

Humanitarian intervention: Religion as a reason for intervention

*The Russian military intervention in Syria that began last year is supported by the Russian Orthodox Church who emphasized the “need to protect the region’s Christians”. **Stefan Kroll** traces the historical roots of humanitarian intervention in the name of religious minorities and their relevance for understanding intervention today.*



A Russian Sukhoi Su-25 at Latakia, Syria. Image: Wimimedia, D-ANUR

When the Russian intervention in Syria began in the Autumn of 2015, it was accompanied by discussions over the role of religious motives. According to [comments in Western newspapers](#), members of the Russian Orthodox Church have supported the military campaign by naming it a “holy battle” and emphasizing the “need to protect the region’s Christians”. Similarly, in the case of the annexation of Crimea, [Putin](#) used religion as a narrative to justify the Russian engagement.

Historical roots

The use of religion as a means to justify foreign intervention has a long history, especially in the nineteenth century. The protection of religious minorities is one of the early cases of legally accepted humanitarian interventions. However, with regard to the international relations of European and non-European powers it was one of the instruments to implement and justify a politics of unequal relations.

The example of Russia is striking in a historical perspective for it has interesting parallels to nineteenth century conflicts. Robert Phillimore, in his [Commentaries upon International Law](#), discussed the “Intervention on the ground of religion” (Vol I, [1854, pp 337ff](#)) and used the “present war between Russia and the Porte” which, according to the Russian Emperor, was “a Religious war”. Phillimore considered *inter alia* Russia’s claim to act as a protector of the Greek Church and discussed in this context international treaties between Russia and the Porte which might justify this postulation. These kinds of protectorates, based on international treaties, were a common form to legally justify interventions in the name of religion, but in most cases just in the name of a particular religious group.



Phillimore's discussion is interesting for another reason. Beside the role of protectorates he referred to the question of whether there is a difference between Christian intervention into a Christian state and Christian intervention into a Muslim state: "The true answer seems to be that the rule is not changed, but that there is a much wider field for the application of the exceptional principle of interference." This quote is interesting, for it confirms the meaning of the rule of non-intervention but makes also clear that there is – and should be? – an asymmetry in its actual application.

Unequal protection of religious freedom

Saba Mahmood has highlighted the antagonism that while the principle of religious freedom in Europe emerged in close relationship to the principle of national sovereignty, the introduction of this principle in non-European world regions meant a violation of sovereign equality. This can be illustrated by Franz von Liszt who, in his textbook on international law (1898), concluded that among the Christian states of Europe the freedom of religion is a common rule since the Peace of Westphalia (1648) and therefore religious tolerance does not need to be regulated. However, in the legal relations of Christian powers to non-European and non-Christian states, the regulation of religious liberties was, in his perspective, necessary.

During the nineteenth century, in most cases the protection of religious freedom in bilateral agreements between European and non-European powers was protected asymmetrically. I will just refer to the example of the unequal treaties between Western Powers and China here. In the treaties of Tianjin (1858) religious freedom was applied in a form which prioritized the Christian religion over other beliefs. One could argue that in a Chinese reading the notion of religion must appear just as another notion for Christianity. A striking exception of this unequal application of religious tolerance was, however, a treaty between the United States and China of the year 1868, which then protected in Art. IV the "entire liberty of conscience" in China and the US, for Chinese and US citizens. This is an example of differences in the form of (semi-)colonialism which different Western powers applied and which would deserve much more scholarly attention but which seems to be underrated in the light of the intensive discussions over "the European" and the "non-European" in the context of postcolonial and global international relations studies.

Humanitarian intervention today

A consequence of the unequal protection of religious liberties was an unequal right of intervention. Even though international intervention was considered as forbidden by most international lawyers of the nineteenth century, most international law textbooks discussed conditions under which intervention might be legally justified. In this context Lassa Oppenheim (1858-1919) argued in his *International Law: A Treatise (Vol I, 1905, p. 183)* that interventions may be "rightful" if they were based on "legal restrictions upon the independence or territorial or personal supremacy of the State concerned [...] Thus, [...], if a State which is restricted by an international treaty in its internal independence or its territorial or personal supremacy, does not comply with the restrictions concerned, the other party or parties have a right to intervene". This is the case, to which also Phillimore referred to in his discussion of Russia's intervention.

In addition to this, Oppenheim discussed interventions which were not justified by right but nevertheless admissible. In this context he referred to interventions which were "exercised in the name of humanity for the purpose of stopping religious persecution". Even though he considered the existence of an international legal rule to allow for this kind of intervention as doubtful, he found that "it cannot be denied that public opinion and the attitude of the Powers are in favour of such interventions, and it may perhaps be said that in time the Law of Nations will recognise the rule that interventions in the name of humanity are admissible provided they are exercised in the form of a *collective* intervention of the Powers".

This comes close to our contemporary understanding of humanitarian intervention which has to be executed collectively in order to eliminate arbitrary uses. I mention this passage [here](#) as it

illustrates the often vague normative character of international intervention which is to be located somewhere between law and politics, public opinion and expert knowledge. We can see that in the nineteenth century as today, intervention in the name of minorities is of course a political question but it also has the potential to move the demarcations of legal principles. Today, we can observe this in the debate over the **Responsibility to Protect** as an emerging norm and also today we face the problem of instrumentalisation and asymmetry.

About the author



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