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Hyderabad - India, 1-3 September 2006

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Streams

Abstracts of papers must reach organisers before 30 June 2006.

Responsible Legal Choices and Decolonization of Legal Knowledge

Archana Parashar, Amita Dhanda

In an effort to enhance the authoritative character of the legal enterprise, the choice-making entailed in the enacting, interpreting and administering of law is often masked. A plausible explanation for the masked nature of legal choices could be obtained from colonial histories where the law was presented as the neutral arbitrator between rulers and ruled. Even as this representation was continually challenged it ensnared a number of votaries with unrelenting marketing. For the decolonization of legal knowledge it is necessary that the makers should be able to acknowledge the fact of making legal choices. The admission of this reality is necessary for responsive and responsible legal choices to be made. A responsive legal choice responds to the needs and aspirations of the populace for whom the law is made. Such like responsiveness could only emanate if lawmakers consciously assume the responsibility of choice making and continually reflect upon its impact both on people at large and special vulnerable groups. The Gandhian talisman of testing the impact of the choice on the most disadvantaged in a society could be a suitable standard for legal decision-makers.

Crafting Human Rights Cultures

Kalpana Kannabiran, Vijay K. Nagaraj

The era of globalisation is also the period that has marked a radical shift in the politics of organizing of groups that have been subject to systematic discrimination. In the arena of the law, there has been an ascent of soft law – conventions on women’s rights, declarations on racism and crimes against humanity for instance that has forced municipal legal regimes to contend with the new articulation of social realities. The era of globalisation is also the era of new social movements. In the field of new social movements, while resistance has spread through different media and has found progressively new articulations drawing in larger and larger constituencies, reflected in literature and politics/praxis, change itself is contingent on older deeply entrenched structures that are resistant to change, for instance the law – jurisprudence and practice. This is perhaps why despite constitutional safeguards social exclusion continues to throw societies into serious crisis, the resolutions coming powerfully through literature and political praxis, rarely through law. Social existence is then defined by the contradictory logics of popular consensus and legal [il]legitimacy. Simultaneously we have witnessed mass upsurges of right wing majoritarianism that uses literature, politics and engagement with the law with violent efficacy. The era of globalisation is also the era of genocidal violence against groups at the margins. While 9/11 and 7/7 represent critical moments in the re-viewing of fundamentalism, conflict and exclusion they also seem to epitomize experiences of similar convergences in other parts of the world as well, resulting in widespread practices of exclusion based on religious belief and ethnicity.

While the renewed articulation of rights is one aspect of the new global era, a heightened violence against communities at the margins is the other side. Witness the conflagrations against Muslim peoples in Gujarat, or the violence in Europe, or even the wars we have witnessed in the recent past. Even while seeming to speak to “local” cultures, much of this violence in fact speaks of fractures in the larger public space globally, that re-invent questions and rationalizations locally. But where have legal regimes even begun to deal with these derogations?

Human rights discourses speak about issues that range from arbitrary arrest, detention without trial, extra judicial

killings/disappearances and custodial violence to women's rights, dalit rights, struggles for land and survival by indigenous peoples, environment, housing, workers' rights, child rights, specific practices of violence – against women, dalits, minorities, children, persons with disabilities, sexuality minorities, detainees/prisoners, to name some. The area of criminal justice is especially significant both in the context of increasingly violent identity politics, armed conflict and political dissent. There have been very vibrant movements on each of these issues across the world, drawing in a diverse group of advocates/activists and affected peoples.

At another level, the last three decades have witnessed a dramatic expansion of the human rights discourse—inter-governmental bodies, international human rights and development organisations, governments, NGOs, social movements and a range of civil society organisations, researchers, the judiciary, the media and others have all contributed to this. There has been a great deal of interpretation, over-interpretation, reading down and reading into as to the content, core-content, minimum content, basic standards, etc. of human rights.

Is the question of operationalising and ‘realising’ human rights inextricably linked to those of accountability? And how clear is the sphere of obligations within which we can define accountability?

Is it time to work towards a radically new definition and consciousness of being a ‘duty-holder’? For civil society organisations working for the protection of human rights, the biggest challenge perhaps is engaging with a ‘politics *for* human rights’ even while navigating that difficult terrain of the ‘politics *of* human rights’. Is it possible to shape a ‘human rights common sense’? Is it possible to recognise ‘human rights at risk’? Speaking of action, what of impunity? Is it just a case of systemic failure or is it a crisis of culture and society?

