

Anthropology of Law

ANT 4273 4C31 / ANG 6273 4C30 • Spring 2023

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T | Period 7 (1:55 - 2:45 PM)

R | Period 7- 8 (1:55 - 3:50 PM)

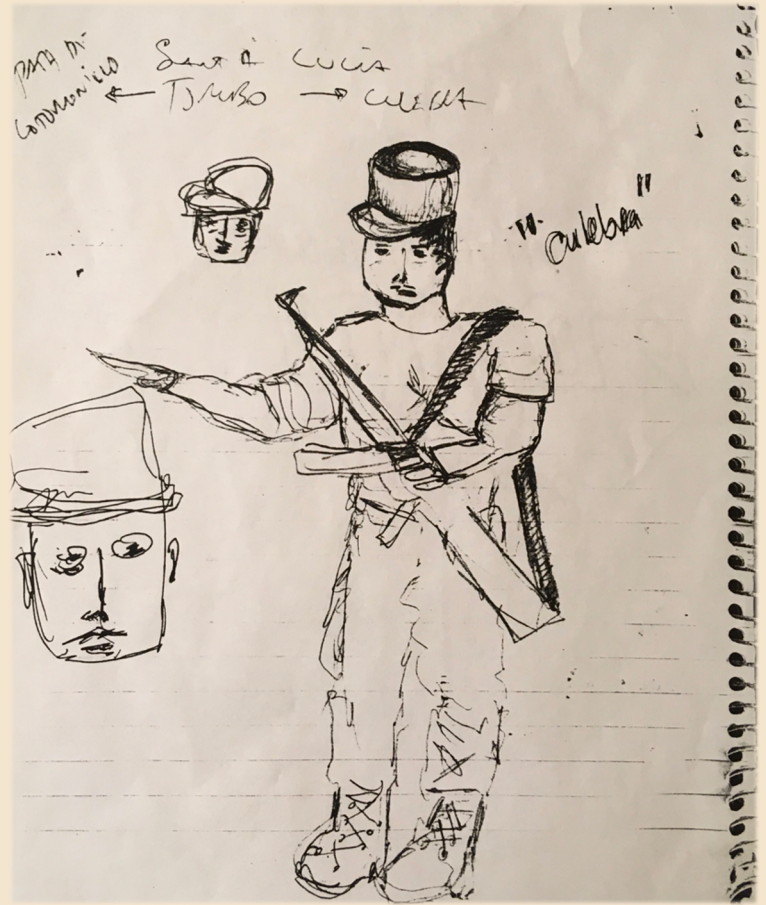
location: AND 1034

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Summary: How do norms and taboos infuse ordinary life and how do people make sense of their transgression? What binds rules to coercion and under what circumstances may lethal force be deemed legitimate?

In this introduction to legal anthropology, we will frame *law* as an eminently plural phenomena that operates unevenly across multiple social domains (within and beyond the reaches of formal juridical institutions). In dialogue with classic anthropological perspectives on jurisprudence, this class weighs contributions of recent ethnographic approaches to the cross-cultural study of law, as well as critical themes fundamental to it, such as sovereignty, violence and democracy, but also myth, imagination, legal aesthetics and forensic evidence. To assist us in our explorations, we will draw upon a select group of texts from anthropology, history, political and legal philosophy, documentary film and literary fiction. Whether engaging Enlightenment notions of social contract, indigenous rights, courtroom illustration, or exclusionary codes (where lawfare blurs with warfare), we will consider the protective, potentially empowering, but also predatory dimensions of legal phenomena, taking quite seriously their empirical and reality-creating effects.

Course Learning Goals: By the end of the semester, students should be able to:

1. identify and explain key concepts and thematic concerns of anthropological approaches to law
2. critically evaluate the history of legal anthropology as well as its contemporary trends
3. demonstrate well-honed skills of textual analysis and interpretation
4. recognize and explain ethnographic modes of research and representation
5. create a persuasive, thoughtfully-designed project for anthropological research

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 close by, having carefully reviewed them ahead of time.

Every week students will be asked to turn in three questions in response to course readings, often (but not always) accompanied by a brief written reflection (300-400 words).

In lieu of a mid-term and final exam, there will be an individual research project consisting of an abstract, a bibliography and a proposal, to be designed and revised over the course of the semester.

