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## Looking into Law and Development: Pedagogies and Politics of the Frame

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Introduction

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## Looking into Law and Development: Pedagogies and Politics of the Frame

### Abstract

International development can be understood as a particular way of seeing the world that is both a pedagogical and a political project. It frames the citizens of “underdeveloped” states as subjects, available to be both “seen” and “known” in particular ways that have important implications for governance and law. This Special Issue approaches development as a discourse and as a set of practices that encompass a “way of seeing” and operate as a “frame” through which the subjects of development are apprehended and acted upon.

# Looking into Law and Development: Pedagogies and Politics of the Frame

RUTH BUCHANAN\*

INTERNATIONAL DEVELOPMENT CAN BE UNDERSTOOD as a particular way of seeing the world that is both a pedagogical and a political project. It frames the citizens of “underdeveloped” states as subjects, available to be both “seen” and “known” in particular ways that have important implications for governance and law. This Special Issue approaches development as a discourse and as a set of practices that encompass a “way of seeing” and operate as a “frame” through which the subjects of development are apprehended and acted upon. It directs attention towards the visual economy of development policy and practice and to the ways in which the creation and circulation of images have long played a role in development. In this way, this Special Issue seeks to extend both the substantive and methodological orientation of the field of law and development

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\* I am indebted to the authors who contributed essays to this collection, as well as to the participants in the Workshop at Osgoode Hall Law School at which most of these papers were originally presented in draft. That workshop and its research, of which this Introduction is a part, are funded by an SSHRC Insight Grant for “Visualizing Development.” The Introduction was written with the excellent research assistance of Osgoode JD student Madison Bruno.

beyond its conventional focus on law and economic development.<sup>1</sup> The articles collected in this Special Issue invite readers to consider the econo-socio-legal implications of seeing and knowing the world in a variety of national, cultural, and historical contexts.<sup>2</sup> This Introduction will first articulate the approach to international law and development that underpins this project and then explain the significance of the “visual” to that project through an analysis of the social processes of both seeing and framing. The articles will then be introduced, and the thematic connections among them will be developed in the second half of this Introduction. Although the articles that make up this issue are thematically, substantively, and methodologically diverse, two threads weave through and connect most, if not all, of the contributions. These are, first, an effort to identify and trace the political and world-making effects of acts of seeing and their necessary corollary, “unseeing”; and secondly, an attentiveness to efforts to push back against the state’s dominant visions, reveal that which has been unseen, and open up the possibility of envisioning things differently.

Although development claims to offer pathways to the realization of universal human aspirations for wellbeing, flourishing, or human freedom, it is here understood as a particular (western) project that incorporates both a way of seeing the world as well as a process of initiation or enculturation into that way of seeing. This two-part definition is echoed by Gilbert Rist, for whom development can be understood as a “belief and a series of practices which form a single whole in spite of contradictions between them.”<sup>3</sup> The world-making effects of development take shape largely through the work of international institutions and the “development” projects that they support. It is through the reports, films, images, and statistics generated by these multilateral institutions and agencies,

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1. See e.g. David Trubek & Alvaro Santos, *The New Law and Economic Development: a Critical Appraisal* (Cambridge University Press, 2006); Kenneth Dam, *The Law-Growth Nexus: The Rule of Law and Economic Development* (Brookings Institution Press, 2006); Kevin Davis & Michael Trebilcock, “The Relationship between Law and Development: Optimists versus Skeptics” (2008) 56 *Am J Comp L* 895; Marius Pieterse, “Local Government Law, Development and Cross-border Trade in the Global Cities of SADC” (2020) 13 *L & Development Rev* 127; Celine Tan, “Beyond the ‘Moments’ of Law and Development: Critical Reflections on Law and Development Scholarship in a Globalized Economy” (2019) 12 *L & Development Rev* 285.
  2. Amanda Perry-Kessaris, “Approaching the Econo-Socio-Legal” (2015) 11 *Annual Rev L & Soc Science* 57.
  3. Gilbert Rist, *The History of Development: from Western Origins to Global Faith*, 3rd ed (Zed Books, 2008) at 24; Sundhya Pahuja, “Global Poverty and the Politics of Good Intentions” in Ruth Buchanan & Peer Zumbansen, eds, *Law in Transition: Human Rights, Development and Transitional Justice* (Hart, 2014) 31.