The human rights stream at the CLC is an invitation to dialogue and debate the past, present and future of human rights. It is an invitation to bring experiences of diversity, inclusion and the crafting of human rights cultures together while humbly recognising that those whose human rights are most at risk or indeed that the key architects of these cultures are far removed from the CLC itself!

Please send in paper abstracts to

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Genes, Life and The Empire

Chitra Kannabiran

The late 20th and the 21st centuries have witnessed tremendous advances in biology. The science of biotechnology was created, with proliferation of a new range of technologies that represent powerful means of manipulating living organisms and parts thereof- whether organs, cells or molecules. The Human Genome Project, hailed as the greatest advance in modern biology, achieved the complete decoding of the human “book of life”. An inherent feature of the modern developments in biology is their potential for commercial exploitation that went hand in hand with the separation and objectification of biological entities from the whole (whether organisms, cells or molecules) for the main purpose of treating them as commodities. Also inherent to the new developments is an ideology of a genocentric universe, in which the sequence of letters on the genetic code provides a framework for defining health and disease. Thus, the sequence of DNA or the genetic material in a human cell is considered to be a “transformative textbook of medicine, with insights that will give health care providers immense new powers to treat, prevent and cure disease.”

Inevitably, the recognition of this as a possible gold mine for the biotech industry has been accompanied by large scale patenting of genes, as also of other biological entities. The debate around the question of patents for genes, cells, genetically modified animals/plants has centred on a whole range of issues ranging from the basic moral/ethical question of whether a life form can be patented to the implications of such patents for human rights and public health. The interpretation and use of patent regulations to grant patents for genes, cell lines and cloned/modified animals or plants, particularly in the US and Europe, needs to be re-examined and the idea of ‘patentability’ redefined. Questions that arise are: How does one re-define a creative invention in the background of existing scientific development? How does one define ‘public benefit’ for discovery of gene sequences and ensuing diagnostic tests, in view of the recognised risks/caveats associated with genetic information? What is the impact of patents on the freedom of scientific research? What strategies should one use to build a different framework of IPR in the context of biology? And what avenues do developing countries have in the background of TRIPS? How does one protect indigenous knowledge?

Please send in paper abstracts to

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The Killer Silence

Abha Singhal Joshi

The freedom of speech and expression stands head and shoulders above others as the most laudable, the most desirable and the most fiercely to be protected democratic value. It finds expression in declarations of assurance and protection in democratic Constitutions the world over. In the same breath, the statutory regime and the practice strive hard- and usually succeed- to shoot it down. The frequency and range of violations of the right bring forth responses which are confused with the de facto exercise of the right. Television coverage, analytical articles in a few editions of newspapers; in some cases, legal action and a few seminars are taken to be 'freedom of speech and expression'. The hue and cry rings out loud over the what and why.

The problem: Are the interests of the beneficiaries of such rights protected by such actions alone? Ostensibly, these actions are also growingly used to protest the violations of others less availing the benefits. It is precisely this which is the problem: Just how universal is this right? Is it at all a right or is it a privilege confined to the few who are able to whip up the hue and cry; does not this so called 'right' have all the trappings of a privilege? Its exercise is limited to the channels which few can access – those who can read and write or are glamorous and newsworthy enough to catch the eye of the audiovisual media. Its formulations and the debates have all been within the confines of the right to express through the written (or even more limited, the published) word. What of those who have never learnt to express thus? In societies where the three Rs have not percolated down to many, freedom of speech and expression- much less dissent- have gradually succumbed to the rift in the lute and slowly silenced all. The right, as she is understood by the legal regime, gives little space for expression as she is understood by the many who are unable to express or articulate through the written word or within the within the limits of grace and etiquette drawn by a culture which presumes literacy. The natural way to express for many, is therefore- to turn out and gather in groups, to raise chants and slogans and, all failing, to restrict movement of traffic and persons- all of which acts are liable to be offences under the prevailing laws.

The state's perception of these responses is tilted more towards the aspect of these offences rather than the protection of an important fundamental right. As a result, state violence is unleashed at the slightest pretext. Violence which ranges from hitting with sticks to shooting dead. These incidents are happening with too alarming a regularity to be ignored.

The questions thus arise: Should there be redefinition of the right to speech and expression in keeping with the culture of expression in a

society? Have states which have abdicated their roles as protector of this right and donned instead the role of a chauvinistic resistor of the right be forced to be accountable to their people and their Constitutions for providing channels of articulation such as legal awareness and open access to the broadcast media?

