

Coherence in International Law

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Coherence in International Law

The expansion-diversification of rules of contemporary international law gives rise to challenging questions which are not altogether easy to answer. Since the constitution of the United Nations (UN), the volume of international legal rules has expanded (expansion), and international law's scope as a legal regime has evolved to encompass different themes (diversification). Two different interpretations of this are possible. One is the fragmentist view brought forward by the International Law Commission's Reports and held by some influential scholars, including Koskenniemi. Fragmentists argue that the expansion-diversification of international law and the lack of a clear hierarchy of rules have caused international law to become inconsistent. The other interpretation holds that, despite expansion-diversification and the lack of a hierarchy of rules, international law is consistent. While some scholars have dismissed fragmentation as a ghost of the past, it is not clear how one can depict international law as a consistent set of rules in light of expansion-diversification.

This document argues that a coherence theory can portray international law as a consistent set of rules. Such a theory would play a role in justifying beliefs about international law, and it would also be a substantive theory on international law. The theory adopts coherentist epistemology and constructivism; it maintains that international law can be coherent if the set of rules that composes it is consistent, set-justified, and comprehensive. This requires explanation: coherentist epistemology is a view that opposes epistemological foundationalism; it rejects the assumption that a linear chain of other beliefs is an adequate way to justify beliefs. Constructivism opposes both ontological realism and non-cognitivism; it holds that objective truth is not related to a mind-independent object but to a proposition's justification within a mind-dependent reality. A set of rules is consistent when it is not possible that there is a certain case in which the conditions of the rules are satisfied while the consequences attached by the rules are incompatible. Set-justified means that a particular belief is justified insofar as it fits within the set of all reasons for supporting such a belief, as well as with the set of all other beliefs held by a certain agent. Comprehensive means that the standards for justification are included in the set of what is subject to justification.

Regarding its contribution, the complexity of international law's different rule sets is still one of the fundamental questions of international legal research. This research may help shed light on the issue through an examination that draws on the tools of analytical legal philosophy in matters of the epistemology of law and legal logic. Thus, the conclusions reached throughout this research may offer novel tools that help conceive of international law in a coherent light and may solve some of the problems that would emerge due to international law's expansion-diversification.

Keywords: international law, variety of rules, coherence theory, justification

About RIDOC

Rijeka Doctoral Conference is a biannual international conference intended for doctoral candidates who wish to present and test their preliminary research findings before academics and practicing lawyers, as well as to discuss these findings with their peers. Speakers have to be enrolled in a doctorate study or a doctoral school, while the topics of their doctoral dissertation should be within the field of law or other field closely related to law.

Following the Conference, the RIDOC Books of Abstracts is published collecting summaries of the presented. While there are no conference proceedings, participants are encouraged to offer their papers for publication in the double-blind peer-review journal published by the Faculty of Law in Rijeka – [Collected Papers](#), which is indexed in HeinOnline, ECSCO, DOAJ, WoSS-ESCI etc. In addition to papers in Croatian, the journal accepts papers in English, German and Italian.

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