Reflexive Globalisation, Law and Placemaking

Philipp Dann & Florian Jeßberger

05.02.2026 doi: 10.59704/f8e7edc0c8a2351b

Students demand the decolonization of curricula. Civil society debates the presentation of Non-Western artefacts and entangled histories in museums across the world. European governments apologize for slavery and genocidal killings, while former colonies request reparations, and the Indian legislature decolonizes the Indian Penal Code. The legacies of colonialism and empire are debated everywhere these days.

We propose that these developments signal a new phase in the dynamics of globalisation. While globalisation was perceived especially in recent decades mostly in economic terms and often as uni-directional "Westernisation", the present phase also has important intellectual dimensions and is fundamentally multidirectional: Positions of "South" and "North", of metropole and periphery are redefined and rebalanced. We propose to conceptualise this new phase – tentatively – as reflexive globalisation. In this phase, colonial and imperial legacies are increasingly discussed with regard to the North itself; Northern premises of concepts, vocabularies and epistemic certainties are questioned across multiple fields, and Northern domination in systems of knowledge production is subjected to critique.

The notion of reflexive globalisation provides an analytical framework but also a point of departure for systematic interdisciplinary research on this constellation – and is precisely the constellation of transformations – intellectual, political, and institutional – that the Centre for Advanced Studies "Reflexive Globalisation and the Law: Colonial Legacies and their Implications in the 21st Century" (*RefLex*) seeks to address. Established in October 2025 in Berlin, the Centre aims to serve as a space and platform for sustained, iterative conversations between voices from the South and North.

In this post, we will briefly sketch the background and context of the Centre's agenda, explain further the idea of reflexive globalization and finally describe the operation of the Centre, where process and substance are equally important.

Background and Context

Starting and conducting iterative conversations between voices from the South and North has remained a challenge, especially in legal academia. Even though post-/decolonial theory has developed immensely over the past 50 years and many disciplines in the social sciences and humanities have used it, in legal academia these theories and colonial legacies were studied, if at all, not in depth. One notable exception is public international law where scholars started what they called Third World Approaches to International Law (TWAIL) in the late 1990s and by now have reshaped the field.

In other areas of legal research, however, the reflection of colonial legacies has been almost nonexistent until very recently. Where Southern contestations to allegedly Northern legal concepts (such as constitutionalism or international criminal justice) have arisen, the responses have often been rather schematic. While some defend such conceptions as necessary and universal elements of well-ordered societies anywhere, others have joined these contestations, in part by characterising such concepts as neocolonial, foreign, and oppressive. Legal academia, to a large extent, was lagging behind in recognizing the varied experiences of law and integrating them into a more reflexive conceptual vocabulary of law.

But the constellation is changing fast not least due to the realization of a profoundly changed context. A multipolar world has emerged in the past years, in which the former gross asymmetries in many fields are waning. Be it with regard to economic power, military capacity or technological innovation, the dominance of Northern actors and ideas is being unsettled. In the

field of knowledge production and especially in legal academia, the shift has been slower but we believe the emergence of a multipolar world has started to change the terms of conversation here too.

In this shift, two trends have emerged, which provide both a tailwind and challenges: On one hand, there has been a surge in interest in colonial legacies and their significance for postcolonial legal orders in the South as well as the North. In the South, a growing number of studies reflect colonial legacies in postcolonial constitutional orders. There is also a growing interest in the North. Various research projects on imperial legacies in the European integration process and in different constitutional systems across Europe and even the US are in the making. A similar trend can be seen in criminal law and crime control. While important foundational work has been done since the 1980s, in particular by protagonists of critical criminology in Latin America, and in Europe, we can observe a recent surge in interest in critically interrogating the impact of colonialism on criminal legal orders and practices.

On the other hand, the discourse and especially the notion of "decolonisation" have become highly politicised and polarised. In Germany, in particular, postcolonial studies and Southern voices have recently been criticised as inherently anti-Semitic and anti-Western. In India and South Africa, Hindu-nationalists as well as radical left-wing writers respectively have adopted the language of decolonisation to reject liberal constitutional frameworks as imposed and neocolonial. On the international level, the international criminal justice system and the International Criminal Court (ICC) have been getting flak from the Global South states, in particular from the African Union, for being neo-colonial tools in the hands of the North, resulting, inter alia, in the quest for "decolonisation" through withdrawal from and rejection of universal mechanisms of accountability.

