

Unit 1: Nature of International Law

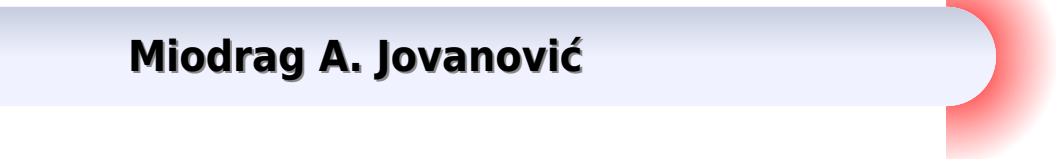
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Learning Outcomes

1. The development of International Law (IL)
2. Nature of International Law
3. Legal persons/subjects of IL

Nature Of International Law

Miodrag A. Jovanović



Nature Of International Law:

The Nature of International Law Gerry Simpson, 2017-10-05 This title was first published in 2002 The purpose of this volume is to provide a map of some of the great theoretical debates within the discipline of international law The essays included are structured as dialogues between international legal theorists on concrete subjects such as democracy gender compliance sovereignty and justice They represent the most interesting theoretical work undertaken in international law

The Nature of International Law Miodrag A. Jovanović, 2019-04-25 The Nature of International Law provides a comprehensive analytical account of international law within the prototype theory of concepts *The Essential Nature of Law* William Sullivan Pattee, 1909 *The Nature and Sources of the Law* by John Chipman Gray John Chipman

Gray, 2019-08-22 First published in 1909 and then again in 1997 John Chipman Gray 1839 1915 spent the greater part of his professional life as a professor at Harvard Law School where he taught property trusts and future interests The Nature and Sources of the Law was first published in 1909 The book is divided into two parts which respectively look at Nature and Sources In Part I Gray warns that the study of jurisprudence in isolation could lead to dogmatism Rather he advocates the structure offered by common law with its reliance on flexible interpretations of statutes the use of all relevant cultural inputs and a highly adaptable approach to the resolution of disputes Gray in Part II turns his attention to sources of the law and begins with statutes Here he asserts that judges are the ones who actually turn into law going against the conventional scholarship that judges merely interpret statutes He also extensively examines the influence of tradition and the common law **General Theory of Law and State** Hans Kelsen, 2009 Reprint of the first edition This classic work by the important

Austrian jurist is the fullest exposition of his enormously influential pure theory of law which includes a theory of the state It also has an extensive appendix that discusses the pure theory in comparison with the law of nature positivism historical natural law metaphysical dualism and scientific critical philosophy The scope of the work is truly universal It never loses itself in vague generalities or in unconnected fragments of thought On the contrary precision in the formulation of details and rigorous system are characteristic features of the exposition only a mind fully concentrated upon that logical structure can possibly follow Kelsen's penetrating analysis Such a mind will not shrink from the effort necessary for acquainting itself with the pure theory of law in its more general aspects and will then pass over to the theory of the state which ends up with a carefully worked out theory of international law Julius Kraft American Journal of International Law 40 1946 496 *The Nature and Enforcement of Choice of Court Agreements* Mukarrum Ahmed, 2017-10-05 PRAISE FOR THE BOOK This constitutes a work of impressive scholarship that will become a major reference point for future discourse on choice of court agreements Dr Ahmed advances a firm thesis in a lucid manner that will satisfy both academics and practitioners The discussion is supported by a monumental foundation of underpinning research Ahmed's monograph throughout shows clear understanding of underlying substantive laws and in Chapter 11 displays a refreshing willingness to engage in intelligent

speculation on the implications of Brexit Professor David Milman University of Lancaster The book is an excellent attempt to understand the theoretical underpinnings of choice of court agreements in private international law Anyone with an interest in the theory and practice of choice of court agreements in particular in mechanisms for their enforcement should read this book They will find much of value by doing so Professor Paul Beaumont University of Aberdeen from the Series Editor s

Preface This book examines the fundamental juridical nature classification and enforcement of choice of court agreements in international commercial litigation It is the first full length attempt to integrate the comparative and doctrinal analysis of choice of court agreements under the Brussels I Recast Regulation the Hague Convention on Choice of Court Agreements Hague Convention and the English common law jurisdictional regime into a theoretical framework In this regard the book analyses the impact of a multilateral and regulatory conception of private international law on the private law enforcement of choice of court agreements before the English courts In the process it both pre empts and offers innovative solutions to issues that may arise under the jurisprudence of the emergent Brussels I Recast Regulation and the Hague Convention The need to understand the nature and enforcement of choice of court agreements before the English courts from the perspective of the EU private international law regime and the Hague Convention cannot be understated This important new study aims to fill an existing gap in the literature in relation to an account of choice of court agreements which explores and reconnects arguments drawn from international legal theory with legal practice However the scope of the work remains most relevant for cross border commercial lawyers interested in crafting pragmatic solutions to the conflicts of jurisdictions

