

Ruth HOUGHTON: The Metaphors of Global Law: the utility of using metaphors to describe global law

Scholarship has used metaphors that oversimplify global law, hindering the real utility of the paradigm shift that comes with global law. Speaking of 'global' allows for an acknowledgement of the many participants and it allows for a move away from defining systems of law as being above or 'other' than nation-state law (such as international, supranational and transnational). Moving decision-making 'above-the-state' is just one effect of globalisation; there is the simultaneous effect of localising decision-making. Global law then, must acknowledge both the depth of globalisation and the interactions between all these legal systems. Yet, without its own jurisprudence or a cluster of global courts, global law can be illusive. To combat this, metaphors have been employed as a way to explain global law.

Metaphors such as pyramid, vessel, umbrella, and thread, are used to describe the effect of global law. Despite the contradictory nature of these images, Neil Walker suggested that global law could encompass all of these metaphors. However, this overlooks the role metaphors have in giving 'order' to global law. By their very nature metaphors create order and yet, global governance is in a state of disorder.

Adopting an interdisciplinary approach, this research critiques the use of these restrictive metaphors and outlines that global law is more than a reference to law having a global scale. This research shows the iterative nature of global law that is ignored by metaphors. Using metaphors, scholars have not critically addressed the underlying and problematic 'ordering' that takes place.