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this volume compares the different conceptions of the rule of law that have developed in different legal cultures it describes the social purposes and practical applications of the rule of law and how it might be improved in the varied circumstances sovereignty is the vital organizing principle of modern international law this book examines the origins of that principle in the legal and political thought of its most influential theorist jean bodin 1529 30 1596 as the author argues in this study bodin s most lasting theoretical contribution was his thesis that sovereignty must be conceptualized as an indivisible bundle of legal rights constitutive of statehood while these uniform rights of sovereignty licensed all states to exercise numerous exclusive powers including the absolute power to absolve and release its citizens from legal duties they were ultimately derived from and therefore limited by the law of nations the book explores bodin s creative synthesis of classical sources in philosophy history and the medieval legal science of roman and canon law in crafting the rules governing state centric politics the right of sovereignty is the first book in english on bodin s legal and political theory to be published in nearly a half century and surveys themes

overlooked in modern bodin scholarship empire war conquest slavery citizenship commerce territory refugees and treaty obligations it will interest specialists in political theory and the history of modern political thought as well as legal history the philosophy of law and international law wilhelm g grewe s epochen der völkerrechtsgeschichte published in 1984 is widely regarded as one of the classic twentieth century works of international law this revised translation by michael byers of duke university durham north carolina makes this important book available to non german readers for the first time the epocs of international law provides a theoretical overview and detailed analysis of the history of international law from the middle ages to the age of discovery and the thirty years war from napoleon bonaparte to the treaty of versailles the cold war and the age of the single superpower and does so in a way that reflects grewe s own experience as one of germany s leading diplomats and professors of international law a new chapter written by wilhelm g grewe and michael byers updates the book to october 1998 making the revised translation of interest to german international layers international relations scholars and historians as well wilhelm g grewe was one of germany s leading diplomats serving as west german ambassador to washington tokyo and nato and was a member of the international court of arbitration in the hague subsequently professor of international law at the university of freiburg he remains one of germany s most famous academic lawyers wilhelm g grewe died in january 2000 professor dr michael byers duke university school of law durham north carolina formerly a fellow of jesus college oxford and a visiting fellow of the max planck institute for comparative public law and international law heidelberg 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 the institutes of gaius and rules of ulpian the former from studemund s apograph of the verona codex with translation and notes critical and explanatory and copious alphabetical digest by james muirhead professor of civil law at the university of edinburgh originally intended to simply incorporate the notes from his copy of the institutional commentaries of gaius for use by his students the work includes the latin text with the english translation on the alternative sections of the pages the introduction includes what he feels is necessary for students to know of gaius and his institutes and studemund s apograph a table of authorities cited in the notes by their abbreviation begins on page xvii and a subject index begins on page 441 this volume collects some of the best recent writings on st thomas s philosophy of law and includes a critical examination of aquinas s theory of the relation between law and morality his natural law theory as well as the modern reformulation of his approach to natural rights the volume shows how aquinas understood the importance of positive law and demonstrates the modern

relevance of his writings by including thomistic critiques of modern jurisprudence and examples of applications of thomistic jurisprudence to specific modern legal problems such as federalism environmental policy abortion and euthanasia the volume also features an introduction which places aquinas s writings in the context of modern jurisprudence as well as an extensive bibliography the volume is suited to the needs of jurisprudence scholars teachers and students and is an essential resource for all law libraries this 1939 second edition of a 1925 original covers the main principles of roman law from classical and later times hannah m cotton s collected papers focus on questions which have fascinated her for over four decades the concrete relationships between law language administration and everyday life in judaea and nabataea in particular and in the roman world as a whole many of the papers especially those devoted to the judean desert documents of the 2nd century ce have been widely cited others having appeared in less accessible publications may not have received the attention they deserve on the whole rather than addressing the grand narratives of world or national history they look at the texture of life seeking to provide tentative answers to historical questions and interpretations by paying fine attention to the details of literary and especially documentary evidence taken together they illuminate fundamental often legal questions concerning daily life and the exercise of roman rule and administration in the early imperial period and especially their impact on life as it was lived in the province and the period where roman and jewish history fatefully intersected the volume includes a complete bibliography of her publications should judges in united states courts be permitted to cite foreign laws in their rulings in this book jeremy waldron explores some ideas in jurisprudence and legal

