

TIME TROUBLE: PROTO-COLONIAL DISTEMPORALISATION, SENEGAMBIA, AND INTERNATIONAL LAW

*Professor Vanja Hamzić**

This article challenges the linear, progressivist temporalities that dominate international legal thought by engaging with eighteenth-century Senegambia as a distinct material and temporal site. It explores how the lifeworlds of gender-nonconforming Mande griots (jeliw), embedded within insurrectionary West African conceptions of time and personhood, disrupt the normative assumptions of international law’s historical narratives. Drawing on Black radical, decolonial queer and trans/feminist traditions, the article examines how colonial legal formations not only supported a burgeoning circum-Atlantic economy of enslavement, but also imposed violent reckonings of time and subjectivity. In tracing the geontologically plural ‘proto-colonial’ Senegambian temporalities, the article foregrounds ways of being that resist the extractivist linear logics of international law. Against the enduring imperial intimacies and technologies of subjectivation that continue to shape international law’s reckonings with time and meaning, the article asks what the stories and ways of being-in-the-world that emerge from the temporal otherwise might reveal about connections foreclosed by colonial violence — connections that could have been, were lost, and are thus not yet.

TABLE OF CONTENTS

I. INTRODUCTION.....	2
II. EUROPEAN NATURAL LAW, SENEGAMBIA AND PROTO-COLONIAL DISTEMPORALISATION.....	5
III. JELIW’S LEGAL FUNCTION, CHRONONORMATIVITY AND THE TROUBLE WITH ‘QUEER TIME’	9
IV. CONCLUSION: LOCALITIES OF THE SUBJECTIVE AND THE TEMPORAL.....	11

* Professor of Law, History and Anthropology, SOAS University of Law (vh1@soas.ac.uk). I am deeply grateful to Vijay Kishor Tiwari, a professor at the West Bengal National University of Juridical Sciences, and Ranak Banerji, an editor of the NUJS Law Review, for their stewardship, advice and encouragements, which were crucial in publishing this article. I would like to thank Shaimaa Abdelkarim, Farnush Ghadery and Rohini Sen, co-founders of the Feminist TWAIL Collective, for their invitation to the excellent workshop entitled ‘Contributions to Feminist TWAIL’ at Kathmandu School of Law, 13–14 June 2024, where I had a chance to discuss several scholarly directions that are foundational for the present piece, including some illuminating conversations with Vijay Kishor Tiwari. For an earlier version of this text, see Vanja Hamzić, *International Law, Coloniality, and the Temporal Otherwise* in QUEER ENGAGEMENTS WITH INTERNATIONAL LAW: TIMES, SPACES, IMAGININGS, 85–98 (Claerwen O’Hara & Tamsin Paige eds., Routledge, 2024). I am grateful to the editors of this anthology for allowing the publication of the present article. Finally, my heartfelt thanks to Safet Hadži Muhamedović, for his intellectual generosity and our many productive conversations, particularly *vis-à-vis* the fraught yet central relationship between temporality and coloniality. All errors and mis-conceptualisations are, of course, mine alone.

I. INTRODUCTION

A decade or so ago, writing for one of the many anthologies that surfaced as of late with a mission to retell anew the history of international law, Oliver Diggelmann described what seemed to be a common disciplinary trait. “In the discipline of international law”, he proposed, “there is a remarkable inclination towards ‘narrations of progress’. I am tempted to speak of a relatively wide consensus that ‘the present’ — despite its shortcomings — should be understood as a higher stage of evolution than ‘the past’ and that the history of international law should be told accordingly”.¹ Indeed, it would be difficult to overlook this narrative dictum in almost any mainstream writings on or jurisprudence of international law. Whilst periods and actors may differ, there is a dominant ‘evolutionary’ view of time in international law that privileges the stories of progress of humankind. Things were ostensibly worse, less developed, in the past, even if certain guiding principles of international legality crystallised along the way.² We are to believe that we are in a better place now, despite nearly perpetual wars and the ineffectiveness of those principles or the conventions and institutions that coalesced around them. Even if we do not now, we will prosper eventually, if the future brings compliance and further development of the ‘international legal norms and standards’ aimed at our collective wellbeing.

Such narratives of progress tend not only to overlook the abiding violence of international law — *structural* in its perpetuation of political and economic inequalities and *epistemic* in its primary reliance on Global Northern systems of knowledge-production — they also continue to reinforce a distinctly *linear* temporality coterminous with the rise of European imperialism on a global scale and a would-be ‘enlightened’ international law crafted to enable it.³ There are surprisingly few critiques of such long-time investment in an imperial time-

¹ Oliver Diggelmann, *The Periodization of the History of International Law* in THE OXFORD HANDBOOK OF THE HISTORY OF INTERNATIONAL LAW, 997–1011 (Bardo Fassbender & Anne Peters eds., Oxford University Press, 2012); See Matthew Craven et al., TIME, HISTORY AND INTERNATIONAL LAW (Martinus Nijhoff Publishers, 2007); Anne Orford, INTERNATIONAL LAW AND THE POLITICS OF HISTORY (Cambridge University Press, 2021); BANDUNG, GLOBAL HISTORY, AND INTERNATIONAL LAW: CRITICAL PASTS AND PENDING FUTURES (Luis Eslava et al. eds., Cambridge University Press, 2017) (linear histories and progressivist narrations of international law are too many to be mentioned here, as are the publications seeking to critically intervene in how the dominant (Euro-American) periodisation and thematic foci were wrought out. For examples of the latter, see the abovementioned pieces).

