

BOOK REVIEWS

Armed Conflict and Human Rights Law: Protecting Civilians and International Humanitarian Law

Daniel Odon

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Armed Conflict and Human Rights Law: Protecting Civilians and International Humanitarian Law, by Daniel Odon, offers a nuanced and insightful exploration of the relationship between International Humanitarian Law ('IHL') and Human Rights Law ('HRL').¹ Odon engages in a careful analysis of both international law branches to endorse their mutual application within the framework of armed conflict. His consideration of the various moral perspectives capable of being applied in armed conflicts is particularly refreshing. Given the constantly evolving nature that modern conflict embodies, this moral re-evaluation is of undeniable relevance.

Following a concise introductory chapter, Odon focuses his next three chapters on key principles of international law, HRL, and IHL respectively, offering a comprehensive summary for those new to each topic. Odon first discusses the post-war paradigm shift within international law as the catalyst for today's contemporary and cosmopolitan framework — a view foreshadowing Odon's position throughout the book. This 'shift' is justified in terms of Kantian morality, which raises the divisive moral debate between individualism and collectivism.² Including this ethical language so early in the book has the effect of acclimatising the reader to much of its future content. Odon introduces human dignity as the foundation upon which the key principles of international law are established.³ Yet, as Odon rightly points out, dignity is subject to controversy.⁴ Moral disparity surrounding human dignity evidences the very problem that Odon attempts to address in his work: what kind of legal standard can be applied in a world where moral values change across cultures? Odon argues that modern desire for a 'perfect' moral world, rather than a 'better' one, perpetuates the

¹ Daniel Odon, *Armed Conflict and Human Rights Law: Protecting Civilians and International Humanitarian Law* (Taylor & Francis Group, 2023).

² Ibid 37

³ Ibid 43.

⁴ Ibid 44

unattainability of a universal moral compass.⁵ To address others' claim that standards of morality vary across cultures, Odon suggests using a subjective, social value dimension to measure the morality of an actor within HRL.⁶ This conception of morality under HRL continues into the fourth chapter as he introduces the basic framework of IHL, noting its anthropogenic focus and connection to moral language of HRL.

Chapter 5 represents the crux of the book, as Odon moves to encourage a mutual application of HRL and IHL that he alluded to in earlier chapters. Odon identifies the process of human rights derogation during emergencies, including armed conflicts, as a misinterpreted focal point of law, and carefully lays out the conflicting jurisprudence regarding military necessity.⁷ Here, Odon returns to his original discussion of morality. In times of abnormal emergency, Odon argues that the law's primary moral compass, rooted in HRL and dignity, is replaced by a more pragmatic and utilitarian morality — applying values common to both branches and accommodating principles of necessity and proportionality.⁸ Odon defends this formulation of morality by citing the popular science fiction novel, *Ender's Game*, to exemplify that the exercise of this 'meta-morality' does not remove consideration of human dignity, but merely precedes it.⁹ This dynamic, engaging example allows readers to visualise a highly contextual argument in a way that is simple and persuasive.

Odon's argument ultimately favours utilitarianism over Kantian or contractarian moral theory. Such a decisive view is controversial in an abstract philosophical field, yet Odon is careful to reiterate the complexity of making moral assessments in armed conflicts. As observed in his second chapter, 'there are no humanitarian solutions to a humanitarian problem.'¹⁰ Further, Odon stresses the near-impossibility of imposing a universal moral compass in a world where most morals are derived from different cultures and imposed in different legal systems. The very existence of universal morality is a source endless philosophical discussion, which Odon avoids falling into through a concise endorsement of global morality, rooted in human welfare.¹¹ The candour with which Odon deals with moral disparity

⁵ Ibid 58.

⁶ Ibid 63.

⁷ Ibid 94.

⁸ Ibid 113.

⁹ Ibid 124 discussing Orson Scott Card, *Ender's Game* (Lionsgate, 2013).

¹⁰ Ibid 39

¹¹ Ibid 59

creates an engaging discussion, free of excessive tangential or abstract reasoning.

While Odon's work certainly bears thematic relevance to current events, it could benefit from a more extensive discussion of recent jurisprudence to aid critical arguments. For example, expanding on the applicability of IHL to developing forms of contemporary warfare, such as cyber-attacks, would have improved the text.¹² Odon stresses that instead of highlighting a void in international law, these challenges warrant further development and application of IHL. However, the opportunity to engage with methods employed by domestic legal frameworks to accommodate modern warfare is missed. In addition, the topic invites unique moral commentary around modes of responsibility and the requirements of causation under international law that is, unfortunately, not addressed in the book.

An additional shortfall of the book is its repetitiveness. In particular, discussion surrounding value generalisation is brought up several times in great depth, which detracts from the central point made in each instance. This could be attributed to an overall structural issue, where the separation of HRL and IHL principles into distinct chapters inherently creates a repetition of concepts that are shared by both branches. Further, the first chapter on international law is largely superfluous beyond providing basic context to the argument — the necessity of which will depend on the reader's prior knowledge.

Overall, Odon presents a convincing and relevant discussion of a relationship between IHL and HRL that judges harm to civilians on the basis of a utilitarian morality: balancing 'good' outcomes and 'bad' consequences. Odon's prose is appropriately formal, while still being engaging and considered. *Armed Conflict and Human Rights Law: Protecting Civilians and International Humanitarian Law* is an insightful piece of literature in the field of Human Rights and Humanitarian Law analysis, particularly for students and academics unfamiliar with to this area of law.

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¹² Ibid 81.

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