

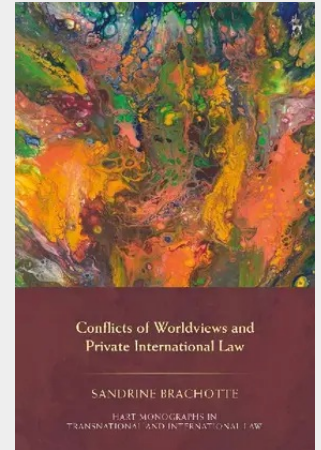
Conflicts of Worldviews and Private International Law

This book connects European private international law with decolonial thinking. Decolonial thinking calls for alternative modes of producing legal knowledge - ones that give greater weight to the worldviews of formerly colonised peoples across the globe, including in Europe. At the same time, private international law has been described as a particularly suitable field for welcoming more otherness (altérité) in European law. This book therefore 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. This is an important work, thought-provoking and challenging, which should be read by private international law and comparative law scholars, and more generally by legal and non-legal scholars interested in legal theory and decoloniality.

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124,50 €

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vorbestellbar, Erscheinungstermin ca. September 2026

Artikelnummer: 9781509978533

Medium: Buch

ISBN: 978-1-5099-7853-3

Verlag: Bloomsbury Publishing plc

Erscheinungstermin: 17.09.2026

Sprache(n): Englisch

Auflage: Erscheinungsjahr 2026

Serie: Hart Publishing

Produktform: Gebunden

Gewicht: 474 g

Seiten: 416

Format (B x H): 156 x 234 mm