theory that could underlie the supreme court s occasional recourse to foreign law especially in constitutional cases he argues that every society is governed not only by its own laws but partly also by laws common to all mankind ius gentium but he takes the unique step of arguing that this common law is not natural law but a grounded consensus among all nations the idea of such a consensus will become increasingly important in jurisprudence and public affairs as the world becomes more globalized what is the nature of the ius gentium and what is its relation to ius naturale how theologians philosophers jurists sought the answers between 1500 and 1400 is the subject of this essay on a glorious sunny saturday in june 2014 we had the pleasure of convening a conference in the temple the beating heart of legal london under the title magna carta religion and the rule of law focusing on the powerful narratives then and now of faith and governance we had in mind a modest gathering and thus we were delighted that in excess of two hundred people chose to attend many theories and propositions have been advanced on the tacit assumption that international law encompasses the protection of human rights very few if any question the validity of this position here is a book that does theory and reality in the international protection of human rights presents a defense of the traditional theory of international law based on a decentralized nation state system of international relation as being more appropriate for the analysis of its subject than more recent variants that allow for supranational redress at an increasingly personal level in particular professor watson shows how the proponents of the international human rights regime persistently use a legislative mode of reasoning and how international law cannot sustain this technique he holds that violation of the right to life is best adjudicated within a customary

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system and concludes that the validity of the norms of international human rights has yet to be demonstrated published under the transnational publishers imprint this collection offers a timely opportunity to re examine both the coherence of the concept of an early enlightenment and the specific contribution of natural law theories to its formation it reassesses the work of major thinkers such as grotius hobbes locke malebranche pufendorf and thomasius and evaluates the appeal and importance of the discourse of natural jurisprudence both to those working inside conventional educational and political structures and to those outside concepts shape how we understand and participate in international legal affairs they are an important site for order struggle and change this comprehensive and authoritative volume introduces a large number of concepts that have shaped at various points in history international legal practice and thought intimates at how the many projects of international law have grappled with and influenced the world through certain concepts and introduces new concepts into the discipline the core of the book consists of a selection of papers presented at an international workshop where researchers from a variety of fields and countries discussed the connections between inherited wealth justice and equality the volume is complemented by a few other papers commissioned by the editors the contributions cover historical political philosophical sociological and economic aspects the oxford handbook of the history of international law provides an authoritative and original overview of the origins concepts and core issues of international law the first comprehensive handbook on the history of international law it is a truly unique contribution to the literature of international law and relations pursuing both a global and an interdisciplinary approach the handbook brings together

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some sixty eminent scholars of international law legal history and global history from all parts of the world covering international legal developments from the 15th century until the end of world war ii the handbook consists of over sixty individual chapters which are arranged in six parts the book opens with an analysis of the principal actors in the history of international law namely states peoples and nations international organisations and courts and civil society actors part two is devoted to a number of key themes of the history of international law such as peace and war the sovereignty of states hegemony religion and the protection of the individual person part three addresses the history of international law in the different regions of the world africa and arabia asia the americas and the caribbean europe as well as encounters between non european legal cultures like those of china japan and india and europe which had a lasting impact on the body of international law part four examines certain forms of interaction or imposition in international law such as diplomacy as an example of interaction or colonization and domination as an example of imposition of law the classical juxtaposition of the civilized and the uncivilized is also critically studied part five is concerned with problems of the method and theory of history writing in international law for instance the periodisation of international law or eurocentrism in the traditional historiography of international law the handbook concludes with a part six entitled people in portrait which explores the life and work of twenty prominent scholars and thinkers of international law ranging from muhammad al shaybani to sir hersch lauterpacht the handbook will be an invaluable resource for students and scholars of international law it provides historians with new perspectives on international law and increases the historical and cultural awareness of

