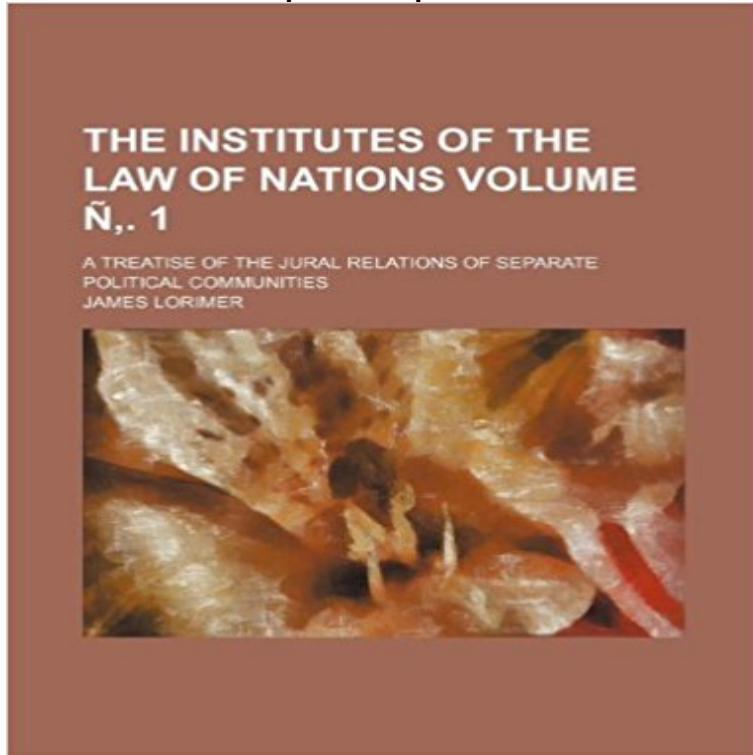


The institutes of the law of nations Volume N. 1; a treatise of the jural relations of separate political communities



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1883 Excerpt: ...to which it was addressed, by the aid of reporting and newspaper and platform commenting, now brings us to the very brink of war. Lord Beaconsfields speech at the Lord Mayors banquet in 1876 is an instance in point. But however great may be the discretion of those in authority on their own part, it is impossible in free countries wholly to avert this danger. Governments cannot and must not attempt to gag the press or to silence the Opposition, but they have the remedy of full and explicit explanation in their hands, and the application of that remedy is one of the most important objects of modern discussion and of modern diplomacy. 1 Heffter, sec. 27, p. 49. CHAPTER IV. OF POLITICAL INTERCOURSE OF LEGATION. 1st, Legation results from recognition. We have seen that States are necessarily interdependent.¹ They consequently recognise each other as such; and the rights and duties of intercourse resulting from interdependence thus flow from the rights and duties of recognition. These obvious considerations, as it seems to me, supersede the needless, and, I think, mistaken discussions, into which Grotius and the elder jurists have entered, as to whether the right of legation rests on the law of nature, or on the law of nations. It rests, and must rest, on both. In so far as it is a right resulting from the fact of State existence, it rests on the law of nature; in so far as it is a right resulting from the recognition of this fact, under certain conditions of time, place, and other circumstances, it rests on the interpretation which the positive law of nations puts on the law of nature. I believe that Grotius, and many other jurists along with him, sin against the spirit of their own system when

they treat this and other legal relations as arising from a jus ge...

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