Graduate students will prepare an annotated bibliography as well as a final paper, give an in-class presentation of one of the supplemental readings and also have opportunities to moderate group discussions.

Texts: The following titles are required:

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)
Herzog, *A Short History of European Law* (Harvard University Press, 2018)

E-book versions of these three titles are available via UF Libraries course reserves. All remaining assigned and supplemental readings may be downloaded from the Canvas course page (under Files).

Films: Among the critical materials for this course are four films plus a video essay. These should be viewed outside of class hours and prior to the date for which they are assigned. Weblinks for most of the films can be accessed via Canvas or in some cases Course Reserves. When weblinks are not available, alternative arrangements will be made.

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Class Comportment: Please join each session punctually, prepared to share your informed questions, impressions, and interpretations of the current week's materials. Also, kindly turn cell phones to silent for the duration of our class meetings. You are welcome to use laptops or tablets to take notes but *not* to reference or take part in activities unrelated to the course. If, at all possible, please do not leave before the session's scheduled end time.

Attendance: You can read the official UF Attendance Policy [HERE](#). 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 class materials depend upon attendance, multiple absences (4 & above) will undermine academic performance and may even risk failing. Students, however, with perfect or near perfect attendance will receive bonus credit.

Evaluations: Final grades will be determined in light of four (4) criteria:

1. Participation (30%) Participation will be evaluated on the degree to which students play an active, informed and, upon occasion, a leading role in class. These include: **i)** regular attendance; **ii)** timely submission of weekly questions; **iii)** volunteered in-class commentary; **iv)** involvement in discussion groups; as well as **v)** dropping by instructor office hours (in person or via zoom) during the semester: to brainstorm ideas and plans for the research project, to talk about course content or to discuss any other class-related concerns.

2. Short reading reflections, four in all (25%) These brief responses (300-400 words) are for critically engaging one of the required readings from the week the assignment is due. Each response 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.

3. First sketch - Ethnography of law research project (20%) The research project should be "ethnographic," which means it must originate and/or draw inspiration from an actual personal connection or experiential encounter that has significance for the anthropological study of law. Submission of this first sketch should include an abstract (300 words max.), a bibliography (min.10 sources) as well as a longer description (1000 words) that defines the main questions of your inquiry, its scope and its relevance for legal anthropology.

4. Final proposal - Ethnography of law research (25%) The project will culminate in a research proposal of approximately 2500 words in length, with a revised abstract and a bibliography listing at least 20 sources. The final proposal and accompanying parts must be handed in no later than the last day of class.

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For Graduate students only (ANG 6273 4C30) may submit, in lieu of the research proposal, a term paper that engages relevant concepts and texts of legal anthropology through some aspect of their own current or upcoming research. If the paper option is chosen, an initial draft (minimum 3000 words) is due by mid-semester with a final version (expanded to between 5500 and 7000 words and revised in response to my feedback) due the last day of class.

Other Graduate student requirements: During the semester graduate students should closely review the *supplemental* as well as required readings. You will be asked to give a short 15-20 minutes presentation

on one of those readings at some point during the semester. You will also be called on during class sessions to mentor undergraduate students on an informal basis and to share insights and experiences from your own research and/or scholarly interests. Finally, alongside the final project (proposal or term paper) you should submit an annotated bibliography on works of legal anthropology that you have found to be germane for your master's or doctoral research.

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Assignment Deadlines:

- 1) three discussion questions (weekly): posted to the Canvas course page by **8pm every Monday**
- 2) reading reflections: 1/31, 2/14, 2/28, 4/4
- 3) research project sketch: 3/9
- 4) research proposal: 4/25

All written assignments will be judged on content (the extent to which they succeed in explicating course material and relevant themes). They will be evaluated as well in terms of style (coherence, persuasiveness and creativity).

Formatting requirements: typed, double-spaced with one-inch margins and pages numbered.

Assignments must be submitted electronically through Canvas, where the Turnitin service will review for proper scholarly attributions and acknowledgments.

Late work: Unless there are extenuating circumstances (do let me know!), 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. During the semester, however, there will also be no second chances to turn in the weekly questions (except for excused absences). At the end of the semester, due to the short window for submitting final grades, no extensions can be granted for the final research proposal.