² See Ntina Tzouvala, *The Alibis of History, or How (Not) to Do Things with Inter-temporality*, CIL DIALOGUES: AN INTERNATIONAL LAW BLOG, CENTRE FOR INTERNATIONAL LAW, 8 February, 2023, available at <https://cil.nus.edu.sg/blogs/the-alibis-of-history-or-how-not-to-do-things-with-inter-temporality/> (last visited on June 16, 2025) (perhaps the most jarring element of this dominant view are the rules concerning the so-called ‘inter-temporality’ in international law, which stipulate that the legality of an act or an omission must be judged against the rules of international law that applied ‘at the time’ this happened, so that such judgment is not affected by any subsequent legal changes. This temporal provision could be used, say, against the renewed efforts to seek reparations for former colonial and imperial atrocities. This piece provides a brief critical analysis).

³ See Vanja Hamzić, *International Law as Violence: Competing Absences of the Other* in QUEERING INTERNATIONAL LAW: POSSIBILITIES, ALLIANCES, COMPLICITIES, RISKS, 77–99 (Dianne Otto ed., Routledge, 2018) (for a critique of international law, not in relationship to diverse forms of violence, but of international law ‘as’ violence); see Antony Anghie, IMPERIALISM, SOVEREIGNTY AND THE MAKING OF INTERNATIONAL LAW (Cambridge University Press, 2005) (for the watershed critique of an abiding legacy of European imperialism in international law); see Vanja Hamzić, *After Homo Narrans: Botany, International Law and Senegambia in Early Racial Capitalist Worldmaking* in INTERNATIONAL LAW AND POSTHUMAN THEORY, 180–199 (Matilda Arvidsson & Emily Jones eds., Routledge, 2023); and Vanja Hamzić, *Labors in Time and Subjectivity: Gender Nonconformity and Racial Capitalism in the Making of Eighteenth-Century New Orleans*, HIERARCHIES AT WORK: RACE, WORLD SYSTEMS, AND LEGAL DISTRIBUTIONAL ANALYSIS, 213–235 (Karen Engle and Neville

reckoning. Upendra Baxi has proposed, for example, that we consider such anthropologies of time that speak of temporalities that are enduring, cyclical, erratic or accelerated, to name but a few, so as to unsettle the dominant narratives of international legal evolution. He asks, for instance, without attempting to provide any immediate answers, “How may one write the ‘history’ of international law in terms of such temporalities? How may the addition of ‘messianic’ time of the European ‘civilising mission’ help us in re-exploring the Europe–India interface”?⁴

Writing in a similar context, Nathaniel Berman has suggested that “international legal history has a variety of temporal lines, which the genealogist must disentangle”.⁵ For Berman, “Tony Anghie’s story of the reinvention of European sovereignty in relationship to the colonization of the Americas runs on a temporal line that is only obliquely related to other stories”, amongst which he lists “the reconstruction of the Concert of Europe in relationship to the dismantling of the Ottoman Empire” and “the post-World War II reconstruction of international law’s identity in relation to the decolonizing world”.⁶ “Genealogists are interested in how these obliquely related lines diverge and intersect”,⁷ concludes Berman. Indeed, they are, but Berman does not seem to count himself amongst them, so the reader is left to wonder exactly how such temporal divergences and intersections might be wrought out. Thus, the need to pluralise or qualitatively describe linear time is stated but not necessarily widely followed through with. What emerges, instead, is a patchy field of critical engagements, which either consider temporality as it relates to various aspects of ‘doing’ law, in both international and domestic realms, or are concerned specifically with international human rights law (for instance, with its presumptive ‘timelessness’).⁸

But what if the past and the future of international law, *tout court*, can be thought of in the temporal ‘otherwise’; a time that is, as Elizabeth Povinelli would put it, ‘geontologically’ diverse; a time in which the lifeworlds of resistance to the violence of colonial and postcolonial international law can be (re-)encountered and re-centred to inform a novel, ‘queerer’ theorising of the international, the legal and the subjecthoods they prop up and

Hoad eds., Columbia University Press, 2025) (for a discussion on the violent legacies of Enlightenment-era European philosophical treatises on international law); see Carol J. Greenhouse, *A MOMENT’S NOTICE: TIME POLITICS ACROSS CULTURE* (Cornell University Press, 1996) (for a critical history of linear time, and its many alternatives).

⁴ Upendra Baxi, *India-Europe*, *THE OXFORD HANDBOOK OF THE HISTORY OF INTERNATIONAL LAW*, 751–752 (Bardo Fassbender and Anne Peters eds., Oxford University Press, 2012); see Alfred Gell, *THE ANTHROPOLOGY OF TIME: CULTURAL CONSTRUCTIONS OF TEMPORAL MAPS AND IMAGES* (Routledge, 2001) (for the influential work Baxi had in mind concerning the anthropology of time).

⁵ Nathaniel Berman, *PASSION AND AMBIVALENCE: COLONIALISM, NATIONALISM, AND INTERNATIONAL LAW*, 69 (Martinus Nijhoff Publishers, 2012).

⁶ *Id.* see also Anghie, *supra* note 3.

⁷ Berman, *supra* note 5.

