Despite the despair encountered when reading about law and war during a period of unprecedented military violence and geopolitical tension, Brian Cuddy and Victor Kattan’s edited collection, *Making Endless War: The Vietnam and Arab-Israeli Conflicts in the History of International Law*, inspires hope and offers a unique and compelling account of twentieth-century armed conflict. The organization of the text around the twentieth-century Vietnam and the Arab-Israeli conflicts provides an unexpectedly fruitful comparative tool and is generative in its capacity to understand the complexity, differences, and parallels between the two conflicts. *Making Endless War* engenders hope through the detailed and thorough research in the contributions and the layers of insight garnered through encountering these two conflicts in tandem. At the same time, with violence in the Middle East reverberating across the globe with an unprecedented intensity, it is difficult not to feel despair through the encounter with Cuddy and Kattan’s collection which, if nothing else, illustrates with painstaking detail that though international law may be a discipline of crisis, it is also one of repetition. The combined case-study, legal history, and comparative approach that the different authors employ is innovative in the refocusing on regional conflicts to draw general claims and to think into the abyss of what happens after the making of endless war. The collection also prompts reflection on the words in the United Nations Charter, both their persistence and the consequences of states engaging wordplay that has stretched some of those words beyond recognition in the legalese of state talk. Before embarking on these wider reflections, it is worth noting the specific importance of Cuddy and Kattan’s final chapter, “War and the Shaping of International Law: From the Cold War to the War on

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2 For a similar methodological approach examining a single case study to draw conclusions about the repetitions of violence and law, see: Cait Storr, *International Status in the Shadow of Empire: Nauru and the History of International Law* (Cambridge: Cambridge University Press, 2020); also see Matthew Craven, Sundhya Pahuja, and Gerry Simpson, eds., *International Law and the Cold War* (Cambridge: Cambridge University Press, 2019).
Terror.” In this chapter, the second which is co-authored by the editors, the importance of the ways in which states justified force outside of the then received parameters of the UN Charter are demonstrated as of heightened relevance to the twenty-first century, from the articulations of “pre-emptive” self-defense in the early 2000s to the impact the stretching of self-defense on the conduct of hostilities has today (261-290).

Across the ten chapters, the authors provide a forensic encounter with the articulation of justifications for military action during both conflicts. Although this book on international law is largely authored by international lawyers, the nature of the research and the subsequent analysis straddles the disciplines of international law, international relations, area studies, and history. Richard Falk, who wrote the forward, acknowledges the “geographically distinct” nature of the case studies which results in a study that regards “regional scale conflicts to be both a source of new norms of international law and occasions for evasions and justifications of existing norms” (ix). The fraught geopolitical, legal, and economic consequences of both the Middle East and South Asian battlefields in the aftermath of World War II resonate throughout the text as harbingers of the role of law as a tool for manipulation to justify state violence.

In their introduction, Cuddy and Kattan explain the decision to focus on these two conflicts, arguing that when considered together and closely, the transformation of international legal understandings later in the century, and into the twenty-first century, are better understood; as is the enduring character of armed conflict despite the original impetus for a Charter that outlawed war. Chapter 2 by Cuddy drills in on one of the most important aspects of the book’s analysis. Titled “From Retaliation to Anticipation: Reconciling Reprisals and Self-Defense in the Middle East and Vietnam, 1949–1965,” it contributes to contemporary analysis of the law on self-defense by offering this account of the ways in which the limits of self-defense were understood by the US (in relation to its action in Vietnam) and the emergence of Israel’s reprisal policy, between 1949 and 1953 (26–55). Cuddy deftly exposes the tensions between the earlier rejection by the US of Israel’s arguments and the consequences for the ways in which the activities in Vietnam were explained by US legal officials. The use of arguments that centered on the accumulation of actions undertaken by non-state actors has an eerie resonance to the Bush Doctrine after 9/11.

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7 Cuddy and Kattan, “The Transformation of International Law and War between the Middle East and Vietnam.”


9 The Bush Doctrine refers to the policies of President George W. Bush (2001-2009). First coined by Washington Post columnist Charles Krauthammer, the Bush Doctrine had four distinct meanings, each one succeeding another over the eight years of the Bush presidency. Initially the doctrine was one of US unilateralism. After the
Subsequent chapters by Madelaine Chiam and Cuddy, John Quigley, Ihab Shalbak and Jessica Whyte, and Kattan take a case study rather than a comparative approach and provided analysis of each of the conflicts. Tor Krever, Amanda Alexander, and Craig Jones return to the comparative project and examine the complexity and insight gained when these two armed conflicts, “fought on opposite edges of Asia” are analyzed side by side, exposing “the legal pathways that link them together across time and space” (1).