Coercion and the Nature of Law Kenneth Einar Himma, 2020-05-06 The Coercion Thesis has been a subject of longstanding debate but legal positivist scholarship over the last several decades has concluded that coercion is not necessary for law Coercion and the Nature of Law is concerned with reviving the Coercion Thesis presenting a strong case for the inherently coercive nature of legal regulation and arguing that anything properly characterized as a legal system must back legal norms prohibiting breaches of the peace with the threat of a coercive sanction Himma presents the argument that people are self interested beings who must compete in a world of scarcity for everything they need to survive and thrive The need to compete for resources naturally leads to conflict that can breach the peace and threatens the ability to live together in a community and reap the social benefits of cooperation Law only functions as a system if it can maintain the peace enough for community to continue and thus systems of law cannot succeed in doing anything that we want systems of law to do unless they back laws prohibiting violent assaults on persons or property with the threat of punishment without sanctions we would descend into something resembling a condition of war of all against all We adopt coercive systems of regulation precisely to avoid having to live under such conditions The book is divided into three parts 1 a prima facie logical empirical case for the Coercion Thesis 2 a study of the society of angels and international law counterexamples and why they do not refute the thesis and 3 an analysis of how law guides behaviour and the implications of the Coercion Thesis on reasons for action Going

against the current conventional wisdom in legal philosophy Himma makes a systematic defence of the Coercion Thesis arguing that coercion or enforcement mechanisms are not only a necessary feature of legal systems but a conceptually necessary feature of legal systems *Natural Law and Laws of Nature in Early Modern Europe* Michael Stolleis,2016-04-22 This impressive volume is the first attempt to look at the intertwined histories of natural law and the laws of nature in early modern Europe These notions became central to jurisprudence and natural philosophy in the seventeenth century the debates that informed developments in those fields drew heavily on theology and moral philosophy and vice versa Historians of science law philosophy and theology from Europe and North America here come together to address these central themes and to consider the question was the emergence of natural law both in European jurisprudence and natural philosophy merely a coincidence or did these disciplinary traditions develop within a common conceptual matrix in which theological philosophical and political arguments converged to make the analogy between legal and natural orders compelling This book will stimulate new debate in the areas of intellectual history and the history of philosophy as well as the natural and human sciences in general *The American and English Encyclopaedia of Law* David Shephard Garland,Lucius Polk McGehee,James Cockcroft,Charles Porterfield,1900 *Provisionally Applied Treaties: Their Binding Force and Legal Nature* Anneliese Quast Mertsch,2012-10-19 In *Provisionally Applied Treaties Their Binding Force and Legal Nature* Anneliese Quast Mertsch analyses the binding force and legal nature of treaties during the period of their provisional application in light of international practice and academic opinion **The Canada Law Journal** James Patton,W. D. Ardagh,Robert Alexander Harrison,Henry O'Brien,Charles Bagot Labatt,Arthur Henry O'Brien,Charles Morse,1921 Includes section Book reviews

The Contractual Nature of the Optional Clause Gunnar Törber,2015-07-16 The International Law Commission's Guiding Principles for Unilateral Declarations and its Guide to Practice on Reservations to Treaties are among the recent developments in international law These developments support a new assessment on how optional clauses eg Article 62 1 of the American Convention on Human Rights and especially the Optional Clause Article 36 2 of the Statute of the International Court of Justice ICJ can be characterised and treated The question is in how far optional clauses and the respective declarations can be considered a multilateral treaty or a bundle of unilateral declarations and to what extent one of the corresponding regimes applies Based inter alia on the jurisprudence of the Permanent Court of International Justice and the ICJ on the Optional Clause but also on the relevant jurisprudence of the Inter American Court of Human Rights and the European Court of Human Rights and the General Comments of the United Nations Human Rights Committee this book provides a comprehensive assessment of all legal issues regarding the Optional Clause and also optional clauses in general The book deals with the making of Optional Clause declarations the interpretation of such declarations and reservations made to the declarations as well as the withdrawal or amendment of declarations **The Nature of Customary Law** Amanda Perreau-Saussine,James B. Murphy,2007-05-17 Some legal rules are not laid down by a legislator but grow instead

