
Diversity, Knowledge and Power

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Introduction

In her thought provoking and challenging paper Karin van Marle reflects on the theme of diversity and legal reasoning from the vantage point of epistemology and feminist knowledges. She draws upon the work of Arendt, Butler and Rose to raise critical questions of self, power, voice, authority and the production of knowledge and to challenge the ways in which existing social, political and legal practices marginalize minority voices, knowledge and lived experience. At the heart of Karin's paper lie critical questions on the operative and constitutive effects of belonging and identity, conceptualizations of the 'centre and periphery' and the ways in which discourses on diversity in law continue to reflect unequal power relations. In asking these questions she interrogates epistemically the ways in which existing diverse practices in legal reasoning can be disrupted, transformed and resisted and how the fluid interplay of diverse, feminist knowledges and plural experiences can produce new ways of thinking. In this way, the normative or descriptive notion of diversity in liberal debates (that focus on the accommodation and recognition of 'diversity') may be transformed in new ways of living together in the contexts of radical diversity. This critical interrogation draws upon feminist and critical scholarship to consider how existing liberal debates on diversity can "end up keeping the centre intact by allowing diverse voices and views in such a way that they remain exactly that, diverse views and voices that are raised" (p 1). Instead Karin offers new theoretical tools to rupture existing knowledge and considers the ways in which real and sustained change to the production and recognition of alternative diverse knowledges and viewpoints can take place in full and meaningful ways, thereby reshaping legal reasoning as diverse. In other words she challenges the ways in which diversity projects and practices that maintain and reinforce existing unequal power relations lead to the continuation of unequal outcomes. A critical reevaluation opens, therefore, new possibilities for law and legal change.

In this paper I reflect on some of the important insights Karin provides while linking some of these to wider debates on diversity and the marginalization of those on the periphery of law and decision-making. For example, who belongs in the centre and who remains located on the periphery? Can voices that have historically and socially been excluded in debates on diversity ever be included in a legal context that operates as part of a neoliberal state that imagines law in specific ways based on fixed notions of belonging and otherness? More importantly what are the conditions upon which difference and race, class and gender oppression exist in diversity debates? Underpinning this are debates on resistance and the ways in which resistance takes shape that can become part of the dialogical process of change and new knowledges. Critical race theorists and black feminists for example have drawn upon frameworks of intersectionality and the epistemology of resistance to consider the ways in which epistemic injustice that accompanies oppression can be overcome. From the vantage point of resistance they suggest ways in which an epistemology of resistance can better shape our understanding of diverse legal reasoning, make ruptures to the centre and allow space for new diverse voices. In other words social and political critique that allows for subjugated knowledge to be

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understood as part of political resistance provides crucial insights into challenging epistemic injustice and oppression.

Rupturing the Centre

Reflecting upon the work of Achille Mbembe and student campaigns to decolonize the university in South African universities, Karin considers the ways in which student protests and the emergence of new resistant knowledges to colonial images, symbols and statues representing colonial periods of history can be replaced by new sets of resistant and emerging knowledges. This process of new knowledge production is not a product of a colonial and orientalist imagery but instead is based upon universal principles of a normative humanity, one that promotes social inclusion, tolerance and diversity while recognizing the continued racism, exclusion and stigmatization caused by colonialism and colonial practices that continue to produce epistemic harms and injustice. At the heart of this question lies the question too of what constitutes normatively a pluralistic and diverse society. Karin's critical analysis therefore raises not only a relativist view of diversity but also the question, as Butler argues, of what constitutes *our* epistemic obligations and responsibilities as ethical demands as part of a shared humanity. In other words what demands are made on us by new voices and new knowledges and how can we think through the ways in which they can be met?

