This book is a history of war, from the standpoint of international law, from the beginning of history to the present day. Its primary focus is on legal conceptions of war as such, rather than on the substantive or technical aspects of the law of war. It tells the story, in narrative form, of the interplay through the centuries between, on the one hand, legal ideas about war and, on the other hand, state practice in warfare. Neff covers the emergence, in various ancient societies, of an association between justice and warfare, which matured into the just-war doctrine of the Middle Ages. He then traces the decline of this conception of war in favour of a view of war as an instrument of statecraft, culminating in the evolution of what became known as the legal institution of war in the nineteenth century. There is also coverage of the much-neglected topic of measures short of war, most notably of reprisals, but also including the evolution of self-defence doctrines and practices over the years. International legal aspects of civil wars are also considered, notably the development of recognition of belligerency and of insurgency in the nineteenth century. The attempt by the League of Nations to restrict war is analysed, with an explanation of the deeper reasons for its failure and the way in which this paved the way for the substantial discarding, after the Second World War, of war as a legal institution, in favour of the alternate conception of aggression-and-self-defence. Treatment of new approaches to civil wars after 1945 and of the advent of war against terrorism brings the story to the present day.

WAR AND THE LAW OF NATIONS
A General History

by
STEPHEN C. NEFF
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To my nephews and nieces:

Eric        Delaney
John        Cameron
Alexander   Katherine Clark
Jocelyn     Thomas
War holds a great place in history, and it is not to be supposed that men will soon give it up – in spite of the protests which it arouses and the horror which it inspires – because it appears to be the only possible issue of disputes which threaten the existence of States, their liberty, their vital interests.

– Institute of International Law, Preface to the Manual on the Laws of War on Land (1880)
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LIST OF ABBREVIATIONS

AC  Appeal Cases (UK)
AFDI  Annuaire Français de Droit International
AJIL  American Journal of International Law
Annuaire  Annuaire de l’Institut de Droit International
BFSP  British and Foreign State Papers (UK)
Brit YB  British Year Book of International Law
C Rob  Admiralty Reports of Christopher Robinson (UK)
Columbia J Tr L  Columbia Journal of Transnational Law
CTS  Consolidated Treaty Series
Dods  John Dodson, Reports of Admiralty Cases (UK)
Dumont  Jean Dumont (ed.), Corps universel diplomatique du droit des gens
EHRR  European Human Rights Reports
F  Federal Reporter (USA)
Fed Cas  Federal Cases (USA)
FRUS  Foreign Relations of the United States
GAOR  General Assembly Official Records (UN)
GP  Gazette du Palais (France)
ICJ  International Court of Justice
ICLQ  International and Comparative Law Quarterly
ILM  International Legal Materials
ILR  International Law Reports
Inter-Am CHR  Inter-American Court of Human Rights
JDI  Journal de Droit International
Lieber Code  General Orders No. 100, ‘Instructions for the Government of Armies of the United States in the Field’ (1863), found in Hartigan, Lieber’s Code, at 45–71
LNOJ  League of Nations Official Journal
LNTS  League of Nations Treaty Series
Moo NS  Edmund F. Moore, Reports of Cases of the Judicial Committee and the Lords of Privy Council, New Series (UK)
Op A-G  Opinions of the Attorneys-General (USA)
Parl Papers  Parliamentary Papers (UK)
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LIST OF ABBREVIATIONS

PCIJ Permanen Court of International Justice
RAI Recueil des arbitages internationaux
RDILC Revue de Droit International et de Législation Comparée
Res and Dec Resolutions and Decisions (UN)
RGDIP Revue Général de Droit International Public
RIAA Reports of International Arbitral Awards
SCOR Security Council Official Records (UN)
Stat Statutes at Large (USA)
UNTS United Nations Treaty Series
US United States Supreme Court Reports (USA)