⁸ Zinaida Miller, *Time, Law, and Judgment*, Vol. 32(1), *TEMP. INT’L & COMP. L.J.*, 53–67 (2018); Zinaida Miller, *The Injustices of Time: Rights, Race, Redistribution, and Responsibility*, Vol. 52(2), *COLUM. HUM. RTS. L. REV.*, 647–737 (2021); Tanzil Chowdhury, *TIME, TEMPORALITY AND LEGAL JUDGMENT* (Routledge, 2020) (engagements with temporal aspects of how law is done include critical studies of adjudicative temporality, for instance, in the times of war and peace, in litigation around affirmative action and reparations, or in criminal responsibility ascription); see Fleur Johns, *The Temporal Rivalries of Human Rights*, Vol. 23(1), *IND. J. GLOBAL LEGAL STUD.*, 39–60 (2016) (for a discussion on would-be ‘timelessness’ and of other temporal aspects of international human rights law); see *THE TIMES AND TEMPORALITIES OF INTERNATIONAL HUMAN RIGHTS LAW* (Kathryn McNeilly & Ben Warwick eds., Hart, 2022) (for another thorough engagement with temporality as it relates to human rights law).

legitimise?⁹ In particular, what could such temporal refuges yield *vis-à-vis* an extractive, forcefully universalised linear time in which the canons and ‘foundational principles’ of international law anchored their logics and claims to authority?¹⁰

This article engages a distinct temporal and material locale — that of ‘proto-colonial’ eighteenth-century Senegambia — not only to ponder a circum-Atlantic early capitalist economy of enslavement and human fungibility in the making, in which international legal theory and practice of the time were fully complicit, but also to re-tell the story of radically different, insurrectionary West African conceptualisations of time and personhood.¹¹ Dwelling on the example of gender-nonconforming Mande griots (*jeliw*) and their increasingly precarious lifeworlds, and learning from the Black radical tradition and decolonial queer and transfeminist critique, I query what is construed as ‘recent’, and what as ‘distant’, in temporal inflections of international law.¹² Or, rather, the present article asks whose stories and experiences matter, and whose do not and cannot, along an inherently hegemonic, cisheteropatriarchal timeline.¹³

⁹ Elizabeth A. Povinelli, *ROUTES/WORLDS* (Sternberg Press, 2022); Elizabeth A. Povinelli, *Geontologies of the Otherwise*, SOCIETY OF CULTURAL ANTHROPOLOGY, January 13, 2014, available at <https://culanth.org/fieldsights/geontologies-of-the-otherwise> (last visited on June 16, 2025).

¹⁰ See Vanja Hamzić, *Queer Theory* in RESEARCH HANDBOOK ON THIRD WORLD APPROACHES TO INTERNATIONAL LAW, (Antony T. Anghie et al. eds., Edward Elgar Publishing, 2025) (forthcoming, on file with the author) (with the critique of canons and ‘foundational principles’ of international law being the mainstay of ‘both’ TWAIL and queer legal scholarship, for an examination of the range of productive correlations between these two strands of critical theory, see the above-mentioned piece); see James Thuo Gathii, *TWAIL: A Brief History of its Origins, its Decentralized Network and a Tentative Bibliography*, Vol. 3(1), TRADE LAW DEV., 26–48 (2011) (Third World Approaches to International Law (‘TWAIL’) is an influential, multigenerational critical current in international legal scholarship, comprising, in particular, histories ‘from below’ of Euro-American colonialism and imperialism, and centring on Global Southern experiences of the international legal order).

¹¹ See Vanja Hamzić, *After Homo Narrans: Botany, International Law and Senegambia in Early Racial Capitalist Worldmaking* in INTERNATIONAL LAW AND POSTHUMAN THEORY, 180–199 (Matilda Arvidsson & Emily Jones eds., Routledge, 2023) (this exploration is based on the author’s long-term archival and ethnographic research of gender nonconformity and the forceful making of the (proto-)colonial gender binary in eighteenth-century Senegambia).

¹² See Anthony J. Langlois, *Queer Temporalities and Human Rights* in THE TIMES AND TEMPORALITIES OF INTERNATIONAL HUMAN RIGHTS LAW, 159–177 (Kathryn McNeilly & Ben Warwick eds., Hart, 2022) (for a recent queer critique of the temporality of law in a different register, see this piece. Langlois deals specifically with international human rights law, and argues that, in order to recuperate a politics of liberation after the loss, or at least serious disruption, of the ‘last utopia’ of human rights, queer and trans scholarship and activism need to recall the long history of abjection and marginalisation of queer and trans legal subjects and consider how this history continues to structure queer and trans lives in the present).

¹³ Caitlin Biddolph, *Queering Temporalities of International Criminal Justice: Srebrenica Remembrance and the International Criminal Tribunal for the Former Yugoslavia (ICTY)*, Vol. 29(3), GRIFFITH L. REV., 410 (2020); Claerwen O’Hara, *In Search of a Queerer Law: Two People’s Tribunals in 1976*, Vol. 49(1), AUST. FEM. LAW J., 24 (2023) (queer theorists have recently proposed temporary, special and people’s tribunals as particularly generative in disrupting and rethinking the linear time of international law. Relying on queer and international relations scholarship on other-than-linear time, Caitlin Biddolph re-reads the memories of the genocidal violence in Srebrenica and elsewhere in Bosnia and Herzegovina in the 1990s contained within the paradigm of the International Criminal Tribunal for the former Yugoslavia as a traumatic experience of time “that is complicated, layered, and out of joint”. At the time of finalising the present article, such critical re-reading of the temporalities of genocidal violence seems particularly urgent, given the ongoing Israeli genocide against Palestinians in Gaza and elsewhere in Palestine, and the Israeli war on Lebanon, Yemen and Iran. In another example, Claerwen O’Hara critically revisits two people’s tribunals held in 1976 in Brussels and Sydney, respectively, to re-establish “links between queer theory and the ideas underpinning the gay and women’s liberation movements, despite the gap in time between the two and the emergence of the gay rights movement in between”, which, in turn, enables

