

Laws Of The Postcolonial Laws Of The Postcolonial

Postcolonial Theory and International Relations Sanjay Seth 2013 Postcolonial theory has had the most impact in disciplines such as literature and, to some degree, history, and perhaps the least impact in the discipline of politics. However, there is growing interest in postcolonial theory within politics, and interest is especially high in the subfield of international relations. This text provides a comprehensive survey of how postcolonial theory shapes our understanding of international relations.

State Violence and the Execution of Law Joseph Pugliese 2013 *State Violence and the Execution of Law* examines how law plays a fundamental role in enabling state violence and, specifically, torture, secret imprisonment, and killing-at-a-distance.

International Law and Self-Determination

Joshua Castellino 2021-07-26 The principle of self-determination has at heart the achievement of true representation and democracy based on the idea that the consent of the governed alone can give government legitimacy. The principle was primarily responsible for the decolonisation process that shaped our current international community. 'Self-determination' has been used in equal rhetorical brilliance by a number of leaders - some meritorious, with a genuine concern for human emancipation, others dubious, with ascendancy to power at the heart of their project. In any case, 'self-determination' has come to mean different things in different contexts. Being a vital principle, especially in the post-colonial state, it is one factor that represents a threat to world order while at the

same time holding out the promise of longer-term peace and security based on values of democracy, equity and justice. This book looks at the intricacies of the norm in its current ambiguous manifestation and seeks to deconstruct it with regard to three particularly inter-related discourses: that of minority rights, statehood and sovereignty, and the doctrine of *uti possidetis* which shaped the modern post-colonial state. These norms are then analysed further within two case studies. One, concerning the creation of Bangladesh where 'self-determination' was achieved. The second, examines the situation in the Western Sahara where 'self-determination' (whatever its manifestation) is yet to be expressed. In the course of these case studies we seek to highlight the problematic nature of 'national identity' and the 'self' in settings far removed from post-Westphalian Europe.

The Politics of Islamic Law Iza R. Hussin
2016-03-31 In The Politics of Islamic Law, Iza

Hussin compares India, Malaya, and Egypt during the British colonial period in order to trace the making and transformation of the contemporary category of 'Islamic law.' She demonstrates that not only is Islamic law not the *shari'ah*, its present institutional forms, substantive content, symbolic vocabulary, and relationship to state and society—in short, its politics—are built upon foundations laid during the colonial encounter. Drawing on extensive archival work in English, Arabic, and Malay—from court records to colonial and local papers to private letters and visual material—Hussin offers a view of politics in the colonial period as an iterative series of negotiations between local and colonial powers in multiple locations. She shows how this resulted in a paradox, centralizing Islamic law at the same time that it limited its reach to family and ritual matters, and produced a transformation in the Muslim state, providing the frame within which Islam is articulated

today, setting the agenda for ongoing legislation and policy, and defining the limits of change. Combining a genealogy of law with a political analysis of its institutional dynamics, this book offers an up-close look at the ways in which global transformations are realized at the local level.

States of Emergency Stephen Morton

2013-02-04 This book examines how violent anti-colonial struggles and the legal, military and political techniques used by colonial governments to contain them have been imagined in literature and law. Case studies examined include Ireland, India, South Africa, Algeria, Kenya, Israel-Palestine, Iraq, Afghanistan and Northern Pakistan.

The Blackwell Companion to Law and

Society Austin Sarat 2008-04-15 The Blackwell Companion to Law and Society is an authoritative study of the relationship between law and social interaction. Thirty-two original essays by an international group of expert

scholars examine a wide range of critical questions. Authors represent various theoretical, methodological, and political commitments, creating the first truly global overview of the field. Examines the relationship between law and social interactions in thirty-three original essay by international experts in the field. Reflects the world-wide significance of North American law and society scholarship. Addresses classical areas and new themes in law and society research, including: the gap between law on the books and law in action; the complexity of institutional processes; the significance of new media; and the intersections of law and identity. Engages the exciting work now being done in England, Europe, Australia, and New Zealand, South Africa, Israel, as well as "Third World" scholarship.