scholars of international law it is the standard reference work for the global history of international law the concept of customary international law although differently formulated is already present in early modern european debates on natural law and the law of nations however no scholarly monograph has until now addressed the relationship between custom and the european natural law and ius gentium tradition this book tells that neglected story and offers a solid conceptual framework to contextualize and understand the problematic of custom namely how to identify its normative content natural law doctrines and the different ways in which they help construct human reason provided custom with such normative content this normative content consists of a set of fundamental moral values that help identify the status of custom as either a fundamental feature or an original source of ius gentium this book explores what cultural values and practices facilitated the emergence of custom and rendered it into as a source of the law of nations and how they did so two crucial issues form the core of the book s analysis firstly it qualifies the nature of the interrelation between natural law and ius gentium explaining why it matters in relation to our understanding of the idea of custom second the book claims that the process of custom formation as a source of law calls into question the role of the authority of history the interpretation of the past through this approach can thus be described as one of invention originally published in 1912 this book presents a running commentary on the institutes of gaius and the code of justinian with an eye to the ways in which laws were practically applied to roman life buckland addresses such thorny legal issues as the ownership and manumission of slaves property law and intestacy this book will be of value to anyone with an interest in roman law committing one s country to war is a grave decision

governments often have to make tough calls but none are quite so painful as those that involve sending soldiers into harm s way to kill and be killed the idea of just war informs how we approach and reflect on these decisions it signifies the belief that while war is always a wretched enterprise it may in certain circumstances and subject to certain restrictions be justified boasting a long history that is usually traced back to the sunset of the roman empire it has coalesced over time into a series of principles and moral categories e g just cause last resort proportionality etc that will be familiar to anyone who has ever entered a discussion about the rights and wrongs of war victory the triumph and tragedy of just war focuses both on how this particular tradition of thought has evolved over time and how it has informed the practice of states and the legal architecture of international society this book examines the vexed position that the concept of victory occupies within this framework the law developed by the ancient romans remains a powerful legal and political instrument today in the roman law tradition a general editorial introduction complements a series of more detailed essays by an international team of distinguished legal scholars exploring the various ways in which roman law has affected and continues to affect patterns of legal decision making throughout the world the history of ideas on rule of law for world order is a fascinating one as revealed in this comparative study of both eastern and western traditions this book discerns rule of law as justice conceptions alternative to the positivist conceptions of the liberal internationalist rule of law today the volume begins by revisiting early modern european roots of rule of law for world order thinking in doing so it looks to northern humanism and to natural law in the sense of justice as morally and reasonably ordered self discipline such a

standard is not an instrument of external monitoring but of self reflection and self cultivation it then considers whether comparable concepts exist in chinese thought inspired by confucius and even laozi the chinese official and intellectual elite readily imagined that international law was governed by moral principles similar to their own a series of case studies then reveals the dramatic change after the east west encounters from the 1860s until after 1901 as chinese disillusionment with the hobbesian positivism of western international law becomes ever more apparent what therefore are the possibilities of traditional chinese and european ethical thinking in the context of current world affairs considering the obstacles which stand in the way of this both east and west this book reaches the conclusion that everything is possible even in a world dominated by state bureaucracies and late capitalist postmodernism the rational ethical spirit is universal from simon schuster the story of the law is rené a wormser s about the men who created the law from the earliest times to the present including chapters on the jews the greeks the romans and the german barbarians the story of law and the men who made it explains the creation of law from the earliest civilizations all the way to present day the origins of civil society and the function of law justice ownership and law natural justice and conventional justice justice and the trading order adjudication and interpretation morality law and legislation natural law rights the force of law the authority and legitimacy of law the civilian writers of doctors commons london three centuries of juristic innovation in comparative commercial and international law an analysis of the relationship between private international law examined from an international systemic perspective and public international law in the last years of the nineteenth century peace

