

ANT 4273 1C39
Anthropology of Law
Fall 2012

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Office Hours: Wednesdays 2-5pm or by appointment

Tuesdays: 5-6 (11:45am-1:40pm)
Thursdays: 6 (12:50-1:40pm)
TUR 2328

Summary: In this introduction to legal anthropology we will frame *law* as an eminently plural phenomena that operates unevenly across multiple social domains (both within and beyond the reach of formal juridical institutions). We will examine the history of anthropological perspectives on law as well as ethnographic approaches to the cross-cultural study of legal practices in order to probe several fundamental themes. For instance, we will inquire about the myriad ways norms and rules infuse social life. We will ask what necessary relation binds law to coercion and under what circumstances lethal force may be deemed legitimate. We will also ask about the social fault-lines and histories that underlie how political and legal institutions selectively address (or even refuse to consider) events of past abuse and injustice.

To explore these and other critical questions we will interpret a select group of texts from anthropology, political philosophy, legal theory, documentary film and literary fiction. Whether engaging Enlightenment notions of social contract, kinship rules and prohibitions, histories of 'customary' law in Tanzania, land reform in Peru, or the commingling of war and jurisprudence (Colombia, Israel/Palestine), these readings will help us reflect upon the protective, potentially empowering, but also predatory dimensions of legal phenomena.

Objectives:

1. to grasp critical concepts and thematic concerns of anthropological approaches to law
2. to become familiar with the history of legal anthropology as well as its contemporary trends
3. to hone skills of textual analysis and interpretation
4. to develop a better understanding of ethnographic modes of research and representation
5. to become better writers

Requirements: This class will be run as a blend of lecture and seminar with an emphasis on group discussion. So please arrive with the assigned materials *in hand*, having carefully read them *prior to class*, and prepared to share your impressions, questions and interpretations. During the course of the semester you will be asked to turn in several brief response papers on specified readings. There will be a take-home mid-term as well as a 10-page term paper (in lieu of a final exam). Pop quizzes may too be given at the discretion of the Instructor.

Texts: The following titles are required and may be purchased at the university bookstore:

Evans-Pritchard, *Witchcraft, Oracles & Magic among the Azande* (Oxford, 2005)
Hajjar, *Courting Conflict* (University of California Press, 2005)
Kleist, *Selected Writings* (transl. David Constantine, Hackett, 2004)
Malinowski, *Crime and Custom in Savage Society* (Routledge, 2009)
Mayer, *Ugly Stories of the Peruvian Agrarian Reform* (Duke University Press, 2009)
Moore, *Social facts and fabrications* (Cambridge University Press, 1986)
Taussig, *Law in a Lawless Land* (University of Chicago Press, 2005)

Copies of the above texts will be placed on reserve at Library West. All remaining class readings can be downloaded from the Sakai course page.

Attendance: Arriving punctually and remaining until the end of each class is required. An attendance sign-up sheet will be circulated at the beginning of each session. If you must miss a class session, please inform the Instructor ahead of time (or as soon as possible) and provide appropriate documentation. In such cases the student is responsible for contacting a classmate to obtain notes on materials covered while away.

Absences for reasons of religious holiday, illness, and official university business are excused; however, proper notification must still be provided.

Please note: Any more than *two unexcused* absences will undermine performance in the course. With the *fourth* unexcused absence the final grade will automatically be reduced a full letter. Students with *five or more* unexcused absences will fail. On the other hand, bonus credit will be granted for perfect (or near perfect) attendance.

Evaluations – Final course grades will be determined in light of four criteria:

Participation (10%): Participation is evaluated based on the degree to which the student plays an active, informed role in class discussions and in so doing contributes to the overall success of the course. Students are also highly encouraged to meet with the Instructor in office hours two or three times during the semester to talk about course content as well as ideas and plans for the final project. Pop quizzes count towards the participation grade.

Reading responses (three in all, 25%): These responses are intended to be brief analytical reflections (250 to 300-words) on a text designated by the Instructor. They should not simply summarize the assigned text's contents but succinctly interpret its significance within the context of that week's broader theme.

Mid-term exam (30%): The mid-term will be a take-home exam based on essay questions distributed two weeks before the due date. The exam will cover specific readings as well as major concepts that have emerged in class discussions during the first half of the semester.

Term project paper (35%): The final paper should be approximately 3000 words. You may choose to write *either* an ethnographic text based on a research project of your own design *or* an extended analysis of one of the primary class readings. Whichever option you elect, the actual topic should be developed in close consultation with the Instructor. A concise, compelling 200-word abstract that clearly outlines the objectives of the project is due in late October. The term paper itself must be handed in no later than the last day of class.

All written assignments should be typed and double-spaced with one-inch margins and pages numbered. In addition to handing in a hard copy, *you are required to submit an electronic version to the Instructor via Sakai using the turnitin.org function to ensure proper attributions and acknowledgments.*

Written assignments will be judged on content (the extent to which they succeed in explicating course material and relevant themes) but also in terms of style (coherence, persuasiveness and creativity).