Paper abstracts may be sent to

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Resurrecting/ re-negotiating labour rights in a globalising world

Padmini Swaminathan, N. Vasanthi

Labour law as it has existed for a century now was a result of several workers movements towards dignity and a demand for the acknowledgement of the contributions of workers toward creation of national wealth. From the archetypal Industrial Relations laws, legislations on health and safety, remuneration, compensation, social security and others have been added to the regime of labour laws. More recent developments have seen the factoring in of concerns regarding dignity at the workplace and issues of discrimination whether by race, gender, disability or sexual harassment, indicating a shift in the perception of duty towards employees by state and employers. Lest these developments indicate that there is more regulation at the workplace than before, the unraveling of these regulatory frameworks [discernible in the increased deregulation of workplaces] is now taking place at a pace unheard of before, on the specious argument that such regulations hinder employment generation and expansion. Be it the first job contract law of France, the suspension of pension benefits or decreased spending on social security in the United States, or the issue of outsourcing of work globally, the ubiquitous term “interests of capital”, uniformly underpins the reasons for such largescale dismantling of workers’ rights and benefits, and even when across countries these measures have resulted in visible unemployment and rising inequalities in society.

The urgency to re-assess and re-establish labour rights, as well as re-negotiate labour legislations stems from the above and would entail re-examining some or all of the following: the premises that informed the enactment of labour laws in the first place – how far do these still conform to the values that were the basis of working class movements across and within countries; the fundamental premise of the collective bargaining law – does it still hold today; the disconnect of lawmaking process from ground realities; the prioritization of ‘interests of capital’ over others – when and how do we go beyond such ‘interests’ to demand accountability from employers and enterprises; what would the institution of core labour standards entail; if democratization of the

workplace is an accepted principle, what would its operationalisation translate into, legally?

Historically, developing countries such as India, have never been able to operationalise the application of their labour legislations to all workers, for the simple but unpardonable reason that the system has, right from the beginning, failed to formally and mandatorily record all workers and workplaces. As of now hardly 10 percent of the workforce is entitled to benefits under existing labour laws; even so, 'capital' [national and global] blames 'rigid' labour laws for the inability of the economy to generate employment and/or employ the present labour force. While some sectors of informal workers [such as beedi-workers, handloom workers, etc] have specific legislations, there is no systemic recognition of the fact that the existing legislation as well as the methodology and politics of its implementation is completely at variance with ground realities.

This stream is aimed at working towards a critical labour jurisprudence that is grounded in the lived reality of workers and their working environment while at the same time laying down core workers' rights that are non-negotiable whatever be the nature of the workplace. The reexamination of labour legislation as well the move towards core labour standards needs also to contend with conflicts of interests between different sets of workers [for example agricultural versus industrial workers] arising from macro issues such as what may be the role of legal jurisprudence in setting standards for appraisal of projects that entail use of public goods such as water, air – the environment in general – that have hitherto not been actively weaved into our understanding of standards of decent living and livelihood.

The construction of a critical labour jurisprudence has been based on a need to give a space for popular struggles to be reflected in the construction of legislations which is empowering and emancipatory rather than a regulatory framework that merely reinforces existing hierarchies of state power and economic power and towards this end it may be relevant to examine issues of labour together with women's issues, issues of marginalisation and alienation, and human rights issues.

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Law and Disability Rights

Marcia H. Rioux

The theme of the stream would be the investigation, from a critical legal perspective, of the social and legal construction of disability from a human rights perspective.

Disability rights are a new and rapidly growing perspective within the context of human rights. They provide a basis for the redefinition of disability from the perspective of social justice and equality as an alternative to the more conventional notions of disability as a medical condition. This is a fundamental shift from a critical legal perspective. The nature of disability and the inherent systemic discrimination and social exclusion that goes together with it mandates a reconceptualization of law, policies and programs nationally, regionally and internationally.

The stream will explore this new area of law beginning with an exploration of:

- The various theoretical models of disability that have emerged both temporally and thematically in the literature;
- Reading disability into the context of international instruments and agreements including civil, political, social, economic and cultural rights;
- Promotion and protection of disability rights within the context of domestic law
- Monitoring human rights in India as a collaborative effort with organizations globally, including the development of a UN Convention of Rights of Persons with Disabilities.

