# Nature and Definition of International Law

# Introduction

Law is the element of the society which helps to develop a framework within which rights and duties can be established. The world today requires a method where interstate relations can be conducted, and International Law fills this gap. The United Nations developed this body of International Law for the purpose of promoting international peace and security.

Countries come together to make binding rules that they believe will benefit their citizens. International Laws promote peace, justice, common interests and trade. States work together to strengthen International Law because it plays an important role in society. International Law is directly and strongly influenced by the writings of jurists and publicists, instructions to diplomatic agents, important conventions even when they are not ratified, and arbitral awards.

# **Definition of International Law**

According to Oppenheim, International Law is a "Law of Nations or it is the name for the body of customary law and conventional rules which are considered to be binding by civilized States in their intercourse with each other."

Thus, International Law can be considered as treaties, set of rules and agreements between countries that are binding between them. International Law governs how nations must interact with other nations. It is extremely useful in regulating the issue of jurisdiction which arises when people trade among different States. The main purpose of International Law is to promote justice, peace and common interest.

# Relevance and Function of International Law

International Law grew out of necessity. As International engagement increased, International Law expanded. International Law is the most convenient form of regulating world order in the present-day world. International Law aims to maintain international peace and security, which provide for fundamental rights, freedoms and human rights, to refrain the State from the use of threat or force against the territorial integrity of any other State, to provide for the right of self-determination to people, to solve International problems by achieving International cooperation, to use peaceful means for settlement of international disputes.

# **Principles of International Law**

International Law is based on the following two principles:

 Jus Gentium: These set of rules do not form part of a legal statute but mutually governs the relationship between two nations.

# **Nature Of International Law**

**John Chipman Gray** 

#### **Nature Of International Law:**

The Nature of International Law Gerry Simpson,2017-10-05 This title was first published in 2002 The purpose if 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 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 interprets statutes He also extensively examines the influence of tradition and the common law The Essential Nature of Law William Sullivan Pattee, 1909 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 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 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 Morality and the Nature of <u>Law</u> Kenneth Einar Himma, 2019-03-07 Morality and the Nature of Law explores the conceptual relationship between morality and the criteria that determine what counts as law in a given societythe criteria of legal validity Is it necessary condition for a legal system to include moral criteria of legal validity Is it even possible for a legal system to have moral criteria of legal validity. The book considers the views of natural law theorists ranging from Blackstone to Dworkin and rejects them arguing that it is not conceptually necessary that the criteria of legal validity include moral norms Further it rejects the

exclusive positivist view arguing instead that it is conceptually possible for the criteria of validity to include moral norms In the process of considering such questions this book considers Raz s views concerning the nature of authority and Shapiro s views about the guidance function of law which have been thought to repudiate the conceptual possibility of moral criteria of legal validity. The book then articulates a thought experiment that shows that it is possible for a legal system to have such criteria and concludes with a chapter that argues that any legal system like that of the United States which affords final authority over the content of the law to judges who are fallible with respect to the requirements of morality is a legal system with purely source based criteria of validity 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 The American and English Encyclopaedia of Law David Shephard Garland, Lucius Polk McGehee, James Cockcroft, Charles Porterfield, 1900

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