In Part II, I revisit the distinct role played by European natural law theories in undergirding the colonial project of an extractivist linear time and shows how this led to systemic dispossession of enslaved Senegambians of their senses of selfhood, freedom *and* time, exemplified in *jeliw*'s complex cosmology and sociality, and their lingual, bodily and gender nonconformity. In Part III, I turn to *jeliw*'s regional diplomatic and legal function to recall an otherwise to the linear telling of the international legal past and propose a queerer approach to temporality that privileges diverse nonconforming communities' own cosmologies and articulations of personhood and more-than-personhood in time. Finally, in the Conclusion, I reflect on the need for a sustained focus on the local and the particular that can interrupt the making of the dominant past. To that end, I reiterate my hope that a queerer work on the temporal otherwise, in its manifold emanations and guises, can trouble international law's suspect claim to the universal.

Against the abiding imperial intimacies and technologies of subjectivation that saturate the dominant projects of international legal time-reckoning and meaning-making, what can the stories and ways of being-in-the-world that emerge from the temporal otherwise tell us, in Lisa Lowe's words, about "the connections that could have been but were lost and are thus not yet"?¹⁴ In other words, if one can abandon, even for a short while, the dominant timeline and mainstream histories of legal international meaning-making, can the emergent remnants of the life-worlds past — such as those of eighteenth-century Senegambia — speak to the explorations in a queer and trans otherwise that saturate today's critical approaches to gender, sexuality and subjectivity, in law and beyond? And, if so, what (early, speculative, still-in-the-making) interconnections and intimacies between these temporally distant worldings, beyond and against empire and its onto-epistemic violence, can such work yield?

II. EUROPEAN NATURAL LAW, SENEGAMBIA AND PROTO-COLONIAL DISTEMPORALISATION

To arrive at these junctures, one must first pay a brief visit to the philosophical contours of eighteenth-century international law. Following the generations of TWAIL scholarship,¹⁵ and other critical, decolonial and postcolonial studies, it may no longer be surprising or controversial to assert that the European Enlightenment project in general, and its reflections in European natural law theories in particular, have enabled, rather than impeded, the rise of Euro-American colonialism and imperialism. As Sylvia Wynter has contended, these concerted, systemic efforts resulted in the figurations of the human as onto-epistemically divisible and governable along the imposed racialised, gendered, sexed, classed, abled and other fault-lines — and they were either explicitly legal or lawlike.¹⁶ The hierarchical

O'Hara's interpretative disruption of "the linear progress narrative that helps to naturalise the current LGBTI rights framework").

¹⁴ Lisa Lowe, *History Hesitant*, Vol. 33(4), SOC. TEXT, 107 (2018) (for Lowe, "imperial intimacies" relate to "the many of the liberal concepts that were used to justify slavery [but] were also employed differently at other times to justify settler occupation, theft of land, imperial war, and overseas empire", at 90); Hazel V. Carby, *IMPERIAL INTIMACIES: A TALE OF TWO ISLANDS* (Verso, 2019) (however, for Hazel Carby, imperial intimacies denote, also, "a story of the everyday ties, relations and intricate interdependencies of empire and colonialism"); *see also* Lisa Lowe, *THE INTIMACIES OF FOUR CONTINENTS* (Duke University Press, 2015).

¹⁵ Gathii, *supra* note 10.

¹⁶ Sylvia Wynter, *The Ceremony Found: Towards the Autopoietic Turn/Overturn, Its Autonomy of Human Agency and Extraterritoriality of (Self-)Cognition*, BLACK KNOWLEDGES/BLACK STRUGGLES: ESSAYS IN CRITICAL EPISTEMOLOGY, 184–252 (Jason R. Ambrose & Sabine Broeck eds., Liverpool University Press, 2015).

subjectivities in the making were given, all at once, a particular legal, natural and scientific veneer. As I have argued elsewhere, this ordering gave rise to such abiding constructs as the (colonial) gender binary.¹⁷ But it also ushered in and touted as ‘universal’ a singular conceptualisation of linear time.

In their efforts to construe sovereign states as possessing moral personhood, proponents of European natural legal theories took a ‘pragmatic’ view of legal, social and political history. For example, the German jurist Samuel Freiherr von Pufendorf advocated an approach to statecraft that Martti Koskenniemi describes as a what-history-taught-as-wise policy.¹⁸ Empire, in this scheme, was not an inevitable, timeless type of polity, but “simply what history had produced”.¹⁹ One needed to learn about would-be “universal histories” of humankind, in order to discern lessons for the future.

Another German jurist and philosopher, Christian Wolff, proposed that a nation’s “civility” and “worth” were directly dependent on its ability to preserve the memories of its past. “So the Chinese gave their best efforts to training in manners and to statecraft”, he averred, “and so from the most ancient times they have been prominent among the more civilized nations and are so to-day”.²⁰ However, such praises for non-European nations were rare and could, as in Wolff’s case, lead to reprisals and disciplinary actions. Instead, as with Wolff’s epistolary correspondent, the philosopher Gottfried Wilhelm von Leibniz, it was much more common to see such polities and people as bereft of the necessary civilisational markers precisely because they did not master the art of linear time. Leibniz, for his part, revelled in the trope of “Muhammadan fatalism” (*fatum mahometanum*), which portrayed Islam and the Ottoman Empire in particular as “isolated from a past it does not inquire into and a future it does not care about, [so that] it lies adrift in a sea of Oriental passivity”.²¹ Such dispassion for and outsidership of the ‘civilising’ linear time could render a nation, in Emer de Vattel’s words, deserving of being “extirpated as savage and pernicious beasts”.²² Or, in other instances, enslaved or colonised.

