Review - Debating Humanitarian Intervention: Should We Try to Save Strangers?

https://www.e-ir.info/2018/11/12/review-debating-humanitarian-intervention-should-we-try-to-save-strangers/

GARRETT WALLACE BROWN AND SAMUEL JARVIS, NOV 12 2018

Debating Humanitarian Intervention: Should We Try to Save Strangers?
By Fernando Tesón and Bas van der Vossen
Oxford: Oxford University Press, 2017

Whilst debates concerning the ethics of humanitarian intervention have been the topic of significant academic discussion over the past two decades, the 2011 intervention in Libya and non-intervention in regard to Syria have arguably generated new intrigue into the morality of international decision-making and the challenge of saving strangers. In response, this book provides a novel approach to addressing the central ethical dilemmas surrounding humanitarian intervention by providing two separate and contrasting views on the case for and against humanitarian intervention. This unique structure is used in order to help identify the fundamental tensions that remain at the very heart of current intervention debates and to reinforce the importance of philosophical inquiry and its key role in helping to evaluate 'what the international law on intervention ought to be' (p.19).

The key tensions between the two opposing positions are immediately spelled out in the book's introduction, in which the author's contrasting views on sovereignty and self-determination are carefully outlined. For Van der Vossen, there is a concern that the softening of sovereign non-intervention has gone too far already and that any further expansions of a right to intervene would be unwise and undesirable. Consequently, for Van der Vossen, intervention is about more than protecting individual rights, it also concerns ideas of communal self-determination and the value of sovereignty as a stabilising feature of international order. He is further sceptical of the ability of intervention to improve conditions on the ground and suggests that intervention often makes matters involving individual rights far worse. In contrast, Tesón believes that the law is too protective of tyrants and thus norms need to move towards intervention *permissibility*, whereby sovereignty can never be a reason against intervention. In this sense, Tesón believes that what needs defending, through the actions of humanitarian intervention, are the rights of persons. It is this key point of contrast that ultimately frames the overall discussion, allowing each author to present a distinct response to the ethical challenges presented by humanitarian intervention.

One of the key theoretical contributions made by Tesón is the advancement of what he calls the *equivalence thesis*, in which it is claimed that the *just cause* for humanitarian intervention is exactly the same as the just cause argued for revolution, whereby both are subject to principles of *proportionality*. In this sense, it is argued that their differentiated moral status does not depend on a difference between their respective causes (p.77), suggesting that intervention does not require a higher permissibility than justified revolution (p. 81). The broader implication of this analysis is that Tesón rejects any "deontological statist principle" that can be argued to block the right to assist victims of tyranny (p.95). In doing so, Tesón suggests that regime change can be justified in certain circumstances, whereby proportionality becomes the most important qualifier for humanitarian intervention decisions. The important point to emphasise here is that Tesón believes decisions relating to risk must be weighed in relation to the 'moral rightness' of the just cause, where the more important the cause, the lower the calculus for factoring collateral and supervening consequences. Consequently, this approach emphasises the importance of separating right motives of the actor from the act of humanitarian intervention itself, especially when we are assessing what is the morally right thing to do. It is this key argument that generates the biggest division between the two approaches.

In contrast, Van der Vossen focuses on what he refers to as an *ex-ante perspective* within the morality of intervention, arguing for a presumption against the use of humanitarian intervention. One of the central concerns he expresses is that interventionism involves a kind of recklessness that has no place in an acceptable moral theory of intervention (p.157). Where risks are high and foreseen, the value of self-determination should trump reckless intervention, even if that intervention could correct or prevent real injustices. However, this statement is further qualified by his acceptance that self-determination does not impose a blanket prohibition on intervention, it simply strengthens the overall presumption against intervention (p.188). Van der Vossen's central argument is therefore notable because it is framed around the norms that govern the permissible use of force, not just the need to protect or defend sovereign rights.

