

A History of the Laws of War BY ALEXANDER GILLESPIE [Oxford: Hart Publishing, 2011. 782 pp. 3 volumes. Hardcover: £125.00]

These three slim volumes are a labour of love. They are the result of prodigious research into the history of many wars fought from ancient times. They not only detail the extent of the cruelty that man can show to man during times of war, but also the restraints that have been worked out to control such cruelty.

Having started by heaping praise, it may be best to dispense with some complaints about the work. One obvious complaint is that the history in it is based largely on European wars and misses out on wars that took place elsewhere. There are references to the Maori Wars, which would not have been dealt with in other studies, but the wars outside Europe and the attitudes of non-European people are seldom referred to. It is therefore not the history that can speak of the practices of humanity but only a section of humanity, no doubt the crueler section for the colonial powers massacred and plundered at will, though this is often a fact that is not told. It is a common fault of such writings that what is essentially European history is passed off as the history of humanity as if humanity was confined to a small part of the world, or that restraints of war, the result of noble endeavours, were confined to those who have supposedly reached a certain standard of civilisation, though the extent of the butchery in the history belies this to be a fact. This general criticism can be made of most of the recent literature on the history of the laws of war. They ignore the efforts of other cultures to build rules restraining cruel conduct during wars. Considerations relating to who could be attacked during war and what could be targeted are recorded in the history of China, India and the Middle East. When the claim is made that a history of 5,000 years is being studied, the ignoring of this larger section of humanity and its contribution to the making of restraints on the conduct of warfare must be seen as a defect. There is no case for a Eurocentric view of the laws purported to be those of humanity by a New Zealand scholar at the other extreme of the world. Since the source of the law being studied is largely confined to treaties, it would have been better to stick to the modern period rather than talk of the 5,000-year period as being the subject of study.

Another grouse is that there is no explanation as to why the work had to be in three slim volumes, adding cost to the purchaser of the work; the publisher's website shows the cost of the three volumes, amounting collectively to about 782 pages, as £125. The explanation that the first volume is about combatants, and the second

about the people affected, and the third is about the control of weapons used in war, does not mean that the reader is not able to make these divisions for himself and avoid the high cost of purchase. Contrary to humanitarian principles in scholarship, it puts the book beyond the means of some readers. Having gotten these grouses out of the way, fulsome praise must be made of the high quality of this work.

Though the historical prelude does lay a foundation, the work is full of illustrations, drawn from more recent wars, as to how international humanitarian law has been shaped and how it has worked. As such, it gives a complete background to the context in which issues of the law are discussed. A person coming in new to the subject can have no better introduction, while a person familiar with the field can profit from reading it not only because the work is coloured by the author's own idealism, but also because the fullness of research ensures that even the expert will profit from the extent of research in the work. It will provide a rich source for future researchers in the field to continue further work on. Each of the three volumes deals with a particular aspect of humanitarian law.

The first volume deals with the laws concerning wounded combatants and prisoners of war. Though the past is discussed, the law as applied in recent wars is adequately covered.

The second volume deals with the laws which protect civilians in times of war. Again there is a rich historical treatment of past atrocities and responses to them. The emphasis placed on the use of starvation as a method of warfare is appropriate for the purpose is to deny survival of civilians and ensure the surrender of the combatants. Emphasis is also placed on occupation and how the property of civilians is affected during wars. The treatment with a focus on these areas gives novelty to the work. Rather than explain rules, the writer has concentrated on specific areas that affect civilians and examined the law in these areas in context. The examination is exhaustive, taking account of all recent wars in which civilians were affected.

The third volume deals with arms control. Here, the author deals with all the recent areas of control of particularly destructive arms. The discussion is thorough. The issues relevant to the use of chemical, biological and nuclear weapons are discussed.

On the whole, the three volumes have been exhaustively researched and cover important areas of international humanitarian law. The author has not set out to write a textbook covering the whole field of activity in the area but has chosen the most salient issues that require understanding in order for idealism, both the author's own and the reader's, as to the elimination of cruel practices in warfare to be achieved. It is a work that is easy to read because it is written with great clarity and personal idealism. It will remain an important resource for researchers in this field of the law.

M. SORNARAJAH

Professor

Faculty of Law, National University of Singapore