Combined with early colonial aspirations and conquests, natural law theories wielded distinct power to project “a single and coherent reality”, deployed within universal linear time, that made multiple forms of dispossession both moral and lawful.²³ In eighteenth-century Senegambia, extractive (un)gendering, racialisation and dehumanisation of the enslaved bound for the trans-Atlantic commerce — undertaken systematically in the local

¹⁷ Hamzić, *supra* note 11.

¹⁸ Samuel Freiherr von Pufendorf, *DE JURE NATURAE ET GENTIUM, LIBRI OCTO* (Johann Paul, 1698, *first published in 1672*).

¹⁹ Martti Koskenniemi, *A History of International Law Histories* in *THE OXFORD HANDBOOK OF THE HISTORY OF INTERNATIONAL LAW*, 949 (Bardo Fassbender & Anne Peters eds., Oxford University Press, 2012).

²⁰ Christian Wolff, *THE LAW OF NATIONS TREATED ACCORDING TO THE SCIENTIFIC METHOD*, 51 (*translated by Joseph H. Drake, Liberty Fund, 2017, first published in 1749*).

²¹ Ian Almond, *Leibniz, Historicism, and the ‘Plague of Islam’*, Vol. 39(4), *EIGHTEENTH-CENTURY STUD.*, 470 (2006).

²² Emer de Vattel, *THE LAW OF NATIONS OR PRINCIPLES OF THE LAW OF NATURE APPLIED TO THE CONDUCT OF NATIONS AND SOVEREIGNS*, I, 37 (*translated by Charles G. Fenwick, Carnegie Institution of Washington, 1916, first published in 1758*).

²³ Martti Koskenniemi, “‘Not Excepting the Iroquois Themselves...’: Machiavelli, Pufendorf and the Prehistory of International Law,” *Max Weber Lecture Series*, Florence, European University Institute, 2007, 30.

French and British *entrepôts* — became commonplace markers of the new order.²⁴ Still unable to fully colonise these vast West African territories, the French and the English built their forts at Saint-Louis and James Island, respectively, the small but strategically important islands in the estuaries of the Senegal and the Gambia. Their additional fortified trading posts, such as Saint-Joseph de Galam in Gajaaga on the upper Senegal River, ensured that the flow of enslaved people and goods from the interior of the continent towards the river's mouth could be as secure as possible. And finally, a small but strategically important French *entrepôt* was located on Île de Gorée, which operated its own network of trading villages along the Senegalese Petite Côte. In these militarised proto-colonial outposts, the enslaved would be ordinarily stripped of the bodily markers of their gender difference (these included specific adornments, accessories, attire and hairstyles) and re-assigned within the crude gender binary, directly linked to the (racialised human) unit of value known as *pièce d'Inde*, which governed the quotas and tariffs of the trans-Atlantic trade in enslaved humans and undergirded the early formations of racial capitalism.²⁵

Enslaved West Africans were also denied their idiosyncratic, qualitatively different notions of time — they were *distemporalised*.²⁶ Each of these concomitant forms of dispossession gravely affected an endogamous artisanal status group, found across diverse Senegambian populations. As *jamakalaw* — their collective name in Mande languages — suggests, members of this status group were believed to possess extraordinary access to the foundational life force, *jama*, and be beings with their own special temporality, contact with history, and bodily and gender-variant properties. Such properties were cosmologically specific; for instance, a gender-variant water spirit, Faro, was central to diverse Mande expressions of selfhood and spirituality.²⁷ And *jamakalaw*'s bodily, gender and temporal difference in Mande society also meant that they “could behave ‘outrageously’ and dress ‘showily’, with no particular regard to what may have been socially construed as ‘male’ or

²⁴ Hamzić, *supra* note 11, 189, 190; Jessica Marie Johnson, *WICKED FLESH: BLACK WOMEN, INTIMACY, AND FREEDOM IN THE ATLANTIC WORLD*, 81 (University of Pennsylvania Press, 2020) (writing about the same geo-temporal locale, Jessica Marie Johnson also describes “the violent ungendering of the slave trade”).

²⁵ Hamzić, *supra* note 11, 189, 190; see Vanja Hamzić, *Labors in Time and Subjectivity: Gender Nonconformity and Racial Capitalism in the Making of Eighteenth-Century New Orleans* in *HIERARCHIES AT WORK: RACE, WORLD SYSTEMS, AND LEGAL DISTRIBUTIONAL ANALYSIS*, 213–235 (Karen Engle and Neville Hoad eds., Columbia University Press, 2025) (for a more detailed study).

²⁶ See Safet HadžiMuhamedović & Vanja Hamzić, *DISTEMPORALITIES: COLLISIONS, INSURRECTIONS AND REORIENTATIONS IN THE WORLDING OF TIME* (Biennial Conference of the Finnish Anthropological Society, 2019) (Safet HadžiMuhamedović and I have described ‘distemporalisation’ as a project of denial of time — a denial of historicity, futurity, or change, which is a significant element of various constructions of ‘otherness’. We have also taken distemporality to signify a refusal of, and intervention into, qualitatively specific temporal lifeworlds, such as those of the Senegambian politics and subjectivities in what is known, elsewhere, as ‘the eighteenth century’); see Vanja Hamzić, *Temporal Nonconformity: Being There Together as Khwajasara in a Time of One’s Own* in *PAKISTAN DESIRES: QUEER FUTURES ELSEWHERE*, 125–145 (Omar Kasmani ed., Duke University Press, 2023) (for a study of colonial and postcolonial distemporalisation of the gender-nonconforming *khwajasara* community in South Asia).

