johnson, *Ideology, Reason and the Limitation of War*, 1975; *Just War Tradition and the Restraint of War*, 1981.

37 Hilaire McCoubrey and Nigel White, *International Law and Armed Conflict*, 1992.

38 Agreed at Washington DC, 23–24 April 1999.

39 Paragraph 31.

security policy. Since then, there has been a move towards a unified security capability, not only for defence, but for peace-keeping and 'humanitarian relief' operations in Europe.⁴⁰ This may be achieved by integrating the Western European Union (founded 1954) into the EU. There is no plan for a European army, but a Brussels-based military and political committee and an EU military staff are envisaged. While criticisms that European countries are not bearing their share of defence costs are justified, and while the creation of a European Security and Defence Identity within NATO, in close cooperation with the Western European Union, may be a reasonable response to this criticism, the assimilation of the WEU to the European Union is less obviously desirable, since it excludes non-members of the EU from their collective defence responsibilities.

Whatever the institutional readjustments, two important limitations on the use of force beyond collective self-defence are vital: all interventions must have the approval of the UN Security Council, and they must have the approval of the internal organs of each participating state, as required by their respective constitutions. These two principles are currently enshrined in the Treaty of European Union, but the drift away from these principles during the Kosovo crisis, and implied in NATO's most recent Strategic Concept, is deeply worrying.

International criminal law

A week after the House of Lords ruled that Augusto Pinochet could stand charges of torture in Spain, Anthony Sawoniuk was given two life sentences for his part in the slaughter of Jews during the Second World War, the first successful prosecution under the War Crimes Act 1991. These cases demonstrate the growing number of exceptional crimes of universal jurisdiction, such as piracy, war crimes, genocide and crimes against humanity, which may be tried by any state, wherever committed.

In the past, the use of international tribunals to try such crimes has been sporadic and exceptional, but last year saw the creation of a permanent International Criminal Court.⁴¹ The jurisdiction of the new Court will be no more extensive than that of the states party to the founding treaty under traditional rules of international law. Furthermore, it will only act where the relevant state is unwilling or unable, thus functioning for the most part as an additional incentive to signatory states to prosecute alleged crimes of universal jurisdic-

⁴⁰ European Summit, Cologne, 3 June 1999.

⁴¹ The founding treaty was signed at Rome, 17 July 1998.

tion themselves. American fears that spurious claims might hamper legitimate peace-keeping activities are thus vastly overstated. If anything, the real danger lies in politically biased trials of non-citizens by states claiming universal jurisdiction, a danger which a more impartial ICC might be able to avoid.

Conclusions

There is no new world order. The United Nations continues to verge on bankruptcy and depends on *ad hoc* alliances of nations to enforce its resolutions. Military intervention and the prosecution of international crimes are sporadic, inconsistent and hypocritical. But we cannot take refuge in inaction. International law is a precarious attempt in the face of this confusion to create the judge that Augustine lacked. It rests on the principle of national diversity, outlawing the use of force except on limited occasions when approved by the most powerful military nations to resist threats to peace and to redress the grossest forms of injustice. National sovereignty is rightly prevented from trumping individual responsibility in cases of the worst criminal excesses.

However, the intervention in Kosovo highlighted a number of dangers: NATO acted outside the authority of the UN, the US President bypassed constitutional requirements of congressional approval for the action, and means were used that caused unnecessary suffering. Thus three valuable limits on the use of military power were transgressed. More generally, there is a tendency to concentrate military power, particularly at European level, which must be treated with the utmost caution. While national diversity does not imply moral relativity, the universality of the justice of God does not justify world government, even government that embraces democracy and human rights. The longing for a new world order where the tension is resolved and 'righteousness and peace kiss each other'⁴² must be affirmed. But Christians should be the first to insist that it will only reach its fulfilment when the government of the Prince of Peace, who establishes and upholds his kingdom with justice and righteousness,⁴³ is universally acknowledged.

⁴² Psalm 85:10.

⁴³ Isaiah 9:6-7.

Julian Rivers studied law at Cambridge and Göttingen universities and now lectures in law at the University of Bristol. He specialises in constitutional law and legal philosophy and also has interests in international, comparative and ecclesiastical law.