

# Law And Disorder In The Postcolony

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Explore the intricate dynamics of law and disorder in postcolonial states, revealing how historical legacies and contemporary challenges shape governance. This analysis delves into the struggles to establish effective rule of law and foster stability amidst inherent societal disorder, offering critical insights into the unique complexities faced by nations emerging from colonial rule.

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## Law and Disorder in the Postcolony

Are postcolonies haunted more by criminal violence than other nation-states? The usual answer is yes. In *Law and Disorder in the Postcolony*, Jean and John Comaroff and a group of respected theorists show that the question is misplaced: that the predicament of postcolonies arises from their place in a world order dominated by new modes of governance, new sorts of empires, new species of wealth—an order that criminalizes poverty and race, entraps the “south” in relations of corruption, and displaces politics into the realms of the market, criminal economies, and the courts. As these essays make plain, however, there is another side to postcoloniality: while postcolonies live in states of endemic disorder, many of them fetishize the law, its ways and its means. How is the coincidence of disorder with a fixation on legalities to be explained? *Law and Disorder in the Postcolony* addresses this question, entering into critical dialogue with such theorists as Benjamin, Agamben, and Bayart. In the process, it also demonstrates how postcolonies have become crucial sites for the production of contemporary theory, not least because they are harbingers of a global future under construction.

## The Truth about Crime

This new book by the well-known anthropologists Jean and John L. Comaroff explores the global preoccupation with criminality in the early twenty-first century, a preoccupation strikingly disproportionate, in most places and for most people, to the risks posed by lawlessness to the conduct of everyday life. Ours in an epoch in which law-making, law-breaking, and law-enforcement are ever more critical registers in which societies construct, contest, and confront truths about themselves, an epoch in which criminology, broadly defined, has displaced sociology as the privileged means by which the social world knows itself. They also argue that as the result of a tectonic shift in the triangulation of capital, the state, and governance, the meanings attached to crime and, with it, the nature of policing, have undergone significant change; also, that there has been a palpable muddying of the lines between legality and illegality, between corruption and conventional business; even between crime-and-policing, which exist,

nowadays, in ever greater, hyphenated complicity. Thinking through Crime and Policing is, therefore, an excursion into the contemporary Order of Things; or, rather, into the metaphysic of disorder that saturates the late modern world, indeed, has become its leitmotif. It is also a meditation on sovereignty and citizenship, on civility, class, and race, on the law and its transgression, on the political economy of representation.

### Civil Society and the Political Imagination in Africa

The essays in this important new collection explore the diverse, unexpected, and controversial ways in which the idea of civil society has recently entered into populist politics and public debate throughout Africa. In a substantial introduction, anthropologists Jean and John Comaroff offer a critical theoretical analysis of the nature and deployment of the concept—and the current debates surrounding it. Building on this framework, the contributors investigate the "problem" of civil society across their regions of expertise, which cover the continent. Drawing creatively on one another's work, they examine the impact of colonial ideology, postcoloniality, and development practice on discourses of civility, the workings of everyday politics, the construction of new modes of selfhood, and the pursuit of moral community. Incisive and original, the book shows how struggles over civil society in Africa reveal much about larger historical forces in the post-Cold War era. It also makes a strong case for the contribution of historical anthropology to contemporary discourses on the rise of a "new world order."

### Opposing the Rule of Law

A striking new analysis of Myanmar's court system, revealing how the rule of law is 'lexically present but semantically absent'.

### Theory from the South

As nation-states in the Northern Hemisphere experience economic crisis, political corruption and racial tension, it seems as though they might be 'evolving' into the kind of societies normally associated with the 'Global South'. Anthropologists Jean and John Comaroff draw on their long experience of living in Africa to address a range of familiar themes - democracy, national borders, labour and capital and multiculturalism. They consider how we might understand these issues by using theory developed in the Global South. Challenging our ideas about 'developed' and 'developing' nations, Theory from the South provides new insights into key problems of our time.