²⁷ See Germaine Dieterlen, *ESSAI SUR LA RELIGION BAMBARA*, 40–56 (Presses universitaires de France, 1951); See Hamzić, *supra* note 11, 190 (For a wider discussion of gender diversity amongst the Mande and other Senegambian communities); see Babacar M’Baye, *Afropolitan Sexual and Gender Identities in Colonial Senegal*, Vol. 8(4), *HUMANITIES*, 1–16 (2019); Babacar M’Baye, *The Origins of Senegalese Homophobia: Discourses on Homosexuals and Transgender People in Colonial and Postcolonial Senegal*, Vol. 56(2), *AFR. STUD. REV.*, 109–128 (2013); Aminata Cécile Mbaye, *Queer Political Subjectivities in Senegal: Gaining a Voice within New Religious Landscapes of Belonging*, Vol. 10(3), *CRIT. AFR. STUD.*, 301–314 (2018) (for an exploration of the remnants, reverberations and rearticulations of such diversity in colonial and postcolonial Senegal).

‘female’ attire, manners and hairstyles”.²⁸ This was true not only for the members of the artisanal status group amongst the Mande, but also for the members of equivalent artisanal ‘castes’ across diverse Senegambian populations, including the Wolof, Fulbe, Arabo-Berbers and many others.

Within *namakalaw*, many occupational sub-groups existed, of which *jeliw* (sing. *jeli*), or griots, were most well-known. Temporality was, in fact, griots’ chief domain, since past events were often believed to be in a causal relationship with present and future happenings. Owing to griots’ *nama*-laden storytelling, oral histories were socially constructed and understood as both the history of today and the history of tomorrow, with the body of the oral historian mediating any potential temporal and mystical borders between them. An accomplished griot storyteller (*ɲara*) excelled in a wide variety of ritualised speech (*kilisi*), which could either benefit or harm those at whom it was directed. The power of *kilisi* could sometimes also be enhanced by means of various potent substances known to possess *nama*, including those that were believed to cause physical harm (*korote*).²⁹ Thus, a griot’s power extended across the material and spiritual domains, just as their stories traversed and connected multiple temporalities and forms of life.

Jeliw’s unique wordsmithery also meant that their *nama*-laden bodies were considered volatile. They could be a blessing, or they could wreak havoc.³⁰ Perhaps because of this unique property, they were exceptionally feared by European enslavers. From very early on, European travelogues warned their readers of *jeliw*’s “otherness”, in life as much as in death. Travelling up the Gambia River in 1620, the English explorer Richard Jobson seemingly sympathised with Gambian griots because, “when any of them die, they doe not vouchsafe them buriall, as other people have; but set his dead corps upright in a hollow tree, where hee is left to consume”.³¹ John (Jean) Barbot, an employee of the Compagnie du Sénégal, attributed to griots’ “infamy” that the Wolof and Serer people “will scarce allow [griots] a grave when they die; believing the earth would never produce any fruit or plants, should it be defiled with their dead carcasses, nor will they throw their corps into ponds or rivers, for fear of killing the fish, and therefore they only thrust them into the hollow trunks or stumps of trees”.³² Similar accounts continued to be published well into the eighteenth century, and beyond.

For example, René-Claude Geoffroy de Villeneuve, who spent a total of four years in the region in the 1780s in service to a French governor and penned a popular four-tome description of Senegal, concluded that griots “cannot obtain the honours of the sepulchre”, because the Senegalese “believe them to be related to the malicious spirit, [and] regard them as sorcerers”.³³ Denounced as “sorcerers”, *jeliw* and other *namakalaw* were particularly harshly punished for any act of rebellion — but this did not deter them from leading

²⁸ Hamzić, *supra* note 11, 191.

²⁹ Hamzić, *supra* note 11, 190–192; see Barbara G. Hoffman, GRIOTS AT WAR: CONFLICT, CONCILIATION, AND CASTE IN MANDE (Indiana University Press, 2000) (for an anthropological perspective on Senegambian griots’ speech and its many mystical properties, including those relative to multiple temporalities of the communal past).

³⁰ See generally, David Courtney Conrad, THE ROLE OF ORAL ARTISTS IN THE HISTORY OF MALI (D. Phil., SOAS University of London, 1981).

³¹ Richard Jobson, THE GOLDEN TRADE, OR A DISCOVERY OF THE RIVER GAMBRA AND THE GOLDEN TRADE OF THE ÆTHIOPAINS, 137 (Nicholas Okes, 1623).

³² John Barbot, A DESCRIPTION OF THE COASTS OF NORTH AND SOUTH-GUINEA AND OF ETHIOPIA INFERIOR, VULGARLY ANGOLA, 55 (Messrs Churchill, 1732).

³³ René-Claude Geoffroy de Villeneuve, L’AFRIQUE, OU HISTOIRE, MŒURS, USAGES ET COUTUMES DES AFRICAINS, IV, 195 (Nepveu, 1814).

several known revolts, including onboard enslavers' ships sailing towards the 'New World'.³⁴ Their bodily, gender, temporal and cosmological difference aided such insurrectionary efforts considerably, rupturing — even if for a short while — an Atlantic racial capitalist world in its making. In life as well as in death, *jeliw*'s presence disturbed the formations of colonial racialisation, gendering and linear time.

