FOLÚKẸ́ ADÉBÍSÍ, DECOLONISATION AND LEGAL KNOWLEDGE: REFLECTIONS ON POWER AND POSSIBILITY (BRISTOL UNIVERSITY PRESS, 2023)

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I INTRODUCTION

With the emergence of discussions surrounding decolonisation of academia, European law schools and European legal knowledge have largely been exempted from scrutiny regarding their creation, participation in, condoning, dissemination, and fostering of coloniality.[1] Adébísí's volume, *Decolonisation and Legal Knowledge: Reflections on Power and Possibility*, fills this void and highlights the importance of disrupting and dismantling coloniality within European legal knowledge as a starting point for decolonisation.

Adébísí understands decolonisation as a collection of theories and praxes that persistently refuse colonial conditions of domination, dispossession, dehumanisation, and epistemologies that sustain coloniality.[2] While

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[1] There are some recent examples of scholarship focussing on decoloniality within EU and European law: Iyiola Solanke, 'Conclusion: Embedding Decoloniality in Empirical EU Studies' in Antoine Vauchez, Fernanda Nicola and Mikael Rask Madsen (eds), *Researching the European Court of Justice: Methodological Shifts and Law's Embeddedness* (Cambridge University Press 2022) 343-353; Signe Rehling Larsen, 'European Public Law after Empires' (2022) 1 European Law Open 6 - 25.

[2] Folúkẹ́ Adébísí, *Decolonisation and Legal Knowledge: Reflections on Power and Possibility* (Bristol University Press 2023). Praxes in this context are the broad spectrum of

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colonisation encompasses the mechanism of unjust material accumulation and dispossession, the author defines colonialism as,

> an ontological condition of modernity which outlives administrative and territorial colonisation and describes long-standing patterns of power that emerged (…) that define culture, labour, intersubjective relations, and knowledge production.[3]

Starting from the premise that colonialism and coloniality outlive colonisation, Adébísí aims to urge legal scholars to see the possibilities that emerge from being cognisant of how power is transmitted through legal knowledge when engaging in teaching and researching. Such academic activities are, according to the author, sites where the reproduction of coloniality should be disrupted, by redesigning academic work to redesign the world.[4]

Central to Adébísí's enterprise is the dismantling of the hagiography or idolatrous account of Euro-modern legal knowledge, the unravelling of its long-standing patterns of power, the mechanisms for reproducing them, and their outcomes. Euro-modern law is defined as

> '(…) legal knowledge that reflects the cultural values associated with whiteness (which) represents a legal and global power structure (that)

actions legal scholars engage in that are based on, informed, and shaped by decolonial theories with the aim of furthering decolonisation materially. Such actions can include teaching; research activities; community, society- and work-centred movements; and legal and policy advocacy.

[3] Folúkẹ́ Adébísí, *Decolonisation and Legal Knowledge: Reflections on Power and Possibility* (Bristol University Press 2023) 20 quoting Nelson Maldonado-Torres, 'On the Coloniality of Being: Contributions to the Development of a Concept' (2007) 21 Cultural Studies 240, 243.

[4] Adébísí (n 3) 34.

> institutionalizes the enduring asymmetries of power between the global South and global North (…).'[5]

Furthermore, Euro-modern legal knowledge is characterised by its claims of academic objectivity, neutrality, and universality; thus concealing its role in creating and upholding racial, class, and patriarchal power.

The book is divided in three sections. The first section (Chapters 1 and 2) sets the scene by spatially-temporally locating the Euro-modern law school within knowledge structures - Adébísí focuses on UK law schools - and contextualises the relationship between decolonisation and legal knowledge. The second section (Chapters 3-5) examines how legal conceptualisations reproduce colonialism and dissects the working of coloniality through (mis)understandings of the body, space, and time. The third section, Chapter 6, returns to the Euro-modern law school to offer examples of how to operationalise decolonisation. This review commences with the first section, followed by a discussion of the third section, then the second section, and ends with concluding remarks.

II. Of Seats And Colonial Tables: Differentiating Diversification And Decolonisation

In the wake of the 2020 Black Lives Matter protests, some European universities responded to demands for decolonisation through diversity efforts. Adébísí argues that this approach is flawed, differentiating between how decolonisation seeks to dismantle unequal global power relations and the reproduction of coloniality, while diversification merely diversifies the faces of power that function pursuant colonial logic. Hence, epistemic injustice afflicted by the colonial project that shrouds and dismisses Indigenous knowledge cannot be remedied by diversifying its offenders. According to Adébísí, diversification lacks a central element of decolonisation: disruptiveness. Decolonisation demands 'dismantling,

[5] ibid 16.

delinking, decentring, or disobeying epistemic coloniality of power and the reproduction of hierarchy upon which it proceeds', to make space for an equal pluriversity of knowledges.[6] Diversity efforts wrongfully assume that colonialism and coloniality are over and therefore need not be eradicated.