Van der Vossen's emphasis on ex-ante theories therefore leads him to a novel conclusion, in which he suggests that the legitimacy of humanitarian intervention cannot be judged on the assumption that it will produce a positive humanitarian outcome, but must instead be assessed in relation to the facts as they are at the time of the attack. The success condition for intervention can therefore only be judged on the current *likelihood* of justly bringing about a humanitarian outcome (p.213). This approach provides an important "qualifier" to most literature concerned with the morality of intervention, which often focuses on justifying interventions merely based on it having a general humanitarian end or under the assumption that any intervention is better than no intervention.

As a result, Van der Vossen provides an important reminder of the grave dangers that interventions can pose while rightly emphasising how this is often exacerbated by the strategic need to protect lives on the intervener's side (usually at the expense of those trying to be saved). Consequently, for Van der Vossen, interventions can rarely be justified because they rarely have a good enough up-front probability for success, based on the information known at the time. Proportionality, in this case, is part of determining action prior to war, not to establish justifiability during or after an intervention based on right intentions (p.204).

Although the book provides a number of interesting arguments for and against military intervention, it remains firmly within the current intervention paradigm. As a result, the book offers little engagement with potential alternative strategies for human protection and atrocity prevention beyond the use of military force. This omission seems odd given that proportionality plays such a key role in both positions and the fact that there are potentially more proportional interventions that fall short of military intervention. Whilst Van der Vossen does briefly mention the need to explore non-military responses, there is no detailed discussion of how alternative approaches, such as allowing large-scale asylum or mechanisms in Pillar II of the R2P, might provide a more effective "humanitarian" response to mass atrocity crimes.

Moreover, neither position chooses to examine the underlying conditions of structural violence perpetuated by aspects of international order and whether the interveners themselves are either culpable and/or have prior*jus ante bellum* duties to try and prevent the structural conditions that drive cycles of violence in the first place. In other words, both Tesón and Van der Vossen seemingly assume that interveners have clean international hands and are not themselves partly responsible for maintaining structural conditions that are known to increase mass-violence.

Lastly, it is not exactly clear what moral justifications and motivational drivers we have for humanitarian intervention in the first place. For Tesón, the need to intervene is underpinned by the importance of addressing the distinctly "evil" nature of tyrants and thus actively fighting against evil. Whilst Tesón acknowledges that a full engagement with the theory of moral evil is beyond the scope of the book, he still doesn't provide a convincing reason for why the apparent evilness of the dictators themselves generates a significantly greater justification for action. In contrast, it would have been useful to discuss the individual crimes themselves and explore why we might consider certain actions to constitute significant global harms. In doing so, it would then be possible to reflect on the broader philosophical links often made between mass atrocity crimes as threats that concern all of humanity. In simply assuming that the tyranny of evil dictators demands other states to take action in response, Tesón fails to construct a comprehensive normative argument for why such evil should both motivate and justify state actors to make moral sacrifices. In this sense, it would be useful to further problematise why the political arrangements of one country may be of interest to us all, thus making it easier to locate and defend what remains at stake if humanitarian intervention is not undertaken.

These criticisms aside, the book provides a number of original and significant insights into current debates surrounding humanitarian intervention. Most notably the book develops a much stronger theoretical link between the moral justification for intervention and revolution, whilst at the same time outlining the dangers of retrospectively justifying intervention on the sole basis that it manages to bring about a humanitarian end. Thus, this book provides an important overview of the humanitarian intervention debate and forces the reader to rethink both the conditions under which humanitarian intervention can be justified, as well as the limitations of military responses in addressing humanitarian need. As a result, this book will be of interest to both academics and students wishing to challenge their own underlying assumptions about humanitarian intervention, on either side of this long-running debate.

About the author:

Garrett Wallace Brown is Professor of Political Theory in the School of Politics and International Studies at the University of Leeds.

Samuel Jarvis is Lecturer in International Relations in the Department of Politics and International Relations at the University of Southampton.