which are so frequently located in the Global North, that very particular ideals and aspirations of the rich world are projected onto the rest of the world in the form of development as a universal good.<sup>4</sup> This relationship can be understood as an always-in-process co-production<sup>5</sup> such that, at any given time, it is not possible to ask the question, “What is development?” without at the same time asking, “How is it seen?”

If we think of seeing as a social process, through which certain objects come into focus while others remain imperceptible, then the act of framing becomes a key element of the visual practices that structure a certain field. While we are used to using the idea of the frame as a metaphor, its literal meaning is typically subordinated to the figurative or conceptual point we are trying to make (as in a “frame of reference”). However dominant the visual metaphor is in the discourse of development, thinking critically about the material effects of what is seen and what is unseen (because it is out of frame) is not part of the “common sense” of the field.<sup>6</sup>

A simple but powerful illustration of the significance of the frame is offered by a recent documentary film called *Another News Story*.<sup>7</sup> The film follows the travels of a group of Syrian refugees through Europe in late 2015, beginning with their landing on the island of Lesbos in Greece, as they seek to find a place to settle. While the journey, and the story of these people, is very similar to that of too many others, this filmmaker fundamentally alters our perception of it by periodically turning his camera away from the refugees and fixing it on the other journalists and their media caravans who are also following the refugees. This is not simply an aesthetic choice (at least in the way it is typically considered)—rather, the filmmaker has changed the very meaning and politics of the images. That is, the refugees’ journey can no longer be considered in isolation from the way in which it is packaged, presented, and circulated to publics. While we, as the news-consuming public in the Global North, must certainly be aware that journalists must be “in the field” to procure these images, we rarely, if ever, question the striking absence of journalists, cameras, or news trucks from the

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4. Pahuja, *supra* note 3.

5. Sheila Jasanoff, *States of Knowledge: The Co-production of Science and Social Order* (Routledge, 2004); Clark A Miller & Carina Wyborn, “Co-Production in Global Sustainability: Histories and Theories” (2020) 113 *Environmental Science & Policy* 88.

6. See *supra* note 1.

7. (Gallivant Film/Wislocki Films, 2017), online: <[www.anothernewsstory.com](http://www.anothernewsstory.com)>. Directed by Orban Wallace.

images of “distant suffering” that are produced for our benefit.<sup>8</sup> Rather, their exclusion from the image, and the fact that they are literally “out of the frame,” aids in the construction of a particular kind of news story (about distant others) without provoking hard questions about either our connection to those depicted or the processes and resources allocated to the documentation of their situation. The change of perspective that is introduced in *Another News Story* (among others) provokes us to, in the words of Judith Butler, “learn to see the frame that blinds us to what we see.”<sup>9</sup>

A powerful insight that connects this discussion of framing to the discussion of seeing to follow concerns the relationship between aesthetics and politics.<sup>10</sup> Aesthetic choices are hardly apolitical, although they are frequently discussed as if this were the case. Jacques Rancière is one influential point of reference here, as he has observed that the political is intimately connected with modes of sense perception: “[A] delimitation of spaces and times, of the visible and the invisible, of speech and noise, that simultaneously determines the place and states of politics as a form of experience.”<sup>11</sup> Rancière’s notion of the “distribution of the sensible” also reinforces the significance of the point about framing made above, as he describes it in terms of a delimitation of what is see-able and say-able: “Politics revolves around what is seen and what can be said about it.”<sup>12</sup> This insight is not particular to Rancière. In James C. Scott’s generative work, *Seeing Like a State: How Certain Schemes to Improve the Human Condition*

