

CALL FOR PAPERS

Forensics of Provenance: Colonial Translocations through the Lenses of Legal Pluralism

International Workshop | 8–9 February 2024

Käte Hamburger Kolleg “Legal Unity and Pluralism”

In recent years, debates about global justice in the wake of colonial wrongs have been held in public, academic, and legal forums. They have covered a broad range of issues, from the degradation of nature, systematic economic inequalities, and reparations for forced labor to the restitution of cultural heritage plundered, looted, or coercively acquired in colonial contexts. This workshop calls for original contributions to the restitution debate by framing the expropriation, acquisition, and return of material culture as historical and contemporary epistemic processes that create and erase local, regional, and global (normative) knowledge. However, to leave the legal meaning of such processes open and not pre-setting or pre-attributing a normative framework, we use the term “translocation” (Savoy et al. 2023) to refer to the physical movement of objects.

In colonial contexts, collecting was often associated with pillaging, genocide, or at least framed by structural violence and deeply asymmetric power relations. Beyond that also, colonial actors erased local laws and indigenous norms by actively opposing or neglecting them. The removal of the material culture dismantled local judicial infrastructures and indigenous or vernacular regimes of normative knowledge production (Duve 2020). These destructive interventions were accompanied by the codification of shifting normative understandings, the “invention of traditions” (Ranger 1983), and the assemblage and display of ethnographic collections

in museums of the global North. Concurrently, these processes enabled the legal unification of colonial territories, conditioned the recognition of legal pluralism, and created biased knowledge formations that are still being perpetuated today.

Nevertheless, provenance studies seldom consider the full implications of collecting as a “jurispathic” act that “kills the law” (Cover 1983). The research lacuna in this field exists in our understanding because of the rare consideration of the colonized subjects’ normative knowledge and legal imagination due to a perceived lack of historical sources and the impact of disciplinary boundaries and specializations. On the contrary, our assessments of the legality of past expropriations and acquisitions and search for new legal answers are often solely grounded in European normative frameworks. This prolongs a colonial epistemic constellation reflected not only in historiographic narratives but also in legal analysis and governmental declarations and policy.

To address this issue, this workshop acknowledges the embeddedness of material culture in colonized contexts in a plurality of normative orders – not only in colonial times but also today. It proposes a shift in perspective by situating the translocations, such as the expropriation, acquisition, collecting, and restitution of objects within their broader legal historical context. The forensics of provenance intends to focus on and reconstruct these moments of conflicting le-

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gal epistemologies and their historiographical implications. It draws from the insights of new materialism (Coole, Frost 2010). Consequently, it assumes that a polycentric perspective starting with the material phenomena and their entangled entailment with legal discursive practices contributes to questioning received Eurocentric meanings and notions. We seek to extend our understanding of these processes in various colonial and post- or decolonial spaces. The general aim is to decenter the European narratives on the relationship between law and colonial translocations and to create de/postcolonial approaches that are more inclusive and apt to represent the perspectives of the global South.

Therefore, the workshop aims to approach its topic from (1.) a historical and (2.) a contemporary perspective. In addition, (3.) methodological and theoretical contributions that allow for a better grasp of the abovementioned problems and the framing of potential solutions are also welcome. We encourage applications focused on case studies, but overview contributions are equally welcome.

Organization

The working language of the conference will be English. The deadline for paper proposals (ca. 300-400 words, including the title of the contribution and a short CV) is July 15, 2023. The acceptance letters will be forwarded latest by August 1, 2023. Before the workshop, we ask for paper drafts from all participants before the workshop (ca. 15 pages) by January 7, 2024, to discuss them in the workshop. These contributions should eventually fit in an edited volume with a renowned publishing house.

This conference is interdisciplinary in nature and invites researchers across all disciplines and from all geographical backgrounds. Scholars from the global South are particularly encouraged to submit and apply for the conference. The costs for traveling and accommodation will be covered by the Käte Hamburger Kolleg “Legal Unity and Pluralism” at the University of Münster.

Bibliography

- Bénédicte Savoy, Felicity Bodenstein, and Merten Lagatz (eds.), *Translocations. Histories of Dislocated Cultural Assets* (Bielefeld: Transcript, forthcoming in 2023).
- Diana Coole, Samantha Frost (eds.), *New Materialisms: Ontology, Agency, and Politics* (Durham: Duke University Press 2010).
- Mary Louise Pratt, *Imperial Eyes. Travel Writing and Transculturation* (Abingdon: Routledge 2008).
- Robert M. Cover, *The Supreme Court 1982 Term – Foreword: Nomos and Narrative*. *Harvard Law Review*, 97:4 (1983) 4-68.
- Thomas Duve, *What is global legal history?* *Comparative Legal History* 8:2 (2020) 73-115.
- Terence Ranger, ‘The Invention of Tradition in Colonial Africa’, in Eric Hobsbawm and Terence Ranger (eds.), *The Invention of Tradition* (Cambridge: Cambridge University Press, 1985) 211-261.

The workshop further aims to build topologies and integrate them into a common framework. Therefore, we warmly invite scholars from different geographical and disciplinary backgrounds, such as – but not limited to – anthropology, cultural studies, history, law, provenance and museum studies, regional studies, religious studies. In particular, we invite contributions that: a) Consider indigenous, local, and regional normative knowledge and pluralistic legal frameworks at the time of translocation, including the moments of expropriation, acquisition, collecting, and displaying; b) Situate the act of translocation in the colonial (legal) knowledge production regime and trace the presence of this past in current debates and legal discourses; c) Focus on how indigenous, local and regional normative knowledge is addressed in legal restitution efforts, such as new codifications, ‘soft laws,’ and norms and regulations at the national and international level; d) Survey strategies to deal with knowledge gaps in provenance research resulting from absent historical sources or the ‘imperial eyes’ (Pratt 2007) of the archive.

Place:

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