

A n t h r o p o l o g y o f L a w

ANT 4273 1C39 / ANG 6930 13FH • Fall 2015

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Tuesdays: 5-6 (11:45am-1:40pm)
Thursdays: 6 (12:50-1:40pm)
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Office Hours: Thursdays 2:00-5pm or by appointment

Summary: In this introduction to legal anthropology we 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 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 inquire about the myriad ways norms, taboos and rules infuse social life. We probe what binds law to coercion and under what circumstances lethal force may be deemed legitimate. We ask too 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 crucial questions we will draw upon 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, accounts of indigenous law, or the commingling of war and jurisprudence, these readings will allow us to consider 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 course will be run as a blend of lecture and seminar with an emphasis on group discussion. Please come to class with the required materials *in hand*, having carefully reviewed them ahead of time. During the semester undergraduate students will be asked to turn in a couple of brief response papers (one on a specified reading, the other on a film). There will be a take-home mid-term as well as a 10-page term paper (in lieu of a final exam). Regular pop quizzes will be given to keep us all alert and engaged. For graduate students there will be a final paper, an in-class presentation of one of the supplemental readings as well as opportunities to moderate group discussions.

Texts: The following titles are required and have been ordered through the UF bookstore:

Evans-Pritchard, *Witchcraft, Oracles and Magic among the Azande* (Oxford, 2005)

Malinowski, *Crime and Custom in Savage Society* (Routledge, 2009)

Mulla, *The Violence of Care* (New York University Press, 2014)

Taussig, *Law in a Lawless Land* (University of Chicago Press, 2005)

These books have been placed on reserve at Library West. Yet considering that we will consult specific passages from them, **I highly recommend that you obtain a copy for use during class.** All remaining assigned and supplemental readings are available to download from the Canvas course page.

Etiquette: Please arrive to all sessions punctually but also prepared to share your informed questions, impressions and interpretations of the current week's materials.

If at all possible, please refrain from getting up and leaving the classroom before the session's scheduled end time. If you know beforehand you must depart early, sit near the door so that you may minimize disruptions. You are welcome to use laptops or tablets to take notes but *not* to reference or take part in activities unrelated to the course. Kindly turn cell phones to silent for the duration of our class meetings.

Attendance: A sign-up sheet will be circulated at the beginning of each session. If you must miss a session, please inform me ahead of time (or as soon as possible) and provide appropriate documentation. In such cases you are responsible for contacting a classmate to obtain notes on materials and topics covered while away.

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

Please note: Since participation as well as assimilation of vital class materials depend upon attendance, multiple absences (4 & above) will necessarily undermine academic performance. Students who have a high number of absences risk failing the course. On the other hand, students with perfect or near perfect attendance will receive bonus credit.

For official UF Policy on attendance and absences please consult:

<https://catalog.ufl.edu/ugrad/current/regulations/info/attendance.aspx>

Evaluations

Final grades for undergraduate students (those enrolled in ANT 4273) will be determined in light of four criteria:

Participation, pop quizzes & first project abstract (10%)

Participation will be evaluated based on various measures of the degree to which you play an active, informed role in class. These measure include volunteered commentary and questions, attendance and quizzes. You are also encouraged to meet with me, the instructor, in office hours to talk about course content, including your ideas and plans for the final project.

Two short writing assignments, 650-700 words each (25%): For these synthetic response papers you will be asked to address one or more questions derived from a particular course text. Each paper should accomplish more than summarize the respective text's contents. Instead, it should succinctly interpret its significance within the context of that week's broader themes.

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 we have examined during the first half of the semester.

Term project paper & revised abstract (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 consultation with me. A concise, compelling 200-250 word abstract that clearly outlines the objectives of the project is due early in the semester and then a second, revised, version in late October. The term paper itself must be handed in no later than the last day of class.

