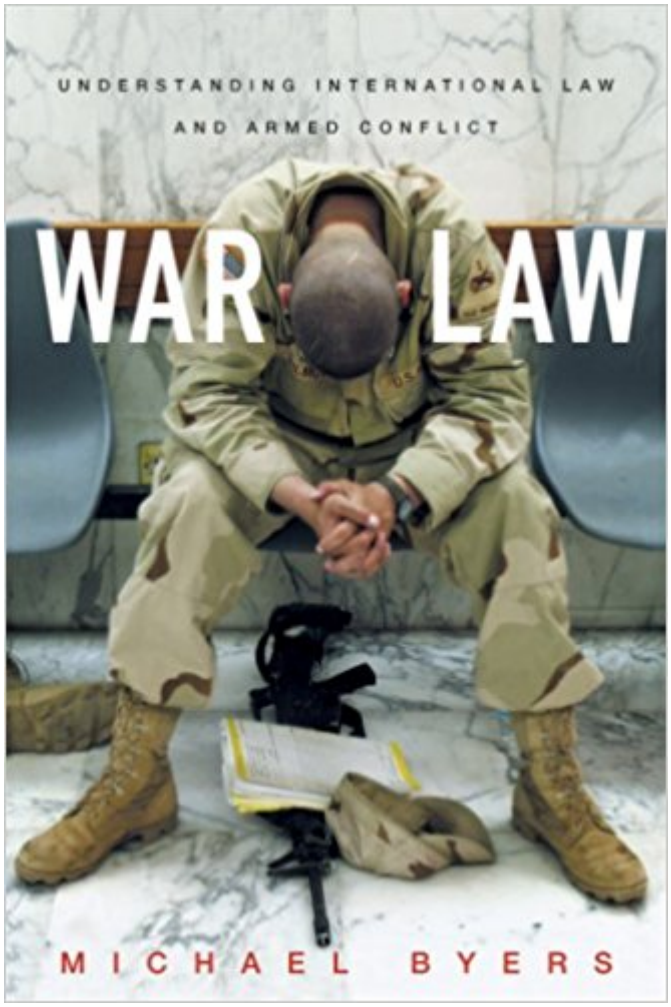
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War Law: Understanding International Law And Armed Conflict



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Synopsis

International law governing the use of military force has been the subject of intense public debate. Under what conditions is it appropriate, or necessary, for a country to use force when diplomacy has failed? Michael Byers, a widely known world expert on international law, weighs these issues in War Law.Byers examines the history of armed conflict and international law through a series of case studies of past conflicts, ranging from the 1837 Caroline Incident to the abuse of detainees by U.S. forces at Abu Ghraib prison in Iraq. Byers explores the legal controversies that surrounded the 1999 and 2001 interventions in Kosovo and Afghanistan and the 2003 war in Iraq; the development of international humanitarian law from the 1859 Battle of Solferino to the present; and the role of war crimes tribunals and the International Criminal Court. He also considers the unique influence of the United States in the evolution of this extremely controversial area of international law.War Law is neither a textbook nor a treatise, but a fascinating account of a highly controversial topic that is necessary reading for fans of military history and general readers alike.

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Customer Reviews

When President Bush insists our military forces have acted in accordance with international law, many other nations disagree. This happens so often that observers may wonder: exactly what laws are they arguing about? To readers willing to put in the work, this dense book provides the answers. According to Byers (The Role of Law in International Politics), laws governing war have existed since the 19th century, but nations freely disregarded them until the adoption of the U.N. Charter in 1945. The charter itself, however, is still subject to interpretation. When Israeli planes bombed an

Iraqi nuclear facility in 1981, for example, the U.S. insisted that pre-emptive self-defense was not sanctioned. By 2003, America had changed its mind. Byers devotes three chapters to the complicated issue of self-defense, and another three to the equally contentious issue of humanitarian intervention: i.e., whether it's okay to invade a nation to stop it from committing unspeakable acts, such as genocide, or to bring democracy to its people. A final chapter attacks recent U.S. foreign policy, which, Byers argues, places American interests above international law and returns the world to the pre-1945 era when powerful nations routinely threw their weight around the globe, often with terrible consequences. (Jan.) Copyright Ã Â© Reed Business Information, a division of Reed Elsevier Inc. All rights reserved. --This text refers to the Hardcover edition.

