

# Altonaer Stiftung für philosophische Grundlagenforschung

January 31, 2008

## LAW, COLONIALISM AND VIOLENCE II

Today, industrial supremacy brings with it commercial supremacy. In the period of manufacture it is the reverse: commercial supremacy produces industrial predominance. Hence the preponderant role played by the colonial system at that time. It was the ‘strange God’ who perched himself side by side with the old divinities of Europe on the altar, and one fine day threw them all overboard with a shove and a kick. It proclaimed the making of profit as the ultimate and sole purpose of mankind (Marx, *Capital* I, trans. B Fowkes at 919).

### **Invitation**

The ASFPG invites you to attend a workshop ‘Law, Colonialism and Violence II’. As indicated the workshop is the second of a projected series for which partly stable, partly changing participants are envisaged. The workshop is organized by the Stiftung’s Centre for Legal Theory and will take place at its premises in Altona, Hamburg on **9th–11th May, 2008**. The Stiftung will support participants financially by paying travel costs (basic economy), accommodation for three nights (or more if needed to fit convenient travel schedules) and a modest per diem for the three days of the workshop. Refreshments, lunches and an evening dinner will be provided by the Stiftung.

### **The Stiftung**

The Stiftung is an independent foundation located in Hamburg, Germany with a commitment to furthering interdisciplinary work on basic conceptual issues and practical problems in the areas of logic and metaphysics, legal theory and the ethics of science and technology. It is organised around three centres corresponding to these areas which pursue the Stiftung’s aims independently. One

of the ways in which it pursues its goal is by organising and hosting informal workshops. While in principle — and particularly as regards research on the foundations of mathematics and logic and research on theories of scientific, social and legal change — we hope to establish points of contact, even to build bridges where traditionally gaps and gulfs yawn, for the moment the workshops remain within the ambit of one or other of the centres. As regards legal theory the foundational aim of the Stiftung is well enough pursued by encouraging reflection on framing assumptions of work presented and discussion that negotiates the blind spots of different frames. Further information regarding the Stiftung is found on our website: [www.asfpg.de](http://www.asfpg.de)

### **The Workshop**

‘Law, Violence and Colonialism I’ (2005) was an inaugural event of the Stiftung. It was a lively affair and served its purpose of making a start but not of suggesting specific topics for further workshops. Partly for that reason, but also because we think it a good idea, we again ask participants to contribute specific topics to the workshop by drawing on their own recent work or current work-in-progress. In this proposal we seek to elicit a sense for our title.

At its broadest it points to the problematic of norms and normativity issuing from social and cultural formations constituted by forms of violence which, according to the very standards and values articulated, are judged wrong. That problematic may go under various names: inauthenticity, masquerade, double standards. It can be seen in terms of the inversions and displacements of a topsy-turvy world. It may be seen to inhere in the diremptions and dualities of western metaphysics, in practices of justification and discourses of legitimation, in culture or ‘logic’ in some sense of these terms. Such representations feed back into the problematic calling out pragmatic, strategic, and political responses which must then negotiate the ideologies and silences that build from and settle over the same ground lest they fall prey to them.

In narrower compass ‘Law, Colonialism and Violence’ came out of engagements with law and politics in Britain’s ‘settled colonies’ particularly Australia, Canada, New Zealand and the United States of America. The ‘colonialism’ referred to was modern European colonialism, the law of ‘origin’ the common law of England and violence materialises in the occupation of the land and decimation of the lives and cultures of Indigenous peoples, and in the United States, slavery, revolution and war. The past-present and present-past of trauma, nation and empire at law’s foundations in these jurisdictions, its folded and unfolding expression in doctrine, policy and narrative, and the ethics and politics of reconciliation are foci within this compass.

In the last mentioned respect that compass widens to processes of transition and reconciliation that attempt to deal with traumatic pasts. Similarly, if the reference to modern European colonialism is kept, the particular reference may be to other forms and experiences of colonisation and decolonisation. And starting out from the thought that gives priority to modern western colonialism, namely, its collaborative shaping with a Galilean science and technology of a

global order and its law, the ‘colonialism’ of the title may give way to contemporary global ordering. Or, a little differently, if ‘colonialism’ is taken, perhaps as Marx took it, as a complex system with a leading role in an economic transition and a strange affect, contemporary phenomena fitting that description or parts of it become topics. If the multifarious aspects of violence and law are linked into that strange affect theory will likely enough be done within ideas of ‘foundation’ that are marked, historically, in the breach between Kant and Herder. That will take some negotiating. It is one of the gulfs confronting us. Whether the approach is made through discussion of the relation between theory and politics or otherwise, it is hopefully a negotiation we can undertake.

The narrower compass and its extensions are meant to illustrate the problematic. The problematic in its turn, is meant to sketch a theoretical question which we think legal theory should encompass. How it should do so goes to approaches, presuppositions, chosen levels of analysis and manners of engagement with law, its claim to authority, its enforcement and its differentiated regulation of and complicity in violence.

### **Participation and possible Participants**

As mentioned, workshops at the ASFPG are informal. Participants can present their work by reading or speaking to a pre-circulated paper, by a power-point presentation, by using a video, or by organising a session alone or with others with pre-circulated outline and readings, questions or themes for discussion. We are contemplating a mix of formats, with some sessions, perhaps an afternoon, taking place in smaller groups and relatively unstructured. In addition at least one if not two general reading sessions, again with pre-circulated readings are envisaged.

If you wish to accept the invitation, please respond to **valerie.kerruish@asfpg.de** with an abstract of the paper or other contribution you wish to make to the workshop. We will get back to you as things firm up with a proposed approach to and format for the workshop.

Kathy Bowrey	Brenna Bhandar
Emilios Christodoulidis	Denise Ferreira da Silva
Valerie Kerruish	Tarik Kochi
China Mieville	Andrea Smith
Stewart Motha	Oscar Guardiola-Rivera
Scott Veitch	Anastasia Vakulenko
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Pro forma: Stiftung Board members, Matthias Kaiser and Uwe Petersen

Valerie Kerruish, Hamburg.