### Ethnicity, Inc.

In *Ethnicity, Inc.* anthropologists John L. and Jean Comaroff analyze a new moment in the history of human identity: its rampant commodification. Through a wide-ranging exploration of the changing relationship between culture and the market, they address a pressing question: Wherein lies the future of ethnicity? Their account begins in South Africa, with the incorporation of an ethno-business in venture capital by a group of traditional African chiefs. But their horizons are global: Native American casinos; Scotland's efforts to brand itself; a Zulu ethno-theme park named Shakaland; a world religion declared to be intellectual property; a chieftdom made into a global business by means of its platinum holdings; San "Bushmen" with patent rights potentially worth millions of dollars; nations acting as commercial enterprises; and the rapid growth of marketing firms that target specific ethnic populations are just some of the diverse examples that fall under the Comaroffs' incisive scrutiny. These phenomena range from the disturbing through the intriguing to the absurd. Through them, the Comaroffs trace the contradictory effects of neoliberalism as it transforms identities and social being across the globe. *Ethnicity, Inc.* is a penetrating account of the ways in which ethnic populations are remaking themselves in the image of the corporation—while corporations coopt ethnic practices to open up new markets and regimes of consumption. Intellectually rigorous but leavened with wit, this is a powerful, highly original portrayal of a new world being born in a tectonic collision of culture, capitalism, and identity.

### The Anthropology of Police

What are the potential contributions of anthropology to the study of police? Even beyond the methodological particularities and geographic breadth of cultural anthropology, there are a set of conceptual and analytical traditions that have much to bring to broader scholarship in police studies. Including original and international contributions from both senior and emerging scholars, this pioneering book represents a foundational document for a burgeoning field of study: the anthropology of police. The

chapters in this volume open up the question of police in new ways: mining the disciplinary legacies of anthropology in order to discover new conceptual tools, methods, and pedagogies; reworking relationships between "police," "public," and "researcher" in ways that open up new avenues for exploration at the same time as they articulate new demands; and retracing a hauntology that, through interactions with individuals and collectives, constitutes a body politic through the figure of police. Illustrating the various ways that anthropology enables a reassessment of the police/violence relationship with a broad consideration of the human stakes at the center, this book will be of interest to criminologists, sociologists, anthropologists, and the broad interdisciplinary field invested in the study of policing, order-making, and governance.

### On the Postcolony

Refreshing a stale debate about power in the postcolonial state, this book addresses a topic debated across the humanities and social sciences: how to define, discuss, and address power and the subjective experience of ordinary people in the face of power?

### Rules and Processes

Rules and Processes is at once a compelling essay in social theory and a pathbreaking ethnography of dispute in an African society. On the basis of a sensitive study of the Tswana of southern Africa, John Comaroff and Simon Roberts challenge most of the orthodoxies of legal anthropology. They argue that the social world, and the dispute processes that occur within it, are given form and meaning by a dialectical relationship between sociocultural structures and individual experience. The authors explore in a novel way the relations between culture and ideology, system and practice, social action and human intention. They develop a model that lays bare the form and content of "legal" and "political" discourse in all its variations—a model that accounts for the outcome of conflict processes and explains why the Tswana, like people in other cultures, conceive of their world in an apparently contradictory manner—as rule-governed yet inherently open to pragmatic individualism; orderly yet inherently fluid and shifting. Rules and Processes offers a fresh and persuasive approach to our understanding of the dialectics of social life. "A work of impressive scholarship in which theoretical sophistication and ethnographic richness are convincingly matched."—Ian Hamnett, *Times Higher Education Supplement*.

### Modernity and Its Malcontents

What role does ritual play in the everyday lives of modern Africans? How are so-called "traditional" cultural forms deployed by people seeking empowerment in a world where "modernity" has failed to deliver on its promises? Some of the essays in *Modernity and Its Malcontents* address familiar anthropological issues—like witchcraft, myth, and the politics of reproduction—but treat them in fresh ways, situating them amidst the polyphonies of contemporary Africa. Others explore distinctly nontraditional subjects—among them the Nigerian popular press and soul-eating in Niger—in such a way as to confront the conceptual limits of Western social science. Together they demonstrate how ritual may be powerfully mobilized in the making of history, present, and future. Addressing challenges posed by contemporary African realities, the authors subject such concepts as modernity, ritual, power, and history to renewed critical scrutiny. Writing about a variety of phenomena, they are united by a wish to preserve the diversity and historical specificity of local signs and practices, voices and perspectives. Their work makes a substantial and original contribution toward the historical anthropology of Africa. The contributors, all from the Africanist circle at the University of Chicago, are Adeline Masquelier, Deborah Kaspin, J. Lorand Matory, Ralph A. Austen, Andrew Apter, Misty L. Bastian, Mark Auslander, and Pamela G. Schmoll.