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8. Fuyuki Kurasawa, “In Praise of Ambiguity: On the Visual Economy of Distant Suffering” in Ratiba Hadj-Moussa & Michael Nijhawan, eds, *Suffering, Art, and Aesthetics* (Palgrave Macmillan, 2014) 23; Fuyuki Kurasawa, “The Sentimentalist Paradox: on the Normative and Visual Foundations of Humanitarianism” (2013) 9 J Global Ethics 201 at 201-14.
  9. Judith Butler, *Frames of War: When is Life Grievable* (Verso, 2010). See also Christine Schwöbel-Patel, *Marketing Global Justice: The Political Economy of International Criminal Law* (Cambridge, 2021) at 5. Schwöbel-Patel’s analysis of the spectacle of global justice that is a critical dimension of the field of international criminal law is an example of new scholarship in international law that is pushing against the boundaries of a purely text-based discipline.
  10. Ruth Buchanan, “Revisiting Local Hero” in Shane Chalmers & Sundhya Pahuja, eds, *Routledge Handbook of International Law and the Humanities* (Routledge, 2021) 312 at 315.
  11. *The Politics of Aesthetics: The Distribution of the Sensible* (Continuum, 2005). “Politics revolves around what is seen and what can be said about it” (*ibid* at 13).
  12. See also Fleur Johns, “Data, Detection, and the Redistribution of the Sensible in International Law” (2017) 111 Am J Intl L 57; Christine Schwöbel-Patel, *Marketing Global Justice* (Cambridge University Press, 2021). Schwöbel-Patel observes, citing Rancière, that “what is seen in society is part of a political battle, a battle over the distribution of the sensible” (*ibid* at 17).

*Have Failed*,<sup>13</sup> ways of seeing are also understood as political insofar as they are determinative of what is visible or, to use Scott's term, "legible" and therefore what can be taken into consideration and what cannot. The larger claim, which flows from this and underpins this project and several of the articles collected here, states: International law and development institutions are implicated in the production and perpetuation of global inequalities, in part, through practices of seeing and sensing that are frequently dismissed as mundane, uninteresting, or otherwise peripheral to the important work of legal and policy analysis.

Scott's influential monograph continues to be cited, challenged, and used as an analytic framework and "jumping-off point" for authors across a number of fields that engage with questions of the state, governance, and development globally.<sup>14</sup> A wide cross-section of academic commentators utilize Scott as an authoritative footnote for how governments state-make, style certain populations as "legible,"<sup>15</sup> or lose sight of the importance of the "local."<sup>16</sup> While the specifics

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13. (Yale University Press, 1998). A selection from the Scott book provided a textual foundation for an opening roundtable discussion at the workshop held at Osgoode Hall Law School where many of these papers were first presented in drafts.
  14. According to Google Scholar, *Seeing Like a State* has been cited by approximately 1,500 works every year for the past five years. There are far too many to cite here, but some examples include Marion Fourcade & Kieran Healy, "Seeing Like a Market" (2017) 15 *Socio-Economic Rev* 9; Radhika Gorur, "Seeing Like PISA: a Cautionary Tale About the Performativity of International Assessments" (2016) 15 *European Educational Research J* 598; Kristin Bergtora Sandvik, "Blurring Boundaries: Refugee Resettlement in Kampala—Between the Formal, the Informal, and the Illegal" (2011) 34 *Political & Leg Anthropology Rev* 11; James P Walsh, "Watchful Citizens: Immigration Control, Surveillance and Societal Participation" (2014) 23 *Soc & Leg Stud* 237; Kristen E Looney, "China's Campaign to Build a New Socialist Countryside: Village Modernization, Peasant Councils, and the Ganzhou Model of Rural Development" (2015) *China Q* 909.
  15. Kevin P Donovan, "Seeing Like a Slum: Towards Open, Deliberative Development" (2012) 13 *Georgetown J Intl Affairs* 97; Daromir Rudnyckij & Anke Schwittay, "Afterlives of Development" (2014) 37 *Political & Leg Anthropology Rev* 3; Lama Mourad, "Standoffish Policy-Making: Inaction and Change in the Lebanese Response to the Syrian Displacement Crisis" (2017) 9 *Middle East L & Governance* 249; Jeffrey Adam Sachs, "Native Courts and the Limits of the Law in Colonial Sudan: Ambiguity as Strategy" (2013) 38 *Law & Soc Inquiry* 973.
  16. Mahlet Makonnen, "Land Grabs in Ethiopia: Effects of Displacement on Women and Potential Remedies" (2018) 22 *UCLA J Intl L & Foreign Aff* 155; Susan Paulson, "Power and Difference in Conservation Policy: Changing Masculinities and Andean Watersheds" (2016) 23 *Brown J World Affairs* 207; Qing Liu, Raymond Yu Wang & Heping Dang, "The Hidden Gaps in Rural Development: Examining Peasant-NGO Relations through a Post-Earthquake Recovery Project in Sichuan, China" (2018) *China Q* 43; Michelle S Mood, "False Choices and Perverse Outcomes in China's Rural Development: Still Petting the Monkey and Ignoring the Chickens" (2013) 20 *Brown J World Affairs* 191.

