
16 August 2018, Thursday ✦ 12.30pm – 1.30pm

Lee Sheridan Conference Room, Eu Tong Sen Building, Level 1, NUS (Bukit Timah Campus)

The Jurisprudence of Decolonization: The Kenyatta Trial and Genealogies of Rebellious Lawyering in Asia and Africa

Speaker: Dr. Rohit De, Yale University**Chairperson: Prof. Kevin Tan, NUS Law**

ABSTRACT

In 1952, British attempts to quietly prosecute Jomo Kenyatta and his colleagues for leading the Mau Mau fell apart with the unexpected arrival of an international legal defence team consisting of British and Irish barristers; lawyers sent by Ghana, India and Nigeria, a Jamaican from Tanzania and three Kenyan counsel of Indian descent (a Hindu, a Sikh and a Catholic). This project establishes that the transnational character of the trial was typical of its time, uncovering a hitherto ignored period of legal globalization, by showing how trials conventionally understood as “national events” in Kenya, Tanzania, India, Pakistan, Malaysia, Sri Lanka, Guyana and Singapore were produced by an internationalist culture of civil liberties emerging from decolonization. Following Kenyatta’s lawyers as they move across jurisdictions defending unpopular causes and across time as they cope with the new postcolonial authoritarianisms, this project offers an alternate international history of rights emerging from Asia and Africa that moves away from discussions between states and instead explores the chequered history of the concepts among social movements and the claims they make of their states. The end of the Second World War is seen as heralding a new era of rights and liberty, with the drafting of the UN Charter, independence and new constitutions in Asia and Africa and the emergence of the welfare state in Western Europe. However, this masks the decade of massive repression across the globe, as European powers sought to stamp their authority on restive colonies and newly independent states established their postcolonial sovereignty. This paper traces the emergence of a network of young lawyers in Asia and Africa, radicalized by anti-colonialism and left internationalism, who manned the legal barricades defending rebels, trade unionists, political opposition and minorities and developed new legal strategies and conceptual vocabularies from below. The paper seeks to decentre the state from the international history of rights by moving the focus away from the United Nations and other international organizations towards local struggles in Kenya, India, Sri Lanka and Malaysia. It also seeks to find legal theory from the global South in the histories of legal practice and everyday lawyering. Finally, recognizing the overwhelming presence of diasporas and minorities in this network, the paper explores connections between professional identities, ethnic identity and political ideologies.

ABOUT THE SPEAKER



Rohit De is an Associate Research Scholar in Law at Yale Law School and an Assistant Professor in the Department of History, Yale University. Until 2014 he was a Mellon Postdoctoral Fellow at the Center for History and Economics, University of Cambridge and Harvard University. Rohit's research focuses on South Asian legal history and comparative constitutional law; his book *A People's Constitution: Law and Everyday Life in the Indian Republic* (Princeton: 2018) explores how the Indian constitution came to permeate everyday life and imagination in India during its transition from a colonial state to a democratic republic. He is currently working on a project mapping an alternate history of universal rights and civil liberties that arise out of Asia and Africa, mediated by the transnational legal geographies of commerce, migration and diaspora., in the aftermath of the 2nd World War. He has also written extensively on the role played by lawyers and legal networks in shaping debates over diverse subjects like Islamic law, market regulation, and civil liberties in colonial India. He holds degrees from Princeton, Yale, and the National Law School of India University. He has assisted at the Supreme Court of India with Chief Justice K. G. Balakrishnan and has worked with constitutional reform projects in Sri Lanka and Nepal.

REGISTRATION

There is no registration fee for this seminar but seats are limited.
Light refreshment will be provided on a first-come, first-served basis.
Closing Date: **13 August 2018, Monday**
For enquiries, please contact Alexandria at calls@nus.edu.sg

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