Assignment Deadlines:

- 1) reading response papers: Sept. 4; Sept. 18; Nov. 15
- 2) mid-term take-home exam: Oct. 18
- 3) term project abstract: Oct. 25
- 4) term paper: Dec. 4

Late policy: Assignments are due at the beginning of class. Reading responses and mid-term exams handed in late but still within one week of the original due date will be docked the equivalent of a full letter grade. After one week they will no longer be accepted. No extensions will be granted for the term paper.

Academic Honesty:

All work submitted by a student for a grade must be completed by that student and free from unauthorized assistance or deliberate misrepresentations. The penalty for plagiarism or cheating is a grade of zero points on the assignment in question; in such cases an incident form will also be sent to the Office of the Dean of Students. If you have questions about what constitutes academic misconduct, please consult the UF Honor Code as well as the UF Policies on Academic Honesty, Student Rights and Responsibilities. These are available online at <http://www.dso.ufl.edu/studentguide/studentrights.php> - [academichonestyguidelines](#).

ADA Statement: “Students with disabilities, who need reasonable modifications to complete assignments successfully and otherwise satisfy course criteria, are encouraged to meet with the instructor as early in the course as possible to identify and plan specific accommodations. Students will be asked to supply a letter from the Disability Resource Center to assist in planning accommodations.”

Grading Scale: The following scale will be used for grades on all assignments and exams: 94-100=A; 90-93=A-; 87-89=B+; 83-86=B; 79-82=B-; 76-78=C+; 72-75=C; 69-71=C-; 66-68=D+; 62-65=D; 59-61=D-; 58 and below=E (failing).

Regarding university grading policies, be advised that a grade of C- is not valid for major, minor, Gen Ed, Gordon Rule, or for college basic distribution credit. For questions about minus grades, please see <http://www.isis.ufl.edu/minusgrades.html>.

You may consult current UF policy on how grade point averages are calculated at <http://www.registrar.ufl.edu/catalog/policies/regulationgrades.html>.

Health and Counseling: The University offers the following health and counseling services for students in the event personal problems threaten to hinder academic performance:

University Counseling Center (301 Peabody Hall, 392-1575),

Student Mental Health (Student Health Care Center, 392-1171), and

Sexual Assault Recovery Services (Student Health Care Center, 392-1161).

Please note: The Instructor may make minor adjustments to class readings or assignments during the course of the semester. Any and all modifications will be announced ahead of time.

Course Schedule

week one **pluralities of law and the uncertain gravity of limits**

8/23 Introductions

week two **exclusion as act and affect**

8/28 Silbey and Cavicchi, "The Common Place of Law"

Frazer, "Taboo"

Bataille, *Erotism*:

Chapter II, "The Link between Taboo and Death"

Chapter III, "Taboos Related to Reproduction"

8/30 Kristeva, "Semiotics of Biblical Abomination"

week three **origin story 1: social contract theory (and its critics)**

9/4 Hobbes, *Leviathan*, Chapters 13-15

Hume, "On the Original Contract"

Pateman, "Contracting In"

response paper 1 due

9/6 Deleuze, "Instincts and Institutions"

week four **zones outside law**

9/11 Taussig, *Law in a Lawless Land*, pp. 1-108

9/13 Taussig, *Law in a Lawless Land*, pp. 109-202

week five **origin story 2: 'culture' as the engendering of rules**

9/18 Lévi-Strauss, *Elementary Structures of Kinship*, Chapters 2 & 3

response paper 2 due

9/20 Bataille, *Erotism*:
Chapter IV, "Affinities between Reproduction and Death"
Chapter V, "Transgression"

week six **is kinship 'law' or sex oppression?**

9/25 Rubin, "The Traffic in Women: Notes on the 'Political Economy' of Sex"

9/27 discussion

mid-term distributed

week seven **contiguous legal spheres**

10/2 Kleist, "Michael Kohlhaas"

10/4 discussion

week eight **procedural justice**

10/9 film: Presumed Guilty (dir. Roberto Hernandez & Geoffrey Smith)

10/11 Kafka, "Before the Law"

mid-term exam due

week nine **figuring law as custom**

10/16 Malinowski, *Crime and Custom in Savage Society*

10/18 Boll, "The Balek Scales"

Diamond, "The rule of law versus the order of custom"

week ten indigenous right

10/23 documentary film: *K'ixbal* [Shame] (dir. Rachel Sieder & Carlos Y. Flores)

10/25 discussion

project abstract due

week eleven event, process, history

10/30 Moore, *Social Facts and Fabrications*, Part I & II

11/1 Moore, *Social Facts and Fabrications*, Part III

week twelve the belief in evidence

11/6 Evans-Pritchard, *Witchcraft, Oracles & Magic among the Azande*
(chapters 2, 7-9)

11/8 discussion

week thirteen chronicles of justice and land

11/13 Mayer, *Ugly Stories of the Peruvian Agrarian Reform*

11/15 Mayer, *Ugly Stories of the Peruvian Agrarian Reform*

response paper 3 due

week fourteen ethnographies of the proceeding

11/20 Hajjar, *Courting Conflict*, pp. 1-153.

11/22 No class - Thanksgiving

week fifteen legal waiting

11/27 Hajjar, *Courting Conflict*, pp. 153-248.

11/29 Buch Segal, "Enduring Presents: Living a Prison Sentence as the Wife of a Detainee in Israel"

week sixteen **concluding remarks**

12/4 Kafka, "The problem with our laws"

term paper due