Abstract
The mere use of the terms ‘globalization’ and ‘global law’ is ripe with dangers, as if often causes the academic debate to slip towards the all too simple question of how much global law there really is. In fact, these are container terms which have become fashionable to indicate the historic and paradigmatic shift law is undergoing. Under it are caught three fundamental and interrelated evolutions which are dramatically changing the way we practice, teach and research law: the turn from systemic, disciplinary and methodological monism towards systemic, disciplinary and methodological pluralism. In this perspective and in the light of the challenges these shifts bring to the world of legal practice and academia, ‘global law’ becomes more than the sum of those legal rules and concepts which are truly global. It gains some of the function the ius commune of late-medieval Europe had: that of a lighthouse to which all the ships and boats of local law have to steer to.

Keywords
global law; legal history; ius commune; Roman law; international law; globalization

Since the end of the Cold War (1989), the interest of legal academia in globalization has vastly grown. The financial crisis of the West, which started in 2008, has put globalization center-stage and made it into one of the most fiercely debated issues in legal academia. In the debate, the term ‘global law’ is increasingly forwarded as shorthand to indicate the new or coming reality of law under the impact of globalization.

‘Global law’ is an umbrella term that covers many aspects of a process which is far from unequivocal and even farther from having attained any kind of conclusion.¹ It carries its dangers. One of these is that the sole use

¹ This paper is based on the introduction rendered at the First Annual Global Law Conference of the Law Schools Global League at Tilburg on 22 June 2012.

¹ In the Montesquieu Lecture, which he rendered at the occasion of the Global Law Conference at Tilburg on 21 June 2012, entitled ‘Intimations of Global Law,’ Neil Walker indicated no less than seven dimensions of the term.
of it causes the debate to slip towards the all too simple question of how much global law there is and allows the opponents of the idea to reduce its relevance with the remark that ultimately there is little law which is truly global.

But that is not the heart of the matter. The relevant question is not how much law there is which is truly applied globally; the relevant question is how much impact globalization has and is going to have on the way we practice, teach and research law? Global law is not just a reality; it is also an ambition, a direction, maybe an end goal.

The heart of the matter is that law is a global phenomenon. This in itself is nothing new as this has been the case for all of recorded history, but it is a fact which has become far more relevant in our space in history. As we trade more, travel more, migrate more, intermarry more, communicate more across national borders and continents than ever before, we have more need for law that transcends national and cultural borders along with us. And as the great challenges of our age – such as climate change, energy shortage, security, nuclear proliferation, migration, sustainability of our financial system – have become global, we are forced to become global ourselves and develop a legal framework that allows us to address these problems in an adequate way.

At this point, a reference can be made to Sir Hersch Lauterpacht (1897-1960), one of the finest minds of the 20th century and of who applied himself to what was then the still fairly marginal subject of public international law. Lauterpacht, who was a student of Hans Kelsen (1881-1973), asked himself what the ‘fundamental rule’ (Grundnorm) of international law was. His simple answer was that it was the mere existence of an international community. When Lauterpacht wrote this in the 1930s, that international community was still very much thought of in terms of a community of States and the ‘global law’ that ruled it was a law solely applicable to States. But Lauterpacht was one of the earliest and staunchest proponents of the return of the individual on the scene of international law – mainly through the international protection of human rights – and thus the extension of the body of ‘global law’ outside the confines of public international law. Writing in the 1950s, Lauterpacht acknowledged that positive international law was still very much based on the fundamentals of an international

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