



MAX PLANCK INSTITUTE
FOR COMPARATIVE PUBLIC LAW
AND INTERNATIONAL LAW

Max Planck Masterclass 2024

Colonial Legacies in Public Law: Histories, Theories, Pitfalls and Potentials

Professor Philipp Dann

The upcoming Masterclass with Professor Philipp Dann will take place on 17-20 June 2024 at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, Germany.

The legacies of empire and colonialism are becoming visible everywhere these days. They shape various debates in public law but also indicate a new phase of globalization. The Masterclass will study these legacies and discuss their various dimensions and implications in comparative constitutional, public international and European Union law. The Class will draw on history and political theory, especially post-/decolonial theories to contextualize public law. It will use examples (such as the concept of development and democracy) to understand how empire and colonialism have shaped constitutional, international and European Union law and their scholarly reflection over time. But it will also turn to the future and ask participants to explore the potentials (and pitfalls) for re-imagining public law and its scholarship in the 21st century through the colonial lens. The Class is an invitation to rethink public law and the role of legal scholarship in a truly global way mindful of the broader legacies of modernity and colonialism.

Session 1: Comparative Constitutional Law, the Southern Turn and Reflexive Globalization – argument and framing.

On the first day, the general theme of the class will be introduced and a framework of analysis established. This includes a basic engagement with colonial history and postcolonial thought as well as a reflection on the attention of public law scholarship to these dimensions so far. The class will discuss the overarching argument that an understanding of colonial legacies provides a foundation to rethink the conceptual vocabulary of public law in the 21st century. Comparative constitutional law is a paramount area for such rethinking of public law theory.

Session 2: International law and the concept of development.

The second day will turn to international law, the scholarship of which was the first to engage with colonial legacies. The class will situate and discuss Third World Approaches to International Law (TWAIL). It will then engage in particular with the concept of development as the central paradigm to structure South-North relations in the 20th century and study its implications for international institutional, economic and human rights law in shaping international law up until today.

Session 3: European Public Law and the legacies of Empires.

Scholarship on the law of the European Union as well as the law of European states has been late in engaging with postcolonial perspectives. Day Three of the class will engage with reasons for this obliviousness – and then examine various colonial legacies in these two and entangled bodies of public law. Through the colonial lens, concept such as the state (and community of states), citizenship and

the common market take on new contours and become more contested and less solid as generally assumed.

Session 4: Constitutional thought in reflexive globalization: examples of temporality and democracy. On day Four, the class will return to the initial argument that basic notions and the conceptual vocabulary of public law are in (and need) a process of reflexive rethinking in order to grasp and structure the realities of public authority in the multipolar world of the 21st century. The class will turn to two examples that will demonstrate this process and possible outcomes of such reflexive rethinking. One is the perspective of time and temporality that allows us to highlight distinct elements of public law; the other example is democracy, a universally used notion, which still rests on conceptual considerations arising from 19th and early 20th century Europe even though it has traveled long ago.

All interested persons are welcome to submit a completed online application (CV, letter of motivation) by 17 April 2024 [here](#).

There is the possibility for participants to present their related research projects to Professor Dann and the other participants during the Masterclass. Please add an abstract of max. 500 words in case you are interested in this opportunity.



Philipp Dann is Professor at Humboldt University Berlin, where he holds the Chair in Public and Comparative Law. His research focuses on the role of law in the encounter and entanglement between South and North – in international, comparative and European law, in legal theory and legal history. He has published three monographs, ten edited volumes and is the editor-in-chief of the quarterly journal “World Comparative Law”. He is a co-founder of the ‘Law and Development Research Network’, a co-chair of the ICON chapter Germany and a principal investigator at research clusters ‘Contestations of the Liberal Script’ and ‘Varieties of Constitutionalism’. He has advised governments and other parties on constitutional matters and questions of law and development.