Grade Return Timing: I will make every effort to grade and return all assignments that are handed in on-time within two weeks of the official due date.

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.

UF students are bound by The Honor Pledge which states, "We, the members of the University of Florida community, pledge to hold ourselves and our peers to the highest standards of honor and integrity by abiding by the Honor Code. On all work submitted for credit by students at the University of Florida, the following pledge is either required or implied: "On my honor, I have neither given nor received unauthorized aid in doing this assignment." The Honor Code specifies a number of behaviors that are in violation of this code and the possible sanctions. [Click here to read the Honor Code](#). Furthermore, you are obligated to report any condition that facilitates academic misconduct to appropriate personnel. If you have any questions or concerns, please consult with the instructor.

Accommodations for students with disabilities: Students with disabilities who experience learning barriers and would like to request academic accommodations should connect with the disability Resource Center. [Click here to get started with the Disability Resource Center](#). It is important for students to share their accommodation letter with their instructor and discuss their access needs, as early as possible in the semester.

Grading: The following scale will be used for grades on all assignments: 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). Click [this link to consult current UF policies for grades and grading](#).

Course feedback: Students are expected to provide professional and respectful feedback on the quality of instruction in this course by completing course evaluations online via GatorEvals. [Click here for guidance on how to give feedback in a professional and respectful manner](#). Students will be notified when the evaluation period opens and can complete evaluations through the email they receive from GatorEvals, in their Canvas course menu under GatorEvals, or via ufl.bluer.com/ufl/. [Summaries of course evaluation results are available to students here](#).

In-Class Recording: Students are allowed to record video or audio of class lectures. However, the purposes for which these recordings may be used are strictly controlled. The only allowable purposes are (1) for personal educational use, (2) in connection with a complaint to the university, or (3) as evidence in, or in preparation for, a criminal or civil proceeding. All other purposes are prohibited. Specifically, students may not publish recorded lectures without the written consent of the instructor. *For further details on in-class recording please consult "Course Overview & Policies" in our Canvas Course Site.*

Additional UF Resources:

Health & Wellness

- *U Matter, We Care:* If you or someone you know is in distress, please contact umatter@ufl.edu, 352-392-1575, or visit [U Matter, We Care website](#) to refer or report a concern and a team member will reach out to the student in distress.
- *Counseling and Wellness Center:* [Visit the Counseling and Wellness Center website](#) or call 352-392-1575 for information on crisis services as well as non-crisis services.
- *Student Health Care Center:* Call 352-392-1161 for 24/7 information to help you find the care you need, or [visit the Student Health Care Center website](#).
- *University Police Department:* [Visit UF Police Department website](#) or call 352-392-1111 (or 9-1-1 for emergencies).
- *UF Health Shands Emergency Room / Trauma Center:* For immediate medical care call 352-733-0111 or go to the emergency room at 1515 SW Archer Road, Gainesville, FL 32608; [Visit the UF Health Emergency Room and Trauma Center website](#)
- *GatorWell Health Promotion Services:* For prevention services focused on optimal wellbeing, including Wellness Coaching for Academic Success, visit the [GatorWell](#) website or call 352-273-4450.

Academic

- *E-learning technical support*: Contact the [UF Computing Help Desk](#) at 352-392-4357 or via e-mail at helpdesk@ufl.edu.
- *Career Connections Center*: Reitz Union Suite 1300, 352-392-1601. Career assistance and counseling services.
- *Library Support*: The [UF Libraries](#) provide access to numerous resources and services that will help you succeed in this course. Access thousands of [online databases](#), [books](#), and [articles](#) or visit one of the [branch locations](#) for additional resources, services, and study spaces. Further, as this class requires students to complete a bibliography, research paper, or project, both the [Anthropology Library Guide](#) and the [Anthropology Assignment Guide](#) may be of assistance. You can also contact the [Anthropology Librarian](#) directly for help with developing your research topic/question, searching for sources, and evaluating information. And you can also [Ask A Librarian](#) for help by email, chat, text, or phone.
- *Teaching Center*: Broward Hall, 352-392-2010 or to make an appointment 352- 392-6420. General study skills and tutoring.
- *Writing Studio*: 2215 Turlington Hall, 352-846-1138. Help brainstorming, formatting, and writing papers.
- *Student Complaints On-Campus*: [Visit the Student Honor Code and Student Conduct Code webpage for more information](#).
- *On-Line Students Complaints*: [View the Distance Learning Student Complaint Process](#).

