

**Canadian Journal of Law & Society/Revue
Canadienne Droit et Société**

Special Issue Proposal

Law and Decolonization

Eds. Stacy Douglas and Suzanne Lenon
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Table of Contents

I.	Special Issue Focus.....	1-2
II.	Overview of Articles and Authors.....	2
III.	Preliminary Article Titles and Abstracts.....	3-4
IV.	Proposed Timeline.....	5
V.	Biography of Editors.....	6
VI.	Financial Support.....	6
VII.	Works Cited.....	7

Canadian Journal of Law & Society/Revue Canadienne Droit et Special Issue Proposal

I. Special Issue Focus

Detached from the colonial mythology of the settler society through the application of a disciplined logic of just principles, Indigenous-settler relations cannot be obviously reconciled without deconstructing the institutions that were built on racism and colonial exploitation. For justice to be achieved out of a colonial situation, a radical rehabilitation of the state is required.

-Taiaiake Alfred

Taiaiake Alfred argues that justice for indigenous people cannot be achieved through existing juridical frameworks. Rather, Alfred suggests that decolonization requires the deconstruction of colonial institutions, but that it also entails the restoration of some semblance of a state. As such, Alfred's claim surfaces a tension between the meaning of decolonization and its relation (or non-relation) to the juridical. In particular, this tension poses the questions: what does it mean to deconstruct colonial institutions? Are the projects of statehood and decolonization compatible? In either case, what does decolonization look like?

In order to further pursue this difficult dilemma, we propose a Special Issue on the troublesome relationship between law and decolonization. We start from a premise that "decolonization is not a metaphor" (Tuck and Wang 2012, 3). As such, we propose an issue that inspires, provokes, and critically traces the relationship between law and decolonization, whilst recognizing we live in an ongoing colonial project where law is key to the continued economic, political, and legal dominance of settlers. One key aim of the issue is to challenge and expand the supposedly stable categories of "law" and "decolonization". Indeed, we seek to consider how law and colonialism not only shape our institutions, but also our imaginations of decolonization. We agree with the editors of the inaugural issue of *Decolonization: Indigeneity, Education & Society* that "if we are serious about decolonizing, we must be able to untangle the knots and respond to colonial oppression at all levels" (Sium, Desai and Ritskes, 2012, 10). This special issue is dedicated to investigating the possibilities and meaning of this challenge.

Some of the questions this special issue seeks to address are:

- How might we consider decolonization as a method and/or concept in its application to/within law?
- Is it possible to decolonize institutions of colonial power? Is it possible to decolonize *through* them?
- What are some of the practical and theoretical considerations when conceptualizing decolonization within law?
- Is it possible to "decolonize" law?
- What would it mean to understand the Canadian legal system as "not the only option"? (Monture 2006)

**Canadian Journal of Law & Society/Revue Canadienne Droit et
Special Issue Proposal**

- What are the implications and outcomes of taking decolonization seriously within law? How might it challenge Canadian sovereignty? How might it challenge the concept of sovereignty entirely?
- What is the relationship between decolonization and statehood? Are they compatible?
- What are the conceptual challenges that we face in thinking of and imagining decolonization?
- What do institutions look like after decolonization? Is it possible to have a decolonized juridical framework?

II. Overview of Authors and Articles

	Name	Institution	Article Title
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Special Issue Proposal**

III. Preliminary Article Titles and Abstracts

As editors we understand one of our key roles as ensuring coherence among and connection between all of the articles in the special issue. To that end, we will work with the following authors and their suggested topics to make certain that all of the pieces speak to the central theme of law and decolonization. While diverse in their approaches to the topic, what ties them together is both a tangible theoretical engagement and envisioning of what decolonization might look like.

1. *Article Title*

Author
Author Title
Author Affiliation

Paper Abstract

2. *Article Title*

Author
Author Title
Author Affiliation

Paper Abstract

3. *Article Title*

Author
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4. *Article Title*

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**Canadian Journal of Law & Society/Revue Canadienne Droit et
Special Issue Proposal**

6. *Article Title*

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7. *Article Title*

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Paper Abstract

8. *Article Title*

Author
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Author Affiliation

And

Co-Author
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Co-Author Affiliation

Paper Abstract

9. *Article Title*

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Paper Abstract

10. *Article Title*

Author
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Author Affiliation

Paper Abstract

**Canadian Journal of Law & Society/Revue Canadienne Droit et
Special Issue Proposal**

IV. Proposed Timeline

The editors saw the CJLS's Call for Proposals in the late fall of 2012 and subsequently solicited the papers directly from the authors listed above between November and December. We have included 10 names in order to account for the possibility of attrition. The authors agreed to participate in this project based on the following tentative timeline. Although we realize that we will have to consult and confirm our timeline with the Editorial Board of the journal we thought it useful to include in our initial proposal to the authors. This timeline is based on the editors' previous experience with the publication of other edited collections. As such, the editors realize that the CJLS conventions may differ:

1 February 2013

The *Canadian Journal for Law and Society* will inform us if our special issue proposal has been selected.

