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978-0-521-87511-0 - The Nature of Customary Law

Edited by Amanda Perreau-Saussine and James Bernard Murphy

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THE NATURE OF CUSTOMARY LAW

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 new insights on this neglected and misunderstood form of law.

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Frontmatter

[More information](#)

CONTENTS

List of contributors page vii
Table of cases viii

The character of customary law: an introduction 1
 AMANDA PERREAU-SAUSSINE AND JAMES
 BERNARD MURPHY

**PART I Custom and morality: natural law, customary
 law and *ius gentium* 11**

- 1 Pitfalls in the interpretation of customary law 13
 FREDERICK SCHAUER
- 2 The moral role of conventions 35
 ROSS HARRISON
- 3 Habit and convention at the foundation of custom 53
 JAMES BERNARD MURPHY
- 4 Custom, ordinance and natural right in Gratian's
Decretum 79
 JEAN PORTER
- 5 Vitoria and Suarez on *ius gentium*, natural law,
 and custom 101
 BRIAN TIERNEY
- 6 Custom and positivity: an examination of the philosophic
 ground of the Hegel–Savigny controversy 125
 CHRISTOPH KLETZER

Cambridge University Press

978-0-521-87511-0 - The Nature of Customary Law

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Frontmatter

[More information](#)

vi

CONTENTS

- PART II Custom and law: custom, common law and customary international law** 149
- 7 Custom in medieval law 151
DAVID IBBETSON
- 8 Siege warfare in the Early Modern Age: a study on the customary laws of war 176
RANDALL LESAFFER
- 9 The idea of common law as custom 203
ALAN CROMARTIE
- 10 Three ways of writing a treatise on public international law: textbooks and the nature of customary international law 228
AMANDA PERREAU-SAUSSINE
- 11 Custom, common law reasoning and the law of nations in the nineteenth century 256
MICHAEL LOBBAN
- 12 Custom in international law: a normative practice account 279
GERALD J. POSTEMA
- 13 Customary international law and the quest for global justice 307
JOHN TASIOULAS
- Index of names* 336

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Frontmatter

[More information](#)

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Frontmatter

[More information](#)

TABLE OF CASES

- Abercromby v. Fermoy Town
Commissioners, 259
- Attorney General v. Mathias, 261
- Attorney-General for Canada v.
Attorney General for Ontario, 271
- Atwood v. Seller, 263, 264
- Bastard v. Smith, 259
- Bate's Case, 221
- Bebb v. Law Society, 258
- Bechuanaland Exploration Co. v.
London Trading Bank Ltd, 262
- Blewett v. Tregonning, 259
- Brandao v. Barnett, 262
- Broadbent v. Wilks, 259
- Brown v. Byrne, 264
- Bryant v. Foot, 260
- Camden v. Cowley, 264
- Campbell v. Hall, 276
- Campbell v. Wilson, 261
- Chorlton v. Lings, 258
- City of Berne v. Bank of England, 269
- Colombian Government v.
Rothschild, 266
- Colonel Lundy's Case, 272
- Constable v. Nicholson, 260
- Cook v. Sprigg, 275, 276
- Crouch v. Credit Foncier of
England, 263
- Dalton v. Angus, 261
- Damodhar Gordhan v. Deoram
Kanji, 272
- Dolder v. Bank of England, 269
- Duff Development Co. Ltd v.
Government of Kelantan, 270
- Duke of Brunswick v. King of Hanover,
266, 267
- East India Company v. Campbell, 272
- Edelstein v. Schuler & Co., 262, 263
- Edie and Laird v. East India
Company, 262
- Edwards v. Jenkins, 259
- Emperor of Austria v. Day, 267, 268
- Fitch v. Rawling, 259
- Foster v. Globe Venture
Syndicate, 270
- Gatesward's Case, 260
- Goodwin v. Robarts and
Others, 263
- Gorgier v. Mieville, 262
- Goss v. Withers, 265
- Grimstead v. Marlowe, 260
- Hall v. Nottingham, 259
- Hardy v. Hollyday, 260
- Heathfield v. Chilton, 265
- Helena, The, 269
- Hendy v. Stephenson, 261
- Hogarth v. Latham & Co., 262
- Holcroft v. Heel, 261
- Hullett v. King of Spain, 266
- Hutton v. Warren, 264
- J. H. Rayner (Mincing Lane) Ltd v.
Department of Trade and
Industry, 256
- Jenkins v. Harvey, 261
- Johnson v. Clark, 260
- Jones v. Garcia del Rio, 269

Cambridge University Press

978-0-521-87511-0 - The Nature of Customary Law

Edited by Amanda Perreau-Saussine and James Bernard Murphy

Frontmatter

[More information](#)

TABLE OF CASES

ix

- King of Spain v. Hullett, 274
 King of the Two Sicilies v. Willcox, 274
 King v. Joliffe, 261
- Libya v. Malta (Continental Shelf Case), 279
 Lockwood v. Dr Coysgarne, 265
 Lockwood v. Wood, 261
- Maclaine Watson & Co. v. Department of Trade and Industry, 271
 Marquis of Salisbury v. Gladstone, 261
 Mattueof's Case, 265
 Mercer v. Denne, 19, 259
 Mighell v. Sultan of Johore, 270
 Miller v. Race, 262
 Mortensen v. Peters, 277
 Mounsey v. Ismay, 259
 Mure v. Kaye, 272, 273
- Nabob of the Carnatic v. East India Company, 266
 Nairn v. University of St Andrews, 258
 Nicaragua Case, 324–5, 327–8, 333–4
 Noble and Another v. Kennoway, 264
 North Sea Continental Shelf Case, 279, 323
 Novello v. Toogood, 266
 Nuclear Weapons Case, 333–5
- Peru v. Dreyfuss Brothers & Co., 275
 Picker v. London and County Banking Co., 262
- R. v. Geoffrey of Mowbray, 172
 R. v. Gerard of Salvin, 172
 R. v. Hampden, 221
 R. v. Hutchinson, 272
 R. v. John Baliol, 172
- R. v. Jones (Margaret) and Others, 256
 R. v. Kimberly, 272
 R. v. Robert of Ferete, 172
 R. v. Roberts, 260
 Robinson v. Mollett, 264
 Rumball v. Metropolitan Bank, 263
- Secretary of State for India v. Kamachee Boye Sahaba, 268
 Selby v. Robinson, 259
 Shepherd v. Payne, 261
 Simpson v. Wells, 259
 South African Republic v. La Compagnie Franco-Belge du Chemin de Fer du Nord, 266
 Sowerby v. Coleman, 259
 Statham v. Statham and His Highness the Gaekwar of Baroda, 270
 Steel v. Houghton, 258
- Taylor v. Barclay, 270
 Thompson v. Powles, 270
 Tivnan, Re, 273, 274
 Trendtex Trading Co. v. Bank of Nigeria, 256
 Triquet v. Bath, 265
 Tyson v. Smith, 259, 261
- United States of America v. Prioleau, 274, 275
- Walker v. Baird, 272
 West Rand Central Gold Mining Co. Ltd v. The King, 275–6, 277
 Wilson v. Willes, 259
 Wookey v. Pole, 262
- Yard v. Ford, 261
 Yrisarri v. Clement, 269