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At the outside-in, From the inside-out

Stewart Marvel and Sujith Xavier

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Abstract: With this brief introduction to a special issue of the Osgoode Hall Law School Comparative Law and Political Economy Research Paper Series, we hope to evoke some of the discussions and background preparation that invigorated the 2010 Osgoode Graduate Law Students' Association conference.

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At the outside-in, From the inside-out

Stewart Marvel* & Sujith Xavier**

The challenge of organizing a conference is a daunting one, inflected not only by fundamental questions of theme, intent and intellectual rigour (*What's it all about? Why does that matter? Is anyone going to care?*), but the more mundane terrors of throwing a neighborhood bash (*Who called the caterers? Did I remember to order napkins? Oh my god, what if nobody shows up?*). Over the course of ten years, the annual gathering of Osgoode Hall's graduate community had mushroomed from a tiny afternoon meeting in the dank basement of our old academic barracks, into a two-day event hosted in the gleaming office towers of downtown Toronto, populated by first-class scholars from across the globe.

With this brief introduction to a special issue of the Osgoode Hall Law School Comparative Law and Political Economy Research Paper Series, we hope to evoke some of the discussions and background preparation that invigorated the 2010 Osgoode Graduate Law Students' Association conference. We aim to describe not just how we got 'Beyond Law' (in the words of the conference title), but also to sketch out a traveler's map of the artistic, argumentative, collaborative and inspirational sites that formed this bumpy terrain. This piece looks warily at stilted academic conventions and the cult of authorship; it wonders at the conceit of a unified voice; and in step with the conference theme, it seeks to open the act of composition itself to scrutiny and self-reflection. In writing for and at each other, and in introducing two keynote lectures that themselves question the wisdom of institutionalized modalities, we hope to extend the conversations begun at the 2010 GLSA conference and begin fresh dialogues anew.

But we get ahead of (and behind) ourselves. As we all sat around many months before the conference date, casting about for thematic inspiration, these circuits of inquiry were still in a jumble.

What's it all about? More than a few 'outsider' scholars found themselves set to the task of conference organizing, each of us questioning the bounds of law both materially and conceptually, each of us feeling institutional pressure to conform from within our own discipline. While only two of our voices are made explicit below, they are marked and inspired and modulated by the spaces of law we have all inhabited, and by the spaces that have inhabited us. These are snippets of group discussion and small testimonies to the strength of queer numbers.¹

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¹ Conference deliberations were immeasurably enriched by fellow Osgoode students: Ruby Dhand, Amaya Alvez, Mary Stokes, Patricia Hania, Vanisha Sukdeo, Karen Fernandes, Charis Kamphuis and Claire Mumme.

Stu: I have been so lucky to share my scholarship with friends, mentors and conspirators who insist on riveting themselves at the junctions of anti-subordination and critical theory. People who give a shit about fusing material concerns with knowledge from the margins to the lives lived outside dominant constructions of power...But what does outside even mean? And where are these supposed margins? Can we think about the impacts of law without reliance upon exhausted metaphors? As we tally up the weight of our oppressions, I think we need to consider whether 'outsider' is the best position from which to launch our critical projects. But through struggling to get beyond these constructions can we end up somewhere other than where we started? Is there any such thing as beyond law?

Sujith: Should the margins fuel my scholarship or should I check my identity at the door to the academy? Should I conform and become a "bleached out" scholar? Is it futile to provide a counter narrative? And more importantly, should the critique emanate from the periphery or by someone from the outlier? Is there any point in raising my fist, in putting my pen to paper, when I, the outsider, now occupy a space of privilege, now that I have acquired the "master's tools"? In trying to bring together diverse perspectives from within and from outside, I wanted to conceptualize a discourse that would resonate within my own fields of knowledge while simultaneously engaging others from law and beyond. The central concern is, therefore, how to replicate our interests while being sensitive to our colleagues, our teachers and our guests.

As we hemmed and hawed, a shape of inquiry slowly came together. Together we pushed each other to think about the study of law from surprising angles, and most importantly to find different strategies to account for the materiality of law's effects and law's gifts. We discussed alterity and disciplinary bounds, and began to sketch together a frame upon which the weight of this conference might hang. Could we ask people to move beyond the courtroom, the legislature and the law office to discuss the relevance of law in society? By asking our participants and ourselves to imagine 'Beyond Law', we wanted to create an intersectional discourse that did not prioritize the voice from the fringe over the voice from the centre. Rather, we hoped to produce an exchange of ideas and debates that reflected our own struggles with our own discourses and ourselves as dictated by our locality and imagination.

