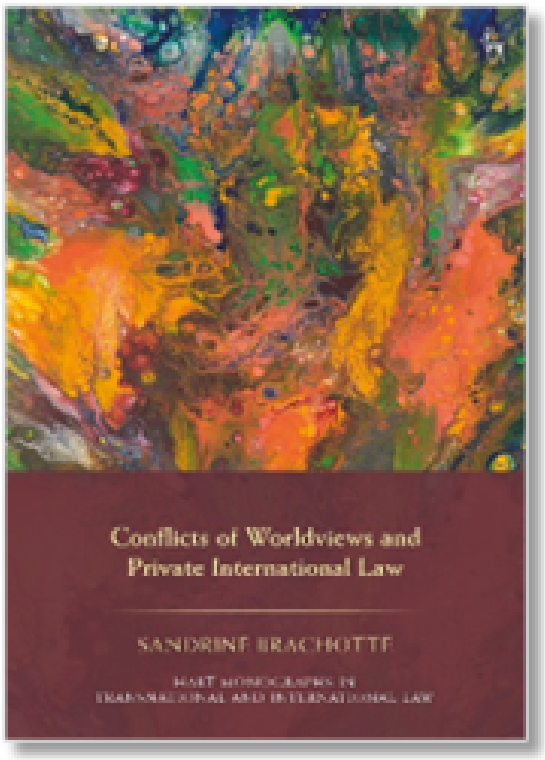
Out now: Brachotte on ‘Conflicts of Worldviews and Private International Law’



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Conflicts of Worldviews and Private International Law

Sandrine Brachotte

This book develops a decolonial theory of European private international law. To do so, it begins with Western court cases involving what the author terms a ‘conflict of worldviews’: a clash between the legal frameworks governing the dispute and the worldviews of the formerly colonised parties involved, referred to here as ‘postcolonised worldviews’.

Through three case studies – respectively addressing religious arbitration,

Indigenous sacred land, and sexual minorities in the Global South – the book demonstrates that courts routinely overlook these conflicts. As a result, the claims of formerly colonised parties are inadequately addressed. To remedy this structural discrimination within European private international law, the book proposes a pluralised theory of choice of court, foreign law, and international jurisdiction, more empowering of the postcolonised worldviews present in the case studies, and supportive of the emancipation of vulnerable identities among postcolonised people.

Sandrine Brachotte is an FWO Postdoctoral Researcher at the University of Antwerp, Belgium, and a Guest Professor in Legal Theory at UCLouvain and UCLouvain Saint-Louis Bruxelles.

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