International humanitarian law or the *ius in bello* (also known as the law of armed conflict)\(^1\) is the international law which is applicable during armed conflicts and occupations.\(^2\) In the Netherlands, this body of law is usually referred to as ‘*humanitair oorlogsrecht*’, i.e., the humanitarian law of war. With the book *Inleiding Humanitair Oorlogsrecht*, which can be translated as an ‘Introduction to the Humanitarian Law of War’, the Netherlands Red Cross aims to make the humanitarian law of war more accessible, thus contributing to the core task of its humanitarian law of war section, namely the dissemination of knowledge about the humanitarian law of war in the Netherlands. The book aims to offer a clear insight into this topical area of the law and its application in contemporary armed conflicts. It also seeks to be very accessible for interested non-lawyers. The foreword indicates that the book’s objective is to set out the core of the humanitarian law of war and to describe current developments while also providing information on the historical context. It was primarily written for the bachelor’s degree level reader but should be useful for anyone interested in learning more about the humanitarian law of war. The manuscript was completed on 20 December 2010.

The book consists of a detailed table of contents,\(^3\) a double foreword (one by the General Director of the Netherlands Red Cross and one by Prof. Em. Dr. Kalshoven), an acknowledgement, a main body of nine chapters, an annex with treaties concerning humanitarian law, or related thereto, which the Netherlands has ratified or signed, as well as a list of terms and an index.

The nine chapters have the following titles: Introduction to the humanitarian law of war (1), Sources of the humanitarian law of war (2), The principles of the humanitarian law of war (3), The applicability of the humanitarian law of war (4), Persons who participate directly in hostilities (5), Protection (6), Warfare from a military perspective (7), Respect (8) and The Red Cross (9). This choice results in a logical and clear structure of the book. Each chapter starts with an introduction, then contains the actual substance of the topic (hereinafter only this part is discussed) and concludes with a summary, a number of test questions (partly multiple choice, partly open questions) and a list of consulted as well as recommended literature (on average some five to ten publications and/or websites per chapter, which is very selective).

Chapter 1, ‘Introduction to the humanitarian law of war’, *inter alia*, includes a description/definition of the humanitarian law of war, a short history thereof, a brief word on the relationship between this body of law and related areas of international law, an introduction to the International Red Cross and Red Crescent Movement, as well as an explanation of the role of the humanitarian law of war in the Netherlands, and of the importance of this body of law. This is a good introduction to the rest of the book. Nevertheless, I believe that on some points it could be further improved. For instance, on p. 4 reference is made to a prohibition on nuclear weapons under the humanitarian law of war (see also p. 153)
although the status of these weapons under the humanitarian law of war is somewhat more complicated, as is recognized on pp. 156-157. A more nuanced wording throughout the book with cross-references to the latter pages might have avoided any misunderstanding on this point. Furthermore, in my view, the section on the relationship between the humanitarian law of war and human rights (pp. 16-17) merits a slightly more extensive treatment given its great contemporary relevance. There is also a translation error in note 5 on p. 16.

Chapter 2 deals with the sources of the humanitarian law of war. It first provides an overview of the different treaties, grouped together under a few subheadings. This section could have mentioned that Additional Protocol I also brought wars of national liberation within the category of international armed conflicts (on p. 38; this point is mentioned only further on in the book, on p. 68). It then discusses customary law, including the customary international humanitarian law study of the International Committee of the Red Cross (‘ICRC’), general principles of law, decisions and publications of international organizations, and judicial decisions and soft law. It finishes with the role and effect of the humanitarian law of war in the Dutch legal order.

Chapter 3 is devoted to the principles of the humanitarian law of war, namely humanity, military necessity, distinction, and proportionality.

Chapter 4 analyses the applicability of the humanitarian law of war. Under its material scope of application, the notions international and non-international armed conflict are explained, as is the meaning of occupation. The question whether other kinds of armed conflicts exist is also raised. This part is summarized in a table on p. 80. In addition, the different types of situations and conflicts are visualized through useful schemes. Next, the personal, temporal, and territorial scope of application of the humanitarian law of war are addressed. At the end, the question is raised whether there is an evolution towards a single type of armed conflict. The answer which is – correctly – given is that in legal/state practice the traditional distinction between international and non-international armed conflicts has so far still been maintained. This chapter offers an excellent overview of the crucial topic of the scope of application of the humanitarian law of war, including recent questions in this regard. That being said, on a few points some more details would be useful for readers who want to explore an issue in more depth. For instance, the part on non-international armed conflicts could also have referred to customary international law and to the Statute of the International Criminal Court. Also, one might have expected a little more detail on the degree of control which a state has to exercise over a non-state group for the conduct of the latter to be attributable to the former in the context of ‘internationalized’ non-international armed conflicts. As regards peace operations, a reference to the 1999 Bulletin of the UN Secretary-General and the 1994 Convention on the safety of UN and associated personnel would have been appropriate.

In chapter 5 on persons who participate directly in hostilities, the following categories of persons are dealt with: national armed forces, members of non-state armed groups and civilians (including ‘direct participation in hostilities’ and the ICRC’s interpretive guidance on this as well as the loss of protection resulting from such participation). This chapter is a solid one on which I hardly have any comments, except that here, too, a few
further elements here and there might be useful.\textsuperscript{11} The choice for this structure of the book does mean that the description of civilians and their protection is only provided in the next chapter, while their direct participation in hostilities is already covered in this chapter.