Why does that matter? Well it was clear that legal pluralism as well as interdisciplinarity were required. But as we pushed ourselves further, we realized the issue was not merely to bring legal theory into discussion with other fields. The division between disciplinary boundaries is porous, and rigid categorizations of knowledge depend on borders that will not hold. In our own work and in discussion with each other, we have tried to engage with law as a reflective and contextual domain, and to think about how law is affected, effected and molded by external factors including sexuality, gender, race, health, economics and poverty at the international, transnational and national milieus. Of course we weren't always successful – far from it – but we knew we weren't the only ones. Maybe other people would be interested in talking about this too? Could we actually create a space, an institutional moment, a critical

juncture between diverging and converging planes of inquiry, discipline and scholarship? Could we really go, 'Beyond Law?' As we sent out our call for papers we encouraged both non-legal and legal scholars to address themselves to these jurisprudential issues of boundary, regulation and limit. After all, the graduates of today are the future of the discipline. In talking about 'Beyond Law' as a temporality, we could possibly address the future of legal theory! That is if anyone responded to our ever-more-grandiose conference call...

Is anyone going to care? Well the response was overwhelming. A flood of abstracts greeted our call for papers, with applicants studying at universities in Australia, the U.S., England, Spain, Italy, Poland, India, Hong Kong, China, Mexico and of course Canada responding with enthusiasm. Then the support started piling up at our front door, as nearly a dozen research institutes and graduate programs from across York University pledged their support. They agreed with us that commitments to interdisciplinarity must take a material form, and campus centres for public policy, human rights, refugee studies health research, sexuality studies and more all generously stepped forward to sponsor a conference panel and highlight the truly collaborative work being done 'Beyond Law'. This was exciting stuff! And it was only just beginning.

We quickly found ourselves getting support from outside the academy altogether. The Iranian Association at the University of Toronto offered to put together an art installation for us, showcasing a range of work created during and after Iran's controversial presidential election in 2009. These works of art were provocative - questioning the rule of law and social justice in Iran, and using visuality as a powerful tool to argue for the rights of women, queers, workers, ethnic and religious minorities. We then spoke with Native Earth Performing Arts, Canada's oldest professional Aboriginal theatre company, and they were keen to create a special commissioned work for our conference. Company Director Yvette Nolan put together blend of staged readings, projections, songs and monologues entitled 'The Road Forward', pushing us powerfully 'Beyond Law' as conference participants engaged with theatre as a living medium to explore the reality of Canadian law for First Nations peoples.

In approaching keynote speakers for the conference we decided that since this was an outsider event being hosted from within, we wanted to invite those scholars who most inspired us with their own struggles of insider/outsider status. What an impossible delight to find that not only Francisco Valdes, queer Lat-Crit scholar and critical race theorist extraordinaire, but also Janet Halley, world-famed left legalism pathbreaker were both interested in coming to our conference. Things were about to get very queer up here in Toronto. Valdes and Halley were exemplary keynotes, each taking the call for papers seriously and each engaging in their own fashion with the provocation to go 'Beyond Law'.

Halley chose to examine the very terms of our call for papers with the audacious question: What, if anything, is "beyond the law"? In her keynote, Halley clearly suggests a break from law and asks "[w]hy does it feel more critical, more decisive, to insist on the coercive character of background rules, no matter how far in the background they lurk? And why does the resulting picture of the world seem so narrowed, so reduced, once we have succeeded in drawing it?

What's at stake in positing that law is everywhere – or that there is something beyond it?" By honing in on the lived experiences of a woman (anyone for that matter) on the verge of divorce, Halley highlights law's pervasiveness. Valdes, as a response to and building on Halley's lecture prods us to think about *after* law. For him, the pursuit of justice after law includes "the importance of foundational values and legal criticality in social re-construction, and the role of academic activism and rebellious knowledge-production in the pursuit of social justice transformation". Valdes challenged his audience and invited us to consider: "whether we stand at the cusp of a conceptual, political, structural and/or historical moment that might be described as "after law" and, if so, what roles or actions you might undertake as legal scholars in the years and decades to come?"

We could not have been more inspired by the critical self-reflexivity engendered by our (itself extremely self-conscious) call for papers. The discursive ambits trace by each keynote demanded that we consider not only the space and time of law, but follow their logics to the strange, familiar horizons produced by grappling with these spatial and temporal relations. In the hands of Valdes and Halley our cramped knots of inquiry were calmly unthreaded, spun to a fine yarn, and loomed into thrilling, difficult pieces that have forced us to imagine a new narrative by outlining the weft of existing gaps.

Would anybody show up? Hell yes they did. And through the keynotes, the papers, the artworks, the theatre performance and the arguments over sandwiches, our band of outsiders was propelled beyond law and inside out and back again. We saw the critical space that could be opened up within the legal academy for scholarship from the middle margin and from the outer core; ideas launched from the always tomorrows and the never yesterdays. It was, in a word, inspirational.

We hope that you can read this special volume of the Osgoode-CLPE Research Paper Series as it was *spoken*, delivered hot to a rapt crowd of students and faculty, golden with fiery language and feeling. We hope that you can read with the thrill and intensity of pushing from the inside-out and realizing that we have all been here all the time. The four papers in this volume, both Halley and Valdes' work and the two student papers selected through a peer-review process, speak to the tremendously invigorating conversations that took place during those two conference days. We hope you will hear their echoes down your own hallways, and join us in the discussion.