of the policies and the projects may have shifted and diversified over the past two decades, along with the mechanisms we use for measuring their success,<sup>17</sup> Scott's text remains a highly relevant jumping-off point for consideration of the ways in which practices of seeing or "visualizing" are implicated in the design and implementation of development as a program.

Briefly, *Seeing Like a State* is a book that offers an analysis of "high modernist" state practices across an array of case studies that might account for some of the catastrophic failures of large-scale social engineering that occurred in the twentieth century. Scott's theorization of the modern state is highly attentive to the role of an aesthetic of modernization and to the practices of seeing through which that aesthetic is justified. As he puts it in the introduction:

The carriers of high modernism tended to see rational order in remarkably visual aesthetic terms. For them, an efficient rationally organized city, village, or farm was a city that *looked* regimented and orderly in a geometrical sense.<sup>18</sup>

The state's imposition of a rationalized "view from above," as Kerry Rittich notes in her contribution to this Special Issue, is "animated by the impulse to make local practices legible to those at the center."<sup>19</sup> And, as Scott makes clear in the book's first section, the production of legibility by the state is not about merely observing society, but rather a process and a set of practices through which the state "remakes" or "refashions" society.<sup>20</sup> One of the practices through which society is thus remade is commensuration—that is, how distinct local units are described in ways that render them "equivalent to," or comparable with, other local units. The production of commensurability necessarily involves an abstraction or reduction of a thick, complex local reality to a limited number of identifiable features.<sup>21</sup> Scott's critique is driven largely by a concern that practical

17. See especially the discussion in Fleur Johns, "From Planning to Prototypes: New Ways of Seeing Like a State" (2019) 82 Mod L Rev 833. On the proliferation of mechanisms for measuring development progress and how they operate in the context of a case study of MDG 7, see Ruth Buchanan, Kimberley Byers & Kristina Mansveld, "What Gets Measured Gets Done" in Moshe Hirsch & Andrew Lang, eds, *Research Handbook on the Sociology of International Law* (Edward Elgar, 2018) 101 [Buchanan, Byers & Mansveld, *What Gets Measured*]. See also Sally Engle Merry, "Measuring the World: Indicators, Human Rights, and Global Governance" (2011) 52 Current Anthropology 583.

18. Scott, *supra* note 13 at 4.

19. "Making Up' with Law in Development" (2021) 59 Osgoode Hall LJ 1 at 3.

20. Scott, *supra* note 13 at 11-83. This point is developed in "Part 1: State Projects of Legibility and Simplification."

21. Buchanan, Byers & Mansveld, *What Gets Measured*, *supra* note 17 at 111-12. See also Wendy Nelson Espeland & Mitchell L Stevens, "A Sociology of Quantification" (2008) 49 European J Sociology 401 at 408.

knowledge associated with the local, the customary, or the traditional was being displaced in ways that also functioned to disempower and disadvantage citizens.