International law and Canadian studies scholar Byers was writing about the legalities of politics and power well before events in Iraq and Guantanamo Bay pressed the concepts of jus ad bellum and jus in bello into their twenty-first-century permutations. In this book, he explores the development of the law of war in five categories: UN Security Council authorization, self-defense, preemptive war, humanitarian and pro-democratic intervention, and the protection of civilians and combatants during armed conflict. Beginning with the black-letter law pertinent to each category--UN treaties, mostly--Byers then narrates the often-creative, sometimes-flawed arguments nations have mobilized to justify their actions. For readers used to hearing political justifications for military action, such legal nuance may be a refreshingly concrete respite from familiar logic-of-power arguments. Yet this account is nevertheless about politics--in particular, about the politicizing of particular legal positions--and as such remains consistent with Byers'earlier work, which dealt with the challenge to international harmony posed by the contradiction of legal equality and socioeconomic inequality. Succinct, highly readable, and important. Brendan DriscollCopyright Ã Â© American Library Association. All rights reserved --This text refers to the Hardcover edition.

Not the easiest read but a very valuable one because it exams a lot of history and recent events from an international law standpoint, something that is usually not done. I would say there is room for more books like this if we are ever going to have a better informed public.

The content of Geneva Conventions can be read easily elswhere. Explanations, examples and comments related to contemporary conflicts and international relations cases constitue the value of the book, as well as the language which enables clear understanding. I recommend 'War Law' as a good introduction to further studies.

insightful

There’s a crying need for a primer on the law of war to inform public campaigns against the militarism and human rights abuses of the Bush Administration. Alas, this ain’t the book. While the writing is uncluttered and some sections are excellent (such as the discussion of the UN’s role), the treatment of almost every subject is rushed and superficial. The discussion of jus in bello (the laws regulating combat) is particularly patchy and inadequate.Even worse, many sections read like editorials in an opinion magazine. These sections jumble legal analysis and political polemics. Bias is pervasive: almost all examples of illegality are drawn from recent American and Israeli history, as if countries like Serbia and Iraq don’t also offer a wealth of examples of criminality. Objectivity collapses altogether in the Epilogue, which is little more than a rant about globalization and evil American power. It goes so far as to equate Nazi treatment of Jews with American detention policies. (The Nazis shaved off the beards of Jews. We shaved off the beards of some Islamic detainees. Ergo....)International law is too important to belong to one political faction, whether of the left or of the right. The author’s heart is in the right place, but his book is driven by the issues and passions of the day. It will be ephemeral. (In fact, it’s already remaindered.)

The blurb on the back claims that War Law is ’neither a textbook or a treatise’, but this statement is only partially correct. It is certainly not a textbook, but while the first three quarters are largely accessible, informative and relatively even-handed, the last quarter is an inaccurate, unbalanced polemic that reflects either the author’s limited understanding of key aspects of the issues at hand or a deliberate refusal to engage honestly with complexities surrounding the use of armed force.The first three quarters of the book are concerned with ’jus ad bellum’ issues (or the right of a state to use force), with three chapters each covering the functions of the UN, self-defence and humanitarian intervention. Byers draws on a range of examples and case studies to illustrate relevant International Law (IL) principles and shortcomings in their practical application, and in most cases is fairly even-handed (if not without a strongly held opinion, which is usually critical of the US and/or Israel) in his treatment of the evidence. A less satisfying aspect of this part of the book is the authors tendency to define the ’correct’ response to any issue as the response defined by existing IL or precedent without adequately acknowledging significant shortcomings of IL in addressing human security crises - but this at least has the benefit of illustrating a view commonly shared by those involved in IL.By contrast, the final quarter of the book deals with ’jus in bello’ (or conduct by

combatants within war) and is in no way a balanced, informative or challenging discussion. In this section, the only combatants worthy of mention are the US (or the occasional coalition partner) and Israel, who are (according to the author) universally in the wrong. This part of the book is marked by resort to unsupported assertions, considerable factual errors and 'straw men', together with a refusal to acknowledge either the challenges involved in dealing with unconventional, non-state actors or the appalling conduct some of these actors are capable of. While it is possible to examine such issues in a measured, informed manner that can engage and challenge western military professionals to adopt a still higher standard of conduct (for example, see almost any report by Human Rights Watch), the author here has not bothered to make the effort.Unfortunately, not recommended, even though the first three-quarters of the book by themselves would be an accessible (if incomplete) introduction to 'jus ad bellum' - the final quarter of this book is of a considerably lower standard and is a less than accurate or objective discussion of 'jus in bello' and detracts considerably from War Law as a whole.

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