

MAIN FEATURES

Why we need to look at decolonisation in the law library

Abstract: Decolonisation remains as a topical debate in academic libraries. Goldsmiths, University of London Library, led a decolonisation initiative which inspired many other academic libraries to engage in social justice. Here IALS librarian **Marilyn Clarke**, who was previously Director of Library Services at Goldsmiths, examines what's happening in law libraries when it comes to this matter, and asks whether legal knowledge and the law school can be decolonised.

Keywords: collection development; collection management; decolonisation

Soon after joining the IALS Library – Institute of Advanced Legal Studies – as its new Librarian, in September 2022, my team and I quickly started planning for October's Black History Month. During conversation one day, I discovered that the site of the Institute and the library (though not the current building) – 17 Russell Square – was once the home of the Colonial Centre.¹ As a Black woman of mixed heritage whose father is Jamaican, the word 'colonial' rankled; it always does.

But what was the history of this Centre? Members of the Library team quickly went about unearthing this history with a view to creating a visual presentation, which was eventually displayed on large screens both in the reception area of the building and in the library itself. The visual presentation consisted of a series of black and white photographs from the Imperial War Museum taken by photographer Jack Bryson,² for the Ministry of Information Photo Division in 1944, depicting the lives of people through mainly recreational pursuits. The Centre served students, members of the armed forces, and civilian war workers, in a country where finding accommodation as Black women and men from both Africa and the Caribbean, would have been distressing, difficult, and met with racism.

Some of the students were law students from, for example, Sierra Leone and Gambia, who went on to have illustrious careers in law and in politics. One photograph shows Pierre Sarr N'jie, a law student, and the first Wolof person to be called to the Bar in 1948, and Gambia's first head of government following the declaration of self-rule in 1961.

One might ask, why share the above? For me, it was yet another reminder of lost, hidden, forgotten, and relegated Black history, in a country that is still grappling with how to respond to its colonial past, amidst calls for apology and acknowledgement. And in a current climate where, worldwide, we are increasingly engaging in conversations around restorative and reparative justice.

Since around 2015 and the dawn of the call for social justice brought about by student protests in South Africa focusing on the cost of higher education (#FeesMustFall), decolonisation and underrepresentation, academic libraries have been slowly responding to changes of focus in this area within the higher education sector. Although work addressing issues around inequities based on race,



Bookmarks created by library staff to mark Black History month

gender, sexuality, ableism, class, etc., has been longstanding, it is only recently that the sector has started to take ownership and respond both individually and collectively. With the birth of the Black Lives Matter movement and the outburst of support following the violent murder of George Floyd, the social justice agenda has never had such a high priority with institutions eager to demonstrate their commitment to anti-racism, equity and fairness through educational programmes for staff and students and through the awarding of charter marks such as the Advance HE Athena Swan, the Stonewall Index, and the Advance HE Race Equality Charter.

COLLECTIVE RESPONSIBILITY

I approach social justice work from an activist stance and firmly believe in collective responsibility. It is incumbent upon libraries to engage with social justice work in recognition of the communities we serve. We cannot ignore the continuing impact and injury of colonial histories and their place in the teaching of legal studies and legal research. For example, European colonialism is foundational to international legal doctrine. These colonial histories are also evident in our professional practices, library collections, physical spaces, catalogues, classification schema, and in descriptive data used for retrieval and discovery. This article is not a how-to on decolonising libraries and collections, it is a contribution to an ongoing conversation, a conversation we should all be engaged in.

Some of the questions, provocations, or entry points I would like to explore through a critical and decolonial lens in this article are as follows:

- What is the role the library when it comes to social justice?
- What is the changemaking potential of the library and the individuals who work therein?
- How do law libraries respond to changes going on in the wider world?

As a case study, I will share some of the work I undertook in my previous role as Director of Library Services at Goldsmiths, University of London, as part of the *Liberate our Library*³ decolonisation and diversification initiative. Perhaps some of these ideas can be applied to the law library, the law curriculum, and the teaching of critical information literacy.

WHAT DECOLONISATION IN THE LIBRARY MEANS

Before I proceed, it is important to outline what decolonisation or decoloniality means for the purposes of library work, as well as the role that critical theory plays. For those communities on the margins and often invisibilised, like women, Black people and people of colour, and

members of the LGBTQ+ community, critical theory supports inclusion and social justice, and questions the inequities suffered by these communities. It is seen as liberatory and transformative.