After briefly setting out how the 'capitalist-colonial-enslavement project' dating back to 1492 engraved colonial logics that are the foundation of the present (academic) world, Adébísí maps out the amalgamation of decolonial strategies that have emerged out of different contexts with the help of an analogy of a dinner table representing colonialism.[7] Firstly, the author categorises postcolonialism as decolonial strategies that either demand a seat at the table – thus engaging in diversification – or seek freedom to lay their own. Secondly, Adébísí distinguishes indigenous critiques of settler-State colonialism as decolonial strategies aimed at demanding that their table is returned to them, or by stressing that there should not be a table to begin with. Thirdly, decolonial strategies from the empire itself advocate for the table to be returned to the Global South, though often done in ways that tend to reproduce colonial logic. This is exemplified by development aid that takes paternalistic forms. Lastly, although often spoken of in the same breath as decolonisation, the author clarifies that critical legal studies (CLS) and its mutations (critical race theory and critical race feminism) are strategies that do not fit on the table.[8] While CLS interrogates Euro-modern law's presumed objectivity and neutrality, Adébísí purports that CLS takes an atomised approach to confronting power (through examining law and gender, law and race), thereby restricting its analysis and not consistently engaging with empire.[9]

Decolonising Euro-modern law is a particularly delicate exercise because of the duality law possesses. The author argues that while law is a 'handmaiden

[6] ibid 36.

[7] Adébísí (n 3), 35–48.

[8] ibid 45.

[9] ibid 19.

of imperialism', it simultaneously inhibits hope for liberation from imperialism.[10] This duality, according to Adébísí, only strengthens the argument for a dissection of Euro-modern law's interaction with (de)colonisation within the Global North. Euro-modern law and law schools in the Global North, in many ways the genesis and entry point of colonialism, must be addressed to disrupt colonialism.

While decolonising Euro-modern law is of importance for academic institutions, there is the risk that decolonisation efforts will be manipulated to rewrite the history and presence of universities – characterised by physical and epistemic violence - as places of liberation. Adébísí does not eschew this thorny point, noting that legal theory cannot be decolonised when subordinated to institutions, States, and global orders that rely on coloniality.[11] Hence, the author finds it important to distinguish between what can be reformed and what must be abolished. Decolonisation requires that some structures and practices be dismantled altogether. Reform, on the other hand, is useful for transitioning and filling the void created by abolished structures and practices, so as to avoid their resurrection.

III. Forging Pluriversal Universities

In the third section of the book, Adébisi eases into the personal, practical, and provable efforts legal scholars can engage in for the purpose of decolonisation. Primarily, the author posits that epistemology – how knowledge is sourced for the purpose of understanding, teaching, and researching in law - should be approached as knowledge cultivation rather than knowledge production.[12] Where knowledge production is accumulative and imperialist by implying that colonised people exist outside the realms of knowledge and can only consume knowledge about

[10] ibid 160.

[11] ibid 24.

[12] Folúkẹ́ Adébísí, *Decolonisation and Legal Knowledge: Reflections on Power and Possibility* (Bristol University Press 2023) 2, 12, 132.

themselves, knowledge cultivation eliminates the subjugation of the Other by emphasising 'collaborative growth, grounding, care, and creativity'.[13] To demonstrate knowledge cultivation, the author proposes law curricula, research agendas and practices, and citationality as sites for decolonial praxis. Arguably, law scholars struggle most with how to decolonise in praxis from within the discipline. The author's examples, in no way exhaustive, are therefore welcome.

Regarding the law curriculum, the author invites scholars to ask pivotal questions to guide decolonisation. What is conceived as law? Whose voices are understood as legal authority? Who gets pushed out of the boundaries of what is conceived as law, and thus undergoes epistemicide? In the same vein, transdisciplinarity – disciplines working through each other - is proposed as imperative for engaging in decoloniality by thinking beyond disciplines to cultivate knowledge.[14] This book, while remaining grounded in legal theory, draws from other disciplines such as history, philosophy, and sociology. It also draws from indigenous knowledge and knowledge beyond academia, thereby setting a good example of looking beyond the law for the development of legal theory that is appreciative of pluriversality.