Routledge Handbook of Law, Race and the

Postcolonial Denise Ferreira da Silva 2018-01-08

Routledge Handbook of Law, Race and the Postcolonial is a comprehensive and original

reference work setting out contemporary issues and theoretical aspects relating to postcolonialism, race and the law. The contributions examine juridical apparatuses as they operate in concert with economic and ethical frameworks, procedures, and architectures. Instead of approaching law as a self-sufficient instrument of power, this volume exposes the complex terrain of deployment and operation of legal instruments and how they, along with economic mechanisms and ethical programmes, participate in the constitution of the political space shared by both former colonial powers and colonies. The volume features new, specially commissioned papers by a range of international and leading experts in the field. The chapters represent a range of texts that explore and critique the statements, narratives, and structures of the legal, economic, and moral texts and practices that characterize colonial and racial subjugation. With a comprehensive introduction written by the

editors the handbook places the collected material in its historical context while tracing the trajectory of postcolonialism and the legal to its current critical and political engagements.

The Common Law in Two Voices Kwai Hang Ng 2009 This book examines how language changes the way law is debated and negotiated, focusing on the courtrooms of postcolonial Hong Kong.

The Oxford Handbook of Law and Humanities Simon Stern 2020 How might law matter to the humanities? How might the humanities matter to law? In its approach to both of these questions, The Oxford Handbook of Law and Humanities shows how rich a resource the law is for humanistic study, as well as how and why the humanities are vital for understanding law. Tackling questions of method, key themes and concepts, and a variety of genres and areas of the law, this collection of essays by leading scholars from a variety of disciplines illuminates new questions and

articulates an exciting new agenda for scholarship in law and humanities.

Language Choice in Postcolonial Law Richard Powell 2020-02-24 This book discusses multilingual postcolonial common law, focusing on Malaysia's efforts to shift the language of law from English to Malay, and weighing the pros and cons of planned language shift as a solution to language-based disadvantage before the law in jurisdictions where the majority of citizens lack proficiency in the traditional legal medium. Through analysis of legislation and policy documents, interviews with lawyers, law students and law lecturers, and observations of court proceedings and law lectures, the book reflects on what is entailed in changing the language of the law. It reviews the implications of societal bilingualism for postcolonial justice systems, and raises an important question for language planners to consider: if the language of the law is changed, what else about the law changes?

Law and Disorder in the Postcolony Jean Comaroff 2008-09-15 Are postcolonies haunted more by criminal violence than other nation-states? The usual answer is yes. In *Law and Disorder in the Postcolony*, Jean and John Comaroff and a group of respected theorists show that the question is misplaced: that the predicament of postcolonies arises from their place in a world order dominated by new modes of governance, new sorts of empires, new species of wealth—an order that criminalizes poverty and race, entraps the “south” in relations of corruption, and displaces politics into the realms of the market, criminal economies, and the courts. As these essays make plain, however, there is another side to postcoloniality: while postcolonies live in states of endemic disorder, many of them fetishize the law, its ways and its means. How is the coincidence of disorder with a fixation on legalities to be explained? *Law and Disorder in the Postcolony* addresses this question, entering

into critical dialogue with such theorists as Benjamin, Agamben, and Bayart. In the process, it also demonstrates how postcolonies have become crucial sites for the production of contemporary theory, not least because they are harbingers of a global future under construction.

The Routledge Handbook of Law and Society

Mariana Valverde 2021-03-03 This innovative handbook provides a comprehensive, and truly global, overview of the main approaches and themes within law and society scholarship or social-legal studies. A one-volume introduction to academic resources and ideas that are relevant for today's debates on issues from reproductive justice to climate justice, food security, water conflicts, artificial intelligence, and global financial transactions, this handbook is divided into two sections. The first, 'Perspectives and Approaches', accessibly explains a variety of frameworks through which the relationship between law and society is addressed and understood, with emphasis on

contemporary perspectives that are relatively new to many socio-legal scholars. Following the book's overall interest in social justice, the entries in this section of the book show how conceptual tools originate in, and help to illuminate, real-world issues. The second and largest section of the book (42 short well-written pieces) presents reflections on topics or areas concerning law, justice, and society that are inherently interdisciplinary and that are relevance to current - but also classical - struggles around justice. Informing readers about the lineage of ideas that are used or could be used today for research and activism, the book attends to the full range of local, national and transnational issues in law and society. The authors were carefully chosen to achieve a diverse and non-Eurocentric view of socio-legal studies. This volume will be invaluable for law students, those in inter-disciplinary programs such as law and society, justice studies and legal studies, and those with interests in law, but

based in other social sciences. It will also appeal to general readers interested in questions of justice and rights, including activists and advocates around the world.