### Of Revelation and Revolution, Volume 2

V. 1. Christianity, colonialism, and consciousness in South Africa -- v. 2. The dialectics of modernity on a South African frontier.

### Postcolonialism and the Law

An essential collection of scholarly essays on the anthropology of Africa, offering a thorough introduction to the most important topics in this evolving and diverse field of study. The study of the cultures of Africa has been central to the methodological and theoretical development of anthropology as a discipline since the late 19th-century. As the anthropology of Africa has emerged as a distinct field

of study, anthropologists working in this tradition have strived to build a disciplinary conversation that recognizes the diversity and complexity of modern and ancient African cultures while acknowledging the effects of historical anthropology on the present and future of the field of study. *A Companion to the Anthropology of Africa* is a collection of insightful essays covering the key questions and subjects in the contemporary anthropology of Africa with a key focus on addressing the topics that define the contemporary discipline. Written and edited by a team of leading cultural anthropologists, it is an ideal introduction to the most important topics in the field, both those that have consistently been a part of the critical dialogue and those that have emerged as the central questions of the discipline's future. Beginning with essays on the enduring topics in the study of African cultures, *A Companion to the Anthropology of Africa* provides a foundation in the contemporary critical approach to subjects of longstanding interest. With these subjects as a groundwork, later essays address decolonization, the postcolonial experience, and questions of modern identity and definition, providing representation of the diverse thinking and scholarship in the modern anthropology of Africa.

### A Companion to the Anthropology of Africa

Since its inception in 2001, the International Criminal Court (ICC) has been met with resistance by various African states and their leaders, who see the court as a new iteration of colonial violence and control. In *Affective Justice* Kamari Maxine Clarke explores the African Union's pushback against the ICC in order to theorize affect's role in shaping forms of justice in the contemporary period. Drawing on fieldwork in The Hague, the African Union in Addis Ababa, sites of postelection violence in Kenya, and Boko Haram's circuits in Northern Nigeria, Clarke formulates the concept of affective justice—an emotional response to competing interpretations of justice—to trace how affect becomes manifest in judicial practices. By detailing the effects of the ICC's all-African indictments, she outlines how affective responses to these call into question the "objectivity" of the ICC's mission to protect those victimized by violence and prosecute perpetrators of those crimes. In analyzing the effects of such cases, Clarke provides a fuller theorization of how people articulate what justice is and the mechanisms through which they do so.

### Affective Justice

The contributors explore modes of social and psychological experience, the constitution of the subject, and forms of subjection that shape the lives of Basque youth, Indonesian artists, members of nongovernmental HIV/AIDS programmes in China and Zaire, and psychiatrists and their patients in Morocco and Ireland.

### Postcolonial Disorders

Includes bibliographical references and index.

### The Politics of Custom

In this groundbreaking ethnography, Ruben Andersson, a gifted anthropologist and journalist, travels along the clandestine migration trail from Senegal and Mali to the Spanish North African enclaves of Ceuta and Melilla. Through the voices of his informants, Andersson explores, viscerally and emphatically, how Europe's increasingly powerful border regime meets and interacts with its target—the clandestine migrant. This vivid, rich work examines the subterranean migration flow from Africa to Europe, and shifts the focus from the "illegal immigrants" themselves to the vast industry built around their movements. This fascinating and accessible book is a must-read for anyone interested in the politics of international migration and the changing texture of global culture.

### Illegality, Inc.

In dialogue with afro-caribbean philosophy, this book seeks in Cassirer's philosophy of symbolic forms a new vocabulary for approaching central intellectual and political issues of our time. For Cassirer, what makes humans unique is that we are symbolizing creatures destined to come into a world through varied symbolic forms; we pluralistically work with and develop these forms as we struggle to come to terms with who we are and our place in the universe. This approach can be used as a powerful challenge to hegemonic modes of study that mistakenly place the Western world at the center of intellectual and political life. Indeed, the authors argue that the symbolic dimension of Cassirer's thinking of possibility can be linked to a symbolic dimension in revolution via the ideas of Frantz Fanon, who argued that

revolution must be a thoroughgoing cultural process, in which what is at stake is nothing less than how we symbolize a new humanity and bring into being a new set of social institutions worthy of that new humanity.

