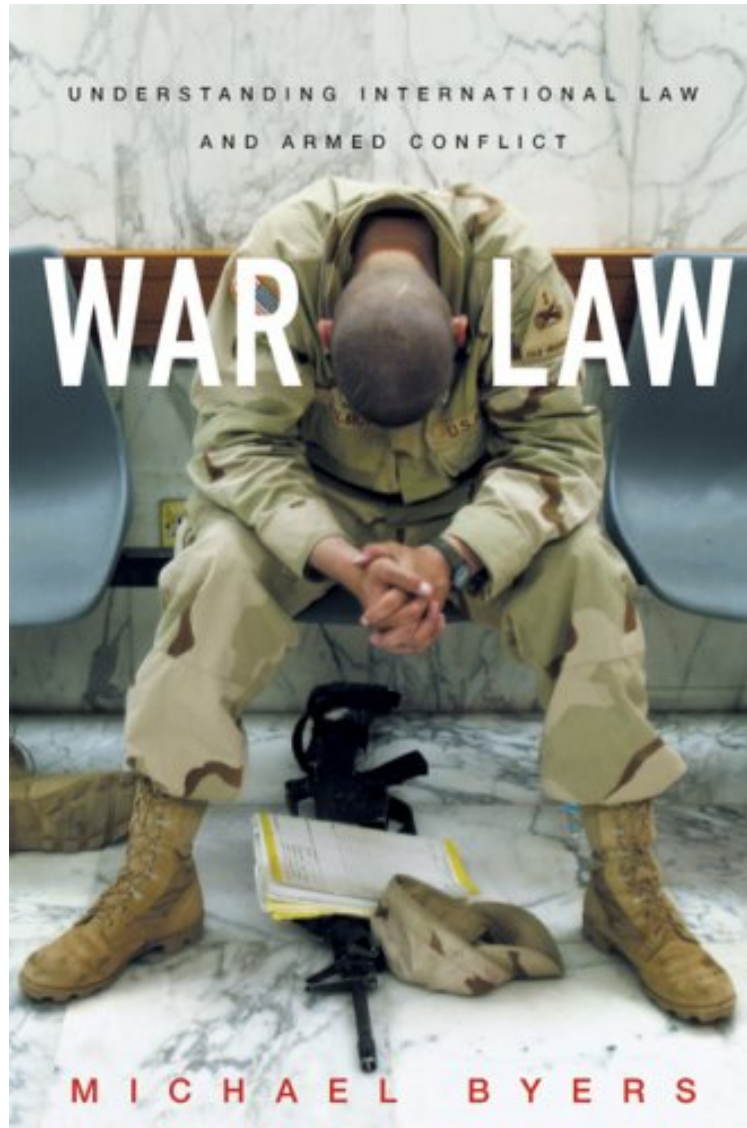


(Ebook pdf) War Law: Understanding International Law and Armed Conflict

# War Law: Understanding International Law and Armed Conflict

*Michael Byers*

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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.

From Publishers Weekly 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 Reed Business Information, a division of Reed Elsevier Inc. All rights reserved. From Booklist 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 Driscoll Copyright American Library Association. All rights reserved. "Succinct, highly readable, and important." "Should be read, and pondered, by those who are seriously concerned with the legacy we will leave to future generations." -- Noam Chomsky "If Britain suspected that a Boston bar harbored IRA terrorists, would it be justified in lobbing cruise missiles into the city? Byers . . . achieves plenty of similar provocations in this lucid primer."