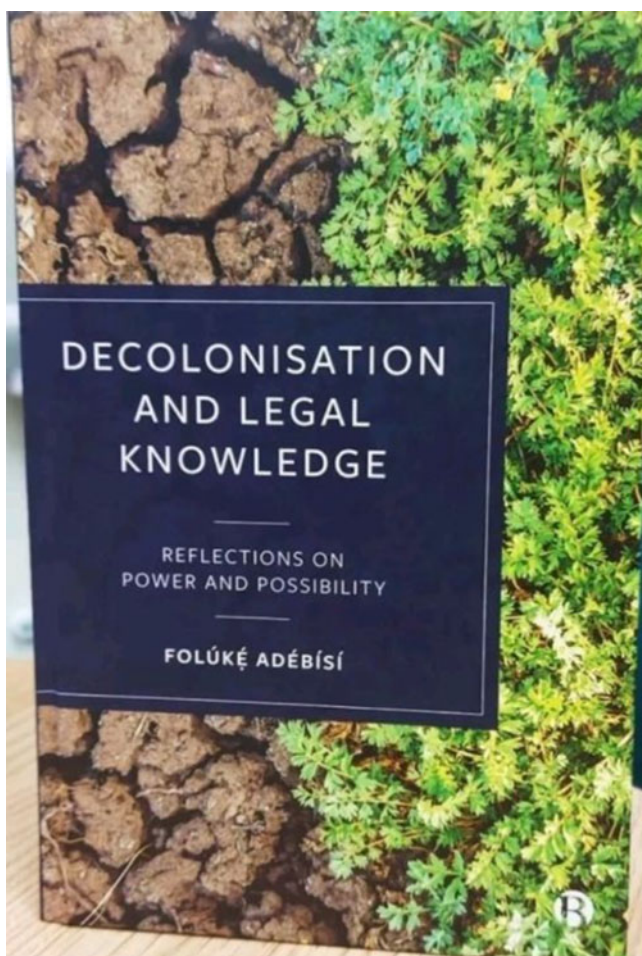
The origins of critical theory are associated with the Frankfurt School, formed in 1923, at the University of Frankfurt am Main. Some of the early critical theorists were Theodor Adorno, Walter Benjamin, Herbert Marcuse, and Erich Fromm. At the same time, critical theorists from France were also examining the same questions, with the likes of Pierre Bourdieu, Jacques Derrida, Michel Foucault, Jacques Lacan the foremost voices of this movement. These critical theorists confronted numerous societal issues, ranging from social regulation and the supremacy of a variety of socio-economic systems, to the impact on marginalised groups, and pedagogies that privilege certain voices, usually, white, cisgender, male, and western.

Critical pedagogy stems from critical theory, and similarly, critical information literacy has its origins in critical pedagogy. Critical pedagogy was popularised by the Brazilian theorist, Paulo Freire,⁴ in his seminal work *Pedagogy of the Oppressed*, published in 1970. Freire opposed what he called the ‘banking concept’ of teaching, whereby the student is treated and seen as an empty vessel, devoid of knowledge and narrative. Freire advocated for an exchange of knowledge between the teacher and the student, where a student’s identity and lived experience was of equal importance to what was being taught in the classroom.

The Black, American theorist, bell hooks,⁵ also writes about the classroom as a space to experience freedom, leading to empowerment, by rethinking teaching practices that can lead to systemic changes around representation.

Library and information science can and does employ critical concepts like Black feminist thought, Critical Race Theory (CRT), knowledge justice, decolonial theory, critical indigenous theory, reparative, systemic, and cognitive justice in its decolonisation and diversification work.

The words ‘decolonisation’ and/or ‘post-colonialism’, and ‘decoloniality’ are often used interchangeably and are interpreted in many ways depending on many factors, such as identity, geographical location, historical context, and discipline, amongst others. One could conceivably argue that the practice of decolonisation has been ongoing since the ‘discovery’ of the so-called ‘New World’. Resistance to the theft of land and peoples surely began the decolonisation project. These words have also faced a recent backlash by neo-Conservative and far right governments and organisations who seek to delegitimise the realities of those attempting to address the ongoing systemic impact of colonial legacies, or as posited by Adebisi,⁶ “... the continuities of the capitalist-colonial-enslavement project”. It is the imposition of the West’s singular model of ‘modernity’ on a large expanse of the world through imperial invasion and



Adebisi's book Decolonisation and Legal Knowledge: Reflections on Power and Possibility examines the meanings of decolonisation and looks at how this examination can inform teaching, researching, and practising of law

colonial governance, that has been and is still being challenged.