Karin asks whether the concern with radical or deep diversity entails a re-centring and if so how we can acknowledge the difference that ruptures the core of privileged knowledge, voice and authority. Is rupture to existing legal culture possible and feasible in the context of existing unequal structures of law and legality? For Mbembe decolonizing the university entails two key objectives, first a critique of the Eurocentric university model, and second to *imagine* and then construct alternative models of the university as an inclusive, diverse space that encapsulates multiple voices. In South African universities student protests have taken the form of resistant acts that aim to produce alternative knowledges, thereby subverting existing university claims of diversity while challenging the complicity of unequal power relations in the power structures of the university setting. This production of knowledge as *resistance* and the production of *resistant acts* contributes to and facilitates new epistemic transformations and new processes of knowledge production. It further highlights not only the privileging of whiteness and the west in the social structure of the university setting but also the ways in which internal forms of resistance against the campaign to decolonize the university can take shape. The institutional bias against this kind of resistance contributes to the privileging of existing knowledge as the truth and immutable. In other words from the vantage point of epistemic violence can knowledge deemed marginal emerge from structural inequalities and oppression?

Such campaigns to decolonize the university have taken place across a number of universities in different national contexts. One recent example was found at SOAS (School of Oriental and African Studies), University of London. This campaign was led by students to decolonize the curriculum in collaboration with University College London's *Why Is My Curriculum White Campaign*.¹ The campaign focused on the

¹ See <https://www.nus.org.uk/en/news/why-is-my-curriculum-white/>.

privileging of both male and white dominance in the curriculum with the students stating:

One of the key aspects of this campaign is for us to examine the ways in which Western philosophy puts a specific conception of Man at the centre. This enables the myth of 'universal truth' as being a body of knowledge that has dictated the current colonial structure of the world we live in today. The campaign will be looking at ways SOAS as an institution can incorporate other forms of knowing and grant the same credence to metaphysical and transcendental systems of knowledge from the Global South as it does to systems of knowledge that have emerged from Western Europe.²

The challenge from students to critique and question the privileging of certain forms of knowledge present in the curriculum coupled with a critique of the complex relations of institutional power, authority and bias led to a systematic backlash against the student campaign, at times vociferous and vitriolic while singling out individual student campaigners. In particular, the media response to this campaign provides an interesting example of the ways in which epistemic harms were caused against campaign leaders and organizers for the act of simply calling into question the use of hegemonic knowledges as authoritative and fixed in university curricula and teaching.

SOAS student campaigners were accused of seeking to remove white philosophers such as Plato and Kant from reading lists, to be replaced exclusively by black thinkers and scholars.³ Black and minority ethnic students were labelled "dangerous" for seeking to erode the universal value of philosophical literature and western thought while endangering university education and learning for all students. Thus in the face of such a backlash to calls for diversity and to make the university curriculum diverse, how do we respond to the challenge to the dominant hegemonic knowledge found in university curricula and its epistemic harms? Of course universities share a collective responsibility to challenge the privilege and injustice often found endemic in university institutions coupled with the need to address the marginalization of particular kinds of intellectual voices and scholarship with spaces for critical engagement and debate. The response by the media to the SOAS campaign illustrates that any production of alternative, resistant knowledges, even within the context of a university, can be dismissed as unqualified knowledge, resulting in the continued epistemological exclusion and marginalization of alternative knowledges. In fact the ruptures to existing Eurocentric knowledge sought by the students aimed only for a greater representation of non-European philosophers and thinkers in order to envision alternative knowledges and diverse ways of thinking and the openness of curricula to critique, contestation and challenge. The pluralism envisioned was not one of cultural exceptionalism, racism or cultural approbation but the challenging of existing power structures and centring of marginalized knowledges to ensure that diversity does indeed rupture the centre and becomes visible on its own terms, and is not simply seen through the eyes of more privileged groups.

My argument here is that those marginalized and on the periphery of decision-making face multiple obstacles from generalizations of being anti-west and anti-

² For a copy of the statement see <https://soasunion.org/education/educationalpriorities/>.

