

I. Beginning of International Law.

- a. Grotius and the natural law writers.
- b. Basis for justice, right, morals, equity.

II. Later Development---Positivism.

- a. Natural law---the law of nations because it is not enforceable.
- b. International law consists of those principles which are accepted by nations.
- c. Embodied in agreements and courses of conduct which nations accept as proper.
- d. What causes a course of conduct to become accepted? How does such course of conduct begin? What is it based on?

III. International law is incomplete.

- a. Treaties don't cover everything.
- b. Usage and textwriters do not fill all the gaps.
- c. How are the new questions to be decided?
 1. Look to the sources.
 2. What are the sources?
 3. What weight can be given to the various sources?
 4. What happens when the sources conflict?
- d. What should be the guides in applying the sources to new situations?
 1. Avoid illogical analogies.
 2. Be careful that precedents are really customs and not isolated examples of improper action.
 3. Don't stretch old rules to fit new cases. Test is whether result is consistent with fundamental principle.
 4. The responsibility of the United States in developing international law.
 5. The application of principles of morality, justice, equity, right.
 6. How do the rules of international law change?