proposals were first stimulated by fear of the danger of war rather than in consequence of its outbreak in this study of the nature and history of international relations mr hinsley presents his conclusions about the causes of war and the development of men s efforts to avoid it in the first part he examines international theories from the end of the middle ages to the establishment of the league of nations in their historical setting this enables him to show how far modern peace proposals are merely copies or elaborations of earlier schemes he believes there has been a marked reluctance to test these theories not only against the formidable criticisms of men like rousseau kant and bentham but also against what we have learned about the nature of international relations and the history of the practice of states this leads him to the second part of his study an analysis of the origins of the modern states system and of its evolution between the eighteenth century and the first world war the question of the sources of international law inevitably raises some well known scholarly controversies where do the rules of international law come from and more precisely through which processes are they made how are they ascertained and where does the international legal order begin and end this is the static question of the pedigree of international legal rules and the boundaries of the international legal order second what are the processes through which these rules are made this is the dynamic question of the making of these rules and of the exercise of public authority in international law the oxford handbook of the sources of international law is the very first comprehensive work of its kind devoted to the question of the sources of international law it provides an accessible and systematic overview of the key issues and debates around the sources of international law it also offers an authoritative theoretical guide for

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anyone studying or working within but also outside international law wishing to understand one of its most foundational questions this handbook features original essays by leading international law scholars and theorists from a range of traditions nationalities and perspectives reflecting the richness and diversity of scholarship in this area popular sovereignty the doctrine that the public powers of state originate in a concessive grant of power from the people is the cardinal doctrine of modern constitutional theory placing full constitutional authority in the people at large rather than in the hands of judges kings or a political elite this book explores the intellectual origins of this influential doctrine and investigates its chief source in late medieval and early modern thought the legal science of roman law long regarded the principal source for modern legal reasoning roman law had a profound impact on the major architects of popular sovereignty such as françois hotman jean bodin and hugo grotius adopting the juridical language of obligations property and personality as well as the classical model of the roman constitution these jurists crafted a uniform theory that located the right of sovereignty in the people at large as the legal owners of state authority in recovering the origins of popular sovereignty the book demonstrates the importance of the roman law as a chief source of modern constitutional thought while the role of comparative law in the courts was previously only an exception foreign sources are now increasingly becoming a source of law in regular use in supreme and constitutional courts there is considerable variation between the practices of courts and the role of comparative law and methods remain controversial in the us the issue has been one of intense public debate and it is still one of the major dividing issues in the discussion about the role of the courts contributing to the existing

discussion of the use of comparative law in the courts this book provides an inclusive coherent and practical analysis of the relevant law and jurisprudence in comparative law in the courts it examines the consequences for court procedures and the form of judgments as well as how foreign sources are drawn upon in private international law european law administrative law and constitutional law as well as before general courts the book also includes case studies of comparative law used in particular spheres of the law such as tort law and consumer law written by practising judges and lawyers as well as leading academics this book serves as a central reference point concerning the role of comparative law before the courts a complete translation and detailed edition of an influential treatise

The Rule of Law in Comparative Perspective 2010-04-30 this volume compares the different conceptions of the rule of law that have developed in different legal cultures it describes the social purposes and practical applications of the rule of law and how it might be improved in the varied circumstances

The Stoic Tradition from Antiquity to the Early Middle Ages 1990 sovereignty is the vital organizing principle of modern international law this book examines the origins of that principle in the legal and political thought of its most influential theorist jean bodin 1529 30 1596 as the author argues in this study bodin s most lasting theoretical contribution was his thesis that sovereignty must be conceptualized as an indivisible bundle of legal rights constitutive of statehood while these uniform rights of sovereignty licensed all states to exercise numerous exclusive powers including the absolute power to absolve and release its citizens from legal duties they were ultimately derived from and therefore limited by the law of nations the book explores bodin s creative synthesis of classical sources in philosophy history and the medieval legal science of roman and canon law in crafting the rules governing state centric politics the right of sovereignty is the first book in english on bodin s legal and political theory to be published in nearly a half century and surveys themes overlooked in modern bodin scholarship empire war conquest slavery citizenship commerce territory refugees and treaty obligations it will interest specialists in political theory and the history of modern political thought as well as legal history the philosophy of law and international law

