



CURRENT RESEARCH IN PRIVATE INTERNATIONAL LAW

Roxana Banu
University of Oxford

***“Constructing Imperial Authority through
British Imperial Constitutional Law and
Private International Law”***

Tuesday, 14 May 2024 11:00 a.m. – 12:30 a.m. (CEST)

The virtual workshop will be held as a video conference via Zoom.
Please register for the workshop using this [LINK](#).

Ralf Michaels and Philomena Hindermann



About the speaker:

Roxana Banu is Associate Professor and Fellow at the Faculty of Law and Lady Margaret Hall at the University of Oxford.

About the topic:

Historians of the British Empire have long underscored the significance of constitutionalism and of legal pluralism in crafting and sustaining imperial authority. Constitutional law scholars, though to a lesser extent, have also been preoccupied with tracing the imperial history of constitutionalism in the colonies and the metropole. Legal historians and constitutional law scholars have offered us a fascinating array of perspectives on the way in which British imperial constitutional law promised both liberty and control throughout the empire and experimented with constitutional autonomy for the white settler colonies while tightening control for the rest of the empire. But this melange of unequally distributed patterns of authority and the constant recalibration of autonomy and control for different parts of the empire depended on the principles and doctrines of yet another field, which has remained remarkably silent on its imperial past, namely private international law. Unlike in constitutional law and even public international law, there is virtually no account of the colonial history of private international law. In this paper I start to trace that history with an analysis of the way in which key doctrinal principles of private international law, such as comity, territoriality, and the public policy exception were referenced either as alternatives to, or counterparts of, key imperial constitutional law principles of representative government, territoriality, and repugnancy. Imperial actors would appeal to one or another image of imperial authority constructed by either imperial constitutional law or private international law to gain more autonomy or to tighten imperial control. Far from being a relic of the past, the significance of this history can be traced, I argue, in contemporary cases on comity, forum non conveniens, and territoriality.

About the virtual workshop series:

The virtual workshop series „Current Research in Private International Law” is organised by Ralf Michaels and Philomena Hindermann. The series features guest speakers and Institute staff members who present and discuss their work on current developments and research topics in private international law. The workshops are geared to scholars who are researching in the field of private international law, but attendance is open to all individuals having an academic interest (including doctoral candidates and students).