

## SUMMARY

The main purpose of this writing has been to throw light upon the romantic sources of international war law. The writing has been focused on origin of this ideology, which utopian concept influenced democratic and nationalistic movements of the 19<sup>th</sup> century and finally changed our point of view on the philosophy of natural law. To prove this fact I used a concept of the paradigm, so first chapter is introduction to this subject – matter. First chapter give us a look on theories which try to describes phenomenon of this method, especially defined by Thomas Khun. The second chapter describes how we can use a paradigm method to explain the main assumption of Romanticism and how we can understand this term of philosophy. The third chapter brought us back to the origin of this ideology, which lies in the middle ages, in the time of domination of the Roman Catholic Church (*vide* the writings of the Dominican, St Thomas of Aquinas and his principal work *Summa Theologiae*). In this chapter I show how Roman Catholic Church gave us not only leading philosophy of natural law, but also how Catholic Church created our sense of justice in the time of war. The Chapter III includes expression how the middle aged Church created a new class of warriors and how the principals of knighthood improved behavior on the battlefield till the beginning of the Second World War. In fourth chapter I gave a detailed explanation how old customary law has influence on nowadays philosophy of international law (*vide* theory of justice war). In the fifth chapter I describe historical processes and events that lead us to creation of modern national state, which is truly the most important figure of international law (*ius publicum Europaeum*) from the age of Hugo de Groot (1583–1645) till the times of Carl Schmitt (1888 – 1986). To conclude I gave in the sixth chapter an examples of institutions which are associated with romantic concept of the paradigm – some information about formal surrender – capitulation, captivity – figure of prisoner of war, and the most important topic – issue of modern partisan warfare (*querrilla*).

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