Turning to research, the author encourages legal scholars to recentre research practices situationally, relationally, and ethically to produce a world that operates differently.[15] This requires, as the author proposes inexhaustively, the democratisation of knowledge through open-access practices, the dismantling of the hegemonic working of world ranking systems which prioritise historically accumulated prestige above knowledge cultivation, and an overhaul of academia's 'publishing industrial complex'.

[13] ibid 163.

[14] Lewis R Gordon, 'Disciplinary Decadence and the Decolonisation of Knowledge' (2014) 39 Africa Development 81, 87.

[15] Adébísí (n 3) 173.

Lastly, Adébísi conceptualises citationality broadly to encompass research citation, who appears in teaching and reading lists, which research areas are prioritised, who is partnered with in research, and how research labour is acknowledged.[16] Determining who can speak in legal theory is important because processes of peer review and citationality reproduce logics of silence, thus preserving patterns of power and maintaining Euro-modern legal knowledge as the status-quo.[17] The proposed remedy lies in moving away from extractivitist and individualistic citational practices that erase the often-communal work from fields such as queer studies and anti-racist scholarship.

IV. TRACING COLONIALISM'S FOOTPRINTS THROUGH BODY, SPACE AND TIME

With the popularisation of decolonisation and the ensuing countless efforts to decolonise academia taking a life of their own, such efforts often appear divorced from the reality of (settler-State) colonialism that creates the continuing need to return and repatriate Indigenous land and life. Decolonisation should not become a metaphor by adding decolonial considerations to the current status-quo, but must be about the imagining and building of new worlds where Indigenous life, land and knowledge are centred.[18] Adébísí acknowledges how this very book risks contributing to the diluting of decolonisation, and stresses the importance of continuously viewing decolonisation of legal theory in relation to decolonisation of land as a material goal.[19] The author handles the risk by dissecting how Euro-modern law shaped the relationship between the human body, space, time and land in a manner that upholds colonialism.

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[16] ibid 176.

[17] Sara Ahmed, *Living a Feminist Life* (Duke University Press 2017), 15, 148 - 158.

[18] Eve Tuck and K Wayne Yang, 'Decolonization Is Not a Metaphor' (2012) 1 Decolonization: Indigeneity, Education & Society 1, 3.

[19] Adébísí (n 3) 39.

Historically, bodies racialised as Black, Indigenous, non-white and/or non-normative along gender, sexual orientation, disability and class lines were considered sub-human. Euro-modern law's ideal human is a white, non-disabled, property-owning, heteronormative, European man.[20] This shapes fields of law such as human rights, and the law of obligations with the civil law concept of the *bonus pater familias* or the common law concept of 'the reasonable man'.[21] With the advent of different human rights instruments, previously 'sub-human' populations have mostly attained formal equality.[22] However, without substantive, transformative and inclusive equality, many remain subjugated to legally constructed restrictions on how they can move throughout the world. Within the EU legal context, this can be exemplified by the conception of deadly EU borders for people from the Global South, which are in stark contrast to the EU's more open response to the refugee influx following the Russian invasion of Ukraine.[23]

The author delves into how Euro-modern law's problematic delineation of who is human is entangled with coloniality, and proceeds to recommend different ways to unveil this reality in law curricula. Adébísí recommends that academics make conceptual connections between seemingly different areas of law that are fragmented in law curricula: crime, poverty and penal law; homelessness and property law; private law, human rights and non-

[20] Costas Douzinas, *The End of Human Rights: Critical Thought at the Turn of the Century* (Bloomsbury Publishing 2000) 97.

[21] Robyn Martin, 'A Feminist View of the Reasonable Man: An Alternative Approach to Liability in Negligence for Personal Injury' (1994) 23 Anglo-American Law Review 334, 337; Theresia Degener, 'Disability in a Human Rights Context' (2016) 5 Laws 35, 9.

[22] Sandra Fredman, 'Substantive Equality Revisited' (2016) 14 International Journal of Constitutional Law 712.

[23] Céline Paré, 'Selective Solidarity? Racialized Othering in European Migration Politics' (2022) 1 Amsterdam Review of European Affairs 42; Fatima El-Tayeb, '"The Birth of a European Public": Migration, Postnationality, and Race in the Uniting of Europe' (2008) 60 American Quarterly 649, 651.

discrimination.[24] Moreover, Adébísí foregrounds other legal conceptualisations beyond those within Euro-modern law.[25] An offered example are Indigenous knowledge systems which place emphasis on belonging and human embodiment within community. Consequently, human beings are understood in a relational manner to land, nature, and other beings; as opposed to Euro-modern law's atomisation of humans from their environment. To illustrate, the growing importance of nature rights in international environmental law can be directly traced to indigenous understandings of humans and nature.[26] In contrast, Euro-modern law has historically disregarded this contingency between nature and humans.

