

NEWS.LETTER

AALS Section on Law and South Asian Studies

Welcome to the first newsletter from the AALS Section on Law and South Asian Studies!

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Please feel free to contact us with any questions at all. If you would like to join this Section, please sign up through the AALS Member Website. For suggestions/ content for the newsletter, please contact Priya Gupta at psgupta@swlaw.edu.

CALLS FOR PAPERS

“The Postcolonial Lives of Colonial Law in South Asia”

Association of American Law Schools · Section on Law and South Asian Studies

Saturday, January 3, 2015 · Washington, DC

(Submission Deadline: August 15, 2014)

The Section on Law and South Asian Studies of the Association of American Law Schools invites papers for its session during the 2015 AALS Annual Meeting in Washington, DC, which is scheduled for January 3, 2015, at 3:30pm. We anticipate selecting one or two individuals from this call for papers to present their work during our Section’s program. Please note that faculty members presenting at the program are responsible for their own Annual Meeting registration fee and travel expenses.

The session theme is “**The Postcolonial Lives of Colonial Law in South Asia.**” As scholars across a range of disciplines have observed, the process of decolonization in South Asia has been long and uneven—in significant part due to the continuing legacy of laws and institutions inherited from the British colonial state. This program will examine the significance of these continuities between colonial and postcolonial laws and institutions in South Asia. To what extent, if any, was decolonization a moment of rupture? How

and to what extent did colonial laws and legal institutions survive the formal end of colonial rule and how have postcolonial states in South Asia adopted and adapted them? And with what contemporary implications and consequences?

We invite papers exploring these questions with respect to one or more countries in South Asia, including Afghanistan, Bangladesh, Bhutan, Burma/Myanmar, India, Iran, Maldives, Nepal, Pakistan, Sikkim, or Sri Lanka, or papers offering comparative perspectives, drawing from the postcolonial experiences of countries in other regions, that offer relevant insights into the experiences of these South Asian countries.

Publication: Papers from the session will be published in a 2015 symposium issue of the *American University International Law Review*.

Submission Guidelines: The deadline for submissions is August 15, 2014. We welcome submissions at any stage of development, although preference may be given to more fully developed papers over abstracts and paper proposals. Priority also will be given to individuals who commit to publish their papers in the symposium issue, to full-time faculty members and fellows at AALS member schools, and individuals who have not previously presented a paper on South Asia at the AALS Annual Meeting. Decisions will be made by mid-September 2014.

Please email submissions in Microsoft Word format to AALS-SouthAsiaCFP@kalhan.com. In your email, please indicate whether you have previously presented your work at the AALS Annual Meeting and confirm whether you are willing to commit to publish your paper, if selected, in the symposium issue. If you are not a full-time faculty member at a AALS member law school, please also include a CV with your submission.

Inquiries: Please direct any questions or inquiries to Anil Kalhan (anil.kalhan@drexel.edu).

NEW RESEARCH

The University of Chicago Law School's International Human Rights Clinic (led by Professor Sital Kalantry (now at Cornell Law School)), the National Asian Pacific American Women's Forum, and Advancing New Standards in Reproductive Health, *Replacing Myths with Facts: Sex-Selective Abortion Laws in the United States* (June 2014)

This project is a multi-disciplinary report in June on sex-selective abortion laws in the United States. Eight states in the country have enacted bans on sex selection abortion and 21 other states and the U.S. Congress have considered such bans. The Report demonstrates that proponents of sex-selective abortion bans inaccurately claim that Asian-Americans are aborting female fetuses in the United States consistent with the practices that may exist in countries such as India and China. Using data from the U.S. Census this report aims to re-frame the current national conversation from sex selection abortion — passing the bans aren't needed to promote women's equality but they do promote racial stereotyping and profiling.

The Report is available at <https://ihrclinic.uchicago.edu/page/replacing-myths-facts-sex-selective-abortion-laws-united-states>

Slate's Emily Bazelon published an article about it:

http://www.slate.com/blogs/xx_factor/2014/06/03/sex_selective_abortion_new_study_debunks_the_myth_that_it_is_widespread.html and it was discussed in an article in NBC News online

(<http://www.nbcnews.com/news/asian-america/study-debunks-myths-surrounding-sex-selective-abortion-bans-n161191>).

Meera Deo, ***Looking Forward to Diversity in Legal Academia*** (June 2014)

The landmark book, "Presumed Incompetent: The Intersections of Race and Class for Women in Academia" (Gabriella Gutierrez y Muhs, Yolanda Flores Niemann, Carmen G. Gonzalez & Angela P. Harris eds., Utah State University Press, 2012), lays a politically deep and structurally solid foundation for further investigation into faculty diversity. Looking across disciplines and encompassing women of color from a variety of racial and ethnic backgrounds, the book collects vignettes, personal narratives, empirical analysis, and theoretical ruminations on the current state of academia, with an interdisciplinary lens focused on women of color. In the past decade, emerging scholarship has reported on diversity in the natural sciences, engineering, and the social sciences. Yet, few empirical studies have investigated diversity among law faculty, and none have focused on women of color as the primary subjects of study. Drawing from "Presumed Incompetent" and the few existing studies of law faculty diversity, this Article proposes a new direction for future research. The Diversity in Legal Academia (DLA) study will empirically investigate faculty diversity using mixed methods and an intersectional perspective. The central research questions focus on the unique benefits and challenges facing female law professors of color, including concerns about promotion and tenure, work-life balance, and leadership opportunities. This Article also discusses the analytical approach best suited to test the specific hypotheses proposed for future study.