### Symbolic Forms for a New Humanity

This book explores the role of constitutionalism in facilitating political change in South Africa.

### Constituting Democracy

Essays reveal the central part played by law in constituting the West as the antithesis of various 'others'

### Laws of the Postcolonial

How did states come to monopolize control over migration? What do the processes that produced this monopoly tell us about the modern state? In *Indian Migration and Empire* Radhika Mongia provocatively argues that the formation of colonial migration regulations was dependent upon, accompanied by, and generative of profound changes in normative conceptions of the modern state. Focused on state regulation of colonial Indian migration between 1834 and 1917, Mongia illuminates the genesis of central techniques of migration control. She shows how important elements of current migration regimes, including the notion of state sovereignty as embodying the authority to control migration, the distinction between free and forced migration, the emergence of passports, the formation of migration bureaucracies, and the incorporation of kinship relations into migration logics, are the product of complex debates that attended colonial migrations. By charting how state control of migration was critical to the transformation of a world dominated by empire-states into a world dominated by nation-states, Mongia challenges positions that posit a stark distinction between the colonial state and the modern state to trace aspects of their entanglements.

### Indian Migration and Empire

This book investigates the literary imaginings of the postcolonial city through the lens of crime in texts set in Naples and Mumbai from the 1990s to the present. Employing the analogy of a 'black hole,' it posits the discourse on criminality as a way to investigate the contemporary spatial manifestations of coloniality and global capitalist urbanity. Despite their different histories, Mumbai and Naples have remarkable similarities. Both are port cities, 'gateways' to their countries and regional trade networks, and both are marked by extreme wealth and poverty. They are also the sites and symbolic battlegrounds for a wider struggle in which 'the North exploits the South, and the South fights back.' As one of the characters of the novel *The Neapolitan Book of the Dead* puts it, a narrativisation of the underworld allows for a 'discovery of a different city from its forgotten corners.' Crime provides a means to understand the relationship between space and society/culture in a number of cities across the Global South, by tracing a narrative of postcolonial urbanity that exposes the connections between exploitation and the ongoing 'coloniality of power.'

### Criminality and Power in the Postcolonial City

Although inequality in Latin America ranks among the worst in the world, it has notably declined over the last decade, offset by improvements in health care and education, enhanced programs for social assistance, and increases in the minimum wage. In *Democracy and the Left*, Evelyne Huber and John D. Stephens argue that the resurgence of democracy in Latin America is key to this change. In addition to directly affecting public policy, democratic institutions enable left-leaning political parties to emerge, significantly influencing the allocation of social spending on poverty and inequality. But while democracy is an important determinant of redistributive change, it is by no means the only factor. Drawing on a wealth of data, Huber and Stephens present quantitative analyses of eighteen countries and comparative historical analyses of the five most advanced social policy regimes in Latin America, showing how international power structures have influenced the direction of their social policy. They augment these analyses by comparing them to the development of social policy in democratic Portugal and Spain. The most ambitious examination of the development of social policy in Latin America to date, *Democracy and the Left* shows that inequality is far from intractable—a finding with crucial policy implications worldwide.

### Criminal Justice, Cultural Justice

This text reveals the importance of radicalism's links to pre-industrial culture and attachments to place and local communities, as well the ways in which journalists who had been pushed out of 'respectable' politics connected to artisans and other workers.

### Democracy and the Left

As a concept, 'trauma' has attracted a great deal of interest in literary studies. A key term in psycho-analytic approaches to literary study, trauma theory represents a critical approach that enables new modes of reading and of listening. It is a leading concept of our time, applicable to individuals, cultures, and nations. This book traces how trauma theory has come to constitute a discrete but influential approach within literary criticism in recent decades. It offers an overview of the genesis and growth of literary trauma theory, recording the evolution of the concept of trauma in relation to literary studies. In twenty-one essays, covering the origins, development, and applications of trauma in literary studies, *Trauma and Literature* addresses the relevance and impact this concept has in the field.

