

# NALSAR University of Law Central Institute of English and Foreign Languages



## Critical Legal Conference

Hyderabad - India, 1-3 September 2006



### ◆Call For Papers◆

## The Law of the Law in an Age of Empire

The question of humanity and resistance to empires of democracy, border politics, body politics, biopolitics, nationalism, conflict, biology [not restricted to human biology alone, but encompassing the range of questions around control over other life forms as well] and globalisation are written against histories of colonialism and neo-colonisation. The polarisation of realities – of exploitation and of resistance – between the North and the South – and the constant re-invention of this polarisation have been the central focus of struggles of resistance, which have in turn attempted consistently to engage with the habits of colonisation both between the North and the South and within postcolonial worlds. But globalisation undoes the finitude of North and South. Being in the world is an exposure – and now yet more devastating universals cast their shadow from many poles.

While moving in the global shadows of ominous imports, one is impelled to address questions concerning resources of life and intimations of death. How does the 'new' map for the 'secure' world redraw or obliterate the lifelines across the uncharted geographies of community? In the name of a 'common good' or for a 'good society', how do devastating displacements of immemorial formations of existence gain legal sanction? What ends of Man are served by this 'good society'? Which Man? Does the discourse of rights, which is the celebrated legacy of the codes of 'good society', render justice to these immemorial formations? Can the claims of "subjectivity in-charge of itself" (J-L Nancy), the agentic sovereignty, ever render hospitality to other formations of life that are indifferent to postures of mastery – formations that can only communicate the force of the weak? Can the sovereign discourse of rights tolerate, address the other, the weak, in the language of the other – which is essential for rendering justice beyond law? Can this master discourse deny its deepest roots in the mono-theological and carnivorous-sacrificial episteme? Isn't globalization a rapid expansion and territorialisation

(virtual or geographic) of this epistemic logic in the forms of international law, property axioms, and trade norms? In the shadow of these devastating ethno-logos what is the chance of 'the critique of postcolonial reason'? What resources of hope can one draw on?

One cannot hope to claim postcolonial auto-immunity from the global ethno-logic; one cannot denegate complicity. There can be no easy return to a cherished given, if there ever was one. The postcolonial is banal (if its mode is only inersive). Yet the 'critique *of* postcolonial reason' - which is a 'form' (or force) of questioning/unraveling - of the grand explanatory narratives (philosophical/scientific/cultural/human/ethical) which guard/celebrate a determined subject/agency and a determined temporality. This critique comes forth from that non-space/time or non-determinable space and time which would/might have been there if these agentive narratives had not erased or obliterated them as the determined other. This is the yearning for the future anterior - futures' pasts - or the democracy to come. This yearning is none other than the invincible desire for infinite justice - a justice that devotes itself to the universalisable culture of singularities. This is the yearning of all those embodied memories that obliquely signal the unthought or yet to be thought. Neither this memory nor yearning can be deconstructed. One can deconstruct (with the intimations of the yet to be thought) the guardrail of determined narratives which regulate most of our lives institutionally.

These critical resources can be brought to bear on colonial legal inheritances which structure interventions in different fields. The construction of the law and its application are dependent upon location, territorialisation, especially with reference to sovereignty, self-determination and dependence. The South evokes - in different sets -- very specific questions that it will be fruitful to discuss -- discourses on knowledge, terror, war, peace, human rights, poverty, development and biology. Central to the discourse on rights, justice and the rule of law in the South have been discussions around the urgent need to de-colonize knowledge systems, notably the law, but also language, literature, media, technology, traditional knowledge systems [in medicine, agriculture, industry, etc.] and ideas of development. Animating these debates have been critiques of patriarchies and gender hegemonies. One among many questions that arise here - what grounds community? What theorisation of the feminine, what politics of and by women, what transnational feminisms in an age of Empire can inform transformations in the lives of women?

There is in the (ex) colonial world, a rich history of resistance to colonialism as well as a history of the present resistance to forces of neo-colonial globalisation, both of which inform in fundamental ways our understanding of postcoloniality and difference. Much of this resistance in much of the South

has had a mass base drawing in large numbers of people who have suffered directly – witness the struggles around land rights, against apartheid, and environmental struggles. On the other side there is also a history of struggle against forces of dominance within – both state and non-state -- that enjoy the partial privileges that globalisation confers. These struggles center around questions of just governance, which in their most incipient stages interrogate in fundamental ways the logics of colonialism.

De-colonisation of knowledge systems and governance has in an important sense been the goal of resistance struggles across [ex] colonised worlds. It is necessary to re-visit this vast body of work as also to re-locate critiques of colonialism within fields of jurisprudence, postcolonial anthropology and ethnography for instance. What is the relationship between legality and the poor and the intersections between the worlds of the law and the worlds of the poor? A question especially relevant to the global South. Law, the corporation, popular culture, the body, and poverty intersect in very specific ways congealing into deprived life-worlds for large numbers of people. What are the specific ways in which processes of de-colonisation transform realities of citizenship and belonging? The second related question is that of access to the practices and institutions of law -- or the place of legal literacy/street law in legal pedagogy in different sites. What are the strategies that are necessary to de-colonize learning of the law so that it is informed by a pedagogy of the oppressed?

Does law uphold conceptual, normative certainties? What is the place of such law in formations that do not conform to such schemas of certainty? Does law have a common language? In other words, is legal formalism, autonomy of law, an invariable universal? Or is it a peculiarity of cultural religious formations of monotheisms? Can institutions of law based on such legacies (Abraham, Moses) render justice to cultural experiences and lives heterogeneous to monotheisms? How do normative certainties of law render justice to singularities of culture?

The postcolonial in an age of globalisation unravels, in the sense of destruction and movement, what can no longer be called 'the west' and *its* universalisation. The broader thematic raised by this productive failure might be serially listed as follows:

1. **Time and the law:** the place of time in the law of the postcolonial and the global
2. **The invasion of global commons** in relation to property in information and knowledge (including media, information technologies, bio and nano-technologies)

3. **The spatial (re) distribution of global law's violence:** or the geographies of injustice, the locations of 'crime' and the voices of victims
4. **The reinvention of ethnicities** [*jurisgenerative* in the contexts of indigenous people rights and post-apartheid societies, notably US and South Africa and *jurispathic* now in terms of Islamophobia]
5. **'In the Shadow of Gods':** revisiting Nietzsche and the 'Empire' amidst the wars *of*, and *on* 'terror'
6. **Towards a 'resurrection' of the rights of labour** in an age of globalisation?
7. **The limits of tolerance and equality,** or towards a 'new tolerance' and equality
8. **The futures of fundamentalisms,** old and the new, amidst some further consecrations of globalising political theologies
9. **De-globalisation and the postcolonial:** continuity and change in the forms of politics of governance and insurrectionary desire
10. **The Future of Human Rights**

## Proposals



Proposals for Streams, Panels and Roundtables are sought which venture through and beyond these indicative openings, or define more appropriate ones.

Proposals are also invited for other events around the conference, like author-meets-readers sessions, etc.

**Proposals must reach us before 10 March 2006**

Papers are invited that explore any of the themes outlined above.

- **Abstracts of papers must reach us before 30 June 2006.**
- **Details of registration, accommodation etc. will be available in mid January.**

**Queries, clarifications, information, and ABSTRACTS may be sent to:**

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