Some of the recent scholarship that builds on Scott's analysis seeks to apply his insights to contemporary practices of policy-making in the era of big data. One question that arises is whether the practice of seeing populations through immense repositories of digital data has similar reductionist effects to the modernist planning practices that are the subject of Scott's critique. In "Seeing Like a Data Set: Reimagining Security through Big Data," Thomas Behrndt and Ben Wagner cite Scott's concept of legibility while explaining how modern states use information to "organize, categorize and structure information about its population."<sup>22</sup> For Behrndt and Wager, big data is understood as an evolution of state produced legibility: "The shift to big data could be seen as the next step in making societies legible, as in the big data paradigm it is easier to predict than to observe actions and properties of citizens."<sup>23</sup> A different view is offered by Fleur Johns, who—also taking Scott's book as her foil—argues that the "synoptic style" of law and development has changed over the past decade in particular.<sup>24</sup> She argues that the high modernist aesthetic of legibility is no longer a useful analytic in the era of big data:

In seeking to make use of unstructured, digital data in immense volumes, from a diversity of sources, passed through a range of proprietary filters and metrics, the state no longer aspires to make its own maps, or direct its own monocular gaze from on high. Heroic simplification and rational ordering no longer seem like end goals... Rather, a succession of rapid-fire snapshots resulting from automated dives into vast and shifting oceans of data: this seems to be what the state and many international institutions seek.<sup>25</sup>

For Johns, the critical purchase of Scott's critique has slipped, and the solutions—bottom-up instead of top-down policy, heterodoxies rather than orthodoxies, counter-hegemonic strategies to resist hegemonic logics—no longer seem as clear in the current context, where policy can be provisionally made and remade in real time based on prototypes and in an experimental style that most closely approximates that of the "lean start-up."<sup>26</sup> Significantly, for the concerns highlighted here, her analysis returns to Scott and to the particularities of the state's ways of seeing—its "sensibility":

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22. (2015) 23 Annual Rev L & Ethics 129 at 129.

23. *Ibid* at 137-38 ("The shift to big data is a further step in their attempt to reduce complexity and be able to better predict the actions of their citizens").

24. *Supra* note 17.

25. *Ibid* at 849-50.

26. *Ibid* at 857.

James Scott recommended that the state expand its gaze, especially by looking down to the ground. I'm suggesting that we focus less on trying to redirect or augment the state's or international institutions' lines of sight and more on understanding and grappling with the ways in which they now try to see.<sup>27</sup>

Other scholars in the fields of law and development have also mounted challenges to the contemporary relevance and applicability of *Seeing Like a State* that are less directed towards the actual modes or ways of seeing and rather more about the direction or lines of sight. For example, Daromir Rudnyckyj and Anka Schwittay's "Afterlives of Development" discusses a case in which the directionality of the process of rendering legible is reversed.<sup>28</sup> In this account, Myanmar citizens and transnational non-governmental organization (NGO) activists are observed using "tools of finance to make the Burmese state accountable for the revenues it collects from natural resources."<sup>29</sup> That is, citizens and activists are attempting to make state practices more legible to facilitate "political and moral claims on the state."<sup>30</sup> Jason Mosley and Elizabeth E. Watson, in their introduction to a special issue of the *Journal of East African Studies* on development visions in Northern Kenya and Southern Ethiopia, use Scott's *Seeing Like a State* framework to compare the state-led development visions of Kenya and Ethiopia.<sup>31</sup> They observe that the papers collected in the issue "demonstrate the significance of local understandings of state visions' of development."<sup>32</sup> Their analysis focuses on perceptions of, and responses to, development visions and practices: "These range from forms of resistance, including overt campaigns against the development schemes, to refusal to engage with the schemes, to attempts to set up institutions which will rival and challenge the schemes, to 'hidden transcripts' which challenge the legitimacy of the schemes."<sup>33</sup> Multiple concurrent responses, from contestation to complicity and compliance, are traced and mapped. Several of the articles in the present collection also draw our attention to the question of resistance to the authoritative vision of the state and direct us towards an account of ways of seeing as ongoing, multiple, and contested.