Puerto Rico and the Origins of U.S. Global Empire Charles R. Venator-Santiago 2015-03-05 Drawing on a postcolonial legal history of the United States' territorial expansionism, this book provides an analysis of the foundations of its global empire. Charles R. Venator-Santiago argues that the United States has developed three traditions of territorial expansionism with corresponding constitutional interpretations, namely colonialist, imperialist, and global expansionist. This book offers an alternative interpretation of the origins of US global expansion, suggesting it began with the tradition of territorial expansionism following the 1898 Spanish-American War to legitimate the annexation of Puerto Rico and other non-contiguous territories. The relating constitutional interpretation grew out of the

1901 Insular Cases in which the Supreme Court coined the notion of an unincorporated territory to describe the 1900 Foraker Act's normalization of the prevailing military territorial policies. Since then the United States has invoked the ensuing precedents to legitimate a wide array of global policies, including the 'war on terror'. *Puerto Rico and the Origins of US Global Empire: The Disembodied Shade* combines a unique study of Puerto Rican legal history with a new interpretation of contemporary US policy. As such, it provides a valuable resource for students and scholars of the legal and historical disciplines, especially those with a specific interest in American and postcolonial studies.

Postcolonialism and the Law Brenna Bhandar 2017-11-27 Postcolonialism and the Law provides a long overdue delineation of the field of enquiry that engages with the legal programmes, structures, and procedures which have sustained Euro-North American supremacy on the international political stage for the past fifty

years or so. Focusing on the relationship between law and the racial and colonial mechanisms of subjugation at work in the global present, the contributions assembled in this new four-volume collection from Routledge's Critical Concepts in Law series attend to juridical apparatuses as they operate in concert with economic and ethical frameworks, procedures, and architectures. Instead of approaching law as a self-sufficient instrument of power, the gathered major works expose the complex deployment and operation of legal instruments and how they--along with economic mechanisms and ethical programmes--participate in the constitution of the political space shared by both former colonial powers and colonies. With a full index, together with a comprehensive introduction, newly written by the editors, which places the collected material in its historical and intellectual context, Postcolonialism and the Law is an essential work of reference. The collection will be particularly useful as a

database allowing scattered and often fugitive material to be easily located. It will also be welcomed as a crucial tool permitting rapid access to less familiar--and sometimes overlooked--texts. For postcolonial theorists and lawyers, as well as those working in cognate disciplines, such as Critical Legal Studies, Ethics, Cultural Studies, Race and Ethnicity Studies, and Human Rights, it is certain to be valued as a vital one-stop research and pedagogic resource. t;P> With a full index, together with a comprehensive introduction, newly written by the editors, which places the collected material in its historical and intellectual context, Postcolonialism and the Law is an essential work of reference. The collection will be particularly useful as a database allowing scattered and often fugitive material to be easily located. It will also be welcomed as a crucial tool permitting rapid access to less familiar--and sometimes overlooked--texts. For postcolonial theorists and

lawyers, as well as those working in cognate disciplines, such as Critical Legal Studies, Ethics, Cultural Studies, Race and Ethnicity Studies, and Human Rights, it is certain to be valued as a vital one-stop research and pedagogic resource.

The Postcolonial Enlightenment Daniel Carey 2009-02-26 Over the last thirty years, postcolonial critiques of European imperial practices have transformed our understanding of colonial ideology, resistance, and cultural contact. The Enlightenment has played a complex but often unacknowledged role in this discussion, alternately reviled and venerated as the harbinger of colonial dominion and avatar of liberation, as target and shield, as shadow and light. This volume brings together two arenas - eighteenth-century studies and postcolonial theory - in order to interrogate the role and reputation of Enlightenment in the context of early European colonial ambitions and postcolonial interrogations of Western imperial

aspirations. With essays by leading scholars in the field, Postcolonial Enlightenment address issues central not only to literature and philosophy but also to natural history, religion, law, and the emerging sciences of man. The contributors situate a range of writers - from Hobbes and Herder, Behn and Burke, to Defoe and Diderot - in relation both to eighteenth-century colonial practices and to key concepts within current postcolonial theory concerning race, globalization, human rights, sovereignty, and national and personal identity. By enlarging the temporal and geographic framework through which we read, the essays in this volume open up alternate genealogies for categories, events and ideas central to the emergence of global modernity.