The article is available at http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2449850

International Human Rights and Conflict Resolution Clinic, Stanford Law School, ***When Justice Becomes the Victim: The Quest for Justice After the 2002 Violence in Gujarat*** (May 2014)

In late February and March of 2002, a devastating wave of violence swept across the northwest Indian state of Gujarat. The violence killed between 1,200 and 2,000 individuals, injured many more, and permanently displaced hundreds of thousands of Gujarati citizens. Much of the violence had a strongly communal nature, pitting Hindus against Muslims. This report, prepared by the Stanford International Human Rights and Conflict Resolution Clinic, focuses on the performance of the Gujarat judicial system as it handled the cases emerging from the violence. The report presents the 2002 violence in Gujarat through the lens of three court cases. Two of them (the Naroda Patia case and the Gulberg Society case) pertain to two of the most well-known and tragic attacks to occur during the violence. The third (the Jafri case) pertains to a controversial case alleging that much of the violence had taken place on the instigation or direct orders of some of Gujarat's highest political and social figures, including the sitting Chief Minister of the State of Gujarat. The report concludes that the State of Gujarat, as well as the Government of India, can and should do more to bring true justice to the people of Gujarat. Fortunately, many reform efforts are already underway to address some of the crucial shortcomings identified also in this report.

The Report is available at: <http://humanrightsclinic.law.stanford.edu/wp-content/uploads/2016/05/When-Justice-Becomes-the-Victim-secure.pdf>

Marc Galanter and Nick Robinson, ***India's Grand Advocates: A Legal Elite Flourishing in the Age of Globalization*** 20(3) INT'L J. OF THE LEGAL PROFESSION 241 (2013)

This article examines a flourishing group of elite litigators, that we call 'Grand Advocates', who practice before the Indian Supreme Court and some of India's High Courts. In a court system marked by overwhelmed judges with little assistance, multiplicity and blurriness of precedent, and by the centrality of oral presentation, the skills and reputational capital of these lawyers enables them to play a central, lucrative, and unique role. Indeed, it is often the Grand Advocates, as much as the judges, who lead and propel forward the Indian judicial system.

The paper is available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2348699

Please send new research announcements to Priya Gupta at psgupta@swlaw.edu.

NEWS, LECTURES, AND MORE

NEWS COVERAGE: Madhavi Sunder and Keith Watenpaugh, *Frontiers: Muslim Studies*

On this edition of Frontiers, Madhavi Sunder and Keith Watenpaugh discuss how Muslims are dealing with human rights and working to transform their societies from within.

Video available at: <http://www.youtube.com/watch?v=iCUcSVCoj1c>

LECTURE: Partha Chatterjee, *Nationalism, Internationalism and Cosmopolitanism: some lessons from modern Indian history* (April 2014)

Podcast available at <http://www.lse.ac.uk/publicEvents/events/2014/04/20140403t1830vSZT.aspx>

NEW RELEASES IN LITERATURE:

Zia Haider Rahman, *In the Light of What We Know*

One September morning in 2008, an investment banker approaching forty, his career in collapse and his marriage unraveling, receives a surprise visitor at his West London townhouse. In the disheveled figure of a South Asian male carrying a backpack, the banker recognizes a long-lost friend, a mathematics prodigy who disappeared years earlier under mysterious circumstances. The friend has resurfaced to make a confession of unsettling power.

Fatima Bhutto, *The Shadow Of The Crescent Moon*

Three brothers meet for breakfast. Soon after, the eldest, recently returned from America, hails a taxi to the local mosque. The second, a doctor, goes to check in at his hospital. His troubled wife does not join the family that morning. No one knows where Mina goes these days. And the youngest, the idealist, leaves for town on a motorbike. Seated behind him is a beautiful, fragile girl whose life and thoughts are overwhelmed by the war that has enveloped the place of her birth.

Three hours later their day will end in devastating circumstances...

As you can see, this section is where we post materials that some of us have found to be thought-provoking and fun. Please email psgupta@swlaw.edu for your suggestions! We welcome the excavation of older materials as well as the introduction of new.

ANNOUNCEMENTS

→ The first meeting of the **South Asian Legal Academics Working Group** will be held at U.C. Irvine on August 1, 2014.

The mission of SALA is to create and sustain a supportive space within which South Asian legal academics can learn and grow to achieve their maximum potential. We hope this meeting will be the first of many opportunities for members to present research, discuss their scholarly agendas and teaching interests, and interact socially in an informal setting. The Working Group is launching itself in California to start, and hopes to expand nationally in coming years. If you would like to be involved in this group, please contact Meera Deo at mdeo@tjsl.edu.

→ We are in the process of creating a **database** with South Asian legal scholars in the U.S. – stay tuned for updates!

→ If you have any **content** you would like to publish in the next **Newsletter** (Fall 2014), please email Priya Gupta at psgupta@swlaw.edu by November 15, 2014.

Please circulate this newsletter widely.

To be added to the distribution list, please email psgupta@swlaw.edu with subject "AALS-SouthAsia".