### The Roots of Radicalism

Criminology has focused mainly on problems of crime and violence in the large population centres of the Global North to the exclusion of the global countryside, peripheries and antipodes. Southern criminology is an innovative new approach that seeks to correct this bias. This book turns the origin stories of criminology, which simply assumed a global universality, on their head. It draws on a range of case studies to illustrate this point: tracing criminology's long fascination with dangerous masculinities back to Lombroso's theory of atavism, itself based on an orientalist interpretation of men of colour from the Global South; uncovering criminology's colonial legacy, perhaps best exemplified by the over-representation of Indigenous peoples in settler societies drawn into the criminal justice system; analysing the ways in which the sociology of punishment literature has also been based on Northern theories, which assume that forms of penalty roll out from the Global North to the rest of the world; and making the case that the harmful effects of eco-crimes and global warming are impacting more significantly on the Global South. The book also explores how the colonality of gender shapes patterns of violence in the Global South. Southern criminology is not a new sub-discipline within criminology, but rather a journey toward cognitive justice. It promotes a perspective that aims to invent methods and concepts that bridge global divides and enhance the democratisation of knowledge, more befitting of global criminology in the twenty-first century.

### Trauma and Literature

Over the years John and Jean Comaroff have broadened the study of culture and society with their reflections on power and meaning. In their work on Africa and colonialism they have explored some of the fundamental questions of social science, delving into the nature of history and human agency, culture and consciousness, ritual and representation. How are human differences constructed and institutionalized, transformed and (sometimes) effaced, empowered and (sometimes) resisted? How do local cultures articulate with global forms? How is the power of some people over others built, sustained, eroded, and negated? How does the social imagination take shape in novel yet collectively meaningful ways? Addressing these questions, the essays in this volume—several never before published—work toward an "imaginative sociology," demonstrating the techniques by which social science may capture the contexts that human beings construct and inhabit. In the introduction, the authors offer their most complete statement to date on the nature of historical anthropology. Standing apart from the traditional disciplines of social history and modernist social science, their work is dedicated to discovering how human worlds are made and signified, forgotten and remade.

### Southern Criminology

#### Publisher Description

### Ethnography And The Historical Imagination

Pt. 1. Colonial matrix of power -- pt. 2. Discursive constructions -- pt. 3. Case studies.

### Picturing a Colonial Past

This open access book documents and analyses the various interventions – legal, political, and even artistic – that followed the Ali Enterprises factory fire in Karachi, Pakistan, in 2012. It illuminates the

different substantive and procedural aspects of the legal proceedings and negotiations between the various local and transnational actors implicated in the Ali Enterprises fire, as well as the legal and policy reforms sparked by the incident. This endeavour serves to embed these legal cases and reform efforts in the larger context of human and labour rights protection and global value chain governance. It also offers a concrete case study relevant for ongoing debates around the role of transnational approaches in making human rights litigation, advocacy, and law reform more effective. In this regard, the book interrogates and critically reflects on such legal campaigns and local and transnational reform work with a view to future transformative legal and social activism.

#### Coloniality of Power in Postcolonial Africa

In the economics of everyday life, even ethnicity has become a potential resource to be tapped, generating new sources of profit and power, new ways of being social, and new visions of the future. Throughout Africa, ethnic corporations have been repurposed to do business in mining or tourism; in the USA, Native American groupings have expanded their involvement in gaming, design, and other industries; and all over the world, the commodification of culture has sown itself deeply into the domains of everything from medicine to fashion. Ethnic groups increasingly seek empowerment by formally incorporating themselves, by deploying their sovereign status for material ends, and by copyrighting their cultural practices as intellectual property. Building on ethnographic case studies from Kenya, Nepal, Peru, Russia, and many other countries, this collection poses the question: Does the turn to the incorporation and commodification of ethnicity really herald a new historical moment in the global politics of identity?

#### Transnational Legal Activism in Global Value Chains

This book presents a theory of political liberalism in the British post-colonies.

#### Ethnicity, Commodity, In/Corporation

In this original study British rule in Burma is examined through quotidian acts of corruption. Saha outlines a novel way to study the colonial state as it was experienced in everyday life, revealing a complex world of state practices where legality and illegality were inseparable: the informal world upon which formal colonial power rested.