Specific ideas to be covered in each section:

Conceptual Framework of Disability

A. Concepts of disability: 4 models

B. Vestiges of colonial law and charity and the English Poor Laws in current concepts of disability and from perspective of India

C. Concepts of equality and non-discrimination and inclusion

Disability in the Context of International Law

A. Civil and Political Rights

1. International Norms and Standards: ICCPR and other treaties; Standard Rules and other “soft law” instruments; Thematic Mechanisms; General comments etc.

2. Applicability to disability/ examples of specific issues for the area of disability – both general (e.g. political rights) and specific examples (e.g. right to vote, right to

hold office)

B. Economic, Social and Cultural Rights

1. General discussion – general (e.g. social rights) and specific examples (right to food and water; right to education; right to health)

i. International Norms and Standards: ICESCR and other treaties; Standard Rules and other “soft law” instruments, Thematic Mechanisms; General comments etc.

ii. Applicability to disability/examples of specific issues for the area of disability

Disability in the Context of National Law

A. National Norms and Standards – both generic and disability-specific legislation as well as constitutional standards

B. The relationship between international and national law

C. Overlaps of national and international law and policy

Moving Forward: Monitoring Rights: A two-pronged approach.

A. A new UN convention on disability rights

B. Monitoring Rights under the current international instruments

i. Individual violations Focus: fact-finding with respect to alleged individual rights abuses

ii. Systems focus: analyzing legislative frameworks, case law and government policies and programs

iii. Media focus: tracking disability imagery and coverage as an indicator of public attitude.

iv. A collaborative effort of formal monitoring bodies and human rights activists to provide an accurate picture of both the policy and praxis.

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Sovereignty and Empire

Sam Adelman

How do we understand power under capitalist globalisation? Hardt and Negri, amongst others, suggest that sovereignty is being decentred, deterritorialised and decoupled from the state, which no longer enjoys a monopoly over law.

Is sovereignty 'disappearing' or increasingly emerging in the hands of nonstate actors such as TNCs, NGOs and transnational institutions like the WTO, the World Bank and the IMF. Are the difficulties experienced in making sovereign states accountable multiplied when law is made and power exercised by bodies which lack even the minimal accountability of

states?

This raises profound questions concerning democracy, government and governance. For example, do we require stronger institutions of global governance (and how might they be accountable?) or some form of global government? Are cosmopolitan notion of global citizenship coherent and practical or a potentially dangerous extension of sovereign from nation to (the problematic concept of) Empire?

Suggested panels:

1. How do we understand sovereignty under Empire / capitalist globalisation?
2. Is law increasingly being made and sovereignty exercised by nonstate actors? If so, what are the implications?
3. How can sovereignty be made accountable? In particular, are human rights a viable alternative basis for global order?
4. What is the relationship between sovereignty and development? Does the former facilitate or inhibit the latter? Is development itself a problematic and outdated discourse?
5. How does the deterritorialisation of sovereignty affect the state?
6. Can international law adequately respond to an international order no longer based upon state sovereignty?

Abstracts may be sent to

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Panels / Roundtables

Queer critiques of the law

Arvind N

The law looks very different from the point of view of those who are the receiving end of law. In these cases the law remains an instrument which stabilizes a societal status quo. Particularly when it comes to the stigmatization of sexualities which fall outside the heterosexual norm, the role of law cannot be underestimated. In a very direct way it plays a role by criminalizing what the given society deems unacceptable sexual acts and behaviours. The best exemplar of this mode of policing the boundaries of sexuality is the infamous Sec 377 of the Indian Penal Code.

However what remains important to understand in this context is that one needs to understand the impact of the anti sodomy law as moving beyond the story of arbitrary arrests and prosecutions and look a little more closely at the constitutive role that the law can play. How does the anti sodomy law structure other societal institutions and how finally does it impact the constitution of the self?

While the anti sodomy law remains a key structure which keeps in place the heterosexual norm, its equally important to understand how other legal structures like the law on marriage, family, inheritance etc are also complicit in keeping in place the

heterosexual norm, more by silence rather than speech.

While this remains a key disciplinary function of the law, its equally true that activism has invariably been structured around the use of law. Right from the petition challenging Sec 377 on constitutional grounds, queer activism has revolved around the use of a legal strategy. The recent arrests of four gay men in Lucknow is illustrative of how the law is central to any activist strategy. Due to the wider societal homophobia, the only way in which the four men finally got any measure of respite from the harsh law of Sec 377, was when they secured bail from the Sessions Judge.