The approach of the book is unusual and unique. Focusing on two conflicts that engaged global hegemons and yet were regional in terms of the location of violence and the lasting, lived repercussions, provides an aperture for thinking through the resonance of military violence and state justifications for military actions. This is a strength of the book. For international lawyers, the text provides an opportunity to re-examine antecedents of the ways in which the international law on self-defense shifted after the 9/11 attacks in 2001, as well as the shift towards understandings of “lawfare” that emerged in critical legal scholarship in the early twenty-first century. Chiam and Cuddy’s chapter on public discourses during the Vietnam War (chapter 3) demonstrates the ways in which public international lawyers saw their engagement with state officials, as experts and authorities, and the ways in which this ultimately reframed the academy’s relationship with international law. The case study/comparative approach offers considerable resonance and fodder for further study well beyond the field of international law and will be of interest to scholars across the fields of international relations, political science, international legal histories, security studies, and beyond.

*Making Endless War* presents a study of actors, actions, and legal argument, at the same time the kaleidoscope afforded by the use of a case study model, that is sometimes comparative, but also a walk through the archives, a legal analysis, and a dialogue with non-western knowledge and frames of understanding, is rich in the cross and interdisciplinary insights garnered. In this way, the book offers a careful account of the two conflicts: illuminating their differences and, through the various comparative chapters, provides significant new understandings. Krever’s chapter, for example, examines the people’s attacks of September 11, 2001, it was the war of terror, a “with us or against us,” foreign policy. Next it was a doctrine of pre-emptive war (Iraq), and finally a neoconservative mission of spreading democracy throughout the world.


4 Kattan, “‘The Third World is a Problem’: Arguments about the Laws of War in the United States after the Fall of Saigon,” in Cuddy and Kattan, eds., *Making Endless War*: 173-206.


tribunals that emerged in the aftermath of each armed conflict. It juxtaposes the Vietnam Tribunal, which was instigated by Bertrand Russell, with the much later 2009 Russell Tribunal on Palestine. In both cases Krever reveals the tension between “juridical form and political practice” that is ultimately unresolved (254). Although the chapter offers a study of people’s tribunals, Krever’s outlining of the tension between political and legal norms, here in a space of resistance, is mimicked in other contributions.

The focus on non-international armed conflicts in a period when international law remained attuned to the Charter-focus on international armed conflicts is an essential element of the larger arc, and contribution, of Cuddy and Kattan’s book. By the twenty-first century, the acceptance of non-international armed conflicts that have an international dimension had become a recognized component of UN Security Council work; this was not the case during the Vietnam War or the Arab-Israeli conflicts during the Cold War. A consequence has been that little scholarship on international law, the use of military force, or collective security, has given space to the international legal ripples that emerge from these two sites of violence. Alexander’s account of the role and “awkward shape of provisions” on combatants and civilians in international humanitarian law provides a detailed account of the possibility of looking back to non-international armed conflicts with this type of acuity (112). Through drawing on non-Western perceptions of armed conflict, Alexander’s account of international humanitarian law, and the development of the Geneva Protocols, provides a much-needed expansion of scholarly work in this field, while adding a richness to Cuddy and Kattan’s larger project.

As a gender scholar, I found the silence on the gender dynamics of either conflict unexpected. While feminist and gender scholarship on international law was not a field of study during either conflict, the multi-decade and diverse, important, scholarship on women, peace and security, as well as feminist approaches to international law, including the law on the use of force, would have added a key space of insight to this collection. That said, reading across the chapters, while gender is not remarked on, it is a haunting presence. Since the world of statesmen and military masculinities is a defining feature across the chapters of Making Endless War, the silence on gender is all the more prescient as a consequence.

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It seems unfair to impose a desire for some form of feminist analysis on to a collection of scholarship which has been so carefully curated and is significant in its contribution. It is striking, however, that the richness of the text, and the willingness of the authors to challenge the ways in which international law is analyzed, opens precisely that aperture. At the same time, to read this book in the third decade of the twenty-first century, as violence reverberates across the Middle East with new levels of intensity and atrocity, feels important. Cuddy and Kattan have crafted a dialogue among their authors and through their own research that tells of the horrors of war through the words and actions of actors who are often little impacted by the brutality on the ground, at least not directly (although political careers may have been made and ended). Usefully, the excesses of law and politics is well-measured in the book besides spaces of resistance, critique, and solidarity, as, in the words of Chiam and Cuddy, international law is not just a set of doctrines but also a “public language” (57).

Cuddy and Kattan’s book encourages a return to the UN Charter: international law, when considering the changing contours of security, requires the type of work undertaken by the authors and editors of this volume. That is, the meticulous engagement with memory and sources that demonstrates the stretching of legal concepts to accommodate new sites of violence, particularly in non-international armed conflicts, is better understood through complex historical encounters rather than the time-slice approach that focuses solely on the immediate conflict. Ultimately, Making Endless War demonstrates law’s capacity to be constant on paper and in the words of state officials, even while the law is being re-imagined through its breach; an aspect of international law that has violent repercussions through to today.

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