³ See for example <http://www.telegraph.co.uk/education/2017/01/08/university-students-demand-philosophers-including-plato-kant/>.

modern to distortions and cultural misrepresentations of their campaigns. This often involves systemic and structural obstacles where those engaged in the creation of new knowledge are given little if any space to challenge the injustice and oppression being experienced while continuing to face and resist new epistemic harms. For example in student campaigns to decolonize the university and university curricula it is the students that are hermeneutically disadvantaged, both as interlocutors and campaigners and who are further marginalized and polarized into spaces of 'them' and 'us'. Critical voices are disavowed and new knowledge and critical and conceptual critique are too easily dismissed. Instead the dominant narratives and media cultures seek to silence those who challenge the existing status quo of a very specific type of university curriculum and education. Situations of such epistemic harms produce effects for not only the university student campaigners in question but other members of the marginalized groups who may not directly experience university education but who cannot escape the relations of oppression and injustice. This form of silencing subjugates marginalized knowledges, where all those deemed as belonging to the marginalized group in question are characterized as one and the same and where their capacity and contribution to knowledge is questioned, undermined and ultimately dismissed. As Foucault explains, it is this relationship "through which a society conveys its knowledge and ensures its survival under the mask of knowledge" (Foucault 1977: 225). Does this also raise questions of the level and type of ethical responsibility each of us holds according to our positions of power and marginalization?

Diversity and Legal Reasoning

For Karin the conditions created by plural jurisprudence can lead to practices of diverse legal reasoning, that is, a socio-legal transformation predicated on overcoming a reductive and fixed notion of diversity in favour of one based on heterogeneous and multiple perspectives.

Within a wider context of liberal legal debates, the concept of diversity and its normative concern for justice, equality and fairness has long been debated, theorized and critiqued. In western European societies the twin goals of the liberal 'accommodation' of cultural and religious differences and practices and the limits of such 'recognition' have led to the emergence of a renewed liberal political discourse dealing with the specific conflicts generated by diverse minority groups. Political and social theorists have, for example, long traced the European liberal legal tradition of accommodating diversity and difference and the tensions generated by conflicts of norms and normativity (social and legal/ state law norms) and the extent to which individuals are able to choose between two or more sets of conflicting norms in the face of group loyalty versus state law obligations.

Liberal debates therefore focus on the nature and settlement of postcolonial migrations and the impact of transnational populations upon settled communities. Today, however, there is a growing literature which seeks to understand identities as multiple, fluid, dynamic and partial and which can only be understood in interaction with other identities, ethnicities and social structures. Yet the problems attributed to diversity include the perceived lack of integration of minority ethnic communities into western societies leading to the emergence of parallel and segregated minority ethnic communities.

So what does diversity as a set of practices, mean in relation to the exclusion of specific knowledge(s) and the marginalization of minority groups? In western liberal

societies 'diversity' often encapsulates a set of social and policy practices simultaneously recognizing plurality of cultural and religious differences while mitigating any transgression of loosely defined civic national identity and values. Inevitably this leads to tensions and contradictions from various standpoints both at a personal level but also and primarily from state positions. In Britain, for example, critics of diversity point to a crisis in liberal/ left politics in dealing with issues of identity, immigration and belonging seen to be at odds with the values of larger settled/ majority communities (Goodhart 2017). Yet public commentary also pays attention both to the widely perceived failure of 'diversity' and to questions focusing on the lack of measurable positive outcomes. In other words at its best, diversity promotes tolerance, equality and respect for cultural and religious difference, promoting positive relations between minority and majority communities, but at its worst it promotes segregated, polarized and parallel communities who have little care or understanding of how the 'other' may live. Thus the 'immigration and diversity question' (generated by a series of questions over integration/ loyalty to the state/ citizenship and diversity) has in recent times, come to be understood as one of *the* defining questions in the twenty-first century when framing, challenging and debating the meaning of diversity.

