

Virtual Workshop (in English) on May 14: Roxana Banu on Constructing Imperial Authority through British Imperial Constitutional Law and Private International Law



On Tuesday, May 14, 2024, the Hamburg Max Planck Institute will host its 44th monthly virtual workshop Current Research in Private International Law at **11:00-12:30** (CEST). **Roxana Banu** (University of Oxford) will speak, **in English**, about the topic

Constructing Imperial Authority through British Imperial Constitutional Law and Private International Law

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.

The presentation will be followed by an open discussion. All are welcome. More information and sign-up [here](#).

If you want to be invited to these events in the future, please write to veranstaltungen@mpipriv.de.