

# Decolonial comparative legal history: indigenous and global South law prior to colonialism

4. Dezember 2021

9-10 September 2022, Oxford, United Kingdom

Paper submission deadline: 9 February 2022 / Decisions: 9 May 2022

(This call for papers is also available in German, Spanish and French [here](#).)

## Theme:

The second Decolonial Comparative Law Workshop will focus on comparing indigenous law and pre-colonial law, both in settler-colonial regions of the global North and in the area now often referred to as the global South.

Decoloniality, as we understand it, promotes a pluriversal understanding of “law,” which means that each society defines and practices law distinctly, such that no society’s law is either universal or inherently superior.

In the modern era, the ideology of coloniality promoted narrow expressions of law, particularly (though not exclusively) as “positive law.” In addition, colonizers distinguished positive law from colonial notions of “religious law,” “customary law,” and “native law,” which had significant implications for legal understandings and practices in colonized areas—as well as for the self-understanding of the colonized.

Reacting against colonialism, many colonized peoples looked to pre-colonial or indigenous law to counter the hegemony of colonial law. In contemporary courtrooms and political debates, lawyers, legal scholars, and activists dispute the nature and applicability of pre-colonial and indigenous laws.

Yet, present concerns and ideas always shape historical inquiry and the pre-colonial or indigenous law that they “excavate” is often a contemporary construct—albeit one based on history, historiography, and memory.

We seek to engage critically with indigenous and global South histories, avoiding both romanticized nostalgia and imposing colonial historiographic methods. Although law is pluriversal and historically contingent, colonial law remains hegemonic in historiography and in legal practice. Consequently, pre-colonial and indigenous legal traditions are translated habitually into the language of coloniality.

The challenge for scholars of decoloniality is to decolonize the concept of law shared by both colonizers and the colonized. Accordingly, our workshop aims to interweave several objectives: delinking from colonial notions of law; exploring decolonial (legal) historiography; comparing indigenous law in settler-colonized regions and pre-colonial law in colonized regions; offering decolonial translations of pre-colonial law.

## **PAPER SUBMISSION:**

We invite papers that destabilize coloniality by engaging with how indigenous and global South societies defined or practiced law prior to colonialism.

Papers should be based on original research, ideally relying on primary or indigenous sources from prior to the colonial era (broadly defined).

Papers should identify “law” in a specific tradition or place, with particular attention to indigenous or pre-colonial epistemologies and practices.

Since colonial legal notions continue to distort historiography, we welcome papers that decolonize (i.e., identify and replace) coloniality in the legal historiography of the precolonial global South and indigenous communities. (Authors may want to make use of the bibliographies of decolonial theory and decolonial legal studies provided on the DCL Project [website](#).) Please send your paper to [decolonial@mpipriv.de](mailto:decolonial@mpipriv.de) (i) as an attachment in the template provided on the Decolonial Comparative Law Project [website](#) (ii) in any language (iii) not exceeding 5000 words (iv) by 9 February 2022. The advisory committee will review all papers and decisions will be sent by 9 May 2022.

**ACCEPTED PAPERS:** Authors of accepted papers will have an opportunity to submit revised versions of their papers for the workshop, with a deadline of 9 June 2022. Submitted papers that are written in a language other than English will be professionally translated. Papers will be pre-circulated prior to the workshop. The workshop will bring together authors of legal historiography with discussants (primarily legal scholars specializing in indigenous, global South, or decolonial legal studies). Authors will not present their papers at the workshop. Final submission of papers will be 9 December 2022. After peer-review, the papers will be published in an edited volume or journal symposium issue.

**ORGANIZATION:** The British Academy Global Professorship and the Max Planck Institute for Comparative and Private International Law provide funding for the workshop. Organizers expect to offer two nights of accommodation and travel reimbursement for authors of accepted papers. Authors and discussants will have the option of participating remotely. The Decolonial Comparative Law Workshop is co-organized by Lena Salaymeh (University of Oxford) and Ralf Michaels (Max Planck Institute for Comparative and Private International Law). In addition to the organizers, the advisory committee includes Claire Charters (Auckland Law School), Farhat Hasan (University of Delhi), Kentaro Matsubara (University of Tokyo), Ethelia Ruiz Medrano (Instituto Nacional de Antropología e Historia), Blaise Alfred Ngando (Université de Yaoundé 2 – Soa), and Mark Walters (Queen’s University).

**LOCATION:** The Oxford School of Global and Area Studies will host the workshop, which will take place at the University of Oxford. Translation services can be provided at the workshop.

Source: <https://www.mpipriv.de/decolonial>

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