Gentlemen

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Are treaties which are made contrary to the law of nations binding?

To person conversant in this part of jurisprudence the question I think can admit of but little doubt. I tend to divide itself into two parts. If we strictly follow binding on the contracting parties, since it is other nations bound to respect them? Without entering at present into any inquiries concerning the law of nations we shall take it for granted that there are certain rules by which nations are to regulate their conduct. Our reason for taking this for granted is because it is a point often in use to our question, if there are no laws nothing can be unlawful and our inquiry becomes useless. Now if there is a law of nations no person will doubt, but what it is binding upon all those who have consented to it. But suppose that after they have consented to it, they act contrary to it without announcing it; what is the consequence? The consequence is, they have committed an unlawful action, and that action or what ensued from it is not binding.