Juridical Humanity Samera Esmeir 2012-06-20 In colonial Egypt, the state introduced legal reforms that claimed to liberate Egyptians from the inhumanity of pre-colonial rule and elevate them to the status of human beings. These legal

reforms intersected with a new historical consciousness that distinguished freedom from force and the human from the pre-human, endowing modern law with the power to accomplish but never truly secure this transition. Samera Esmeir offers a historical and theoretical account of the colonizing operations of modern law in Egypt. Investigating the law, both on the books and in practice, she underscores the centrality of the "human" to Egyptian legal and colonial history and argues that the production of "juridical humanity" was a constitutive force of colonial rule and subjugation. This original contribution queries long-held assumptions about the entanglement of law, humanity, violence, and nature, and thereby develops a new reading of the history of colonialism.

Postcolonial Justice Anke Bartels 2017-02-23
Postcolonial Justice addresses a crucial issue in current postcolonial theory: the question of how to reconcile an ethics of diversity and difference

with the normative, if not universal thrust that appears to energize any notion of justice.

Laws of the Postcolonial Eve Darian-Smith
1999 Essays reveal the central part played by law in constituting the West as the antithesis of various 'others'

Erotic Justice Ratna Kapur 2013-03-04 Chapter 1
Introduction -- chapter 2 New Cosmologies:
Mapping the Postcolonial Feminist Legal Project
-- chapter Liberal internationalism and the
capabilities approach -- chapter 3 Erotic
Disruptions: Legal Narratives of Culture, Sex
and Nation in India -- chapter Narratives of
culture, sex, nation -- chapter The Bandit Queen
-- chapter Homosexuality -- chapter 4 The
Tragedy of Victimisation Rhetoric: Resurrecting
the 'Native' Subject in International/Postcolonial
Feminist Legal Politics -- chapter Cultural
essentialism -- chapter 'Death by culture' --
chapter 5 The Other Side of Universality: Cross-
Border Movements and the Transnational
Migrant Subject -- chapter Colonial subjects and

the meaning of 'universality' -- chapter The Other in the contemporary moment -- chapter (b) Equating migration with trafficking.

Research Handbook on Feminist Engagement with International Law Susan Harris Rimmer For almost 30 years, scholars and advocates have been exploring the interaction and potential between the rights and well-being of women and the promise of international law. This collection posits that the next frontier for international law is increasing its relevance, beneficence and impact for women in the developing world, and to deal with a much wider range of issues through a feminist lens.

International Law and its Others Anne Orford 2006-11-02 Institutional and political developments since the end of the Cold War have led to a revival of public interest in, and anxiety about, international law. Liberal international law is appealed to as offering a means of constraining power and as representing universal values. This book brings

together scholars who draw on jurisprudence, philosophy, legal history and political theory to analyse the stakes of this turn towards international law. Contributors explore the history of relations between international law and those it defines as other - other traditions, other logics, other forces, and other groups. They explore the archive of international law as a record of attempts by scholars, bureaucrats, decision-makers and legal professionals to think about what happens to law at the limits of modern political organisation. The result is a rich array of responses to the question of what it means to speak and write about international law in our time.

