

of patients and to their relationships with the nursing staff. It would appear that a great deal still needs to be done in order to obtain more support and greater comprehension of the problems involved from hospital administrations. The suffering and the indignities of illness can to a large extent be lessened by personal interest and communication. Instead of feeling isolation and loss of known surroundings, the patient should be made to feel that the hospital is part of the community.

The pace of modern life is not likely to be slowed down : the problem is therefore one of present urgency.

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VÖLKERRECHT¹

by

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“ In present studies made in German² which are devoted to modern international law, the peaceful settlement of disputes and the rules of war are more often than not treated summarily, even in too summary a manner ” . . .

This is the observation which Professor von der Heydte is unfortunately forced to make in the introduction to the second volume of his treatise on international law. The author has therefore attempted to set forth in as detailed and as methodical a fashion as possible the principles and rules aimed at limiting the use of force and arbitrariness in the case of armed conflict.

One can but applaud this conception, if one starts with the point of view that the rules of war, as he so aptly recalls, “ attempt to uphold a minimum of juridical order, thus fulfilling the real task of all law, which is to protect the individual and enable him to give a purpose to his life, and through this its entire value. All standards in the law of war in their strict sense are, in their final

¹ *Ein Lehrbuch, II, Kiepenheuer und Witsch, Köln-Berlin.*

² We could add : “ in other languages as well ” . . . (*Editorial Note*).

analysis, not centred on States as being obligations, but on the individual as a subject meriting protection ; the subjective laws which the rules of war enforce on belligerents are only methods of reaching this fundamental object : the protection of the individual."

The question is sometimes discussed today to know to what extent, in the case of armed conflict, one or other of the belligerents are equally bound by the rules of war. Professor von der Heydte gives a perfectly clear reply to this question, the only possible one if one shares the same ideas, as have been mentioned above, on the very nature of the rules of war. " It is in the light of this conception ", he writes, " that the principle of the equality of the belligerents during the course of hostilities also assumes all its meaning. It is precisely because the law of war aims at protecting the individual that these standards are valid in the same way in all wars and for all those taking part in them, whether it is a matter of a war undertaken by isolated States or by the international community, or whether it concerns one of the belligerents in a war which is just or unjust, defensive or offensive, permitted or forbidden. The question of knowing who is to assume the responsibility of unleashing a war has no influence on the rules of war as rules applicable in the war itself . . . This principle, however, of the equality between parties to the conflict only has value in so far as the rules of war aim at protecting the individual ".

The holding of such views will certainly lead those who are attached to the humanitarian aspect of the rules of war to read the numerous pages of this new study of international law with interest. In addition to the chapters describing the origins and the fundamental principles of the rules of war, and on the position of the State and the individual in time of war, the work contains a chapter full of originality on " the significance of space in the law of war ". The author treats the question appositely not only from the point of view of the military objective, but also in the contrary sense of what could be termed " the peaceful objective " (*Befriedete Objekte*) ; in other words, with particular reference to places and sites, such as hospitals, cultural property and open towns which should never be attacked, and to which international law accords special protection.

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