III. *JELIW*'S LEGAL FUNCTION, CHRONONORMATIVITY AND THE TROUBLE WITH 'QUEER TIME'

What can this brief episode in by now ubiquitously linear history of international law tell us of the temporal and subjective *otherwise*? Curiously, perhaps, *jeliw* had an idiosyncratic international legal role to play in amongst diverse Senegambian polities prior to full-scale European colonisation. Much like emissaries in some other lifeworlds, griots were 'living otherwise' within a complex regional political and legal constellation of the Greater Senegambia.³⁵ Their volatile life force made their bodies inviolable and therefore apt to serve as negotiators and messengers between warring polities — effectively, an international diplomatic and legal function.³⁶ For instance, in the Gambia, "[t]he mutilation of a griot was a particularly outrageous act. The body of a griot was normally inviolable, and griots could pass freely through enemy lines to parley with the enemy without fear of molestation".³⁷ For this reason, the "injury or murder of a griot would arouse feelings of horror and outrage", an equivalent to a diplomatic scandal that would arise in some other parts of the world if an emissary were wounded or killed on their mission.³⁸ And yet, no history of international law 'remembers' this episode from a geontologically different place and time. And, even if it did, would it be possible to 'recover' what has been so systemically distemporalised? Or would it suffice, to paraphrase C. Riley Snorton, a historian of transness and Blackness, to recall that at least such lives and temporalities were 'liveable'?³⁹

Much of more recent scholarship in the distinct but interrelated Black radical, decolonial queer and transfeminist traditions deals with the problem of time. Against the (usually) colonial, postcolonial or neoliberal *chrononormativity*, which Elizabeth Freeman has memorably described as "the use of time to organize individual human bodies toward maximum productivity" — a central preoccupation of European enslavers working towards ungendering and distemporalising the Senegambians bound for the trans-oceanic commerce in

³⁴ See Hamzić, *supra* note 11, 192 (for example, onboard *Le Courier de Bourbon*, sailing in 1723 from Senegambia to Louisiana, a 45-year-old enslaved Senegambian was identified as "the sorcerer" (*sorcier*) — and, therefore, likely a griot — who sought to instigate a rebellion amongst the ship's enslaved, which led to this person's gruesome death).

³⁵ That is, of Senegambia in its broadest sense, incorporating as faraway regions as Bundu, Futa Jallon and Futa Toro — the traditional Fulbe heartlands — as well as the Mande 'cultural zone', extending as far east as Bamako and Timbuktu and as far south as the Southern Rivers region, framed to the north by the Arabo-Berber Trarza and Brakna communities in present-day Mauritania.

³⁶ Conrad, *supra* note 30, 20.

³⁷ Gordon Innes, *SUNJATA: THREE MANDINKA VERSIONS*, 317 (School of Oriental and African Studies, 1974).

³⁸ *Id.*

³⁹ C. Riley Snorton, *BLACK ON BOTH SIDES: A RACIAL HISTORY OF TRANS IDENTITY*, 7 (University of Minnesota Press, 2017) (Snorton aptly observes that, for multiple historical racialised gender-nonconforming subjectivities, what little can be 'recovered' are but scattered remnants of the past that was either purposely disappeared in the (proto-)colonial archive or subjected to a form of European categorical and hierarchical historical empiricism, in which the existence of such subjectivities would be seen as outright unbelievable); see Hamzić, *supra* note 11, 192.

the eighteenth century — Kara Keeling has proposed *queer temporality* as “a dimension of time that produces risk”.⁴⁰ “Queer temporality”, explains Keeling, describes “that dimension of the unpredictable and the unknowable in time that governs errant, eccentric, promiscuous, and unexpected organizations of social life”.⁴¹ It chimes well with the generous description of queerness by Muñoz, as that irreverent “mode of desiring that allows us to see beyond the quagmire of the postcolonial present, or perhaps beyond and outside the chrononormative time altogether”.⁴²

Critical voices have, however, warned against prefiguring such, all-too-hopeful dimensions of time. To that end, Rahul Rao, for example, has called for a renewed attention to the ways sexually and gender-nonconforming subjects inhabit categories of their own making, including such constructs as ‘queer time’, which, as the author has proposed elsewhere, are not inherently unidirectional or proleptic and can have both decolonising and recolonising effects.⁴³ The less totalising visions of queerness and transness ‘in time’ allow for disparate, multifarious dealings with the human in its environment(s).⁴⁴ This, in turn, can help uncover exactly how, in their temporal-material specificity, the nonconforming communities respond to the dominant cisheteropatriarchal time-reckoning, reliant on colonial linear time, and in so doing, relate to the other (bodily, agential, economic, legal, social...) prescriptive and dispossessive tendencies embedded in hegemonic worldmaking — such as that, say, of eighteenth-century proto-colonial racial capitalism in Senegambia, founded on predatory Enlightenment natural law. Marquis Bey has described this as an approach cognisant of a “spectral historicity” of the nonconforming subjectivities and communities, a view of their plural, localised, idiosyncratic pasts that refuses the hold of mainstream histories (and other hegemonic dealings with the temporal) over the forms of personhood and existence that, as Keeling points out, “were never meant to survive *as such*”.⁴⁵ Or, as I would argue, what is necessary is a critical approach to the historical (and to temporality, as such) that privileges those nonconforming communities’ own cosmologies and articulations of personhood and more-than-personhood in time.