Terror and the Postcolonial Elleke Boehmer 2015-08-03 *Terror and the Postcolonial* is a major comparative study of terrorism and its representations in postcolonial theory, literature, and culture. A ground-breaking study addressing and theorizing the relationship between postcolonial studies, colonial history,

and terrorism through a series of contemporary and historical case studies from various postcolonial contexts Critically analyzes the figuration of terrorism in a variety of postcolonial literary texts from South Asia, Africa, and the Middle East Raises the subject of terror as both an expression of globalization and a postcolonial product Features key essays by well-known theorists, such as Robert J. C. Young, Derek Gregory, and Achille Mbembe, and Vron Ware

Domestic Violence and the Law in Colonial and Postcolonial Africa Emily S. Burrill 2010-08-15 Domestic Violence and the Law in Colonial and Postcolonial Africa reveals the ways in which domestic space and domestic relationships take on different meanings in African contexts that extend the boundaries of family obligation, kinship, and dependency. The term domestic violence encompasses kin-based violence, marriage-based violence, gender-based violence, as well as violence between patrons and clients

who shared the same domestic space. As a lived experience and as a social and historical unit of analysis, domestic violence in colonial and postcolonial Africa is complex. Using evidence drawn from Sub-saharan Africa, the chapters explore the range of domestic violence in Africa's colonial past and its present, including taxation and the insertion of the household into the broader structure of colonial domination. African histories of domestic violence demand that scholars and activists refine the terms and analyses and pay attention to the historical legacies of contemporary problems. This collection brings into conversation historical, anthropological, legal, and activist perspectives on domestic violence in Africa and fosters a deeper understanding of the problem of domestic violence, the limits of international human rights conventions, and local and regional efforts to address the issue. *The Cambridge Companion to Postcolonial Literary Studies* Neil Lazarus 2004-07-15 The

Cambridge Companion to Postcolonial Literary Studies, first published in 2004, offers a lucid introduction and overview of one of the most important strands in recent literary theory and cultural studies. The volume aims to introduce readers to key concepts, methods, theories, thematic concerns, and contemporary debates in the field. Drawing on a wide range of disciplines, contributors explain the impact of history, sociology and philosophy on the study of postcolonial literatures and cultures. Topics examined include everything from anti-colonial nationalism and decolonisation to globalisation, migration flows, and the 'brain drain' which constitute the past and present of 'the postcolonial condition'. The volume also pays attention to the sociological and ideological conditions surrounding the emergence of postcolonial literary studies as an academic field in the late 1970s and early 1980s. The Companion turns an authoritative, engaged and discriminating lens on postcolonial literary

studies.

Bad Law John Reilly 2019-10 From the bestselling author of *Bad Medicine* and its sequel *Bad Judgment* comes a wide-ranging, magisterial summation of the years-long intellectual and personal journey of an Alberta jurist who went against the grain and actually learned about Canada's indigenous people in order to become a public servant. "Probably my greatest claim to fame is that I changed my mind," writes John Reilly in this broadly cogent interrogation of the Canadian justice system. Building on his previous two books, Reilly acquaints the reader with the ironies and futilities of an approach to justice so adversarial and dysfunctional that it often increases crime rather than reducing it. He examines the radically different indigenous approach to wrongdoing, which is restorative rather than retributive, founded on the premise that people are basically good and wrongdoing is the aberration, not that humans are essentially evil

and have to be deterred by horrendous punishments. He marshalls extensive evidence, including an historic 19th-century US case that was ultimately decided according to Sioux tribal custom, not US federal law. And then he just comes out and says it: "My proposition is that the dominant Canadian society should scrap its criminal justice system and replace it with the gentler, and more effective, process used by the indigenous people." Punishment; deterrence; due process; the socially corrosive influence of anger, hatred and revenge; sexual offences; the expensive futility of "wars on drugs"; the radical power of forgiveness--all of that and more gets examined here. And not in a bloodlessly abstract, theoretical way, but with all the colour and anecdotal savour that could only come from an author who spent years watching it all so intently from the bench.

Ethnicity and International Law Mohammad Shahabuddin 2016-04-07 Ethnicity and International Law presents an historical account

of the impact of ethnicity on the making of international law. The development of international law since the nineteenth century is characterised by the inherent tension between the liberal and conservative traditions of dealing with what might be termed the 'problem' of ethnicity. The present-day hesitancy of liberal international law to engage with ethnicity in ethnic conflicts and ethnic minorities has its roots in these conflicting philosophical traditions. In international legal studies, both the relevance of ethnicity, and the traditions of understanding it, lie in this fact.

Making Law in Papua New Guinea Bruce L Ottley 2020-11

Postcolonial Paradoxes in French Caribbean Writing Jeannie Suk 2001-05-17 This book is the first major study of French Caribbean literature in light of the concept of postcoloniality.