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27. *Ibid* at 863.

28. *Supra* note 15.

29. *Ibid* at 4.

30. *Ibid* at 3.

31. "Frontier transformations: Development visions, spaces and processes in Northern Kenya and Southern Ethiopia" in Jason Mosley & Elizabeth E Watson, eds, Special Issue, *Frontier transformations: Development visions, reconfigured spaces, and contesting processes in Northern Kenya and Southern Ethiopia* (2016) 10 *J East African Studies* 452.

32. *Ibid* at 455.

33. *Ibid*.

For our purposes here, a key insight to be drawn from Scott is that the state's determination of which features are to be identified and tracked is both an aesthetic and a political choice or, more accurately, an imposition. As Scott describes it, in relation to his account of the villagization processes in Tanzania, there was a "powerful aesthetic of modernization at play" in the image of the "proper new village" that should combine elements of "administrative regularity, tidiness, and legibility linked to an overall Cartesian order."<sup>34</sup> In Adrian Smith's contribution to this Special Issue, he explains it thusly: "To see like a modern state is to...render subjects and social differences legible and simple—to produce a 'common standard necessary for a synoptic view'—in service of sovereign authority."<sup>35</sup> As I have already observed, Scott is critical of this rendering process, which, as he notes, ultimately conceals at least as much as it reveals:

To the degree that this vision had been realized in practice, it would have made absolutely no connections to the particularities of place and time. It would be a view from nowhere. Instead of the unrepeatable variety of settlements closely adjusted to local ecology and subsistence routines and instead of the constantly changing local response to shifts in demography, climate, and markets, the state would have created thin, generic villages that were uniform in everything from political structure and social stratification to cropping techniques. The number of variables at play would be minimized. In their perfect legibility and sameness, these villages would be ideal, substitutable bricks in an edifice of state planning. Whether they would function was another matter.<sup>36</sup>

And further, as Rittich notes in her contribution to this issue, administrative processes become as much about "not seeing" as "seeing."<sup>37</sup> That is, the necessary corollary to making certain things visible and legible is to make other things invisible or illegible, including the violence of the state. When associated with the exercise of state authority, visibility is, according to Smith, the "rendering of the 'quotidian violence underwriting authority as illegible and un-seeable.'"<sup>38</sup> This theme—the constitutive violence of the dual processes of making some things visible while "invisibilizing" other things, or of seeing and unseeing—runs through a number of the articles in this issue and will be discussed further in this Introduction. A second theme, already mentioned and closely related, concerns

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34. Scott, *supra* note 13 at 237.

35. "Seeing Like a Clinic" (2021) 59 *Osgoode Hall LJ* 37 at 64.

36. Scott, *supra* note 13 at 255.

37. *Supra* note 19 at 3.

38. Smith, *supra* note 35 at 63; Sachs, *supra* note 15; Nicholas Simcik Arese, "Seeing Like a City-State: Behavioural Planning and Governance in Egypt's First Affordable Gated Community" (2018) 42 *Intl J Urb & Regional Res* 461.

the variety of ways in which agents resist the imposition of state-sponsored visions (and what is hidden or concealed by them).

