

Isabel V. Hull. ***A Scrap of Paper. Breaking and Making of International Law during the Great War.*** Ithaca and London: Cornell University Press, 2014. Pp. XIII + 368. \$45. ISBN: 9780801452734.

Isabel V. Hull's book aims to demonstrate that post-1919 writings have contributed to obscuring rather than clarifying international law's role in how World War I was fought. She develops an original and highly differentiated view on the topic. On the basis of thorough historiographical research, she analyses the belligerents' legal views put forward during the war and examines their effect on the conduct of war. The title takes up a quotation that later became a cliché about international law's role in World War I. Immediately after the German attack on Belgium, the German Chancellor Theobald von Bethmann Hollweg called the treaty guaranteeing Belgium's neutrality 'a scrap of paper'. This might suggest that World War I was a time of non-existence for international law, a black hole. Hull's book demonstrates how complex the legal situation predominantly was and that the course of the war was closely interlinked with legal questions and arguments.

The study begins by illuminating the remarkable fact that historians of World War I pay hardly any attention to international law. Recently published research is no exception, many books not even mentioning international law in the index. Hull argues that there must be strong reasons for such ignorance. She offers a number of plausible and interlinked explanations. To many, the apocalyptic reality of almost 10 million soldiers killed seemed incompatible with any relevance of law and to suggest its complete breakdown. Sweeping post-war statements by eminent contemporaries on international law's ineptitude as a means to solve the problems of the time were another factor. John Maynard Keynes spoke of 'so-called international law' in order to express his general discontent with the post-war order, and in Germany the habitual attacks on the Versailles Treaty were an indirect attack on the very idea of international law's authority. A further factor was the rise of the so-called realist school of international relations theory in the inter-war era. It provided an intellectual toolkit for systematically either ignoring or marginalizing the role of law in international relations. Represented by both eminent and politically influential authors such as the Cambridge historian Edward H. Carr and the pioneer of American international relations theory Hans J. Morgenthau, this line of thought contributed substantially to the international law-blindness of writings on World War I.

Hull considers the German attack on Belgian neutrality, which finally triggered the war, an attack on the role of law in the European state system as a whole. She highlights the importance of the London Treaty of 1839, in which the five European great powers had created and guaranteed the Belgian state, and argues that they had created Belgium in their own interest as a central puzzle piece in the quest for European stability. The treaty therefore was 'a cornerstone of European international law'; the whole building could not exist without it. The chapter on the circumstances and background of the violation of Belgian neutrality provides many interesting insights into how Germany tried to justify its conduct in legal terms and bring it in line with key ideas of its legal system. One would oversimplify things by saying that Germany did not care for the law at all. It argued, based on legal views fostered since the Bismarck era, for an extreme doctrine of military necessity that was, however, incompatible with settled international law. In the German view, international law had to give way as soon as interests of national self-preservation, broadly understood, came into play. Also connected to the attack on Belgium were legal questions concerning occupied territories. The topic gained unprecedented importance during World War I as, unlike in 19th century wars, occupation had become a significant long-time phenomenon after the first phase of the war. Until 1918, around 17 million people, among them 7 million Belgians, were living under the occupation regimes of foreign military. Conversely, the legal framework set

up in the Hague Rules on Land Warfare was rudimentary throughout. Its meagre standards were mainly violated by Germany, the greatest occupier. Germany tended to exploit occupied territories by resorting to excessive taxes, expropriations, and – the gravest occupation problem – recruitment of forced workers. Its behaviour was partly motivated by the fact that it could neither afford the costs of a world war nor did it possess the work forces required by the war industry. Exploiting occupied territories was a prerequisite for being able to continue the war.

The most controversial aspect of Allied warfare was Britain's blockade of Germany. From a modern perspective it is gravely repellent, as it caused the starvation of far more than 300,000 people. The blockade was meant to deny Germany access to the North Sea and to strangle its economy by blocking all seaborne trade. It had a very important impact on the course of the war; some say it was at least as important as direct military operations. At the time, the legal framework for naval warfare was rather loose and in many aspects unclear. One key question concerned the rights of affected neutral states such as the Netherlands and Sweden. The so-called 'distance blockade' as a new method of warfare – not concrete ports, but large parts of the sea were completely blocked – also impaired the non-contraband trade of neutrals. Another question concerned the legality of starving enemy civilians. Hull impressively showcases how much British decision-making was concerned with international law even in instances in which it was ultimately decided to violate it. Further chapters of the book discuss legal questions concerning new weapons and unrestricted submarine warfare. Some new weapons, such as machine guns or artillery shells, that were the main cause of death during the war, were perfectly legal, while others, such as poison gas, were hardly compatible with the Hague Rules on Land Warfare. The author exposes a general problem concerning new weapons: neither France nor Britain nor Germany assessed the legality of newly developed weapons systematically. Once they existed, the focus was on arguing for their legality if they were one's own. In other words and most interestingly, *ex ante*-examination of the legality did not exist.

*A Scrap of Paper* provides most valuable insights into the role of international law during World War I. Isabel V. Hull's subtly nuanced discussion of the belligerents' legal views and their background should be taken into account in any future study on decision-making in the war, replacing the long-lasting cliché of the Great War as the epoch of complete breakdown of international law with a more subtle picture in which blunt disregard for law, situations with vague, unclear rules, fields with highly deficient legal frameworks, and situations of law-abidance are thoroughly distinguished. Two critical points deserve mention. The author, a historian, sporadically lacks legal precision. The chapter on the attack on Belgium begins with the sentence: '[t]he First World War began with an international crime: Germany's violation of Belgian neutrality'. 'International crime' is a legal term with clear legal content. The attack on Belgium was a most severe violation of international law and much more, but an armed attack on another state was at that time no crime in the legal sense. The second remark concerns the somewhat over-ambitious subtitle 'Breaking and Making of International Law during the Great War'. The author equates international law with what is nowadays called international humanitarian law, i.e., the rules on warfare, and she concentrates on the three countries Germany, Britain and France and the events in Western Europe. The book keeps many promises, but promises even more. This small caveat does nothing to impair the enormous merits of the study in general. It represents most profound and original historiographical research in a field whose importance for the development of contemporary international law cannot be overstated.

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