These recent trends and the patterns of discussion only underline the need for a respectful, horizontal and analytical engagement – precisely the kind of engagement that *RefLex* seeks to foster by overcoming polarizations or knee-jerk reactions and creating a space, where mutual, iterative and reflexive rethinking of colonial legacies in legal notions and structures can take place.

Concept of Reflexive Globalisation

The concept of reflexive globalisation intends to contextualise, frame and help to better understand the processes and results of the ongoing renegotiation of legal concepts triggered by the renewed attention to colonial legacies. It is both a framework and an object of study. We aim to test and refine it through the conversations at *RefLex* – which, of course, includes that we remain open to critique and contestation throughout our ongoing conversations.

We connect to larger discussions in the humanities and social sciences on characteristics and phases of modernity and more concretely to two problematisations of modernity – one from the North and one from the South. Following Ulrich Beck, we observe the reflexivity in the rethinking of concepts in our times. He suggested that many concepts, which emerged as dominant in the 19th century (such as the nation-state, the Fordist company, and the core family) have started to crumble in the late 20th century, lost their clarity and hence became reflexive. Reflexivity here means that such concepts are questioned, their ambiguities are more apparent, with alternatives being discussed. Connecting to the work of Dipesh Chakrabarty, we consider the global, South-North dimension of the rethinking of modern concepts; with him we note the Eurocentricism of much of the legal vocabulary and the urge to overcome, de-centre and "provincialise" this vocabulary – without giving up on the normative, often ideally emancipatory promises in it. In the concept of reflexive globalisation, we hence combine Beck's notion of reflexivity and Chakrabarty's idea of provincialisation or de-centering, and argue that today's multipolar, horizontal world allows and actually calls for global renegotiations that lead to a renewed plural and reflexive conceptual vocabulary.

The concept assumes an entangled character of South-North relations, avoids the polarising choice of rejection or adaption, and allows us to look at both substance and process. In highlighting the procedural

dimension, the concept is especially suited for the Centre's purpose, since it captures the perennially evolving nature of law that is driven by many actors – legislatures and courts (as studied in a formal-legal perspective), social movements and civil society (in an empirical-political perspective) but also intellectuals and (legal) academia. The concept draws on conceptual history (in the vein of Koselleck or Skinner), recent discourses on the translation, borrowing or transfer of ideas and studies of vernacularisation in legal anthropology and comparative law. It allows us to connect our study of law to similar ongoing work in political theory and social thought that unearths and rediscovers regional concepts of thinking that have been ignored or forgotten in the shadow of Western hegemonic notions.

Work at the Centre and the Interplay of Process and Substance

Central for the research at the Centre is that we are interested in process as much as in substance – the process of illuminating different experiences with certain legal concepts, as well as their reflexive global renegotiation. However, the process of conducting a dialogue with and between scholars from different countries, cultures, and different methodological approaches comes with a number of challenges, which are often legacies of the asymmetries we discuss. Three challenges stand out: First, legal expertise in the Global South is often differently situated. Legal cultures and expertise are less shaped by academia but by diverse institutions and actors. Important interlocutors and great legal intellectuals might be professors, but can also be judges, activists, artists or administrators. Second, "international" academic collaboration, also in legal academia, continues to be largely dominated by Northern norms, standards and styles. Resulting asymmetries in access and production of knowledge are obvious. The Centre's location in Berlin, the metropole of a former colonial state, and the Northern backgrounds of both directors of the Centre embody this. And third, as mentioned, the Centre's topic has become highly polarising and the international perception of Germany, especially in much of the Global South, has changed profoundly. What was once seen as an open and self-critical place for scholars, has been called into question. These challenges impact both the selection of fellows and the organisation of life at the Centre.

In its design, the Centre is an attempt at reflecting and mitigating these challenges. At its core is the fellows programme. Our aim is to assemble diverse groups of scholars and practitioners from around the world and to form (with and among these fellows) cohorts, in which mutual trust can develop and iterative, robust yet constructive discussions about legacies of colonialism in law can take place. Reflexivity in reflexive globalisation and in our efforts also includes the critical self-reflection of the varying positionalities of people involved, including the Centre's team. In the selection of the fellows and conversations at the Centre, the Centre's team is advised by a global Advisory Board of distinguished scholars, as well as by five strategic interlocutors in Berlin, who bring in complementary, non-legal expertise from the perspectives of global history, anthropology, political theory, and legal and academic activism. Moreover, conversations will not only take place at the Centre but involve larger communities through public lectures, conferences (also outside Europe) and blog-symposia like this.

