

Abstract MW Lecture :
Prof. Mireille Delmas-Marty

Ordering pluralism

In the traditional legal culture, the expression of “ordering pluralism” is rather unusual. In fact it suggests a kind of monster. Pluralism implies differences, dispersion and fragmentation, whereas “legal order” leads us to think in terms of a unified structure.

From this perspective, a legal order is necessarily unified: it is hierarchical and static (or evolving very slowly), not interactive and evolving, as legal pluralism seems to be.

But the world is not static. The world is interactive and rapidly evolving, so that we must now take up the challenge of changing our mind as our legal history has changed. It changed in Europe, where a supranational legal order was established after the end of World War II and it changed in the entire world, since the end of Cold War accelerated the so-called globalisation of law (not only in Human Rights Law but also in Trade Law, in Labour Law, in Environmental Law, in Internet law, and many other fields such as Contract Law, Criminal Law...)

In this new global world, I propose to observe the different processes used for ordering pluralism by integrating the plural without reducing it to the identical. I say “ordering”, rather than “ordered” pluralism to stress the processes of integration rather than the results, the movement rather than the model.

To understand these processes, we’ll evaluate different degrees of integration, different levels in space, and different speeds in time. In other words, we’ll analyse the possible answers to three questions:

How? The processes of integration are more or less integrated as they develop, among nations and beyond single nations, as coordination, harmonisation or unification.

Where? These processes organise themselves either at a national, regional or global level.

When? This last question refers to the different speeds of integration and points out the temporal leads and lags created as this law develops over time.

Then, in conclusion, we’ll try to imagine the possible results: *what the future world order will look like?* As the states become more and more interdependent, it seems to me that a radical conception of sovereignty paves the way to the great legal disorder; but an absolute universalism may produce the risk of unifying and freezing the world order in a hegemonic way. If we refuse both extremes, we have no choice but trying to reconcile diversity and unity.