In this Special Issue, two of our contributors explicitly engage with *Seeing Like a State*. In “Making Up with Law in Development,” Rittich explores the reciprocal relationship between development visions and development practice. Rittich combines the insights of Ian Hacking with those of Scott to produce an analytic that allows for a closer consideration of how the datafication of development (through indicators like the World Bank’s “Doing Business Index”) have transformed from a means of doing development to ends in themselves. Hacking’s conception and process of “making up” “provides a template for reflecting on the production of mainstream development knowledge” and the continuous renewal of the development field itself.<sup>39</sup> Rittich explains that development “has both emerged from, and has itself generated, new relationships and practices of...resistance.”<sup>40</sup> People and states resist classification as targets for poverty alleviation, specific development projects, and development narratives. The reciprocal relationship between resistance and development practice can catalyze “the creation of new categories and institutions.”<sup>41</sup> Resistance as a phenomenon is framed, at least partially, as a productive force within the “making up” process.<sup>42</sup>

Adrian Smith’s contribution, “Seeing Like a Clinic,” also draws insight (and takes its title) from Scott’s classic development text.<sup>43</sup> Smith’s article engages with the pedagogy of the clinic as a way of seeing that is also, at the same time, a “claim about how knowledge is produced in and about [poverty] law.”<sup>44</sup> He discusses the emergent “pedagogy of seeing” embedded in the Intensive Program in Poverty Law at Osgoode Hall Law School, arguing that it is beholden to the visual authority of state power it should be striving to dismantle. He encourages “an alternative pedagogy motivated by an emancipatory praxis” and counter-visibility “rooted in anti-settler-capitalist and anti-imperialist social movement learning in action.”<sup>45</sup>

In addition to “Seeing Like a Clinic,” which queries the potential for de-centring the authority of the settler-colonial state in a law school clinic, “Picturing Pedagogy: Images, Teaching and Development” also presents an

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39. *Supra* note 19 at 14.

40. *Ibid* at 14.

41. *Ibid* at 20.

42. *Ibid* at 14.

43. *Supra* note 35

44. *Ibid* at 45.

45. *Ibid* at 45.

argument regarding the significance of the visual to critical pedagogies.<sup>46</sup> Sundhya Pahuja and Jeremy Baskin engage with a specific pedagogical practice: the incorporation of visual images in the context of teaching law and development. The authors succinctly summarize a critical approach to contemporary development practice at the outset, and map out the challenging task of “crafting pedagogical strategies which both denaturalize the imaginaries of development and help students to explore the work that the imaginaries are doing in ideological terms.”<sup>47</sup> Informed by theories of active learning, the authors provide detailed and specific analyses of their own use of specific images in the classroom, modelling a practice of teaching with images.

Both “Seeing Like a Clinic” and “Picturing Pedagogy” argue for an important place for visual imaginary in the law school classroom. Pahuja and Baskin argue that teaching with images equips law students with tools and understandings to be “engaged agents of change” and to “think critically about the development project.”<sup>48</sup> Smith argues that clinical pedagogy must read and confront the settler and imperialist visualities of the Canadian state found in poverty law (as well as legal aid).<sup>49</sup> Both articles posit that a visual imaginary, whether it is used to develop critical engagement with development or seen as necessary to combat existing visualities, is critical for law school classrooms that seek to better both students and society. Both articles are useful correctives to the tendency to underplay the importance of pedagogy in the work of trying to see things differently. “Resistance” is found in Pahuja and Baskin’s article when they discuss their use of images in the classroom to “*trouble* the hegemonic account of” and “*denaturalize* the imaginaries of” development.<sup>50</sup> This alternative pedagogy seems to be a force of resistance itself. Smith also discusses resistance; however, in his article, resistance is framed as the motivator for an emancipatory praxis—a praxis of “*constant struggle against* sovereign state authority rooted in the creative capacities and self-organizing activities...of poor and otherwise oppressed communities.”<sup>51</sup> In both articles, critical pedagogies offer an avenue for both confronting and confounding the commonsense ways that the Western world has come to think of development.

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46. Jeremy Baskin & Sundhya Pahuja, (2021) 59 *Osgoode Hall LJ* 77.

47. *Ibid* at 79.

48. *Ibid* at 80.

49. *Supra* note 35.

50. *Supra* note 46 at 80 [emphasis added].

51. *Supra* note 35 at 71 [emphasis added].