While the above have been instances of the use of law by the queer community, there is still an active debate on the role that law (the very instrument of oppression) should play in queer politics. To start the debate on the role of law in queer politics we will have four speakers focusing on

1) Silences in the law: Making rights claims on behalf of unviable unsubjects

(look a bit closely at how lesbians are constructed in the law)

2) The diverse impacts of anti-sodomy law and silences in the law: Experiences in law school

(legal education and what you learn about queer people)

3) Law and queer emancipation: The Sec 377 campaign

(could reflect on how the campaign and petition interface and the learnings for lawyers from interacting with the campaign)

4) Moving beyond law: Some queer reflections

(a critique of what the law does and why one needs to move beyond law)

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Interdisciplinary and international approaches to law and feminism

Sharron FitzGerald, Zoe Pearson, Anna Carline

A Roundtable Conversation

Organisers: **Sharron FitzGerald, Zoe Pearson, Anna Carline**

This proposal grows out of an emerging, interdisciplinary project at Keele University. The broader focus for this work is on

interdisciplinary and international approaches to law and feminism.

Group members have overlapping and specific interests in feminist scholarship in relation to law, philosophy, geography, international human rights, globalisation and regulation. A key initial focus of the work has been to reemphasise the key feminist methodologies of

positionality and reflexivity. In doing so, our conversations have identified a number of common questions/issues/'spaces of interest' that are not adequately addressed by current scholarship in our disciplinary interests, and would benefit from an interdisciplinary, critical collaboration. Such an approach complicates the traditional positivist theory of law as an ordered, objective and linear system.

Rather, our project seeks to ensure an acknowledgement and incorporation of the diversity of perspectives and experiences required in a process that seeks to re-imagine cartographies of international law.

This roundtable conversation therefore seeks to stimulate interdisciplinary, cross-institutional and international dialogue. We seek to identify and engage with some current lacunae in feminist legal scholarship in relation to these common questions. We hope that this dialogue will inform our analysis as we progress through this broader project. In particular, we are concerned that the geospecific focus of much contemporary scholarship on law, feminism and human rights is in danger of obscuring potentially important stories. These stories have the potential to strengthen feminist and critical tools that seek to call the law into question, locally and globally. The roundtable will provide an opportunity to make these stories visible and renew our commitment to a selfreflective awareness of the politics of difference.

In doing so, we will explore the extent to which our geospecific focus limits our vision, causing 'blind spots' in our disciplinary imagination, both in terms of gender and ethnicity. Our fear is that this geospecific focus fails to adequately engage with local stories of relevance to women, and also fails to address global stories and responses. Failure to acknowledge these stories and experiences essentially recolonises those outside the Western gaze, by constructing them as silent bystanders to international processes of globalisation. This results in scholarship that is in danger of not being inclusive of the particular social, cultural and legal contexts from which experiences are originating and evolving. We are concerned that it also results in top down approaches to international law, which create, reflect, reinforce and reconstruct marginalisation, identities and categories. Our work seeks to engage in conversation and dialogue to understand and critique how the inherent biases in our work construct such categories. We wish to build a critique from 'inside the project', arguing that law can be a critical site of regulation, but also can be a site for transformation.

Dr Zoe Pearson

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Issues in Law and Colonialism from Australia, Canada, Hawai'I and the United Kingdom

W. Wesley Pue

This panel emerges from an interdisciplinary co-operative exploration of issues related to law and colonialisms pursued by scholars at the University of British

Columbia, Griffith University, University of Hawai'I, Lancaster University, and Melbourne University's Post-Colonial Institute.

(Flag image by Efrat Arbel and Holman Wang, 2005)

**New Holland since Dampier: Naming Colonialism as `Ngaari, Ngaari',
[Malevolent Spirit]
Judith Grbich**

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When Englishman William Dampier camped on the west coast of New Holland in the late seventeenth century the local peoples named the British as `ngaari, ngaari',

or malevolent spirit. Might the critique of postcolonial reason – the unravelling

of the imperial episteme – be pursued by a focus upon those aspects of the perfection of Christianity by the Europeans which Kant and Hegel found so useful

to their systematising of Western reason and judgment? While native title law displays in unerring accuracy the greed, violence and self-sanctimony of Australian settler colonialism in the twenty first century, it may also provide some

ground for tracing that continuing mapping of complexions, `fractal detail', **Jon Goldberg-Hiller, Ph.D.**

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A Reflection on contemporary legal discourses by Native Hawaiians opposed to federal recognition under pending legislation. I will examine the meanings associated with American Indians and American Indian law as discursive sites for

the resistance to this recognition.

