CHAPTER 1


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2015 marked 100 years from the founding of the Grotius Society, one of two organisations (the other being the Society of Comparative Legislation) that in 1958 joined to become the British Institute of International and Comparative Law (BIICL). This century has been marked by unprecedented developments in international law, not least the setting up of an array of international organisations, including the United Nations (and its predecessor, the League of Nations), thematic organisations (including some based in the United Kingdom, such as the International Maritime Organisation) and courts (including the International Court of Justice and its predecessor the Permanent Court of International Justice, as well as the International Criminal Court). Two world wars, genocides, and increased globalisation and global trade, have rendered the importance of, and space for, international law ever more important. This volume addresses these developments from the British perspective, and looks at how Britain has contributed to these changes from when the Grotius Society was set up in 1915 to 2015, when Dame Rosalyn Higgins, former President of the International Court of Justice, is President of BIICL.

This volume was one of a series of three being produced to commemorate the centenary of the Grotius Society. A second volume, an anthology, provides original materials from the last 100 years that record some of the most notable British published contributions to international law. It brings together government documents, academic papers, court judgments and other contributions that have left a mark on international law in that period. The third volume in the series deals with the role of legal advisers to government and international organisations and how they contribute to the making and interpretation of international law. All three volumes have been made possible through the kind support of Brill.

The creation of the Grotius Society in 1915 is important for a variety of reasons. Foremost amongst these, is that the Society offered the opportunity for

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some of the greatest international legal minds of the time to present their work, share their ideas, and discuss concepts that would go on to frame global developments. At its founding the Society brought together legal practitioners, government officials and academics, including Lord Reay (as President), Sir Graham Bower, Hugh Bellot, Judge Atherley-Jones, and Professor Henry Goudy. The Society took on the name ‘Grotius Society’ on the suggestion of Thomas Baty, one of the original members of the Society, because:

though much of the ‘De Jure Belli ac Pacis’ [of Grotius] is now antiquated, and many of its notions about natural law and *jus gentium* can no longer be accepted, that great work must ever be regarded as the matrix of our science, and must be resorted to for the statement of fundamental truths.1

The rules of the Society stipulated that:

The objects of the Society shall be to afford facilities for discussion of the Laws of War and Peace, and for interchange of opinions regarding their operation and to make suggestions for their reform, and generally to advance the study of International Law.2

Henry Goudy, Vice-President of the Society, in his introduction to the first edition of *Transactions of the Grotius Society*, being the journal of the Grotius Society, noted that:

The object of founding the Society has been to afford an opportunity to those interested in International Law of discussing from a cosmopolitan point of view the acts of the belligerent and neutral States in the present war, and the problems to which it is almost daily giving birth.3

The impact of the First World War is clear in these explanations of the Society’s aims, and the war was also a key trigger for the further development of international law. Yet the rules of war are but one area of international law in which Britain has made a critical contribution. This volume considers a number of other areas: from theory of international law to human rights, and from the law on treaties to international criminal law, some of which were not considered part of international law in 1915. Despite the breadth of topics included, there are, undoubtedly areas that have not been covered. Any volume of this nature

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3 Goudy, Introduction (n 1).