In *Excitable Speech* Butler argues that "the law is libidinally invested in what it legislates" (1997: 103). Powerful legal structures, legal speech and the liberal legal tradition ensure that in a normative sense legal reasoning can neither be diverse (in its recognition of alternative knowledge as truths) nor resistant to state power. Butler maintains that democratic legal reasoning derives from a political context masking the myth of the law as part of a liberal monolithic unity and homogeneity, and therefore is unable to address lived experiences of injustice and give voice to marginalized and oppressed groups. In Butler's work on hate speech it becomes quite clear that speech uttered and circulated by state politicians targeting marginalized groups is synonymous with hate speech and therefore any recourse to law or hope of diverse legal reasoning that aims to challenge existing legal knowledge becomes of little use. Butler explores in depth the language deployed in courts and trial proceedings and analyses the productive, proliferative nature of the law to make sense of the effect of law. She explains, "If the law produces hate speech in order to legislate it, it also produces a culpable speaking subject in order to prosecute him or her" (1997: 104). This epistemic injustice is underpinned by a state law regime whose ideology and discourse provide the context in which speech is uttered, denying marginalized groups a voice. The limitations to this argument are, however, that discourse and ideology are blamed rather than the agency of the perpetrator. As Salih (2002: 104) explains, "This implies that speakers cannot be held ultimately responsible for utterances of which they are not the sole originators, so that to claim that there is no culpable subject behind the expressions of hate speech will require what we consider the efficacy of legal measures in such cases". This lack of agency itself results in epistemic injustice and legal resistance and the law become one of few spaces that affords rights and protections.

In her paper Karin draws upon Butler's notion of cohabitation as an ethical responsibility to those who are suffering but who are not within our immediate kinship of family and friends. At the heart of this argument lie questions of what constitutes a community and community norms and what are our ethical obligations to such communities and individuals? Drawing upon ideas of proximity, time and space Butler argues that there are some kinds of ethical obligations, for example suffering created by war and displacement, which do not require as such our consent. For

Karin this argument for an ethical demand opens up the “possibilities to think a plural jurisprudence” (p 6).

At the heart of debates on diversity and legal reasoning lie questions of power, representation and authority. Twining’s theory of a general jurisprudence aimed to theorize law in light of pluralism, legal pluralism and globalization. For Twining global jurisprudence was “part of the construction of a workable normative basis for co-existence and co-operation in the context of a world characterized by pluralism of belief and dynamic multiculturalism” (2009: 5). Karin draws upon the work of legal scholars Douzinas and Gearey who develop the ideas further to consider the ways in which general jurisprudence “is concerned about a social ontology – a way of being together in the world” (p 5). Further, social theorists such as Santos point to ways in which ‘pluriversity’ in all its forms must be recognized in law and legal relations if we are to fully capture multiple knowledges that challenge the dominant ways of seeing law as universal and monolithic from a western perspective and context. For Karin a radical or deep diversity allows new thinking about the ways in which the ‘human’ is conceptualized and interrogation of the dominant narratives on diversity in contemporary legal reasoning. She offers a situated account of the ways in which the South African Truth and Reconciliation Commission (TRC) raised the issues of knowledge and truth and the reflexive ways in which this “could be of value in thinking about diversity” (p 6). In this context the challenge of difference and diversity encompasses a move from existent knowledge to the acknowledgement of alternative knowledges and truth. This shift is both important and potentially a necessary dimension to facilitate an inclusive understanding of diverse practices in legal reasoning. Important questions remain however on the complexities and ways in which culture is framed, understood and articulated within marginalized and minority communities and its effects in relations of power in the TRC context. Further, the conflicts generated by demands for cultural group autonomy require further critical engagement of power relations within groups and its articulation and the move from knowledge to acknowledgment of diverse and multiple voices. The social norms, for example, promoting cultural and religious inequality and discriminatory practices that promote gender disadvantage within groups must also be challenged. In this way diversity in the form of justice, equality and autonomy as ruptures to existing liberal debates cannot be achieved without also challenging unequal social norms and harmful group practices.

Critical race and feminist theorists have long drawn our attention to the ways in which state and legal relations operate within hegemonic discourses “in the very entrails of privilege and in mainstream practices and perspectives” (Medina 2013: 15). The ability therefore to develop new forms of discursive practices, legal cultures and spaces that allow for radically diverse legal reasoning is not only a significant challenge but one that must also include a robust challenge to dominant ideologies of diversity and identity in state law and community relations. In other words in order to understand the diversity and heterogeneity present in law and legal reasoning we must also recognize pre-existing social inequalities and the obstacles and disadvantages found under the current conditions of diversity and difference. Furthermore diverse groups inhabit diverse spaces and therefore we must remain vigilant to individual and group specificities that mean that diversity should operate also in relation to multiple perspectives and viewpoints. There is never one fixed position on what constitutes the diverse. Differently situated subjects raise the question of democracy and the emergence of new forms of democratic cultures as diverse knowledges. Karin’s question is therefore fundamental: how can we do things differently to ensure that those on the margins are centred?

