

The Nature of International Law: Between (De)fragmentation and (Dis)unity

Between (De)fragmentation and (Dis)unity – The Curious Life of International Law

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Abstract: In this paper I want to inspect to what extent is the legal pluralist perspective helpful in the observation of international legal landscape. In doing so, I will argue that we need to take into account the institutional aspect of the fragmentation process, because, somewhat paradoxically, the overall functioning of those institutional actors, especially various international adjudicative bodies, provide the ground for a unifying perspective on international law. Namely, by largely engaging in the process of “crossfertilization” of both procedural and substantive international law, they tend to behave as if they are part of a unified system of rules. In the concluding part of the paper I will hint at a possible source of such unifying perspective that eventually justifies our theoretical treatment of international law as a system of rules.

Keywords: Legal pluralism, Fragmentation, Unity, *As if* perspective.

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