In terms of substance, discussions at the Centre take their starting point in two areas of law: constitutional law and criminal law. Both areas are central for public ordering, world making and for the study of law in colonial and postcolonial settings. Such a study and rethinking could start with many notions from the conceptual vocabulary of law, such as citizenship, constitution, litigation, rights of nature, harm, responsibility. More specifically and by way of example, the Centre focuses on two concepts, which exemplify especially well the colonial and postcolonial dimensions of constitutional and criminal law, and which we see in a process of reflexive global renegotiation: (representative) democracy and (international) punishment.

Representative democracy is an especially interesting and important example, as it can showcase the ongoing effects of Western influence on constitutional thinking, where an allegedly universal vocabulary

hardly captures (and much less governs) the reality of political practices in many countries. Studying democracy then is not so much about "colonial legacies" in a strict sense, since democracy was not introduced during formal colonial rule, but about "epistemic coloniality" in constitutional concepts, thinking and practice. And indeed, a number of core concepts of the law of representative democracy are built on European experiences and conceptualisations. The concept of the public, for example, feeds into our understanding (and laws) of parliamentary deliberation or that of party formation harken back to European (for example Habermasian) conceptions. But often enough, ideal theory and non-ideal reality of law do not fit. One stream of intercultural South-North conversations in our Centre would study the law of democracy in Brazil, India, Nigeria and the EU, and interrogate its conceptual and cultural preconditions in these heterogeneous contexts.

The Centre's second area of critical inquiry and the rethinking of concepts vis-à-vis colonial legacies concerns the field of criminal law, and more specifically the concept of punishment. The study of colonial criminal law is not merely a historical inquiry into sites of violent domination as well as experimentation and innovation, partly later adopted in the metropole; it also encompasses the continuing impact of colonialism on modern criminal justice systems in postcolonial states. In line with our framing of reflexive globalization, this perspective further raises the question of how legacies, practices, and contestations travel from the Global South to the Global North. The relationship between race, crime, punishment, and empire thus becomes central to understanding the ways in which the laws and policies of colonial powers have shaped contemporary legal orders. There are, however, also pertinent questions at the international level. These include the purported "superiority" of retributive punishment as the primary response to mass atrocities; the exclusion of colonial violence and domination from international criminal law; claims of a neocolonial "reality" and of "double standards" in the contemporary enforcement of international criminal law; and, finally, the emancipatory potential of (international) criminal law as a powerful tool available to social movements.

It is this interplay of process and substance, reflective of the spirit of the Centre, that is brought into focus through this blog symposium. The symposium brings together contributions from across disciplines and regions by the Centre's 2026 Fellows (Alejandra Ancheita, Oumar Ba, Theunis Roux, Peer Zumbansen), postdoctoral researchers (Kalika Mehta and Amadou Korbinian Sow), strategic interlocutors (Isabella Aboderin, Sebastian Conrad, Julia Eckert, Jeanette Ehrmann, and Miriam Saage-Maaß), and the academic coordinator (Johannes Socher, writing with colleagues from the African Network of Constitutional Lawyers). From these varied vantage points, the contributions reflect on how law might respond reflexively to the histories and structures that have shaped it, and on how such forms of (self-)reflection might open space for new legal imaginaries.

As the breadth of these contributions demonstrates, the creation of the Centre on Reflexive Globalisation and the Law comes with an ambitious idea and agenda in process and substance. Taking reflexivity seriously, however, suggests that this agenda must remain open to discussion, critique and revision over time. In this sense, the Centre seeks to provide a space for sustained engagement with the legal implications of colonial legacies.

ABOUT THE AUTHORS

Philipp Dann
Philipp Dann is a Professor of Public and Comparative Law at the Humboldt University of Berlin and Founding Director of the Centre for Advanced Studies RefLex.
Florian Jeßberger
Florian Jeßberger is a Professor of Criminal Law, Director of the Franz von Liszt Institute for International Criminal Justice at Humboldt-Universität zu Berlin and Founding Director of the Centre for Advanced Studies RefLex.

SUGGESTED CITATION

Dann, Philipp; Jeßberger, Florian: Reflexive Globalisation, Law and Placemaking, Verfassungsblog, 05.02.2026, doi: 10.59704/f8e7edc0c8a2351b.

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Langzeitarchiviert bei IntRechtDok unter: doi.org/10.17176/20260205-153159-0.