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James Pattison on Waging Humanitarian War: The Ethics, Law, and Politics of Humanitarian Intervention by Eric A. Heinze. Albany: SUNY Press, 2009. 224pp.

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Abstract

A review of:

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Keywords

Human rights, Humanitarian intervention, War, United Nations, International law

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Waging Humanitarian War: The Ethics, Law, and Politics of Humanitarian Intervention by Eric A. Heinze. Albany: SUNY Press, 2009. 224pp.

For a while after the events of September 11 th , 2001, many leading theorists on the ethics and politics of military force turned their attention away from intervention for humanitarian purposes and focused instead on issues related to the War on Terror and the potential justifiability of preventative war (especially in response to the threat of weapons of mass destruction). More recently, however, there has been a renewed interest in humanitarian intervention. This has been, in large part, due to the agreement reached at the 2005 UN World Summit. The 160 or so heads of state in attendance agreed to the notion of a "responsibility to protect" populations threatened by genocide, ethnic cleansing, crimes against humanity, and war crimes (the "R2P"), building on the influential 2001 report by the International Commission on Intervention and State Sovereignty. Eric Heinze's Waging Humanitarian War is one of the first major monographs on the ethics and politics of humanitarian intervention in light of the R2P doctrine and has much of interest to say on the topic.

Heinze's primary task is not to answer the tired question of whether or not humanitarian intervention is permissible. This issue has received much attention and is, to a certain degree, redundant after the agreement at the World Summit (most states have accepted the potential permissibility of humanitarian intervention in certain circumstances). Rather, he is concerned with a far more pressing question. To adopt the language of Just War Theory, this is the "just cause" issue: where should the bar be set for humanitarian intervention? Or, as he puts it, "What level or severity of human suffering must be imminent or ongoing before humanitarian intervention is morally permissible?" (p. 3). To answer this question, Waging Humanitarian War effectively combines normative, legal, and political approaches to intervention, showing Heinze's ability to handle complex arguments in political theory, international law, and international relations.

There are a number of potential reasons for holding that the bar for humanitarian intervention should be set high. These include the communitarian concern for self-determination (defended by Michael Walzer in his earlier work on the topic) and the sanctity of state sovereignty (defended by certain English School theorists). Heinze, by contrast, appeals to consequentialism. This is where we find one of the main contributions of Waging Humanitarian War . The threshold conditions for humanitarian intervention are, he argues, functions of consequentialist reasoning. This is because, on the one hand, of the detrimental global effects of military force and, on the other hand, of the risk that humanitarian intervention can worsen the situation in the target state. The humanitarian crisis needs to be serious, then, to outweigh these potential harms of intervention-in short, to allow the intervener to do more good than harm. Accordingly, Heinze argues that "humanitarian intervention is only permissible when threats to human security constitute deprivations of basic human goods that are large-scale, deliberate, and imminent or ongoing" (34).

Most accounts of humanitarian intervention frame the suffering to be tackled in the target state in terms of the violation of human rights. Heinze takes a different tack and here we find another major contribution. He develops what he calls the "consequentialist concern for human security"

(p. 33), which casts the extent and severity of the human suffering necessary for justifiable intervention in terms of human security. In other words, human security is the general account of human well-being or "good" that intervention-justified in consequentialist terms-must promote. This is an interesting move and reflects the recent increase in the use of the language of human security in international law and international relations over the narrower, arguably more controversial language of human rights.

Heinze goes on to use this consequentialist account of human security to assess two major issues: (i) the legal status of humanitarian intervention and (ii) which international actors should intervene. On the former, although Heinze asserts that the currently-existing positive law proscribes much intervention, he suggests that there is a "normative space" in which humanitarian intervention may *potentially* be legally grounded in accordance with the consequentialist concern for human security, appealing to the principle of "universal jurisdiction." On the latter, he considers a number of characteristics of effectiveness that an intervener should possess and draws on the constructivist literature to highlight, in particular, the importance of international (perceived) legitimacy.

As with any work on this controversial topic, there are likely to be points where one will disagree with the particular aspects of the analysis. Overall, however, *Waging Humanitarian War* is a very welcome contribution. It is careful in its normative analysis and strongly grounded in empirical detail, and the broad thrust of the argument seems sound: "the ethics of humanitarian intervention are *primarily* and *fundamentally* - though certainly not exclusively - consequentialist in nature" (*ix*).

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