Table of Contents

1	Introduction		
	 I. The roots of a postmodern anxiety II. From too little to too much law: mapping the fragmentation debate III. Towards an exploratory philosophy of unity IV. Outline of the book V. Some caveats and clarifications 	4 8 14 17 19	
2	Of Unity, Perspective and Perception: An Ontological Preamble	21	
	 I. From the simple to the complex: elementary unity and unity by composition II. In flesh and ideas: unity as interpretation III. Multi-causational unity IV. Unity and the laws of perspective V. Intermediate conclusions: unity, choice and ruse 	23 25 27 29 30	
3	Unity, Unification, Universality: A Terminological Disambiguation	32	
	I. Unity and unificationII. Unity and universality	32 34	
	A. Two basic conceptions of universalityB. Fragmentary universalityC. Conflicts of universals	35 36 38	
	III. Intermediate conclusions – complexity on the global marketplace of law: the MOX Plant Dispute	38	
4	Material Unity	46	
	 I. The 'no conflict' theory of unity II. The definition of 'norm conflict' in theory and practice A. Stricto sensu conflicts B. Medio sensu conflicts C. Lato sensu conflicts 	47 50 52 57 60	
	III. Intermediate conclusions	66	
5	Formal Unity	69	
	I. Three conceptions of the legal order	70	
	A. The institutionalist approach B. The normativist approach	71 73	

vi Table of Contents

	(i) Kelsen	73
	(ii) Hart	74
	C. The post-normativist approach	76
	(i) Raz	76
	(ii) Dworkin	78
	D. Conventional discourses on formal unity: two forms of	
	reductionism	80
II.	Taking Hart seriously: secondary rules, determinacy and acceptance	83
	A. The determinacy of secondary rules	85
	B. The unified and general acceptance of secondary rules	87
	C. Two unexplored conditions	89
	Issues of determinacy: questioning the sources of international law Issues of acceptance: the International Islamic Court of Justice	91
	and the Shari'a as the ultimate rule of recognition	106
	A. International law, modernity and secularism	108
	B. Precarious man, postmodernity and the resurgence of religion C. The resurgence of religion and international law: the OIC	112
	and the IICI	115
V.	Intermediate conclusions	125
Cul	ltural Unity	129
I.	International law as an intellectual and professional discipline	130
II.	The concept of legal culture	135
III.	The unity of international law as a cultural system	140
	A. International law as a mental universe: <i>esprit de corps</i> and	
	collective consciousness	141
	B. International law as a discursive formation: syntax and grammar C. Static and dialectical unity: folded international law	148154
13.7	·	
IV.	Intermediate conclusions: the invisible hand of legal culture	159
Log	gical Unity	161
I.	Epistemo-logical unity: Ah! In the hypothesis!	161
	A. Hermeneutic presumption, entitlement and constraint	162
	B. Kantian critique and unity as a regulative principle	166
	C. Rechtswissenschaft and the development of a 'scientific'	
	jurisprudence	169
	D. Intermediate conclusion	173
II.	Axio-logical unity	175
	A. Substantive and formal values	180
	B. Individual and collective values	181

		C. Patrimonial and programmatic values	183
		D. Axiology of orientation and axiology of validation: super- determination 'hard' and 'soft'	184
	III.	Intermediate conclusions: the hesitant	
		fettering of the thousand necks	188
8	Ge	neral Conclusion: <i>Unitas Multiplex</i>	191
	I.	Changing lenses: <i>Tadic</i> revisited	194
	II.	Territorial battles and merchants of unity	201
In	dex		213

Table of Contents vii