

A HISTORY
OF THE
LAW OF NATIONS

by
THOMAS ALFRED WALKER, M.A., LL.D.

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BY

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VOL. I.

FROM THE EARLIEST TIMES TO THE PEACE OF
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PREFACE.

I AM acquainted with but three noteworthy attempts at the writing in the English language of a History of International Law. The earliest, the tentative effort of Robert Ward, is represented by two highly useful and interesting but incomplete volumes published in 1795. The later work of Hosack is slight and formless. Wheaton's *History of the Law of Nations in Europe and America from the Earliest Times to the Treaty of Washington*, 1842, excellent as it is in its handling of two centuries, touches but lightly upon the pre-Grotian history, and has moreover been long unprocurable by the majority of readers. Under these circumstances the ordinary English inquirer in this branch of study must seek his information either in foreign texts or, under, it may be, the guidance of the late Mr W. E. Hall's monumental general treatise, in the embarrassingly rich literature of *State Papers*, *Memoirs* and *Collections of Treaties*. Convinced that in the prosecution of the historical method will be found the only really satisfactory way to the right understanding of the character and claims of International Law, I have embarked upon the attempt to write a brief History of the foundation and development of International Law as a science. I have in the present volume endeavoured to trace the gradual evolution of the State System of the modern civilised World and to mark the sources of that composite Law of Nations of which Grotius in the seventeenth century is commonly deemed to have been the Father. In a second volume I hope to follow System and Law in their later expansion. Having incorporated in the text considerable portions of a volume published in 1893 I have retained, in a secondary place, its title of "The Science of International Law."

In the preparation of the work I have been frequently indebted to Professor Laurent's ample *Histoire de l'Humanité* and to the keen research of Professor Nys. Local references will, I trust, make clear my obligations in these and other quarters.

In this last connection I would say that, in spite of much criticism, I have pursued my former practice of constant citation. I have recourse to citation, not only as pointing to the sources of my personal authority for particular statements, but as directing to stores of further information which might possibly otherwise escape the student who would prosecute research into wider fields. I have, moreover, no desire to affect originality where the merit has been that of another.

I would remark with regard to the method I have followed in confining attention in the volume now issued to the international relations of Europe, that I am far from disregarding thereby the claims which might be preferred in a History of Civilisation on behalf of certain States of the East. Indeed I would express my belief that an examination initiated into the history of China and Japan, of Persia and of India—an examination which I have some hope may be ere long initiated by one better qualified for the work than myself—would reveal the fact that the recent appearance of one at least of the peoples of the Orient amongst the States of the International Circle represents but the renewal of a connection severed by long centuries of Barbarian cleavage.

Lastly, I must ask indulgence for some inconsistencies in the spelling of proper names which have, I find, escaped correction.

T. A. WALKER.

PETERHOUSE, CAMBRIDGE,

October, 1899.

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