Postcolonial theory debates have developed in the anglophone domain, and have not as yet referred prominently to francophone literature.

Jeannie Suk investigates how the literature of Martinique and Guadeloupe provides a kaleidoscopic view of the paradoxes at the heart of postcoloniality. Through subtle and provocative readings of Aimé Césaire, Edouard Glissant, Maryse Condé, Baudelaire, Freud, and others, she illuminates how the development of French Caribbean literature and debates about négritude, antillanité, and creolité contribute to theories of in-betweenness and incompleteness central to postcolonial modes. In each chapter, lively and detailed analyses of literary and critical texts reveal connections between key thematic, conceptual, rhetorical, and psychic issues that form the interface of Caribbean and postcolonial concerns. The first part paves theoretical ground, focusing on readings of two seminal texts, Césaire's *Cahier d'un retour au pays natal* and Glissant's *Discours antillais*; the second part concentrates on Maryse Condé's exemplary work. Lucidly articulating the overlap and interplay of the distance of oceanic crossing,

the discontinuities of allegorical signification, and the gap at the heart of trauma, Suk probes the paradoxical dynamic of impossible yet inevitable returns in space, time, and the psyche. She shows how literal and metaphorical "crossings" both produce and impede history and representation. The result is a new framework for understanding the intersection of postcolonial, psychoanalytic, deconstructive, and French Caribbean problems in a language attentive to improbable recurrences across theories and registers. *Postcolonial Paradoxes* is a major contribution to criticism and theory, of interest to scholars and students of postcolonialism, Caribbean and African diaspora literature, French literature, and psychoanalysis. *Critical International Law* Prabhakar Singh 2014 "Generally perceived as a means to organize relations between nations, international law could also become a critical lens in understanding the nature and function of the world order. A number of researchers have

worked in this area, unearthing its paradoxes and discursive terrains through a range of issues like globalization, environment, human rights, and investment laws. With contributions by established as well as promising scholars across the globe, this work explores the numerous issues that currently confront international law. The essays deliberate on both theories of international law and issues of interpretation. Three main streams representing critical international law have been identified. While Postrealism discusses international law and international politics, Postcolonialism grapples with the understanding of international vis-à-vis decolonized countries informed by sociology, philosophy, and history. Transnationalism displaces states as the primary makers of international law to include non-state actors in global governance. Discernment is an essential element in legal studies; in this light the present volume raises more questions than it answers, but attempts to evaluate problems from multiple

perspectives"--Unedited summary from book jacket.

Law, Orientalism and Postcolonialism Piyel Halder 2007-12-05 Focusing on the 'problem' of pleasure Law, Orientalism and Postcolonialism uncovers the organizing principles by which the legal subject was colonized. That occidental law was complicit in colonial expansion is obvious. What remains to be addressed, however, is the manner in which law and legal discourse sought to colonize individual subjects as subjects of law. It was through the permission of pleasure that modern Western subjects were refined and domesticated. Legally sanctioned outlets for private and social enjoyment instilled and continue to instil within the individual tight self-control over behaviour. There are, however, states of behaviour considered to be repugnant to, and in excess of, modern codes of civility. Drawing on a broad range of literature, (including classical jurisprudence, eighteenth century Orientalist scholarship, early travel

literature, and nineteenth century debates surrounding the rule of law), yet concentrating on the experience of British India, the argument here is that such excesses were deemed to be an Oriental phenomenon. Through the encounter with the Orient and with the fantasy of its excess, Piyel Haldar concludes, the relationship between the subject and the law was transformed, and must therefore be re-assessed.

The Scandal of the State Rajeswari Sunder Rajan 2003-04-09 The Scandal of the State is a revealing study of the relationship between the postcolonial, democratic Indian nation-state and Indian women's actual needs and lives. Well-known for her work combining feminist theory and postcolonial studies, Rajeswari Sunder Rajan shows how the state is central to understanding women's identities and how, reciprocally, women and "women's issues" affect the state's role and function. She argues that in India law and citizenship define for women not only the scope of political rights but also cultural

