

# THE *NATURE* OF INTERNATIONAL LAW

By

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## INTRODUCTION

The *origin, development, nature and evolution* of the international law are usually confounded-whereas its *origin and development* fell in the domain of historiography, its *nature and evolution* belong to the discipline of jurisprudence, which is a specialized branch of legal studies. Instant write up will briefly adumbrate different theories dealing with the *nature* of international law followed by modern views on the subject.

## BACKGROUND OF THE THEORIES

The *nature* of international law has been subject of discussion historically, and this discussion has resulted in variety of views, which can broadly be categorized into two schools of thought: the Natural Law and the Positive Law. The two schools of thought differ on the basis of method employed by them to study an international legal concept. The Natural Law is pegged into the belief that there is a moralistic universal system that is derived from the rules of nature; the Positivist Law, on the other hand, stresses the importance of empirical method of study that accords primacy to validity of processes. The methodological difference gives rise to different outcomes. The Natural Law, therefore, emphasizes upon the *content*, the Positive Law, contrarily, lays stress on the *process*. Malcolm Shaw, Sir Robert Jennings Professor of International Law at the University of Leicester, in his book, *International Law (Sixth Edition)* has traced the idea of 'Natural Law' to Greek Stoic philosophers, who in turn, influenced the Romans. The Stoic philosophers opined that the Natural Law was based on rational and logical rules that were rooted in human intelligence and could not be restricted to any nation. This element of universality, according to Malcolm Shaw, was basis of modern doctrines of international law.

# Nature Of International Law

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## **Table of Contents Nature Of International Law**

1. Understanding the eBook Nature Of International Law
  - The Rise of Digital Reading Nature Of International Law
  - Advantages of eBooks Over Traditional Books
2. Identifying Nature Of International Law
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an Nature Of International Law
  - User-Friendly Interface
4. Exploring eBook Recommendations from Nature Of International Law
  - Personalized Recommendations
  - Nature Of International Law User Reviews and Ratings
  - Nature Of International Law and Bestseller Lists
5. Accessing Nature Of International Law Free and Paid eBooks
  - Nature Of International Law Public Domain eBooks
  - Nature Of International Law eBook Subscription Services
  - Nature Of International Law Budget-Friendly Options
6. Navigating Nature Of International Law eBook Formats

- ePub, PDF, MOBI, and More
  - Nature Of International Law Compatibility with Devices
  - Nature Of International Law Enhanced eBook Features
7. Enhancing Your Reading Experience
    - Adjustable Fonts and Text Sizes of Nature Of International Law
    - Highlighting and Note-Taking Nature Of International Law
    - Interactive Elements Nature Of International Law
  8. Staying Engaged with Nature Of International Law
    - Joining Online Reading Communities
    - Participating in Virtual Book Clubs
    - Following Authors and Publishers Nature Of International Law
  9. Balancing eBooks and Physical Books Nature Of International Law
    - Benefits of a Digital Library
    - Creating a Diverse Reading Collection Nature Of International Law
  10. Overcoming Reading Challenges
    - Dealing with Digital Eye Strain
    - Minimizing Distractions
    - Managing Screen Time
  11. Cultivating a Reading Routine Nature Of International Law
    - Setting Reading Goals Nature Of International Law
    - Carving Out Dedicated Reading Time
  12. Sourcing Reliable Information of Nature Of International Law
    - Fact-Checking eBook Content of Nature Of International Law
    - Distinguishing Credible Sources
  13. Promoting Lifelong Learning
    - Utilizing eBooks for Skill Development
    - Exploring Educational eBooks
  14. Embracing eBook Trends
    - Integration of Multimedia Elements
    - Interactive and Gamified eBooks

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