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WHY A PHILOSOPHY OF INTERNATIONAL SPACE LAW?

Abstract

International law has recently emerged as an active field of philosophical research. Several valuable books have been published on various aspects of the topic, from different viewpoints. Although it is a modern, important and promising branch of international law, international space law (ISL) has not received the same consideration. There are very few works on the philosophy of the law of outer space and space activities, despite the intensification and the increasing necessity of these activities. However, a philosophical approach is essential to achieve a deeper knowledge of the roots, the historical meaning, the sense, the nature, the functions and the value of this relatively new branch of international law. Lacking an embracing philosophical approach, ISL faces the risk of being seen as a poor and fragile tool – shallow, pragmatic, casuistic, uncertain, vague, without direction, without far-reaching goals, and without perspectives. In this context, the philosophy of ISL can be defined as a special domain for reflection and open discussion on the highest conceptual and normative issues of ISL, aiming at trying to determine the sense and the weight of its fundamental values – humanistic, democratic, and ethical ones – as well as the relevant actions that could be indispensable for its progressive development and real effectiveness. Martti Koskenniemi maintains that "public international law hovers between cosmopolitan ethos and technical specialization." Does the same occur with ISL? The present paper aims to address this and other related questions.