Assignment Deadlines (for ANT 4273):

- 1) project abstracts: 9/8, 10/29
- 2) reading response paper 1: 9/15
- 3) reading response paper 2: 10/6
- 4) mid-term take-home exam: 10/15
- 5) term paper: 12/8

Graduate students (those enrolled in ANG 6930 13FH) are expected to:

- 1) carefully review assigned as well as supplemental readings per the class schedule;
- 2) take quizzes;
- 3) moderate small in-class discussion groups, be available during class sessions to mentor on an informal basis and to share insights and experiences from your own research;
- 4) give a 15-20 presentation on one of the supplemental readings;
- 5) write a term paper that engages some aspect of your current research through relevant concepts and texts of legal anthropology. An initial draft of the term paper (minimum 4000 words) is due by mid-semester; a final draft (expanded to between 5500 and 7000 words, and revised in response to my feedback on the first draft) is due the last day of class.

Please note - *With the exception of quizzes, all papers should be typed and double-spaced with one-inch margins. Please staple and number the pages.*

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).

Undergraduate and graduate written assignments must be **submitted twice**: first through Canvas, using

the Turnitin review service (ensuring proper attributions and acknowledgments); and then, in printed/hard copy form to me, the instructor, *by the beginning of class* the day they are due.

Late work & make-up exams: Assignments handed in late but still within one (1) week of the original due date will be docked a letter grade. After one week, they will no longer be accepted. That said, there are two exceptions to the late policy: **1)** there will be no extensions granted for the final term paper; and **2)** there will also be no second chances to take missed quizzes.

Academic Honesty: As you are aware, plagiarism and cheating are serious academic offenses. All work submitted for a grade must be free from unauthorized assistance or deliberate misrepresentations of one's own effort. 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

<https://catalog.ufl.edu/ugrad/current/advising/info/student-honor-code.aspx>

also

<https://www.dso.ufl.edu/sccr/seminars-modules/academic-integrity-module>

Accommodations for students with disabilities: The University of Florida is committed to providing academic accommodations for students with disabilities. Students with disabilities requesting accommodations should first register with the Disability Resource Center (352-392-8565, www.dso.ufl.edu/drc/) by providing appropriate documentation. Once registered, a student should present his/her accommodation letter to me supporting a request for accommodations. The University encourages students with disabilities to follow these procedures as early as possible within the semester.

Grading: 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 <https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx#calculating>.

Additional UF Resources:

The Writing Studio, 302 Tigert Hall (864-1138) <http://writing.ufl.edu/writing-studio/for-students/>

Career Resource Center, Reitz Union (392-1601) <http://www.crc.ufl.edu/>

Student Health Care Center (392-1161) <http://shcc.ufl.edu/>, and

University Counseling & Wellness Center, 3190 Radio Road (392-1575)

<http://www.counseling.ufl.edu/cwc/>

I may make minor adjustments to readings during the semester. Any and all modifications will be announced ahead of time.

Course Schedule

week one the ambiguity of limits

8/25 Introductions

“Anthropology and Crime: An Interview with Jean Comaroff”

film: *K'ixba'l* [Shame]
(dir. Rachel Sieder & Carlos Y. Flores)

8/27 Silbey & Cavicchi, “The Common Place of Law”

Richland, “Jurisdiction”

supplemental reading:
Moore, “Certainties Undone”
Geertz, “Fact and Law in Comparative Perspective”

week two custom as law | law as custom

9/1 Moore, “Introduction to the Early Classics of Legal Ethnography”

Malinowski, *Crime and Custom in Savage Society*: Part I

9/3 Malinowski, *Crime and Custom in Savage Society*: Part II

supplemental:
Bohannon, excerpt from *Justice and Judgment Among the Tiv*
Diamond, “The rule of law versus the order of custom”

week three procedural law & extra-legal violence

9/8 Goodale, “Legalities and Illegalities”

project abstract due

Holston, “The Misrule of Law in Brazil”

film: *Presumed Guilty* (dir. Hernandez & Smith)

supplemental:

Bourdieu, "The Force of Law"

9/10 Alexander, "Go to Trial – Crash the Justice System" (New York Times Op-ed)

supplemental:

Alexander, *The New Jim Crow*: Chapter 3, "The Color of Justice"

week four **liminal zones or 'the war machine'**

9/15 Taussig, *Law in a Lawless Land*, pp. 1-108

reading response due

9/17 Taussig, *Law in a Lawless Land*, pp. 109-202

week five **affects of exclusion**

9/22 Frazer, "Taboo"

Douglas, "The Abominations of Leviticus"

Bataille, "Sacrificial Mutilation and the Severed Ear of Vincent Van Gogh"

9/24 Taussig, "Transgression"

week six **origin stories: social contract theory & its critics**

9/29 Kafka, "The Problem of Our Laws"

Hobbes, *Leviathan*, Chapters 13-15

Locke, *Second Treatise of Government*, Chapters 7-9

mid-term distributed

10/1 De Genova, "Migrant 'Illegality' and Deportability in Everyday Life"

week seven	indigenous right	
10/6	<p>Sieder, "The Challenge of Indigenous Legal Systems"</p> <p><u>film</u>: Two Justices: Challenges of Interlegal Coordination (dir. Rachel Sieder & Carlos Y. Flores)</p> <p><i>supplemental</i>: Sieder, "Building Mayan Authority and Autonomy: The 'Recovery' of Indigenous Law in Post-Peace Guatemala"</p>	<u>reading response due</u>
10/8	<p>discussion</p> <p><i>supplemental</i>: Sieder, "Subaltern Cosmopolitan Legalities & Challenges of Engaged Ethnography"</p>	
week eight	democracy & the police	
10/13	<p>Locke, "Of Prerogative"</p> <p>Canetti, "Command. Flight and Sting"</p> <p>Fassin, <i>Enforcing Order</i>: Chapters 1 & 2</p> <p><u>film</u>: <i>Tropa de Elite</i> [Elite Squad] (dir. José Padilha)</p> <p><i>supplemental</i>: Seri Police Discretion as Unwritten Law Brighenti, "Did We Really Get Rid of Commands?"</p>	
10/15	<p>Stillman, "The Use and Abuse of Civil Forfeiture"</p> <p><i>supplemental</i>: Pietz, "Death of the Deodand"</p>	<u>mid-term exam due</u>
week nine	senses of justice	
10/20	Kleist, "Michael Kohlhaas"	
10/22	discussion	

week ten	'culture' as the institution of positive rules
10/27	Deleuze, "Instincts and Institutions" Lévi-Strauss, <i>Elementary Structures of Kinship</i> , Chapters 3, 4 & 26
10/29	discussion <u>project abstract due</u>
week eleven	witchcraft accusations
11/3	Evans-Pritchard, <i>Witchcraft, Oracles and Magic among the Azande</i> : chapters 1-4 Comaroff & Comaroff, "Criminal Justice, Cultural Justice"
11/5	Siegel, <i>Naming the Witch</i> : prologue & Chapter 3
week twelve	beliefs in evidence
11/10	Evans-Pritchard, <i>Witchcraft, Oracles and Magic among the Azande</i> : chapter 7-8 Ginzburg, "Morelli, Freud and Sherlock Holmes: Clues and Scientific Method"
11/12	Evans-Pritchard, <i>Witchcraft, Oracles and Magic among the Azande</i> : chapters 9
week thirteen	forensic interventions
11/17	Mulla, <i>The Violence of Care</i> : Introduction, Chapters 1-4
11/19	discussion

week fourteen legal encounters

11/24 Mulla, *The Violence of Care*: Chapter 4-6

11/26 no class: Thanksgiving

week fifteen waiting (for law, for justice)

12/1 Kafka, "Before the Law"

Deleuze, "Humor, Irony and the Law"

project presentations

12/3 project presentations

week sixteen concluding remarks

12/8 project presentations

term paper due