Knowledge and Feminist Interventions

If ideas of what constitutes 'knowledge proper' are to be challenged it has been the work of critical feminist and black feminist interventions that point to the fact that the making and remaking of knowledge operates from the predominantly male institutions in which they have emerged and been validated. Feminist interventions have not only introduced us to concepts of subject, subjectivity, power and agency but an epistemological pedagogy that demands a critique of existing knowledge and our ways of seeing and the means of acquiring knowledge.

Current state law policies on diversity can and do often operate to disavow multiple diverse voices, with diversity working to exclude and marginalize rather than as an inclusive dialogical process. Feminist legal theory critiques the paradigms, norms and practices inherent in law and legal practice with a specific focus on the marginalization of women and the operative effects of the ways in which notions of femininity and masculinity remain deeply embedded in legal practice and discourse. Debate has focused on a critique of legal doctrine and the ways in which legal language and legal concepts remain gendered.

Black feminist activism has been at the forefront of demands for gender equality, the articulation of agency in oppressive contexts and critiques of liberal ideas and policies of the manifestation of diversity and diverse practices in law. In response to the ways in which liberal projects on diversity and difference continue to be informed by little understanding of the marginalization and social exclusion experienced by the groups in question, black feminist scholarship raises important questions relating to the crucial interrelations between gender, class, race and personal and collective group identities. For example, on the issue of diversity and legal reasoning, critique must also include a critique of the political spaces that tolerate rupture and permit the emergence of cohabitation both as individual agency and as a collective group identity. Situations of rupture also bring to the fore how we as individuals are to take responsibility for the ways in which we interpret, communicate and know (Medina 2013: 313). This raises a set of questions: is it possible to respond to epistemic injustice and take responsibility for injustice that may have had nothing to do with us? What differentiates responsibility from cohabitation? What if we simply do not have the resources to correct injustices? Do we belong to normative structures of social life that prevent or inhibit the challenges of diversity? How do we take into account the complexities of context and social positionality that is necessary to be able to capture difference in all its complexity?

Internal critique and contestation recognizing diverse social practices and lived experiences can become part of the ways in which epistemic injustice can be overcome. In other words differently constituted and situated subjects will have different resources to fight epistemic injustice. Our experiences are always open to reconstruction, assessment and re-evaluation through critical engagement with an indefinite number of experiential standpoints underpinned by social and political conditions. As Medina points out, "It is indeed very hard to live up to one's epistemic responsibilities under conditions of oppression and systematic injustice, but not for everybody equally and to the same degree" (2013: 70) So, in short, those in disadvantaged positions can be also those who may be ill equipped to live up to their own ethical responsibilities with limited capacity for change, whereas those in privileged positions are in the position also to move from knowledge as fixed to an

acknowledgement of knowledge as diverse and multiple while challenging marginalization and oppression.

