McGill Law Journal
Revue de droit de McGill

Graduation Address McGill University

Boaventura de Sousa Santos

Volume 58, numéro 1, september 2012

URI : https://id.erudit.org/iderudit/1013390ar
DOI : https://doi.org/10.7202/1013390ar

Aller au sommaire du numéro

Éditeur(s)

McGill Law Journal / Revue de droit de McGill

ISSN

0024-9041 (imprimé)
1920-6356 (numérique)

Découvrir la revue

Citer ce document

de Sousa Santos, B. (2012). Graduation Address McGill University. *McGill Law Journal / Revue de droit de McGill*, *58*(1), 239–241. https://doi.org/10.7202/1013390ar

GRADUATION ADDRESS MCGILL UNIVERSITY

*Boaventura de Sousa Santos**

EDITOR'S NOTE

Professor Boaventura de Sousa Santos is a Distinguished Legal Scholar at the University of Wisconsin-Madison Law School, a Global Legal Scholar at the University of Warwick, and the director of the Centre for Social Studies of the University of Coimbra.

In 2012, he received an Honorary Doctorate of Law from McGill University, and the following text is his speech to the graduating class. Professor de Sousa Santos is a leading scholar in legal pluralism. He is considered by many to be one of the leading sociologists of law of his generation. His work has transformed our understanding of how local cultures work toward securing justice and equality in the Global South. His words carry much weight, and we feel, at the *McGill Law Journal*, that his vision falls in line with the reflection we are trying to bring to the field of law. In these times of political uproar and economic instability, Professor de Sousa Santos's words resonate with wisdom, a wisdom we are most honoured to share in our pages.

MOT DE LA RÉDACTRICE

Le professeur Boaventura de Sousa Santos est un Distinguished Legal Scholar de University of Wisconsin-Madison Law School, un Global Legal Scholar de University of Warwick ainsi que le directeur du Centre for Social Studies de University of Coimbra.

En 2012, il a reçu un doctorat honorifique en droit de l'Université McGill. Ce texte est le discours qu'il a prononcé aux finissants. Le professeur de Sousa Santos est un chercheur de premier plan dans le domaine du pluralisme juridique. Il est considéré par plusieurs comme un des plus éminents sociologues du droit de sa génération. Ses travaux ont transformé notre compréhension de la façon dont les cultures locales travaillent afin d'atteindre la justice et l'égalité dans les pays de l'hémisphère sud. Ses propos portent un gage de crédibilité marqué et nous croyons, à la *Revue de droit de McGill*, que sa vision s'insère dans la réflexion que nous tentons d'amener en droit dans notre publication. Dans cette époque de contestations politiques et d'instabilité économique, les paroles du professeur de Sousa Santos résonnent de sagesse, une sagesse que nous avons l'honneur de pouvoir partager dans nos pages.

---

* Professor of sociology at the School of Economics, University of Coimbra (Portugal), Distinguished Legal Scholar at the University of Wisconsin-Madison Law School, Global Legal Scholar at the University of Warwick, director of the Centre for Social Studies of the University of Coimbra, scientific coordinator of the Permanent Observatory for Portuguese Justice, and member of the Research Group Democracy, Citizenship and Law (DECIDe) of the centre. On 8 June 2012, McGill University awarded Professor de Sousa Santos the degree doctor of laws, *honoris causa*.

Citation: (2012) 58:1 McGill LJ 239 ~ Référence : (2012) 58:1 RD McGill 239

Chancellor Arnold H. Steinberg, Principal Heather Munroe-Blum, Mr. H. Stuart Cobbett, chair of the Board of Governors, Professor Daniel Jutras, dean of the Faculty of Law, members of the faculty.