from informal social practices In contract law for example the customs of merchants are used by courts to interpret the provisions of business contracts in tort law customs of best practice are used by courts to define professional responsibility Nowhere are customary rules of law more prominent than in international law The customs defining the obligations of each State to other States and to some extent to its own citizens are often treated as legally binding However unlike natural law and positive law customary law has received very little scholarly analysis To remedy this neglect a distinguished group of philosophers historians and lawyers has been assembled to assess the nature and significance of customary law The book offers fresh insights on this neglected and misunderstood form of law **Index to Legal Periodicals** ,1909 Rule of Law for Nature Christina Voigt,2013-11-21 Human laws must be reformulated to keep human activities in harmony with the unchanging and universal laws of nature This 1987 statement by the World Commission on Environment and Development has never been more relevant and urgent than it is today Despite the many legal responses to various environmental problems more greenhouse gases than ever before are being released into the atmosphere biological diversity is rapidly declining and fish stocks in the oceans are dwindling This book challenges the doctrinal construction of environmental law and presents an innovative legal approach to ecological sustainability a rule of law for nature which guides and transcends ordinary written laws and extends fundamental principles of respect integrity and legal security to the non human world University of Illinois Studies in the Social Sciences ,1916 *The State of Nature: Histories of an Idea* ,2021-12-13 Listen to the New Books Network Podcast The phrase state of nature has been used over centuries to describe the uncultivated state of lands and animals nudity innocence heaven and hell interstate relations and the locus of pre and supra political rights such as the right to resistance to property to create and leave polities and the freedom of religion speech and opinion which may be reactivated or reprioritised when the polity and its laws fail Combining intellectual history with current concerns this volume brings together fourteen essays on the past present and possible future applications of the legal fiction known as the state of nature Contributors are Daniel S Allemann Pamela Edwards Ioannis D Evrigenis Mary C Fuller David Singh Grewal Francesca Iurlaro Edward J Kolla L szl Kontler Grant S McCall Emile Simpson Tom Sparks Benjamin Straumann Karl Widerquist Sarah Winter and Simone Zurbuchen The Necessity of Nature Mónica García-Salmones Rovira,2023-02-23 To understand our current world crises it is essential to study the origins of the systems and institutions we now take for granted This book takes a novel approach to charting intellectual scientific and philosophical histories alongside the development of the international legal order by studying the philosophy and theology of the Scientific Revolution and its impact on European natural law political liberalism and political economy Starting from analysis of the work of Thomas Hobbes Robert Boyle and John Locke on natural law the author incorporates a holistic approach that encompasses global legal matters beyond the foundational matters of treaties and diplomacy The monograph promotes a sustainable transformation of international law in the context of related philosophy history and theology Tackling issues such

as nature money necessities human nature secularism and epistemology which underlie natural lawyers thinking Associate Professor Garc a Salmenes explains their enduring relevance for international legal studies today The Fundamental Concepts of Public Law Westel Woodbury Willoughby,1924 **Natura 2000 - A Coherent Nature Conservation Network?** Bettina Kleining,2024-05-26 This book offers a fresh perspective on the Habitats Directive s rules on designating Natura 2000 the European biodiversity conservation network Although the Habitats Directive came into force in the early 1990s the network is not yet optimally set up and lacks coherence and connectivity The author examines the Habitats Directive s provisions regarding the designation of Natura 2000 and discusses possible reasons for the EU Member States ongoing lack of compliance with their designation duties She reassesses the 2015 REFIT Fitness Check of the Nature Directives to look for the Member States reasons for not having optimally complied with their designation duties yet She then analyses the Habitats Directive to reveal elements of non optimal drafting in its designation provisions Sensible law reforms that do not interfere with the general framework of the Habitats Directive and which keep in mind the relevant national regional and international biodiversity law and policy as well as the relevant case law will be discussed to this end As a result this book presents an enhanced legal designation framework that can support Member States compliance with their designation obligations The book finally goes beyond the European biodiversity legislation also shedding light on the effects of the suggested reforms for the broader biodiversity and environmental law and policy landscape and concludes that reforming the Habitats Directive would benefit a variety of contemporary areas of law This book targets academics and policy makers in the field as it provides a scholarly as well as a hands on approach to the subject of strengthening European biodiversity law

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