A reoccurring argument against decolonising legal theory is that it requires the judging of past actions with a contemporary moral lens. Legal concepts such as intertemporal law, statutes of limitations, and spatial and temporal jurisdiction restrictions thus nullify contemporary efforts for redress of colonial injustices. Furthermore, they inscribe unrealistic timelines for racial justice that disadvantage marginalised communities.[27] Adébísí tackles this argument by highlighting that colonialists existed at the same time as colonised people who engaged in anti-colonial wars and slave rebellions.[28] Ergo, colonialism was not 'normal' at the time as it was actively resisted by non-white people in the same period. Euro-modern law's refusal to redress colonial injustice is, as the author contends, 'an enactment of slow violence (…) woven into the logics and praxis (…) of colonialism'.[29] Instead of

[24] Adébísí (n 3) 170.

[25] ibid 111.

[26] Erin O'Donnell and others, 'Stop Burying the Lede: The Essential Role of Indigenous Law(s) in Creating Rights of Nature' (2020) 9 Transnational Environmental Law 403, 405.

[27] Yuvraj Joshi, 'Racial Time' (2023) 90 University of Chicago Law Review (forthcoming) 1, 4.

[28] Folúkẹ́ Adébísí, *Decolonisation and Legal Knowledge: Reflections on Power and Possibility* (Bristol University Press 2023) 141, 149, 153.

[29] ibid 148.

succumbing to Euro-modern law's insistence on periodisation and temporal fragmentation, Adébísí posits that understanding the effect of law and time as ongoing emphasises how slave rebellions, anti-colonial struggles, civil rights protests, and Black Lives Matter movements are the same battle across space and time.[30]

V Conclusion

Adébísí's book is an eye-opening account encouraging the dismantling of coloniality within Euro-modern law. One of the book's strengths lies in its originality, whereby it tackles the topical subject of decolonisation from the beast's belly: Euro-modern law which has a central role in creating and sustaining colonialism, yet has been overlooked in recent decolonial scholarship within Europe. The author convincingly connects seemingly divorced (legal) fields and reveals how their atomisation eschews Euro-modern law from interrogating its complicity in coloniality. This book's appeal lies in its birds-eye view of the origins and working of coloniality in law and how the discipline entrenches this colonial logic in society. A consequence of this birds-eye view is that while interesting legal branches for necessary decolonial praxis are identified, these are not always explored in detail. The author manages this expectation by clarifying from the onset that this book aims to explore different issues legal scholars should consider when contemplating decolonisation. The offered examples therefore intend to scratch the surface and invite legal scholars to continue the decolonial work further in their respective disciplines.

This book, being an entry point for the long decolonial journey, does not address certain detailed questions. An example is how European universities and scholars can sincerely engage with harmful and exclusionary developments within non-Western legal knowledges without falling in the trap of paternalistic reprimanding. Furthermore, while the book highlights

[30] ibid.

Euro-modern law schools as sites for decolonisation, it leaves the question open as to how legal scholars in the Global North should 'do' decolonisation sincerely while remaining true to decolonisation as a project of giving up colonised land, power and privilege. Though the importance hereof is acknowledged, a further detailed exploration of this question is necessary. This is pivotal as some legal scholars in the Global North, precisely because of unequal global power distributions and 'academic ivory towerism', could use decolonisation to further careers while overshadowing or ignoring pioneers from the Global South and marginalised people within the Global North, while remaining far-removed from and oblivious of material decolonial struggles.

Additionally, seeing as this book concerns decolonisation, it is unfortunate that at the time of writing there is no audiobook version available which would further its accessibility. Currently, the book is only published in English, which does not align with the author's argument for pluriversity through making space for academic literature in other languages. Considering the importance of the democratisation of knowledge for decolonisation, it is also unfortunate that the book was not published open access. These shortcomings prove the limits of decolonisation within the structures of neoliberal universities and their publishing presses in the Global North.

Despite these limitations, Adébísí's book convincingly paves the way for a guided and comprehensive interrogation of colonialism within Euro-modern legal knowledge. One can certainly hope that European universities and legal scholars in the Global North pick up where Adébísí has left off and engage in the long-overdue decolonial work to create the potential for spaces with a pluriversity of knowledges.