

TRAVERSALS

Engagements with Critical Movements in Law

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The essays in this special issue are drawn from two conferences: the first was hosted by Rulci/LatCrit in Cape Town in August 2004 and the second by LatCrit in San Juan, Puerto Rico in May 2005 ('North–South Exchanges').

RULCI — the Research Unit for Constitutional and Legal Interpretation — was established in 1999 to facilitate discussion amongst critical scholars about the place of constitutional activity in South Africa. It has been at the forefront of critical thinking about the place of the constitution in South Africa. The LatCrit conference began in 1995. As a scholarly movement, the initial concerns of Latina/o critical legal scholars have been with the response to the historical presence of Latinas/os in the United States. More recently, the focus of LatCrit theory and praxis has expanded to engage with a range of transnational concerns relating to questions of subordination, particularly in the context of North–South relations.

The essays collected in this special issue traverse the problematic of critical movements across the law — conceptual, institutional and spatial. As essays in traversal, they mark lines of critical movement; however, they also, in another form of traversal, mark points of resistance and obstruction. As with all critical legal thought, these essays counter, or traverse, the factual self-evidence of contemporary legal domains.

The essays by Pierre de Vos and Frank Valdes describe the forms of critical engagement and traversal practised in Rulci and LatCrit theory and praxis. The essays of Angela Harris, Fran Olsen, Rashida Manjoo and Irene Bellier engage with traversing the institution, respectively contesting the self-evidence of the economy, the civil order, gender equality and the supranational order of rights. Angela Harris re-contests the economic domain by investigating the return of critical thought in law to the domain of political economy; Fran Olsen questions the limits of civil disobedience and its relation to constitutional advocacy and discourse; Rashida Manjoo investigates the work of the Commission for Gender Equality in South Africa and its ability to define and redefine gender relations in South Africa; and Irène Bellier considers the negotiation of the definition of indigenous people as people within the United Nations. Julian Jonker traverses the ground of law in the location of the politics of memory in Cape Town, and Francisco Guerra-Pujol takes up the question of traversal as movement in his deconstruction and reconstruction of the maturity of Charles Darwin. Finally there is a further, more nebulous, traversal that many of these essays explore. They pursue a dislocation of contemporary legal thinking towards the South.

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