The Stoic Tradition from Antiquity to the Early Middle Ages, Volume 1. Stoicism in Classical Latin Literature 2022-03-28 wilhelm g grewe s epochen der völkerrechtsgeschichte published in 1984 is widely regarded as one of the

classic twentieth century works of international law this revised translation by michael byers of duke university durham north carolina makes this important book available to non german readers for the first time the epocs of international law provides a theoretical overview and detailed analysis of the history of international law from the middle ages to the age of discovery and the thirty years war from napoleon bonaparte to the treaty of versailles the cold war and the age of the single superpower and does so in a way that reflects grewe s own experience as one of germany s leading diplomats and professors of international law a new chapter written by wilhelm g grewe and michael byers updates the book to october 1998 making the revised translation of interest to german international layers international relations scholars and historians as well wilhelm g grewe was one of germany s leading diplomats serving as west german ambassador to washington tokyo and nato and was a member of the international court of arbitration in the hague subsequently professor of international law at the university of freiburg he remains one of germany s most famous academic lawyers wilhelm g grewe died in january 2000 professor dr michael byers duke university school of law durham north carolina formerly a fellow of jesus college oxford and a visiting fellow of the max planck institute for comparative public law and international law heidelberg

The Stoic Tradition from Antiquity to the Early Middle Ages 1985 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

The Right of Sovereignty 2021 the institutes of gaius and rules of ulpian the former from studemund s apograph of the verona codex with translation and notes critical and explanatory and copious alphabetical digest by james muirhead professor of civil law at the university of edinburgh originally intended to simply incorporate the notes from his copy of the institutional commentaries of gaius for use by his students the work includes the latin text with the english translation on the alternative sections of the pages the introduction includes what he feels is necessary for students to know of gaius and his institutes and studemund s apograph a table of authorities cited in the notes by their abbreviation begins on page xvii and a subject index begins on page 441

The Epochs of International Law 2013-02-06 this volume collects some of the best recent writings on st thomas s philosophy of law and includes a critical examination of aquinas s theory of the relation between law and morality his natural law theory as well as the modern reformulation of his approach to natural rights the volume shows how aquinas understood the importance of positive law and demonstrates the modern relevance of his writings by including thomistic critiques of modern jurisprudence and examples of applications of thomistic jurisprudence to specific modern legal problems

such as federalism environmental policy abortion and euthanasia the volume also features an introduction which places aquinas s writings in the context of modern jurisprudence as well as an extensive bibliography the volume is suited to the needs of jurisprudence scholars teachers and students and is an essential resource for all law libraries

The Nature of Customary Law 2007-05-17 this 1939 second edition of a 1925 original covers the main principles of roman law from classical and later times

The Institutes of Gaius and Rules of Ulpian 1895 hannah m cotton s collected papers focus on questions which have fascinated her for over four decades the concrete relationships between law language administration and everyday life in judaea and nabataea in particular and in the roman world as a whole many of the papers especially those devoted to the judean desert documents of the 2nd century ce have been widely cited others having appeared in less accessible publications may not have received the attention they deserve on the whole rather than addressing the grand narratives of world or national history they look at the texture of life seeking to provide tentative answers to historical questions and interpretations by paying fine attention to the details of literary and especially documentary evidence taken together they illuminate fundamental often legal questions concerning daily life and the exercise of roman rule and administration in the early imperial period and especially their impact on life as it was lived in the province and the period where roman and jewish history fatefully intersected the volume includes a complete bibliography of her publications