Chers étudiants, devant vous, je me souviens du temps où, alors que j'avais votre âge, le Français était ma seconde langue. Quand j'ai croisé les Pyrénées pour la première fois, en 1963, en train pour Berlin Ouest où j'allais étudier la philosophie du droit à l'Université Libre de Berlin, je n'aurais jamais pu imaginer que le Français deviendrait, un jour, ma troisième langue, après l'Anglais et l'Espagnol, à peine suivie de l'Allemand. My linguistic journey tells a lot about my scientific interests over the years. Portuguese, French, and German were the mother tongues of my training in law, legal science, jurisprudence, and philosophy of law. English was the mother tongue of my training in sociology with a specific focus on sociology of law. And all of them were joined by Spanish when my epistemological, theoretical, and political concerns as a critical sociologist of law led me to become a *compagnon de route* of social movements in Latin America struggling against social injustice in defence of ancestral territories, clean water, communal land and biodiversity, food sovereignty, wealth redistribution, social and economic rights, all of them inspired by the utopian belief that another world is possible.

I mention this to you for two reasons. The first one has to do with diversity. The world is not as globalized as it presents itself to the casual eye. Globalization conveys very often the false idea of homogeneity, as if the internet and, more generally, information and communication technologies have translated all the relevant existence of the world into one single language and have universalized its cultural premises. In fact, this is not so. Besides the fact that there are many different languages recognized as English, most people in the world do not speak English at all and run their lives according to non-Western cultural premises. Indeed, the understanding of the world exceeds by far the Western understanding of the world. If you happen to work as a lawyer or a business person in Latin America, Africa, or Asia (not to mention Canada), you may be confronted with terms and concepts that, however legally binding and specifically mentioned in the constitution, cannot be rendered into English or, for that matter, into any other colonial language. For instance, the concepts of *Sumak Kawsay* and *Pachamama*, which, according to the Constitution of Ecuador of 2008, preside over all the public policies of the state, are Quechua terms, the main language of the indigenous peoples of the country, which can only be roughly translated as "good living" and "mother earth", respectively. They convey non-Western "cosmovisions" and ways of life. Taking them into account—that is, acknowledging their existence and respecting their difference—even if we cannot understand them fully, may be a prudent exercise of learned ignorance, that supreme path of learning that the fifteenth century philosopher Nicolas of Cusa advised us

to take. The awareness of the cultural and political diversity of the world has led me to develop concepts such as "ecology of knowledges", intercultural translation, cosmopolitan reason, intercultural human rights, and legal pluralism.

The second reason for my reference to my linguistic journey has to do with inequality. The world is diverse, but it is not equally diverse. We live in a world of extreme concentration of wealth, of very powerful corporations controlling state policies and international relations—Goldman Sachs and rating agencies in the European Union's current crisis are just an example—of the overexploitation of natural resources giving rise to justified concerns about the sustainability of the dominant development model. Such concerns will be voiced in the coming weeks in Rio de Janeiro during the Peoples Summit and the UN Conference on Sustainable Development, in short: Rio+20. While doing research in Latin America, Africa, or Asia, we cannot ignore the cruel workings of power inequalities and their impact on the well-being and livelihoods of poor people. Just to give an example, a few weeks ago, I witnessed the anxiety and resilience of the women of Famatina, a small city in Argentina, fighting against a gigantic mining company (actually, a Canadian mining company) whose project of open-sky extraction of gold would irreversibly contaminate the scarce water upon which their livelihoods and health, and those of their children, so much depend. As a committed sociologist of law, I felt a responsibility to share their struggle while, at the same time, keeping a critical distance and using appropriate methodologies offered to us by the social sciences to conduct my analysis. In other words, the scientific mandate to be objective does not entail the ideological mandate to be neutral. On the contrary, the world in which your professional life is going to unfold will increasingly force the following question on you: Which side are you on? Do not put it aside, and do not let yourselves be paralyzed by it. Just experience it as the vital call and the warning of your full humanness in a world in which the humanity of some seems only to be possible at the cost of condemning many to the condition of subhumanity.

I come from a continent whose social cohesion and peace are in danger. I arrive in Montreal at a time in which social peace is also under stress. The question I just asked you to keep in mind in the case of social conflicts comes back to me: Which side am I on? I am on the side of the constitution, of social and economic rights, and of the right to free education and to freedom of assembly and protest, as long as it is done by peaceful means. And, above all, I am on the side of negotiation and social consultation, these precious social tools that seem to be collapsing in Europe. I very much hope that they won't collapse here or there. It depends on all of us.