INTER/NATIONAL INTERSECTIONS

Law's Changing Territories

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Edited by: Lyndsay M. Campbell (chief editor)
Mehera San Roque
Sundhyaa Pahuja
Geoff Davenport
L. June McCue
Jobine A.W. van 't Westeinde

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University of British Columbia, Faculty of Law, Graduate Program, 1822 East Mall, Vancouver, B.C., Canada, V6H 1K9

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LAW'S CHANGING TERRITORIAL AND EMBODIED SPACES

Foreword

Marie-Claire Belleau

The papers published in this collection emanate from a conference entitled "INTER/NATIONAL INTERSECTIONS: LAW'S CHANGING TERRITORIES" held at the University of British Columbia between April 30 and May 2, 1998. I had the privilege of participating as one of the two keynote speakers of the conference, which was beautifully organized by students of the Graduate Program in the Faculty of Law.

This collection of papers testifies to the wide variety of themes and the marked preoccupation with identity politics manifested by the international group of speakers who participated to the conference. The papers’ originality lies mainly in two intertwined conceptions: (a) the open definition of law inspired by an interdisciplinary approach (Part I) and (b) the creative notion of territory embraced in the different articles. In this brief foreword, I emphasize physical spatial conceptions of different scales: territorial space (Part II) and corporal space (Part III).

PART I: AN OPEN NOTION OF LAW

If many of the speakers adopt a vision of law as situated and historical, they also emphasize the role of legal norms in both opening and limiting

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* Professor, Faculté de droit, Université Laval.

1 The members of the organizing committee were Lyndsay Campbell, Geoff Davenport, June McCue, Sundhya Pahuja, Mehera San Roque, and Jobine van’t Westeinde.
spaces and territories. Law is here conceptualized as an instrument both of oppression and of resistance, a homogenizing force as well as a differentiating tool. These notions of law allow the authors to explore competing interests and ideologies in widely diverse contexts.

This open vision of law stems in part from an interdisciplinary perspective which confronts the legal field with competing notions of social norms and control emerging, for example, from politics, sociology, medicine, history, geography, media, and finance. In addition, the contributors to this conference tackle with remarkable mastery sophisticated theories by individuals such as Judith Butler, Jacques Derrida, Jacques Lacan, Edward Said, Jean-François Lyotard, Theodor Adorno, and Vicky Spellman.

In light of this vision of law, the metaphor of changing territories applied to physical space, both territorial and corporal, participates in the opening of wider and more representative discursive spaces that are moving, changing and dynamic.

PART II: TERRITORIAL SPACES

Many of the articles introduce legal issues that are timely and grounded in questions that are important within the traditional, national and territorial jurisdictions the writer comes from. Some remain in the national domain, others raise international issues, while still others propose comparative perspectives to legal problems. In this context, stimulating exchanges are fostered by the impressive national diversity of the authors and their familiarity with a range of geographical areas; they canvas issues relating, for example, to Australia, Chile, China, the European Union, France, New Zealand, the Philippines, and Taiwan.

However, most of the authors problematize these traditional conceptions of territory by taking on issues that transcend boundaries and expose the exclusionary forces of law. Concerns about the environment and globalization are employed as critical tools that highlight outmoded legal conventions and limiting national notions of space. Likewise, these papers show that immigrants, refugees, and the more abstract "nomadic citizen" create and reify tight state boundaries and ideas of citizenship; but they also put in question traditional visions of national space. For example, if the poetic epic of the European Union fosters solidarity through narratives of commonality in history, in origins and in destiny, the story also contains entire strophes about fears: fear of
others, fear of differences, and, more specifically, fear of migrating herds.²

In addition, many of the authors struggle with modernist dichotomies that still have strong currency today, such as north/south, occident/orient, periphery/centre, margins/middle. Finally, narratives and theory about colonial encounters contribute to the destabilizing and challenging of frontiers. Indeed, all through the conference and in many of the texts, the ancestral native spirit exercises a strong influence³ and cohabits with other colonial encounters, as well as with often criticized eurocentric perspectives.⁴

PART III: EMBODIED SPACES

Many authors explore issues related to the body as territory. In this perspective, embodied territories are gendered, coloured, raced, colonized, sexed, and sexually oriented. Law and other social norms define and control these embodied spaces. For example, issues related to reproduction equate female bodies with containers.⁵ Health clinics are gendered places that are commodified and bureaucratized with the aim of controlling bodies.⁶

In related ways, representation and legislation in white-dominated societies shape and determine Afro-American women’s sexuality and bodies in a system of interlocking race and gender oppression.⁷ Finally, the notions of “family” and “spouse” participate in the management of corporal situatedness when related to same-sex couples issues.⁸ Thus, identity intersections offer reconceptualizations of bodily spaces.

² Andrew Williams, “The European Union Story: Law, Rights, and Myth in the Shaping of an Epic”.
³ June McGregor, “Indigenous Legal Theory Perspectives”. The opening addresses by Vince Stogran, an elder of the Musqueam people, and by Dr. Taiaiake Alfred, of the Kahnawake Mohawk, brought this sensibility to the forefront of the minds of the participants.
⁴ Anne Goodfellow, “Legislating Equality Among Non-Egalitarian Societies”.
⁵ Albert Wallraf, “Access to New Reproductive and Genetic Screening Technologies”.
⁶ Chantal Morton, “Law and the Production of Spaces” [this paper is not contained in this volume].
⁸ Michelle K. Owen, “All in the Family: The Struggle for Same-Sex Recognition in the Courts and the Legislature”.
Here again, the authors submit hierarchical, modernist dichotomies to vigorous critiques. For example, many of the authors challenge, explicitly or implicitly, the conception of the liberal individual whose mind and body are separable. In their articles, many of the authors immerse themselves in law’s changing territories by significantly defying legal, social, and political categories through identity politics. They explore the invisible spaces left behind by crossroads, gaps, and conflicts. Finally, in “de-scribing” legal narratives, the authors offer alternatives to national territorial boundaries by suggesting embodied frontiers such as those of the nomadic citizen, the subaltern other and the Diaspora.

OPENING SAFE SPACES

Other types of spaces are explored in this collection such as historical and contextualized territories, ideological boundaries, and representation and speech as space. In these, as well as in others, the call from the authors for the opening and for the creation of safe spaces is loud and clear. The creation of these safe spaces would require imagining alternative cultural, political, social, economic and psychological sites open to diversity and inclusion, identity and representation struggles.

Bonne lecture!


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9 Sara L. Ramshaw, “Legal Stories, Celebrity-Truths”.