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Note: I may make minor adjustments to the course schedule, readings, or assignment requirements during the semester. Any, and all, modifications will be announced ahead of time.

Weekly Course Schedule

week one **rules, imaginations, empirical things**

1/10 Kafka, "The Problem of Our Laws"
Bakić Hayden, "Insecure Infrastructures"

1/12 Pitt-Rivers, "The Law of Hospitality"
Silbey & Cavicchi, "The Common Place of Law"

film - Cocote (dir. Santos Arías)

week two **afterlives (of Rome)**

1/17 Miller, "The International Law of Colonialism"
Simpson, "The Sovereignty of Critique"

1/19 Herzog, *A Short History of European Law*: Part I – Ancient Times
Thomas, "The Slave's Body and its Work in Rome"

supplemental: Thomas, "The Language of Roman Law"

week three **forensic interventions**

1/24 Mulla, *The Violence of Care*: Introduction & Chapter 1
supplemental: Canetti, "Question & Answer"

1/26 Mulla, *The Violence of Care*: Chapter 2

Hernández Castillo, "The Challenges of Activist Feminist Anthropology in the Context of Forced Disappearance

week four

image, evidence, cliché

1/31

Umoja Noble, "Close-Up: Black Images Matter"

Alarcón, "How do you define a gang member?"

Mulla, "Normalizing Sexually Violated Bodies"

2/2

video essay - "Animated Contingencies" (dir. L. Andrews)

Campt, *Listening to Images*: Introduction & Chapter 3

week five

legal milieus

2/7

Moore, "Introduction to the Early Classics of Legal Ethnography"

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

2/9

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

Bohannon, "Differing Realms of Law"

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

week six

forbidden

2/14

Frazer, "Taboo"

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

film - *M* (dir. Fritz Lang)

2/16	Taussig, "NYPD Blues" <u>supplemental</u> : Taussig, "Transgression"
week seven	myths, foundings, fairy tales
2/21	Boll, "The Balek Scales" Hobbes, <i>Leviathan</i> , Chapters 13-14 Locke, <i>Second Treatise of Government</i> , Chapter 9
2/23	Mills, <i>The Racial Contract</i> : Introduction & Chapter 1 Mbembe, <i>Necropolitics</i> : Chapter 1
week eight	research workshop
2/28	guest presentation (readings TBA)
3/2	guest presentation (readings TBA)
week nine	democracy: a question of police
3/7	Ericson, <i>Checked Out OK</i> (excerpts) Stillman, "The Use and Abuse of Civil Forfeiture" Locke, "Of Prerogative" <u>supplemental</u> : film - Hana-Bi (dir. Kitano)

3/9 Canetti, "Command. Flight and Sting"
Brighenti, "Did we really get rid of commands?"

*** SPRING BREAK • March 11 – 19, 2023 ***

week ten states of exception (frontier law)

3/21 Browne, *Dark Matters*: Chapter 2 & 4
supplemental: TBA – readings on colonial slave codes

3/23 Carter, "Gothic Sovereignty"
Schmitt, "Definition of Sovereignty"
supplemental: Herzog, *A Short History of European Law*: Chapters 11 & 12

week eleven liminal zones

3/28 Taussig, *Law in a Lawless Land*, pp. 1-65

3/30 Taussig, *Law in a Lawless Land*, 66-108

week twelve law underground

4/4 Ferry, "Inalienable Commodities: The Production and Circulation of Silver and Patrimony in a Mexican Mining Cooperative"
Mora, "(Dis)placement of Anthropological Legal Activism, Racial Justice and the Ejido Tila, Mexico"

supplemental: Ferry, "Waste & Potency: Making Men with Minerals in Guanajuato and Tucson"

4/6 Ulf & Vergara, "Measuring incommensurability: compensations in judicial processes of oil spills in Northern Peruvian Amazon"

week thirteen multiple realities

4/11 Taussig, *Law in a Lawless Land*, pp. 109-186

4/13 Taussig, *Law in a Lawless Land*, pp. 187-202

week fourteen project presentations

4/18 student research summaries

4/20 student research summaries

week fifteen final reflections

4/25 student research summaries