Subjectivities, such as the Senegambian *jeliw*, contingent on both *nama* and an interrupted access to the temporal otherwise, exceeded and therefore rendered superfluous any purely bodily aspects of selfhood. This, uncannily perhaps, resonates with recent works in

⁴⁰ Elizabeth Freeman, *TIME BINDS: QUEER TEMPORALITIES, QUEER HISTORIES*, 3 (Duke University Press, 2010); Kara Keeling, *QUEER TIMES, BLACK FUTURES*, 37 (New York University Press, 2019).

⁴¹ Keeling, *supra* note 40.

⁴² José Esteban Muñoz, *CRUISING UTOPIA: THE THEN AND THERE OF QUEER FUTURITY*, 1 (New York University Press, 2009).

⁴³ Rahul Rao, *OUT OF TIME: THE QUEER POLITICS OF POSTCOLONIALITY*, 17, 18 (Oxford University Press, 2020); Vanja Hamzić, *Temporal Nonconformity: Being There Together as Khwajasara in a Time of One’s Own* in *PAKISTAN DESIRES: QUEER FUTURES ELSEWHERE*, 140, 141 (Omar Kasmani ed., Duke University Press, 2023); see M. Jacqui Alexander, *Erotic Autonomy as Politics of Decolonization: An Anatomy of the Feminist and State Practice in the Bahamas Tourist Economy*, *FEMINIST GENEALOGIES, COLONIAL LEGACIES, DEMOCRATIC FUTURES*, 63–100 (M. Jacqui Alexander & Chandra Talpade Mohanty eds., Routledge, 1997) (M. Jacqui Alexander has theorised *recolonisation* as a process related to sexual and gender diversity in her critical writings about Caribbean state nationalism).

⁴⁴ See STACY ALAIMO, *BODILY NATURES: SCIENCE, ENVIRONMENT, AND THE MATERIAL SELF* (Indiana University Press, 2010) (for the exploration of transness as an invitation to recover and chart anew the interconnections and transits between human bodies and nonhuman natures); See also Nat Raha & Mijke van der Drift, *TRANS FEMME FUTURES: ABOLITIONIST ETHICS FOR TRANSFEMINIST WORLDS* (Pluto Press, 2024) (the excellent new addition to transfeminist critiques of time).

⁴⁵ Marquis Bey, *BLACK TRANS FEMINISM*, 93 (Duke University Press, 2022); Keeling, *supra* note 40, i.

decolonial queer and Black/trans/feminist critique. Bey has argued, for example, for “an engagement that is not determined wholly by or confined to the surface of corporeality”, so that, “if aspects of the body have come to be that which are formed by violent forces, it is necessary to find liberation in the aspects that are not confined to the body”; that is to say, “it is necessary to find liberation in the aspects of subjectivity that exceed and ooze out of the body”.⁴⁶ The resistance of the Senegambian *jeliw* and other gender-nonconforming subjectivities to the (proto-)colonial gender binary, distemporalisation and other extractivist interventions relied, in no small part, on such “excessive”, trans-temporal, both human and more-than-human subjectivity. European enslavers, explorers, merchants and imperial officers branded and feared it as all-too-powerful ‘sorcery’, capable of causing insurrection and ruptures in their circum-Atlantic early capitalist economy of enslavement and human fungibility in the making, propped up by Enlightenment technologies of subjectivation, including that of international law.

IV. CONCLUSION: LOCALITIES OF THE SUBJECTIVE AND THE TEMPORAL

Just as they did *then*, in the chrononormative construct known as ‘the long eighteenth century’, the dominant projects of international *legal* time-reckoning and meaning-making continue to rely on law’s would-be salvatory powers — the powers rendered both natural and scientific in that same, ‘eighteenth-century’ timeframe. This was made possible, in part, by the rise of ‘global histories’, including those of international law, whose totalising view centred some people and their stories at the expense of many others. Is there a way to challenge such harmful, normative time-reckoning and meaning-making?

Two modest critical interventions come to mind. *First*, a sustained, queerer focus on the local and the particular could challenge and substantively alter what constitutes a dominant past, a lasting canon or a foundational principle in any given international legal context. This might unearth, in turn, different legalities, such as that of eighteenth-century Senegambian *jeliw* in their role as negotiators and messengers between warring West African polities, a legal function rooted in their cosmological and gender-bodily difference. *Second*, a sustained, queerer research of the temporal otherwise — wherever, however it occurs — could trouble what or who is rendered ‘recent’, and what or who ‘distant’, in international law and its suspect claim to the universal. Stories from geontologically different lifeworlds and temporal orders could thus rekindle different perspectives on the international legal order and its relationship with the human and its environment(s) in time.

Either of these pursuits strikes me as potentially more generative than seeking to ‘queer’ the dominant figures, and their legal interventions, however potentially *temporarily* beneficial to queer and trans communities, appearing along the hegemonic temporal linear trajectory of international law. This is because, to echo Elizabeth Freeman, linear time *binds*, in that it renders certain forms of life and legal conduct infinitely more present — and, therefore, both liveable and believable — than the entire lifeworlds and subjectivities it purposely has left, and continues to leave, *behind*, in the temporal, cosmological, social, political and legal otherwise.⁴⁷ Given the manifold ravages of linear law and temporality, such

⁴⁶ Bey, *supra* note 45, 3, 4.

⁴⁷ Freeman, *supra* note 40.

lifeworlds and subjectivities may not be fully ‘recoverable’, but their resistive remnants abide, and speak volumes, to the nonconforming and insurrectionary across time.