identity and everyday life. Sunder Rajan delineates the postcolonial state in implicit contrast with the "enlightened," postfeminist neoliberal state in the West. Her analysis wrestles with complex social realities, taking into account the influence of age, ethnicity, religion, and class on individual and group identities as well as the shifting, heterogeneous nature of the state itself. The Scandal of the State develops through a series of compelling case studies, each of which centers around an incident exposing the contradictory position of the Indian state vis-à-vis its female citizens and, ultimately, the inadequacy of its commitment to women's rights. Sunder Rajan focuses on the custody battle over a Muslim child bride, the compulsory sterilization of mentally retarded women in state institutional care, female infanticide in Tamilnadu, prostitution as labor rather than crime, and the surrender of the female outlaw Phoolan Devi. She also looks at the ways the Uniform Civil Code presented many

women with a stark choice between allegiance to their religion and community or the secular assertion of individual rights. Rich with theoretical acumen and activist passion, *The Scandal of the State* is a powerful critique of the mutual dependence of women and the state on one another in the specific context of a postcolonial modernity.

Postcolonial Transitional Justice KHANYISELA. MOYO 2020-12-18 Transitional justice processes are now considered to be crucial steps in facilitating the move from conflict or repression to a secure democratic future. This book contributes to a deeper understanding of transitional justice by examining the complexities of transition in postcolonial societies. It focuses particularly on Zimbabwe but draws on relevant comparative material from other postcolonial polities. Examples include but are not limited to African countries such as South Africa, Rwanda and Mozambique. European societies such as Northern Ireland, as

well as other nations such as Guatemala, are also considered. While amplifying the breadth of the subject of transitional justice, the book addresses the claim that transitional justice mechanisms in postcolonial countries are necessary if the rule of law and the credibility of the country's legal institutions are to be restored. Drawing on postcolonial legal theory, and especially on analyses of the relationship between international law and imperialism, the book challenges the assumption that a domestic rule of law 'deficit' may be remedied with recourse to international law. Taking up the paradigmatic perception that international law is neutral and has fixed rules, it demonstrates how complex issues which arise during postcolonial transitions require a more critical adoption of transitional justice mechanisms.

The Pirate Myth Amedeo Policante 2015-01-09 The image of the pirate is at once spectral and ubiquitous. It haunts the imagination of international legal scholars, diplomats and

statesmen involved in the war on terror. It returns in the headlines of international newspapers as an untimely 'security threat'. It materializes on the most provincial cinematic screen and the most acclaimed works of fiction. It casts its shadow over the liquid spatiality of the Net, where cyber-activists, file-sharers and a large part of the global youth are condemned as pirates, often embracing that definition with pride rather than resentment. Today, the pirate remains a powerful political icon, embodying at once the persistent nightmare of an anomic wilderness at the fringe of civilization, and the fantasy of a possible anarchic freedom beyond the rigid norms of the state and of the market. And yet, what are the origins of this persistent 'pirate myth' in the Western political imagination? Can we trace the historical trajectory that has charged this ambiguous figure with the emotional, political and imaginary tensions that continue to characterize it? What can we learn from the history of piracy

and the ways in which it intertwines with the history of imperialism and international trade? Drawing on international law, political theory, and popular literature, *The Pirate Myth* offers an authoritative genealogy of this immortal political and cultural icon, showing that the history of piracy – the different ways in which pirates have been used, outlawed and suppressed by the major global powers, but also fantasized, imagined and romanticised by popular culture – can shed unexpected light on the different forms of violence that remain at the basis of our contemporary global order.

The Jurisprudence of Emergency Nasser Hussain
2019-08-02 *The Jurisprudence of Emergency* examines British rule in India from the late eighteenth to the early twentieth century, tracing tensions between the ideology of liberty and government by law used to justify the colonizing power's insistence on a regime of conquest. Nasser Hussain argues that the interaction of these competing ideologies

exemplifies a conflict central to all Western legal systems—between the universal, rational operation of law on the one hand and the absolute sovereignty of the state on the other. The author uses an impressive array of historical evidence to demonstrate how questions of law and emergency shaped colonial rule, which in turn affected the development of Western legality. The pathbreaking insights developed in *The Jurisprudence of Emergency* reevaluate the place of colonialism in modern law by depicting the colonies as influential agents in the interpretation of Western ideas and practices. Hussain's interdisciplinary approach and subtly shaded revelations will be of interest to historians as well as scholars of legal and political theory.

