

ROUNDTABLE with Professor Philip Schofield (UCL)

on

“The New Geography of Public Law: Public Law and ‘Technologies of Territory’ in a Post-Westphalian World”

BY Associate Professor Michael William Dowdle, NUS Law

12 FEBRUARY 2019, TUESDAY

5.00PM – 7.00PM (TEA RECEPTION STARTS AT 4.45PM)

NUS LAW (BUKIT TIMAH CAMPUS)

FEDERAL BUILDING LEVEL 1, FEDERAL CONFERENCE ROOM

ABSTRACT

Public law has been defined as the law that governs “the activity of governing [the state].” But states are not found, they are created. And the quintessential act in the creation of a state is the transformation of a materially and culturally heterogenous geographic and material space into a normatively homogeneous – ie, ‘isotropic’ – “territory”. The issue of how this act of transformation affects the functional dynamics and possibilities of public law in the modern state is virtually unexplored (although it was, of course, a considerable concern during the 18th century, as reflected in the work of Montesquieu and the designers of the American Constitution of 1787). This oversight is becoming increasingly problematic as the present period of ‘globalization’ is itself drastically transforming the character of a state’s territory, and how it is created and constituted, in ways that some claim are destabilizing the whole project of public law. The paper will first catalogue the various devices that states commonly use to transform space into territory, devices that I (following others) call ‘technologies of territory’ – exploring in the process how these various technologies relate to one another in the context of the ‘traditional’ Westphalian state; how they are conceptualized by public law. It will then explore how ‘globalization’ is reconfiguring how these various technologies contribute to the construction of territory within the context of the post-Westphalian state, and how – in turn – public law responds or can respond to such disruptions.

ABOUT THE SPEAKER



Philip Schofield is Professor of the History of Legal and Political Thought in the Faculty of Laws and Director of the Bentham Project, University College London. He is General Editor of the new authoritative edition of *The Collected Works of Jeremy Bentham*, for which he has edited or co-edited a dozen volumes. His study *Utility and Democracy: the political thought of Jeremy Bentham*, was published in 2006 by Oxford University Press and was awarded the WJM Mackenzie Book Prize by the UK’s Political Studies Association. He has published extensively on Bentham and has received major research grants from the UK’s Arts and Humanities Research Council and Economic and Social Research Council, as well as the Leverhulme Trust, Wellcome Trust, and the European Union.

ABOUT THE AUTHOR



Born in the United States, he graduated with a JD from the New York University School of Law in 1992. He was in-country program director for NYU Law’s China Law Program from 1994 to 1997 in Beijing, where he was also a visiting professor at the Beijing University School of Law. From 1997 through 2000, he was a Senior Research Fellow at the Columbia Law School’s Center for Chinese Legal Studies. He was appointed Himalayas Foundation Distinguished Visiting Professor in Comparative Constitutional Law at Qinghua University Law School in 2002; Fellow in Public Law at the Regulatory Institutions Network (RegNet) of the Australian National University in 2003; and held the Chair in Globalization and Governance at Sciences Po in Paris in 2008. Since 2008, he has been on the faculty of NUS. His research interests are in comparative public law - in particular public law and constitutionalism as it manifests outside of the countries of the North Atlantic - and in ‘regulatory geography’, which explores (largely from a systems theory perspective) how different kinds of geographies - e.g., economic geographies, cultural geographies, epistemic geographies and political geographies - effect regulatory capacity and functionality. On-going projects include a monograph on regulatory geography; an edited volume (with Chantal Mak of the University of Amsterdam) on the public-law dimensions of contract law; and a textbook to be entitled *Transnational Law: Texts and Materials* (also with Chantal Mak and Mariana Prado of the University of Toronto Law Faculty).

Participation is by Invitation Only

Registration commences at 4.45pm and light refreshments will be served.

For more information, please contact Ms Atikah Shaftee at atikah.shaftee@nus.edu.sg