Chapter 6 is entitled ‘Protection’. It first notes that the protection differs between international and non-international armed conflicts and then examines the protection of persons no longer taking part in combat (the wounded, sick and prisoners of war), persons not directly participating in the hostilities (civilians, medical personnel and religious personnel) and objects with special protection (medical objects, cultural property and works and installations containing dangerous forces). The discussion of protection during occupation could benefit from including the impact of human rights as well as the possibility that the UN Security Council may authorize a derogation from some rules of the law of occupation (an issue that arose during the occupation of Iraq in 2003-2004).

Chapter 7 discusses warfare from a military perspective (i.e., essentially the conduct of hostilities), which is another key aspect of the humanitarian law of war. It analyzes the attack and target selection, the crucial concept of a ‘military objective’, proportionality, precautions and methods and means of warfare.\textsuperscript{12}

Chapter 8 on respect addresses the enforcement of the humanitarian law of war, dissemination and implementation in the domestic legal order, supervision by an independent third party, reprisals, fact-finding, courts and dispute settlement, and public opinion. In doing so, it offers a concise yet quite comprehensive overview of the different aspects relating to the implementation of and respect for the humanitarian law of war. As a minor comment, the jurisdiction of the International Criminal Court (on pp. 177-178) could have been explained somewhat more clearly/precisely.\textsuperscript{13}

Chapter 9 is devoted to the Red Cross and discusses the foundation and organization of the Red Cross, the emblem and the basic principles of the functioning of the Red Cross.

The list of terms contains a brief explanation of some 75 terms (each between two and ten lines in length) and is a useful instrument, albeit that a few of the descriptions could be slightly improved.\textsuperscript{14} The index will also be a useful tool for the reader.

\textit{Inleiding Humanitair Oorlogsrecht} fills a gap in the literature on this subject, certainly achieves its goals, and will be most useful to the target audience. The Netherlands Red Cross and the editors in particular deserve much praise for this.

Success in this endeavour was by no means guaranteed because it is quite a challenge to strike the right balance between simplicity and clarity, on the one hand, and sufficient detail and nuance to remain correct, on the other. As will be clear from some of the comments above, I feel that in this respect on some points limited additional details combined with a wider use of cross-references could make the book even better and more useful also for readers who want to delve a little deeper into the subject. This may well be a subjective opinion and is not meant as a negative criticism but rather as a suggestion that might be considered for the next edition.

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1. Sometimes these terms are given a slightly distinct meaning but more often they are used interchangeably.
2. This does not mean that all other parts of international law cease to apply in such situations.
3. For the complete table of contents, see <www.asser.nl/upload/documents/412011_103613IHOR%20ToC.pdf>.
4. E.g., one would expect at least a reference to the question of the extraterritorial application of human rights. Moreover, the second paragraph on p. 17 could elaborate a little on the application of the *lex specialis* principle in this context. Also, in the table on p. 19, occupation should be added to the circumstances in which the humanitarian law of war applies.
5. Namely the European Court of Human Rights (in Dutch) is translated as the International Court of Justice (in English).
7. Under the heading ‘decisions and publications of international organizations’, only the former are in fact discussed. Publications probably belong rather under the heading ‘soft law’.
8. In this chapter, this Statute is only very briefly mentioned on p. 85.
9. Especially in the light of the somewhat divergent points of view of the International Court of Justice, the International Criminal Tribunal for the former Yugoslavia and the International Law Commission.
10. A reference to this document is made on p. 47.
11. E.g., on p. 104 one would expect a mention of the Montreux document on private military and security companies (see <www.eda.admin.ch/psc>). Also, because of the restrictions relating to nationality in the definition of civilians under Geneva Convention IV (Art. 4), there may in fact be persons who are neither combatants nor civilians under these Conventions (p. 108; the discussion on p. 128 in this respect is also incomplete).
12. The structure of the book suggests that the latter two aspects are subheadings of proportionality even though (at least) methods and means is (also) a separate subject in its own right.
13. In particular, it could be clarified that, except in the case of a referral by the UN Security Council, it is required that either the state on the territory of which the crimes have been committed or the state of nationality of the accused have to be a party to the ICC Statute for the Court to have jurisdiction.
14. E.g., on p. 211 under ‘occupation’ the non-consensual nature should be added (this is mentioned in the main text on p. 79). Also, the statement on p. 217 under ‘*lex specialis*’ that in an armed conflict the humanitarian law of war has the status of *lex specialis* and therefore prevails over conflicting human rights rules is in my view too absolute and general (see also above, n. 4).
15. The views expressed are solely his own and do not bind the Council, its General Secretariat, or its Legal Service.


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Some fifty years ago, Judith Shklar developed an in-depth critique of the ‘internal ideology’ of the legal profession. What lawyers fear most, Shklar contends, is the arbitrary; the use of power and the reign of fate unbound by legal regulation. Power and chance are therefore countered by a particular normative outlook on the world, called ‘legalism’; an outlook characterized by two core articles of faith: (a) the belief that normative relations consist of rights and duties as determined by rules; (b) the belief that law is a discrete