Early February 2013

The editors will meet with the CJLS EB to discuss the production timeline and anticipated costs of the special issue. Any necessary funding application deadlines will be added to the timeline at that juncture. The editors will also send manuscript style guidelines as well as the production timeline to the authors.

28 June 2013

Authors will submit an entire draft of their article (6,000-8,000 words).

July/August 2013

Individual articles will be peer-reviewed. The editors will write the Introduction (approx. 5,000 words).

September/October 2013

Authors will have time to make revisions. Articles requiring major revisions may be cut from the special issue at this time.

1 November 2013

Final articles will be due to the editors. Copy-editing (by the editors) will take place during November.

December 2012/January 2013

The special issue will be reviewed.

February 2013

Any final changes to the special issue will be made.

1 March 2014

The special issue will be copyedited and formatted by Cambridge University Press (editors must confirm this with the EB).

1 June 2014

The special issue is published.

Canadian Journal of Law & Society/Revue Canadienne Droit et Special Issue Proposal

V. Biography of Editors

Stacy Douglas is a Lecturer in Law and Legal Studies at Carleton University (Canada). She teaches and researches in the intersecting areas of constitutional law, political theory, and colonialism and has published in *Law and Critique*, *Feminist Legal Studies*, *Theory & Event*, *Upping the Anti*, as well as *Radical Philosophy*, *Canadian Dimension*, and *Truthout*. In 2011 she edited a Special Issue of *Feminist Legal Studies* with articles by Sara Ahmed, Jasbir Puar, Suhraiya Jivraj, Anisa De Jong, and Alana Lentin. Stacy also formerly served as Co-Director of the *Kent Centre for Law, Gender, and Sexuality* (2009-11), Articles Editor for *Feminist Legal Studies* (2009-11) and *feminists@law* (2010-11), Committee Member for the *Postgraduate and Early Career Scholars Network* (2009-11), as well as Skills Tutor for *Kent Law School* (2010-11).

Suzanne Lenon is Assistant Professor in the Department of Women & Gender Studies at the University of Lethbridge. Her research and teaching interests focus on critical race feminisms; law, gender and sexuality; and politics of nationalism, multiculturalism and queer rights. Her work has been published in *Canadian Journal of Women & the Law*, *Social Identities: Journal for the Study of Race, Nation and Culture*, *Journal of Intercultural Studies*, *Atlantis: Critical Studies in Gender, Culture and Social Justice*, and *darkmatter101*. She is currently co-editing a book with OmiSoore H. Dryden (UBC Press) entitled, *Disturbing Canadian Homonationalisms: Queer Interventions*.

VI. Financial Support

Although the Call for Proposals did not indicate the need to speak to avenues for financial support, we realize that it is sometimes necessary for editors to account for partial costs of the journal's production. To that end, we would like to highlight that we have considered the following potential funding sources to support us in the publication of this Special Issue:

- The University of Lethbridge has a Research Dissemination Grant (<http://www.uleth.ca/research/node/2150>) that is valued at \$2,000 and goes towards assistance of publication of scholarly works. Administrators of this grant have indicated to us that we could be eligible for this money.
- SSHRC Connections Grants (http://www.sshrc-crsh.gc.ca/funding-financement/programs-programmes/connection_grants-subventions_connexion-eng.aspx) "support events and outreach activities geared toward short-term, targeted knowledge mobilization initiatives" from \$7,000 to \$50,000. The Faculty Research Assistant for the Faculty of Public Affairs at Carleton suggested this might be a feasible avenue, however, we have a meeting with her in early January to discuss other possible opportunities.

**Canadian Journal of Law & Society/Revue Canadienne Droit et
Special Issue Proposal**

VII. Works Cited

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de Sousa Santos, Boaventura (1987) Law: A Map of Misreading. Toward a Post-Modern Conception of Law. *Journal of Law and Society*, 14(3), 279-302.

Monture, Patricia (2006) "Standing against Canadian law: Naming Omissions of Race, Culture and Gender." In: *Locating law: Race/Class/ Gender/Sexuality Connections*. Elizabeth Comack et al (eds.), Fernwood Publishing, 73-93.

Sium, Aman, Chandni Desai and Eric Ritskes (2012) "Towards the 'Tangible Unknown': Decolonization and the Indigenous future." *Decolonization: Indigeneity, Education & Society*, 1(1), I-XIII.

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Valverde, Mariana. 2009. Jurisdiction as Scale: Legal 'Technicalities' as Resources for Theory. *Social Legal Studies*, 18(2), 139-157.