

BOOKS AND REVIEWS

HENRI MEYROWITZ: « LE PRINCIPE DE L'ÉGALITÉ
DES BELLIGÉRANTS DEVANT LE DROIT DE LA GUERRE »¹

Positive international law being no longer indifferent to licit or illicit recourse to force, the question arises: has the changed *jus ad bellum* influenced the *jus in bello*? Defending the latter's independence of the former, and in the light of the persistence of the principle of equality of belligerents in the law of war, Mr. Meyrowitz, one of whose important studies was published recently in *International Review*, reveals the various realms of international law by introducing the reader to a wide choice of writings on the law of war.

The critical examination of the prevailing law, of works and publications on the subject, is the main purpose of his book and takes up 412 pages. The comments are not only on questions to which the examination of the main theme gives rise; the austerity of the subject is relieved by many considerations.

There are three main parts to the book, with the following titles:

1. *le principe de l'égalité des belligérants en droit positif;*
2. *le fondement et la délimitation du principe de l'égalité des belligérants devant le droit de la guerre;*
3. *l'état agresseur et le droit de la neutralité.*

The author devotes special attention to the problems of equality between belligerents within the framework of the United Nations. According to him, the maintenance of the principle of equality is demanded by the principles which are the very basis of the law of war and whose value is undiminished by the new rule forbidding

¹ Editions A. Pédone, Paris, 1970.

war of aggression (*a*—principle of civilisation; *b*—principle of humanity; *c*—principle of international public order).

The four 1949 Geneva Conventions are frequently called the “humanitarian Conventions”. In Mr. Meyrowitz’ opinion, that denomination is not official. In the Conventions, the adjective “humanitarian” is used to qualify the character or mission of the ICRC or of any other impartial humanitarian body or to qualify the activities of medical teams and units, civilian hospitals and relief organizations.

The word “humanitarian” in the Conventions, therefore, has a specific and limited meaning. The expression “the interests of mankind” is used objectively and contrasts with the term “humanitarian motives” used by the Institute of International Law and in which subjectivity appears to be the dominant factor (p. 134). In all the provisions of the Geneva Conventions, it is impossible to isolate intellectually and in practice the “humanitarian” element.

The author considers that formal accession to the Geneva Conventions by the United Nations, or an equivalent declaration on its part, would be timely, and he points out that accession to the Conventions by the United Nations would not be of a “constitutive” character but only “declarative”.

As regards the principle of humanity, the author underlines two ideas which are closely linked: that which observes, appreciates and affirms the unity of the human race, and that—purely prescriptive—of human behaviour. In both, the principle of humanity emerges free of all subjectivism. For neither of these ideas does the adjective “humanitarian” relate to the substantive “mankind”.

Are the humanitarian rules inspired by the principle of humanity? Do they serve that principle? According to pages 253-254, “this principle is not limited to those rules commonly called humanitarian. . . ; the true function of the principles of humanity is protection against barbarity, bestiality and the degrading of man”.

Pointing out that the object of the law of neutrality was so far almost exclusively the protection of interests and not, like the law of war, of values, the author argues that any protective institution or statute under the law of war and the law of neutrality has

a complex object. The concept "protected persons" or "protected property" expresses but a half-truth for, to the extent that the law of war protects persons or property, it also protects the belligerent enemy of the State to which those persons and that property belong.

It serves the law of war because it serves the objective of that law, its humanizing and civilizing design, which it achieves by regulating and limiting violence and by facilitating the restoration of peace. The author states on pages 391-392 that the statute protects neutrals and belligerents equally by forbidding both from committing acts which are directly or indirectly belligerent towards each other. It protects neutrality itself and neutrality's primary objective, that is to say the elimination of violence and the restoring of peace.

J. H. P.

MARIE-ANTOINETTE RUPP: « LE SERVICE SOCIAL
DANS LA SOCIÉTÉ FRANÇAISE D'AUJOURD'HUI »

For some years social workers have observed the continual transformation of their profession, and an overall view such as is to be found in this book is particularly interesting. It prompts us to enquire into the profound significance of their daily task and it is likely to become widely known among such constant interlocutors of social services as administrators, industrialists, doctors, psychologists, educators and youth leaders and although the author is concerned only with France, she in fact analyses the present forms of western society and refers to them to understand and make understood the social service role.

The *raison d'être* of social service fifty years ago—welfare assistance, protection of the weak and unadapted—is still the major activity. But economic and social evolution—industrialization and urbanization — far from making the social worker's