The title of the symposium invites our critical thinking towards ‘new imaginaries, beyond ‘development’, especially as it relates to ‘law and social justice’. I want to take this title seriously. By this I mean more than to substantively ask questions about the theories and practices of development, law, justice etc, but to take the spirit of the invitation seriously. As I read it, and I read it from the specific location – and with it, memories, experiences and aspiration - of Warwick Law School and its critical pasts and presents of Law in Development and International Development Law and Human Rights, this is an invitation to remember and to re-member, to return to and to re-turn, (im)possible imaginations of decolonisation.

Development, Law, Justice are all, we know, philosophical inventions with material registers of embodied experience, sometimes of wellbeing and happiness, more often – in the experience of the ‘colonised’ – of violence and suffering. Being ‘critical’ we critical scholars of the ‘global south’ know full well that despite the early postcolonial, Bandung-filled enthusiasm for a Third World-led New World Order of development and social justice, ideologies and practices of development have proven to be continuities of older ontologic-epistemological technologies of making-subject, of naming and emplacing (Other-)Being as ‘less-than-Self’ within the totality of the world; the burden to make, and the right to become civilised, therefore, we know continued largely undisturbed by postcolonial births. Much work of expose and denunciation along these lines have flowed under the bridge of postcolonial critique; indeed it was the very rationale of the Law in Development programme at Warwick to engage in precisely such a post-(and anti-)colonial interrogation of neocolonial continuities. Still, the hope, the aspiration, of a decolonized, postcolonial world of human and social development informed this early incarnation of critical Third World imagination. We arrive now a critical juncture. To ask the question of this symposium, as I understand it, is in a sense to acknowledge a passing of this hope. It is in this respect that I want to take this invitation seriously, to re-member and to re-turn imaginations of decolonization as we interrogate the postcolonial imaginaries of hope.

I am concerned to ask the question how we (un/re-)think decolonization as we think law and social justice. First, I identify 2 broad tendencies in postcolonial critical thought as they pertain to imaginaries of decolonized Being-ness: 1) The Right to be Equally Human, and 2) The Right to be Differently Human. The former may be understood as defining the immediate pasts and futures of the Bandung/dependency/NIEO imaginaries development/law and justice; we know that the perceived ‘crisis’ the developmental state and the neocolonial appropriations of ‘globalisation’ have seriously undermined this imaginary of liberation. Following this, the latter imaginary of the de/post-colonial, we see, currently preoccupy much of critical thought, the most innovative thinking/practice being framed through imaginaries of ‘alterity’, ‘decolonial border thinking’, ‘epistemologies of the south’ etc. Central to these theoretical reconfiguration of decolonized being-ness is the centrality of other knowledges and other being-ness where equality of difference rather than equality of sameness inform assertions of possible human futures. The intention of my essay is to ask of this epistemological turn, the ontological question what it means to think alterity, decolonial epistemological pluriversality etc at the border. In doing so, I concentrate especially on the implications of the ‘encounter’, as I put it, between these pluriversal border epistemologies of the South and the totalizing
continuities of coloniality which (b)orders the World as a materiality. More than an abstract engagement with ideas, the located question of what 'we', thinkers of the south do with our thinking, is critical to this discussion. I wonder if all this talk of alterity and epistemological pluriversality fit easily within a contemporary ontology of coloniality where beingness - in all its (emplaced) epistemological diversity - itself is fully a commodity for production and consumption. Against this, the argument I make in short is for a radical imaginary of Being-Other-Wise as an ontologic-epistemology - as a Right Not to be Human - which involves an explicit encounter of forbidden judgement and 'illegality'. 