Postcolonial Asylum David Farrier 2011 This book investigates how, as postcolonial studies revises its agenda to incorporate twenty-first century concerns, asylum has emerged as a key field of enquiry.

Singing the Law Peter Leman 2020-04-18 Singing the Law is about the legal lives and afterlives of oral cultures in East Africa, particularly as they appear within the pages of written literatures during the colonial and postcolonial periods. In examining these cultures, this book begins with an analysis of the cultural narratives of time and modernity that formed the foundations of British colonial law. Recognizing the contradictory nature of these narratives (i.e., both promoting and retreating from the Euro-centric ideal of temporal progress) enables us to make sense of the many representations of and experiments with non-linear, open-ended, and otherwise experimental temporalities that we find in works of East African literature that take colonial law as a subject or point of critique. Many of these works, furthermore, consciously appropriate orature as an expressive form with legal authority. This affords them the capacity to challenge the narrative foundations of colonial law and its

postcolonial residues and offer alternative models of temporality and modernity that give rise, in turn, to alternative forms of legality. East Africa's "oral jurisprudence" ultimately has implications not only for our understanding of law and literature in colonial and postcolonial contexts, but more broadly for our understanding of how the global south has shaped modern law as we know and experience it today.

Postcolonial Thought and Social Theory

Julian Go 2016-09-23 Social scientists have long resisted the radical ideas known as postcolonial thought, while postcolonial scholars have critiqued the social sciences for their Euro-centric focus. However, in *Postcolonial Thought and Social Theory*, Julian Go attempts to reconcile the two seemingly contradictory fields by crafting a postcolonial social science. Contrary to claims that social science is incompatible with postcolonial thought, this book argues that the two are mutually beneficial,

drawing upon the works of thinkers such as Franz Fanon, Amílcar Cabral, Edward Said, Homi Bhabha, and Gayatri Spivak. Go concludes with a call for a "third wave" of postcolonial thought emerging from social science and surmounting the narrow confines of disciplinary boundaries.

Postcolonialism Robert J. C. Young 2016-10-12

This seminal work—now available in a 15th anniversary edition with a new preface—is a thorough introduction to the historical and theoretical origins of postcolonial theory. Provides a clearly written and wide-ranging account of postcolonialism, empire, imperialism, and colonialism, written by one of the leading scholars on the topic. Details the history of anti-colonial movements and their leaders around the world, from Europe and Latin America to Africa and Asia. Analyzes the ways in which freedom struggles contributed to postcolonial discourse by producing fundamental ideas about the relationship between non-western and western

societies and cultures Offers an engaging yet accessible style that will appeal to scholars as well as introductory students

Colonial and Post-colonial

Constitutionalism in the Commonwealth

Hakeem O. Yusuf 2013-12-17 The peace, order and good government (POGG) clause is found in the constitutions of almost all Commonwealth countries. Since its introduction, the clause has played a significant role in colonial and post-colonial constitutionalism in Commonwealth jurisdictions. This book is the first full length analysis of the various dimensions of the peace, order and good government clause. It argues that the origins of the POGG clause mark it out as an anachronistic feature of British constitutionalism when seen against a modern setting of human rights, liberty and democratisation. The book traces the history, politics and applications of the clause through the colonial period in Commonwealth territories to date. It provides critical evaluation of the

POGG clause in a cross-continental enquiry, examining statutory, political and constitutional deployment in Australia, Canada, India, Nigeria, South Africa and the United Kingdom. The evaluation demonstrates that the POGG clause has relevance in a number of significant aspects of legal and socio-political ordering across the Commonwealth featuring prominently in the federalism question, emergency powers and the review of administrative powers. It maintains that while the clause is not entirely devoid of positive value, the POGG clause has been used not only to further the objects of colonialism, but also authoritarianism and apartheid. This book calls for a rethink of the prevailing subjective approach to the interpretation of the clause. The book will be of interest to students and academics of public law, human rights law, and comparative politics.

Minorities and the Making of Postcolonial States in International Law Mohammad Shahabuddin 2021-06-10 A critical analysis of how

international law operates in the ideology of the postcolonial state to marginalise minority groups.

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