#### Fates of Political Liberalism in the British Post-Colony

Trade, popular memory and colonialism in Indonesia.

#### Law, Disorder and the Colonial State

DIVA special issue of PUBLIC CULTURE, this collection of essays forms an empirically grounded, conceptual discussion that posits global millennial capitalism as a historical formation./div

#### The Memory of Trade

The Oxford Handbook of Law and Anthropology is a ground-breaking collection of essays that provides an original and internationally framed conception of the historical, theoretical, and ethnographic inter-connections of law and anthropology. Each of the chapters in the Handbook provides a survey of the current state of scholarly debate and an argument about the future direction of research in this dynamic and interdisciplinary field. The structure of the Handbook is animated by an overarching collective narrative about how law and anthropology have and should relate to each other as intersecting domains of inquiry that address such fundamental questions as dispute resolution, normative ordering, social organization, and legal, political, and social identity. The need for such a comprehensive project has become even more pressing as lawyers and anthropologists work together in an ever-increasing number of areas, including immigration and asylum processes, international justice forums, cultural heritage certification and monitoring, and the writing of new national constitutions, among many others. The Handbook takes critical stock of these various points of intersection in order to identify and conceptualize the most promising areas of innovation and sociolegal relevance, as well as to acknowledge the points of tension, open questions, and areas for future development.

#### Millennial Capitalism and the Culture of Neoliberalism

In *A New Criminal Type in Jakarta*, James T. Siegel studies the dependence of Indonesia's post-1965 government on the ubiquitous presence of what he calls criminality, an ensemble of imagined forces within its society that is poised to tear it apart. Siegel, a foremost authority on Indonesia, interprets Suharto's New Order—in powerful contrast to Sukarno's Old Order—and shows a cultural and political life in Jakarta controlled by a repressive regime that has created new ideas among its population about crime, ghosts, fear, and national identity. Examining the links between the concept of criminality and scandal, rumor, fear, and the state, Siegel analyzes daily life in Jakarta through the seemingly disparate but strongly connected elements of family life, gossip, and sensationalist journalism. He offers close analysis of the preoccupation with crime in *Pos Kota* (a newspaper directed toward the lower classes) and the middle-class magazine *Tempo*. Because criminal activity has been a sensationalized preoccupation in Jakarta's news venues and among its people, criminality, according to Siegel, has pervaded the identities of its ordinary citizens. Siegel examines how and why the government, fearing revolution and in an attempt to assert power, has made criminality itself a disturbing rationalization for the spectacular massacre of the people it calls criminals—many of whom were never accused of particular crimes. *A New Criminal Type in Jakarta* reveals that Indonesians—once united by Sukarno's revolutionary proclamations in the name of “the people”—are now, lacking any other unifying element, united through their identification with the criminal and through a “nationalization of death” that has emerged with Suharto's strong counter-revolutionary measures. A provocative introduction to contemporary Indonesia, this book will engage those interested in Southeast Asian studies, anthropology, history, political science, postcolonial studies, public culture, and cultural studies generally.

#### The Oxford Handbook of Law and Anthropology

Hard and soft law developed by international and regional organizations, transgovernmental networks, and international courts increasingly shape rules, procedures, and practices governing criminalization, policing, prosecution, and punishment. This dynamic calls into question traditional approaches that study criminal justice from a predominantly national perspective, or that dichotomize the study of international from national criminal law. Building on socio-legal theories of transnational legal ordering, this book develops a new approach for studying the interaction between international and domestic criminal law and practice. Distinguished scholars from different disciplines apply this approach in ten case studies of transnational legal ordering that address transnational crimes such as money laundering, corruption, and human trafficking, international crimes such as mass atrocities, and human rights abuses in law enforcement. The book provides a comprehensive treatment of the changing transnational nature of criminal justice policymaking and practice in today's globalized world.

#### A New Criminal Type in Jakarta

"Questions about the nature of law, its relationship with custom, and the form of legal rules, categories and claims, are placed at the centre of this challenging, yet accessible, introduction. Anthropology of law is presented as a distinctive subject within the broader field of legal anthropology, suggesting new avenues of inquiry for the anthropologist, while also bringing empirical studies within the ambit of legal scholarship.

#### Transnational Legal Ordering of Criminal Justice

#### The Anthropology of Law