We are not Indians:" Legal recognition of Native Hawaiians and the problem of the Other

Proposed American legislation that would give federal constitutional status to Native Hawaiians has met with strong indigenous resistance. This contemporary contest over the means of self-determination reveals the ways in which law and rights provide inescapable idioms for indigenous sovereignty at the same time that

they form the primary obstacles that must be overcome. In this paper, I examine the uneasy analogy of American Indians deployed by Native Hawaiian opponents of recognition. I argue that this concern over identity and image should be understood as an anthropomorphism of the law, and I explore the meaning of this abjection for legal authority and for postcolonial relations among indigenous peoples.

Legalities of Nature: Law, Nature, and Empire in the Canadian National Imaginary

Flag image by Efrat Arbel and Holman Wang, 2005

Renisa Mawani

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What is the relationship between law, nature, and empire? In what ways may law and nature work together to constitute each other and how have they figured as key symbols of Canadian-ness, both historically and in our contemporary context?

In socio-legal and legal scholarship, with the exception of natural law, law and nature are often conceptualized as antithetical. More recently, few scholars have suggested that the relationship between law and nature is far more complex than these binaries allow. In this paper, I question the ways in which law and nature have conjointly figured as key symbols of Canadian-ness, both figuratively and literally. Whereas law and nature are prominent signifiers in the Canadian imagination, *real* spaces of nature – in the form of wilderness reserves and parks, for example – are legal constructs that operate figuratively to fashion national identities. In part one, I examine the ways in which law and nature as interrelated and iconic figures can be traced through Canada's national imaginary. As the "True North Strong and Free" – an epigraph from our national anthem – suggests, nature, alongside law and liberty, are key cultural signifiers of a national distinctiveness, one that is highly racialized and deeply rooted in British imperialism. In part two, I examine the role of law in the production of nature as wilderness landscape. Using Vancouver's Stanley Park as a case in point, I show how legal struggles between aboriginal peoples and various levels of government are constitutive forces in the material production of nature. Here, I argue that while law produces nature, nature's perceived naturalness erases aboriginal peoples, colonial histories, and the role of law. I conclude the paper with a brief discussion about the ways in which a critical analysis of law and nature may help to denaturalize (post)colonial relations in Canada.

The sovereign, the law and the two British Empires.

Ian Duncanson

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In her monograph, *On Revolution*, Hannah Arendt contrasts the American with the French revolutions. Coming out of a tradition of a "balanced" constitution, which

the Americans believed George III's ministries to be betraying, the American founders divided the supreme power of the state in a way they considered less vulnerable to the encroachment of the executive. By contrast, Arendt sees the French revolutionists as merely substituting an undivided popular supreme power for that of the Bourbon monarchy.

The precarious balance from which the Americans detached themselves was a compromise carefully woven from manners and politeness, in whose broader context the figures of law and constitution would be positioned. It was an artificial community designed to preempt and defuse the destabilizing polarities that had emerged in the 17th century civil war. 18th century Empire was in this vision, both a spreading of "free-born Englishmen" in America, and a seaborne empire of trade elsewhere. The vision overlooked, in all senses of the word, the British slave trade and the displacement of indigenous Americans; and its own condition of existence, located in the most aggressive of European states. Aggression in Bengal delivered more subjects and apparent wealth than existed in the rest of the empire, including the UK, combined, and seemed to require a patriarchal Hobbesian sovereign to govern them. Having wrung surplus labor in the form of tea, from Indians, why should such a sovereign not recompense its efforts by compelling Americans to buy it and pay a tax for the privilege? Terminating the mannered illusion of the first empire, the specter of sovereignty - French, totalitarian in Arendt's analysis - came to dominate British thinking about, first the empire and then the metropolis. The meta-legal sovereign thus came to infect the Anglophone world, permeating the Bush United States in our era.

Lawyers' Empire

W. Wesley Pue,

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Despite increasing recognition of law's centrality in Europe's imperial projects, the role of lawyers in imperialism and its cultures has been largely overlooked.

This is true both from the perspective of students of colonialism and those who study legal professions, their histories, cultures, structures, functions, and forms.

Drawing on research from several countries of the former British Empire, this paper

probes relationships between legal professionalism and the collective aspirations

of lawyers on the one hand, and the works of Empire or colonized peoples' nationalisms on the other.

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the businessman and his body: colonial encounters

Critical Perspectives on Legal Education
M. Maithreyi