The Institutes of Gaius and Rules of Ulpian 1880 should judges in united states courts be permitted to cite foreign laws in their rulings in this book

jeremy waldron explores some ideas in jurisprudence and legal theory that could underlie the supreme court s occasional recourse to foreign law especially in constitutional cases he argues that every society is governed not only by its own laws but partly also by laws common to all mankind ius gentium but he takes the unique step of arguing that this common law is not natural law but a grounded consensus among all nations the idea of such a consensus will become increasingly important in jurisprudence and public affairs as the world becomes more globalized

Aquinas and Modern Law 2017-07-05 what is the nature of the ius gentium and what is its relation to ius naturale how theologians philosophers jurists sought the answers between 1500 and 1400 is the subject of this essay

a manual of roman private law 1947 on a glorious sunny saturday in june 2014 we had the pleasure of convening a conference in the temple the beating heart of legal london under the title magna carta religion and the rule of law focusing on the powerful narratives then and now of faith and governance we had in mind a modest gathering and thus we were delighted that in excess of two hundred people chose to attend

A Manual of Roman Private Law 2012-01-12 many theories and propositions have been advanced on the tacit assumption that international law encompasses the protection of human rights very few if any question the validity of this position here is a book that does theory and reality in the international protection of human rights presents a defense of the traditional theory of international law based on a decentralized nation state system of international relation as being more appropriate for the analysis of its subject than more recent variants that allow for supranational redress at an increasingly personal level in particular professor watson shows how the

proponents of the international human rights regime persistently use a legislative mode of reasoning and how international law cannot sustain this technique he holds that violation of the right to life is best adjudicated within a customary system and concludes that the validity of the norms of international human rights has yet to be demonstrated published under the transnational publishers imprint

Roman Rule and Jewish Life 2022-03-07 this collection offers a timely opportunity to re examine both the coherence of the concept of an early enlightenment and the specific contribution of natural law theories to its formation it reassesses the work of major thinkers such as grotius hobbes locke malebranche pufendorf and thomasius and evaluates the appeal and importance of the discourse of natural jurisprudence both to those working inside conventional educational and political structures and to those outside

"Partly Laws Common to All Mankind" 2012-05-29 concepts shape how we understand and participate in international legal affairs they are an important site for order struggle and change this comprehensive and authoritative volume introduces a large number of concepts that have shaped at various points in history international legal practice and thought intimates at how the many projects of international law have grappled with and influenced the world through certain concepts and introduces new concepts into the discipline

Three Moments in the History of the Ius Gentium (1500-1700) 2022-01-21 the core of the book consists of a selection of papers presented at an international workshop where researchers from a variety of fields and countries discussed the connections between inherited wealth justice and equality the volume is complemented by a few other papers commissioned by the

editors the contributions cover historical political philosophical sociological and economic aspects

Essays in Thomism 2014-07-10 the oxford handbook of the history of international law provides an authoritative and original overview of the origins concepts and core issues of international law the first comprehensive handbook on the history of international law it is a truly unique contribution to the literature of international law and relations pursuing both a global and an interdisciplinary approach the handbook brings together some sixty eminent scholars of international law legal history and global history from all parts of the world covering international legal developments from the 15th century until the end of world war ii the handbook consists of over sixty individual chapters which are arranged in six parts the book opens with an analysis of the principal actors in the history of international law namely states peoples and nations international organisations and courts and civil society actors part two is devoted to a number of key themes of the history of international law such as peace and war the sovereignty of states hegemony religion and the protection of the individual person part three addresses the history of international law in the different regions of the world africa and arabia asia the americas and the caribbean europe as well as encounters between non european legal cultures like those of china japan and india and europe which had a lasting impact on the body of international law part four examines certain forms of interaction or imposition in international law such as diplomacy as an example of interaction or colonization and domination as an example of imposition of law the classical juxtaposition of the civilized and the uncivilized is also critically studied part five is concerned with problems of the method and theory of history

writing in international law for instance the periodisation of international law or eurocentrism in the traditional historiography of international law the handbook concludes with a part six entitled people in portrait which explores the life and work of twenty prominent scholars and thinkers of international law ranging from muhammad al shaybani to sir hersch lauterpacht the handbook will be an invaluable resource for students and scholars of international law it provides historians with new perspectives on international law and increases the historical and cultural awareness of scholars of international law it is the standard reference work for the global history of international law