The final three articles in this special issue engage with histories of colonialism and the colonial subjects resisting those histories. Christopher Gevers and Vasuki Nesiah both utilize the cinematic world of Wakanda as a platform from which to think through critiques of international law and development. In “Hiding in Plain Sight: Black Panther, International Law, and the Development Frame,” Gevers illuminates the parallels between the worlds imagined by Marvel’s *Black Panther* film and the contemporary landscape of development practice concerning African nations.<sup>52</sup> Gevers reveals the film’s entanglements with the development frame; a frame tied to white mythologies and colonial romances’ “Image of Africa,” captured in “lost world” genre literature. The film is then situated within the tradition of Black Internationalism to be “read as part of [that] tradition’s ‘poetic revolt.’”<sup>53</sup> Poetic revolt, which can be understood as a form of resistance, attempts to “decolonize the future (or futurity)...through the subversion of...the development frame” and to resignify the racial and colonial logics or discourses that underpin white mythology (and thus the development frame).<sup>54</sup>

In “A Double Take on Debt: Reparations Claims and Shifting Regimes of Visibility in a Politics of Refusal,” Nesiah explores the double bind that many post-colonial nations entered into when seeking visibility and inclusion in the world order constituted by international law.<sup>55</sup> Nesiah reveals how Haiti and other CARICOM nations were coerced into occupying the subject position, from the outset, of a debtor nation. Her critical historical lens reveals the catastrophic legacy of colonial relations of slavery in the contemporary landscape of law, development theory, and practice, and explores contemporary scholarly debates over the concept of “odious debt” in international law. Through the films *Black Panther* and *Bamako*, Nesiah explores different “regimes of visibility” and “invisibility,” what these regimes refract, and how they apply to claims for debt severance as reparations from Haiti and other CARICOM nations.<sup>56</sup> The article begins by capturing a historical moment of resistance—the Haitian revolution and, specifically, France’s demand of 150 million francs from the new republic. Nesiah argues that the reparation claims can be understood as stories “where the telling itself seeks to interrupt how the world functions.”<sup>57</sup> These stories are a

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52. (2021) 59 Osgoode Hall LJ 109.

53. *Ibid* at 113.

54. *Ibid* at 151.

55. (2021) 59 Osgoode Hall LJ 153.

56. *Ibid*.

57. *Ibid* at 164.

form of resistance—resisting the eurocentrism that “inflects and inhabits history” and invisibilizes the atrocities that we are all witness to.<sup>58</sup>

Finally, Mai Taha works with an intriguing literary excursion by a British, colonial-era judge in Palestine: an artifact entitled *Palestine Parodies*, which raises for Taha several provocative themes “relating to Mandate law, revolution, humor and humiliation.”<sup>59</sup> Through the illustrations of this artifact, Taha curates two competing stories: the first “about colonial domination and defeat,” and the second about “struggle, refusal and revolt.”<sup>60</sup> Story One manifests colonial legal structures and colonial aesthetics of “discovery and encounter.”<sup>61</sup> Story Two and the reading of Story Two against Story One “recall and rekindle revolutionary possibilities” and “reimagine radical alternatives” to the colonial state.<sup>62</sup> Moments of resistance, rather than subjugation, are highlighted in Story Two. Taha’s telling of Mandate Palestine’s legal history illustrates the “push and pull between the forces of colonialism and those of resistance.”<sup>63</sup>

The articles collected here only begin to address the objective of reframing the field of law and development by pointing out the limits of existing approaches that cast the field primarily in economic terms and gesturing towards the critical potential of a broader view. They do so by having regard to the important structuring functions played by both visual media and visual metaphor, and in terms of both theory and pedagogical practice. Some of the articles are oriented more towards the former, some towards the latter; but, as their juxtaposition here should make clear, these realms are productively considered adjacent to one another.

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58. *Ibid* at 185.

59. “The Comic and the Absurd: On Colonial Law in Revolutionary Palestine” (2021) 59 Osgoode Hall LJ 189 at 192

60. *Ibid* at 196–197.

61. *Ibid* at 194.

62. *Ibid* at 196–197.

63. *Ibid* at 222.