Walsh⁷ gives a very useful view of decoloniality, which I think speaks to its ongoing mission.

“With colonialism and coloniality came resistance and refusal. Decoloniality necessarily follows, derives from, and responds to coloniality and the ongoing colonial process and condition.

“Decoloniality denotes ways of thinking, knowing, being, and doing that began with, but also precede, the colonial enterprise and invasion. It implies the recognition and undoing of the hierarchical structures of race, gender, heteropatriarchy, and class that continue to control life, knowledge, spirituality ...

“... decoloniality seeks to make visible, open up, and advance radically distinct perspectives and positionalities that displace Western rationality as the only framework and possibility of existence, analysis, and thought”.

DECOLONISING A READING LIST

In my previous role at Goldsmiths, University of London, I led on the Liberate our Library social justice initiative, working in partnership with students and academics. One aspect of the liberation work undertaken at Goldsmiths was to diversify and decolonise reading lists. The then Goldsmiths Learning, Teaching, and Assessment Strategy's first objective was to 'liberate our degrees'. This objective came about due to the demands of the Goldsmiths Student Union to recognise how certain, often marginalised, Global Majority communities' narratives did not exist, or were poorly represented in curricula and teaching across many disciplines.

What does decolonising a reading list entail? It is not simply about swapping white men for Black women in the curriculum – that's diversifying. Its focus is on challenging historical bias which limits how we understand learning, politics, social structures, and the world around us. If reading lists are not reflective of the world community, then students are presented with a skewed perspective on who is an intellectual authority and who gets recognition through citation.

Decolonising work ensures students see themselves reflected in the curriculum and are able to identify with scholars regardless of their background, and from all backgrounds. The process to decolonise reading lists must be a collaborative one, working alongside academics in a knowledge sharing capacity. Decolonising reading lists is now a widely recognised practice across many universities in the UK, leading to the broadening of the curriculum, which must of course also come with a broadening in the approach to teaching and classroom management.

LEGAL EDUCATION

Are we seeing similar movements in the teaching of legal education? The subject of decolonising legal knowledge and the law school is one that has been under discussion for some time. And in the context of international law, TWAIL – Third World approaches to international law – recognises how mainstream approaches dominate the teaching of international law and uses a decolonised way of teaching.⁸ Reparative and restorative justice can also be incorporated here. There is a growing call from bodies like the Stop The Maangamizi: We Charge Genocide/Ecocide Campaign⁹ and Caricom – the Caribbean Community and Common Market – campaigning for reparations through its Ten Point Action Plan¹⁰ demanding justice for the victims of slavery and their descendants. The Slavery Abolition Act 1833 saw British plantation owners receive huge sums of money in compensation for the loss of their (disposable) 'property'. British taxpayers were paying towards these costs until 2015.

There are a growing number of resources and toolkits that support the decolonising of the law curriculum. The SLSA – Socio-Legal Studies Association – promotes the use of the 'Toward Anti-racist legal pedagogy' resource

which was led by the University of Kent.¹¹ UCL has a Decolonising Law¹² module which,

“...considers whether and how law can be ‘decolonised’, through a detailed consideration of, a) colonial and post-colonial history and theory, b) the application of post-colonial ideas to international law in particular, c) the substantive issues of redress and reparation for colonialism and other equivalent forms of domination, both in and of themselves, and the abuse and exploitation associated with them. Case studies considered include the ‘Rhodes must fall’ movement; the Caribbean campaign for reparations for slavery and the slave trade; the restitution of Nazi-appropriated art; and the return of artefacts from museums, art galleries and universities.”

The Students’ Union at Cambridge has a Decolonise Law Cambridge society¹³ “that seeks to decolonise the Law curriculum by encouraging alternative voices, reckoning with the colonial assumptions in the syllabus, and making the University of Cambridge a safer space for BAME and international students.”

This is an area where law libraries can engage their expert skills, knowledge, and advice when seeking alternative resources and acquiring resources beyond the Global North.