Magna Carta, Religion and the Rule of Law 2015-04-23 the concept of customary international law although differently formulated is already present in early modern european debates on natural law and the law of nations however no scholarly monograph has until now addressed the relationship between custom and the european natural law and ius gentium tradition this book tells that neglected story and offers a solid conceptual framework to contextualize and understand the problematic of custom namely how to identify its normative content natural law doctrines and the different ways in which they help construct human reason provided custom with such normative content this normative content consists of a set of fundamental moral values that help identify the status of custom as either a fundamental feature or an original source of ius gentium this book explores what cultural values and practices facilitated the emergence of custom and rendered it into as a source of the law of nations and how they did so two crucial issues form the core of the book s analysis firstly it qualifies the nature of the interrelation between natural law and ius gentium explaining why it matters in relation to our

understanding of the idea of custom second the book claims that the process of custom formation as a source of law calls into question the role of the authority of history the interpretation of the past through this approach can thus be described as one of invention

Theory and Reality in the International Protection of Human Rights 2023-06-26 originally published in 1912 this book presents a running commentary on the institutes of gaius and the code of justinian with an eye to the ways in which laws were practically applied to roman life buckland addresses such thorny legal issues as the ownership and manumission of slaves property law and intestacy this book will be of value to anyone with an interest in roman law

Early Modern Natural Law Theories 2013-06-29 committing one s country to war is a grave decision governments often have to make tough calls but none are quite so painful as those that involve sending soldiers into harm s way to kill and be killed the idea of just war informs how we approach and reflect on these decisions it signifies the belief that while war is always a wretched enterprise it may in certain circumstances and subject to certain restrictions be justified boasting a long history that is usually traced back to the sunset of the roman empire it has coalesced over time into a series of principles and moral categories e g just cause last resort proportionality etc that will be familiar to anyone who has ever entered a discussion about the rights and wrongs of war victory the triumph and tragedy of just war focuses both on how this particular tradition of thought has evolved over time and how it has informed the practice of states and the legal architecture of international society this book examines the vexed position that the concept of victory occupies within this framework

Concepts for International Law 2018 the law developed by the ancient romans remains a powerful legal and political instrument today in the roman law tradition a general editorial introduction complements a series of more detailed essays by an international team of distinguished legal scholars exploring the various ways in which roman law has affected and continues to affect patterns of legal decision making throughout the world
Inherited Wealth, Justice and Equality 2013 the history of ideas on rule of law for world order is a fascinating one as revealed in this comparative study of both eastern and western traditions this book discerns rule of law as justice conceptions alternative to the positivist conceptions of the liberal internationalist rule of law today the volume begins by revisiting early modern european roots of rule of law for world order thinking in doing so it looks to northern humanism and to natural law in the sense of justice as morally and reasonably ordered self discipline such a standard is not an instrument of external monitoring but of self reflection and self cultivation it then considers whether comparable concepts exist in chinese thought inspired by confucius and even laozi the chinese official and intellectual elite readily imagined that international law was governed by moral principles similar to their own a series of case studies then reveals the dramatic change after the east west encounters from the 1860s until after 1901 as chinese disillusionment with the hobbesian positivism of western international law becomes ever more apparent what therefore are the possibilities of traditional chinese and european ethical thinking in the context of current world affairs considering the obstacles which stand in the way of this both east and west this book reaches the conclusion that everything is possible even in a world dominated by state bureaucracies and

