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978-1-107-12657-2 - Contested Regime Collisions: Norm Fragmentation in World Society

Edited by Kerstin Blome, Andreas Fischer-Lescano, Hannah Franzki, Nora Markard and Stefan Oeter

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## CONTESTED REGIME COLLISIONS

This collection of innovative contributions to the study of legal pluralism in international and transnational law focuses on collisions and conflicts between an increasing number of institutional and legal orders, which can manifest themselves in contradictory decisions or mutual obstruction. It combines theoretical approaches from a variety of disciplines with theoretically informed case studies in order to further our understanding of the phenomenon of regime collisions. By bringing together scholars of international law, legal philosophy, the social sciences and post-colonial studies from Latin America, the United States and Europe, the volume demonstrates that collisions between various institutional and legal orders affect different regions in different ways, highlights some of their problematic consequences and identifies methods of addressing such collisions in a more productive manner.

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University Printing House, Cambridge CB2 8BS, United Kingdom

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning and research at the highest international levels of excellence.

[www.cambridge.org](http://www.cambridge.org)

Information on this title: [www.cambridge.org/9781107126572](http://www.cambridge.org/9781107126572)

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First published 2016

*A catalogue record for this publication is available from the British Library*

*Library of Congress Cataloguing in Publication Data*

Names: Blome, Kerstin, editor.

Title: Contested regime collisions : norm fragmentation in world society / edited by Kerstin Blome, Andreas Fischer-Lescano, Hannah Franzki, Nora Markard, and Stefan Oeter.

Description: New York : Cambridge University Press, 2016. | Includes bibliographical references and index.

Identifiers: LCCN 2015040825 | ISBN 9781107126572 (Hardback)

Subjects: LCSH: International and municipal law. | Law-Interpretation and construction. | Conflict of laws. | Legal polycentricity. | International law.

Classification: LCC K302 .C66 2016 | DDC 341-dc23 LC record available at <http://lcn.loc.gov/2015040825>

ISBN 978-1-107-12657-2 Hardback

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## PREFACE

This volume is based on a three-day conference held in Bremen, Germany, in January of 2014. The conference served to present the findings of a long-term research project on ‘The Juridification of Dispute Settlement in International Law’, which was part of the Collaborative Research Centre 597 ‘Transformations of the State’ at the University of Bremen.

Supported by the University of Bremen, Jacobs University Bremen and the University of Oldenburg, this Collaborative Research Centre (CRC) brought together scholars from political science, law, sociology, economics and communication studies to analyse whether and how globalisation has changed the core institutions and functions of the democratic constitutional and interventionist state of the late twentieth and early twenty-first century. The first phase of the CRC (2003–2006) traced a diffusion of statehood along the spatial (national-international) and modal (public-private) axis with regard to the four main dimensions of statehood: law, legitimacy, welfare and security. The reasons for the varying degrees of diffusion were addressed in the second phase (2007–2010), while the third and final phase (2011–2014) dealt with the impact of this transformation on the provision of the normative goods rule of law, democratic legitimacy, welfare and security.

In this context, the research project on ‘The Juridification of Dispute Settlement in International Law’, situated in the CRC’s ‘Rule of Law’ pillar, focused on different degrees of juridification of international dispute settlement in a fragmented legal order. Supervised by Michael Zürn und Bernhard Zangl, the first project phase pursued the question whether and to what degree the national rule of law was supplemented by an international rule of law. It found an uneven juridification in terms of the establishment and recognition of international dispute settlement bodies in the fields of international trade, security, human rights, labour standards and the protection of endangered species. These findings were the starting point for the project’s second phase, relying on prominent theoretical approaches of international relations

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(realism, institutionalism and liberalism) to explain the differences in dispute settlement design, usage and acceptance.<sup>1</sup>

The concluding project phase, supervised by Andreas Fischer-Lescano in co-operation with Stefan Oeter of the University of Hamburg, dealt with collisions between regimes with different degrees of juridification. In many ways, this research project was a continuation of Andreas Fischer-Lescano's and Gunther Teubner's work on 'Regime Collisions', drawing the 'bigger picture' of regime collisions and outlining ways to manage them in a heterarchic network of regimes. This project phase was designed to apply this approach to case studies on regime collisions in different areas of international law, such as WTO law and social human rights, or the UN security system and international criminal law, and to further develop the concept of regime collisions.

Many have contributed to the success of this project. Kerstin Blome, Achim Helmedach, Aletta Mondré, Gerald Neubauer and Lars Viellechner were involved in writing the funding proposal for the final project phase. Moreover, without the work of Sarah Ehlers, Sebastian Eickenjäger, Hannah Franzki, Johan Horst, Nora Markard, Kolja Möller and all student assistants, the project would not have been implemented and completed successfully in its final phase. We would also like to give our thanks to the German Research Foundation (DFG) for funding the project and thus making this work possible; to the project managers of the CRC, Stefan Leibfried and Dieter Wolf; and to Dörthe Hauschild and Monika Hobbie from the administrative team who impeccably managed all things administrative and financial and helped to make the conference go smoothly. Thanks are also due to all those who participated in the conference, who shared with us their insights on the topic of regime collisions and who critically discussed with us the main findings of our research project.

Kerstin Blome, Andreas Fischer-Lescano, Hannah Franzki,  
Nora Markard, Stefan Oeter

<sup>1</sup> For the main findings of the project's first two phases see, e.g., A. Mondré, G. Neubauer, A. Helmedach and B. Zangl, 'Uneven Judicialization: Comparing International Dispute Settlement in Security, Trade, and the Environment', *New Global Studies*, 4 (2010), pp. 1–32, and B. Zangl, A. Helmedach, A. Mondré, A. Kocks, G. Neubauer and K. Blome, 'Between Law and Politics: Explaining International Dispute Settlement Behavior', *European Journal of International Relations*, 18 (2012), pp. 369–401.