Another aspect of social justice work carried out at Goldsmiths and many other academic libraries is decolonising literature searching, giving students skills to search beyond the established journal databases that do not tend to surface resources from the Global South. The Goldsmiths Library Academic Support team established a series of critical information literacy workshops in this area called the ‘Resistance Researching series’ designed to

guide students to think more critically about how they find and use information from a social justice perspective. The workshops covered ‘inclusive citation’, which teaches how to represent more marginalised voices while avoiding the privileging of dominant voices, and, ‘critical information gathering’, which highlights the biases in library systems and teaches how to use multiple perspectives in information gathering.¹⁴

LAW LIBRARIES

Alongside academic libraries, law libraries too can play their part in diversifying collections to better represent the communities they serve. An exercise to identify gaps in a collection is a good starting point. From there one can start to examine the roots of classification and how these systems are more than often representative of hierarchies that enforce a western, Eurocentric, Christian world order with links to colonialism and subjugation of the Global Majority. Further work could entail an examination of subject headings to expose and explain outmoded and offensive ones, e.g., ‘illegal aliens’, and introduce alternative, new headings that are respectful and mindful of a changing world – a real, new world.

In conclusion, it is clear that the debate around decolonising legal knowledge and the law school must also be engaged with by librarians. It is a question of how and what must we do as key players in this movement for change. Collectively, we can enhance our knowledge, learning from others in this area and share best practice, working alongside legal scholars, academics, and the legal profession.

The views expressed in this article are those of the author and not necessarily those of the IALS Library.

Further reading

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Rachel Dunn, Paul Maharg, Victoria Roper (Eds.), *What is Legal Education For?: Reassessing the Purposes of Early Twenty-First Century Law Schools* (Routledge 2023).

Boaventura de Sousa Santos, *Epistemologies of the South: Justice Against Epistemicide* (Paradigm Publishers 2014).

Footnotes

¹ <<https://hansard.parliament.uk/Commons/1943-02-03/debates/8e7c2542-a198-4c9f-bc9a-78d75e719c87/TheColonialCentreLondon>> accessed 6 April 2023.

² <www.iwm.org.uk/collections/search?filters%5BmakerString%5D%5BBryson%20Jack%5D> accessed 6 April 2023.

³ <www.gold.ac.uk/library/about/liberate-our-library/> accessed 6 April 2023.

⁴ Paulo Freire, *Pedagogy of the Oppressed* (Penguin 2017).

⁵ bell hooks, *Teaching to Transgress: Education as the Practice of Freedom* (Routledge 1994).

⁶ Foluke Adebisi, *Decolonisation and Legal Knowledge: Reflections on Power and Possibility* (Bristol University Press 2023).

⁷ Catherine E. Walsh, ‘Decoloniality in/of praxis’ in Walter D. Mignolo, Catherine E. Walsh, *On Decoloniality: Concepts, Analytics, Praxis* (Duke University Press 2018).

⁸ <<http://opiniojuris.org/2023/03/23/twail-pedagogy-un-learning-colonial-ways-of-teaching-international-law/>> accessed 6 April 2023.

⁹ <<https://stopthemaangamizi.com/>> accessed 6 April 2023.

¹⁰ <<https://caricom.org/caricom-ten-point-plan-for-reparatory-justice/>> accessed 6 April 2023.

¹¹ <<https://slsa.ac.uk/index.php/news/socio-legal-publications-2?id=370>> accessed 6 April 2023.

¹² <www.ucl.ac.uk/laws/study/llm-master-laws/modules-2021-22/decolonizing-law-laws0335> accessed 6 April 2023.

¹³ <www.cambridgesu.co.uk/organisation/15627/> accessed 6 April 2023.

¹⁴ <<https://research.gold.ac.uk/id/eprint/30624/>> accessed 6 April 2023.

Biography

Marilyn Clarke works at IALS and joined as the IALS Librarian in September 2022. She previously worked at Senate House Library, Imperial College, and Goldsmiths, where she held the post of Director of Library Services, 2020-2022. At Goldsmiths she led on EDI initiatives including being co-Chair of the Race Equality Charter Self-Assessment Team, co-Chair of the Goldsmiths Race Equality Group (POC staff network), HR Equalities Committee. She also led the Liberate our Library decolonisation initiative at Goldsmiths. She's presented at several conferences, including ALISS, NoWAL, BLA, ILI, ARLIS, LILAC, CILIP. She has written for UKSG eNews, ALISS quarterly, ALJ, ILI 365, and published two book chapters in 2021.