Black feminist consciousness emerged in turn as part of a post-colonial critique of privileged white women subjects. According to Audre Lorde, one important aspect of this black feminist consciousness was the critique of categories on the basis of which racialized, sexist and classist assumptions were made about black women and men. Drawing upon the work of Fanon (1962), and his idea of whiteness and double consciousness, Lorde explored the black internalization of the white gaze and the experience of black women understood vis-à-vis the spectrum of visibility and invisibility. In this way debates on diversity and plurality at a state level involve distorting realities and lived experiences in order to reinforce social and racial constructions of blackness as outsiders and others. As Fanon (1962: 15) suggested, whiteness operates as a marker not of difference in the social imagination but of the mainstream. This leads to a critical awareness of the hierarchies of power upon which the binaries of women, class and race operate. As Lorde explains, "Much of western European history conditions us to see human differences in simplistic opposition to each other: dominance/subordination, good/bad, superior/inferior" (2007: 113). For Lorde therefore, the question of *how* difference is socially and politically constructed in relation to age, race, class and sex was crucial from the outset if black feminists were to develop the tools to recognize, reclaim and define those differences which are imposed upon them. Black feminist scholarship and activism therefore played an important role in unmasking dominant ways of seeing racial and cultural difference, rendering visible the lived and social realities of black women's lives in all their complexity, struggle and contestation. An important part of this was the critique also of internal power relations within the family, home and community. As Lorde reminds us, "For Black women, it is necessary at all times to separate the needs of the oppressor from our own legitimate conflicts within our communities" (2007: 118). Carefully avoiding the pitfalls of identity politics, Lorde critiqued the spaces inhabited by black women in western societies that were often marked by an erasure of knowledges not deemed worthy of 'knowledge'. For her and many others overcoming marginalization can only happen with the challenging of both oppressive state law and internal family/ community practices. This situated account disrupts the continued reproduction of social exclusion and injustice by producing epistemic interactions that can lead to resistance and change. She further explains, "It is not our differences which separate women, but our reluctance to recognize those differences and to deal effectively with the distortions which have resulted from the ignoring and misnaming of those differences" (2007: 122).

For black feminists the analytical tool and conceptual framework of intersectionality therefore provides an understanding of the intersection of inequalities in relation to the analytic categories of race, class, gender, sexuality, disability, ethnicity, nation, religion and age, each intertwined and mutually constructing. Intersectionality has subsequently been deployed in various social, political and legal settings to examine the intersection of inequalities (Crenshaw 1991). One important analysis relates to the interpersonal domain of power. Collins and Bilge (2016: 7) describe power relations as, "about people's lives, how people relate to one another, and who is advantaged or disadvantaged within social interactions".

An intersectional and critical black feminist analysis therefore contributes to debates on diversity and legal reasoning in a number of ways, for example, to further our understanding of the ways in which diverse but intersectional knowledges produced out of structural inequalities also help to redefine notions of diversity. In this way this

scholarship operates as a form of “critical inquiry and critical praxis” (Collins and Bilge 2016: 31) that allows for the study of social phenomena such as legal cultures, not only as a critique of existing legal relations and the status quo but as an attempt to challenge and transform state law power relations. Intersectionality and black feminist approaches demand a self-reflexive look from its subjects, truths and practices. What are the ways in which an intersectional approach operates as a set of inquiries within state law relations and legal reasoning? A critical inquiry of intersectionality can be situated within wider debates on diversity and legal reasoning and linked to critiques of liberalism and neoliberalism as social theories of power. Locating debates on Butler’s cohabitation and feminist knowledges within an intersectional frame therefore allows for critiques of diversity and power relations within groups. Precisely because community resources and in-group inequalities may make it difficult to hear multiple voices this requires a closer understanding of individual capacity and the interrogation of dominant group narratives.

Drawing upon the work of Jacqueline Rose and the themes of aesthetics and thinking, rootlessness, unpredictability, spontaneity and the ‘personal is the political’, and drawing upon the work of the socialist and political activist Rosa Luxemburg, Karin considers the ways in which these particular themes contribute to new ways to *imagine* the ways in which new knowledge can emerge in precarious marginalized contexts while producing new insights and ways of being. This analysis demonstrates the relations between subject, location and marginalization long explored in postcolonial literary theory and black feminist scholarship which draw upon such themes for a closer understanding of relations of power, self and historical conditions of repression, resistance and recuperation. For example Audre Lorde’s work draws upon and occupies positions of marginalization, the periphery and epistemic obstacles and struggles while destabilizing existing knowledge and challenging what is considered valid and as the truth. In her work she introduces the concept of the ‘unseen and unsaid’, where perception, feeling and experience become central to the spoken and written word and for her the importance of poetry was that it allowed an expression of knowledge previously deemed unworthy of what constituted knowledge and truth. Credibility of knowledge is therefore linked directly and indirectly to authority and power as truth and the lens through which the invisible is made visible. For Lorde and others drawing upon the notion of the ‘personal is political’, narrating and documenting the experience of lives lived on the periphery, precarious and fraught, away from any form of structure (informal or formal), provides the space upon which important insights of subject, truth, self and lived experience can be articulated. Lorde explained:

When you asked how I began writing, I told you how poetry functioned specifically for me from the time I was very young. When someone said to me, “How do you feel?” Or “What do you think?” or asked another direct question, I would recite a poem and somewhere in that poem would be that feeling, that vital piece of information....The poem is my response. (2007: 87)

It is therefore the spaces of rootlessness, otherness and unpredictability that provide the space for marginal voices and the emergence of new knowledge based on lived experience. As Lorde explains, “Those of us who stand outside the circle of this society’s definition of acceptable woman; those of us who have been forged in the crucibles of difference – those of us who are poor, who are lesbians, who are Black, who are older – know that survival is not an academic skill” (2007: 112). The epistemic injustice and its resistance therefore require extraordinary personal interactions to give voice to hidden, marginalized experience that remains mostly

hidden and silenced. Further in relation to aesthetics and thinking we can see also the ways in which lived experience and personal narratives of storytelling, poetry and art challenge the privilege of 'representation' of social experience. In this way epistemic resistance from the marginal and peripheral spaces can lead to new transformations and insights and the emergence of new knowledge as valid and truth.

Concluding Thoughts

Karin's paper raises challenges and demands a critical distance from current liberal projects on diversity and difference. In order for debates on diversity and legal reasoning not to become overly abstract or theoretical and therefore remain outside the social and cultural practices in which they operate, it is important that a critical rearticulation and reflection on the question of diversity and legal reasoning engages critically with questions of ontology, agency and the production and reproduction of resistant knowledges. As Karin's paper makes clear this kind of critical engagement requires also a critique of internal power relations and knowledge claims made within communities and groups.

Legal reasoning that includes a grammar of critique and recognizes power relations within groups and communities in relation to diversity debates can produce important insights. It can also identify and develop new definitions of power and new patterns of knowledge relating across difference. To this end it can produce a plural and diverse jurisprudence and legal reasoning. But Karin's paper also draws upon feminist scholarship that redefines notions of the centre and the periphery in order for us to think of new ways of shared responsibilities and what it means to be part of a shared humanity in entirely new and different ways. We must, she demands, imagine new ways of being and thinking.

The resources available to do so are themselves diverse. Epistemic injustice raises the question of what constitutes a resistant act. What about local resistant knowledges? Drawing upon Butler's *Excitable Speech* we can see the ways in which performativity (as a resistant act) takes place as part of individual agency and in this way may challenge existing social structures or the habitus of the university. But as Medina points out, "Resistance is not always good, not in every sense of the word. There are resistances to know, obstacles to the process of knowledge acquisition" (2013: 57). In other words, challenging the resistance against radical diversity is also an important part of rethinking pluralism and diversity. This goes to the heart of questions of cohabitation and ethical responsibility of privileged subjects.

Nevertheless ruptures made by marginalized groups occupying marginalized spaces can help to advance the emergence of cohabitation in diversity debates, while remaining vigilant that critiques do not overlook internal power relations and knowledge/ power effects on minorities within minority groups. Furthermore the work of black feminist scholarship and the category of intersectionality is useful in introducing complexity into debates around power, culture, difference and identity each of which are crucial to our understanding of social and legal relations. Intersectional scholars such as Nira Yuval Davis (2006) also draw upon the concepts of relationality and transversalism to interrogate the complexities of collective identity politics in overcoming epistemic injustice. In other words an intersectional and black feminist approach demands that debates on diversity must also engage with social inequalities and the particular social contexts in which epistemic knowledges and practices are produced. New perspectives and voices emerge only when social

identities and positionalities are gives spaces to articulate more knowledges. If legal reasoning as Karin argues is to become truly diverse it must not only address its own limitations but must also draw upon alternative social imaginaries and a critical openness that allows a rupture to the centre and the emergence of new plural and diverse knowledge.

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