

# Law, Colonialism and Violence I: Questions of Foundations

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## ABSTRACTS

### **Scott Veitch: ‘Law and the Organisation of Irresponsibility’**

“There is a question of how objectivities and subjectivities interact that takes thought back to its assumptions and frames while it is yet busy with framing, narrating and conceptualising” (Workshop Introduction)

Legal institutions and categories operate as much to deflect accountability and responsibility for harms suffered, as they do to acknowledge them. The above quote points to a dynamic process within which this claim might be situated.

Norms (moral, political, legal) cannot be thought apart from their social locations in diverse institutions, places where these very norms, and their instantiations, may be deployed, disaggregated, disfigured, prioritised or neglected, covered over or exposed, engaged or disengaged, across the range of networks and forms of knowledge and action.

My presentation seeks to open out the question of foundations in attempts to come to terms with the past in the context of ongoing harms by analysing the forces at work which constitute the mediatised conditions within which philosophical, ethical and political thinking takes place. Together, these form shifting foundations, are subject to division and re-combination, within the dynamic of concept and practice. To address disavowals of responsibility — as might be seen in recent efforts at reconciliation — requires attention to the polices, stakes and strategies which organise norms of accountability, often turning them into their other.

### **Kathy Bowrey: ‘Global communications and intellectual property activism: whose cultural agenda is being advanced?’**

IP activism advocates a new model of global property rights. There is a push to support and strengthen the public domain or cultural commons. This is an act of resistance to the expansionist reach of global corporations and the US government, that has been expressed through the new trade treaties and revised

IP laws.

Whilst there are concessions to concerns for protection of indigenous knowledge and biopiracy, these are not seen as mainstream IP issues. In terms of global politics, IP activism relegates indigenous questions to a special case of postcolonial human rights, rectified by new international treaties sponsoring the development of sui generis models or protection.

What are the politics that drives this characterisation of the problem of global information production?

What are the pragmatic implications for indigenous rights and for Australian cultural production?

And what does it say about the culture of property jurisprudence in the domains of IP?

### **Emilios Christodoulidis: ‘Politics and Potentiality’**

Drawing on the first few lectures of *Infinite Thought* (in particular, chs. 2 and 3) I want to try and link what Badiou says about the political event with the concept of potentiality and, in the same line of thought, with a marxist concept of praxis: underlying this inquiry is an attempt to think through, with Badiou and Negri, an idea of the new, of what it means to act against totalising contexts and symbolic orders in a way that allows the moment of action to establish itself incongruently to the forms of mediation that are available to interpret it.

### **Tarik Kochi: Terror in the Name of Human Rights**

The paper introduces an approach to looking at what can be termed ‘war’s moral problem’. By focussing upon one contemporary form of war, a war in the name of human rights, the paper will examine some of the difficulties involved in the moral and legal judgement of contemporary acts of terror carried out by political Islamicists. Attention will be given to how the demand for a not yet right and justice upsets forms of moral and juridical ordering and opens onto modern partisan wars over the content of human dignity. Within this frame moral and legal judgement might be understood as a question of (mis)recognition.