late capitalist postmodernism the rational ethical spirit is universal
The Oxford Handbook of the History of International Law 2012-11-01 from simon schuster the story of the law is rené a wormser s about the men who created the law from the earliest times to the present including chapters on the jews the greeks the romans and the german barbarians the story of law and the men who made it explains the creation of law from the earliest civilizations all the way to present day
The Invention of Custom 2021-12-23 the origins of civil society and the function of law justice ownership and law natural justice and conventional justice justice and the trading order adjudication and interpretation morality law and legislation natural law rights the force of law the authority and legitimacy of law
Elementary Principles of the Roman Private Law 1912 the civilian writers of doctors commons london three centuries of juristic innovation in comparative commercial and international law
Elementary Principles of the Roman Private Law 2013-12-19 an analysis of the relationship between private international law examined from an international systemic perspective and public international law
Elementary Principles of the Roman Private Law 2019-11-27 in the last years of the nineteenth century peace proposals were first stimulated by fear of the danger of war rather than in consequence of its outbreak in this study of the nature and history of international relations mr hinsley presents his conclusions about the causes of war and the development of men s efforts to avoid it in the first part he examines international theories from the end of the middle ages to the establishment of the league of nations in their historical setting this enables him to show how far modern peace proposals

are merely copies or elaborations of earlier schemes he believes there has been a marked reluctance to test these theories not only against the formidable criticisms of men like rousseau kant and bentham but also against what we have learned about the nature of international relations and the history of the practice of states this leads him to the second part of his study an analysis of the origins of the modern states system and of its evolution between the eighteenth century and the first world war

Victory 1994-04-07 the question of the sources of international law inevitably raises some well known scholarly controversies where do the rules of international law come from and more precisely through which processes are they made how are they ascertained and where does the international legal order begin and end this is the static question of the pedigree of international legal rules and the boundaries of the international legal order second what are the processes through which these rules are made this is the dynamic question of the making of these rules and of the exercise of public authority in international law the oxford handbook of the sources of international law is the very first comprehensive work of its kind devoted to the question of the sources of international law it provides an accessible and systematic overview of the key issues and debates around the sources of international law it also offers an authoritative theoretical guide for anyone studying or working within but also outside international law wishing to understand one of its most foundational questions this handbook features original essays by leading international law scholars and theorists from a range of traditions nationalities and perspectives reflecting the richness and diversity of scholarship in this area

The Roman Law Tradition 2018-02-09 popular sovereignty the doctrine that the

public powers of state originate in a concessive grant of power from the people is the cardinal doctrine of modern constitutional theory placing full constitutional authority in the people at large rather than in the hands of judges kings or a political elite this book explores the intellectual origins of this influential doctrine and investigates its chief source in late medieval and early modern thought the legal science of roman law long regarded the principal source for modern legal reasoning roman law had a profound impact on the major architects of popular sovereignty such as françois hotman jean bodin and hugo grotius adopting the juridical language of obligations property and personality as well as the classical model of the roman constitution these jurists crafted a uniform theory that located the right of sovereignty in the people at large as the legal owners of state authority in recovering the origins of popular sovereignty the book demonstrates the importance of the roman law as a chief source of modern constitutional thought

Morality and Responsibility of Rulers 1972-02-15 while the role of comparative law in the courts was previously only an exception foreign sources are now increasingly becoming a source of law in regular use in supreme and constitutional courts there is considerable variation between the practices of courts and the role of comparative law and methods remain controversial in the us the issue has been one of intense public debate and it is still one of the major dividing issues in the discussion about the role of the courts contributing to the existing discussion of the use of comparative law in the courts this book provides an inclusive coherent and practical analysis of the relevant law and jurisprudence in comparative law in the courts it examines the consequences for court procedures and the form

of judgments as well as how foreign sources are drawn upon in private international law european law administrative law and constitutional law as well as before general courts the book also includes case studies of comparative law used in particular spheres of the law such as tort law and consumer law written by practising judges and lawyers as well as leading academics this book serves as a central reference point concerning the role of comparative law before the courts

STY Law 2010-08-19 a complete translation and detailed edition of an influential treatise

Law and Justice in Community 1988-01-01

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