



Legal Anthropology

ANG6930 • 27019
ANT4930 • 28526

T | Period 7 - 9
(1:55 PM - 4:55 PM)

How long can rights be sustained?

Do claims have afterlives, or merely different stages of animation?

When did generation become an unquestioned filter—a mostly impermeable, sometimes leaky barrier, shielding offspring from elder crimes, unspeakable discoveries, and infinite debts?

Instructor:

**Richard
Kernaghan**

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office hours:

Thursdays 1-3 pm
(by appointment)

Summary: In this seminar we will examine some thematic crossings and convergences between the tradition of anthropology and the philosophy of law—in light of recent ethnographic studies on juridical and aesthetic entanglements of political emergency, indigeneity, postcolony, prisons, meth and war. Given that legal phenomena begin with and are primarily entailed through

relations—above all, the movements of bodies and passions that shape and alter social life—our theoretical orientation will be broadly empiricist. We will focus, however, less on relationality *per se* than on the material and historical specificity of relations themselves: their terms, potency, transformational potentials, and affective charge. We will also question what the word “law” variously names—whether it draws upon violence and provocation, endorses privileges, ramifies into divergent temporalities, or haunts imaginations. Why should so much legal practice and scholarship revolve around attempts to anchor sense and reference? Is rendering evidence itself not always a reading into or out of some *thing*: a shard, a confession, an extended silence, a cautious look, a nervous twitching, a partial print...? If so, then this seminar will not take *reading* for granted. Rather, through a slow, careful review of a handful of select canonical and contemporary texts, we will consider the multiple rhythms, pleasures, solitudes, and encounters enabled by historically situated acts of interpretation (including our own)—in order to listen for and to discover what new, critical insights they might bring to the anthropology of law.

Overview of Requirements: This class is run as an in-person, face-to-face, seminar with active participation in all discussions expected. Each student will be asked to prepare and present a seminar report on one or more of the assigned readings at least once during the semester. There will be a term paper due the last day of class (with an abstract and bibliography for that final project submitted in by mid-semester).

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Texts:

Benveniste, *Dictionary of Indo-European Concepts and Society* (Hau Books 2016)
Clarke & Haraway (eds.), *Making kin not population* (Prickly Paradigm Press, 2018)
Costa, *Owners of Kinship* (Hau Books, 2017)
Hussain, *The Jurisprudence of Emergency* (University of Michigan Press, 2019)
Loraux, *The Invention of Athens* (Zone Book, 2006)
Mbembe, *Necropolitics* (Duke University Press, 2019)
Pine, *The Alchemy of Meth* (University of Minnesota Press, 2019)

The above titles (many as e-books) have been placed on reserve at Library West. All remaining assigned and supplemental readings can be downloaded from the Canvas course page.

Attendance: As a courtesy to all, please arrive punctually and remain until the end of class. 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.

This is a F2F course. However, given the on-going pandemic and current UF COVID-19 guidelines (see our Canvas course page), circumstances could foreseeably require some of us to attend remotely. Our class would in that case convene in a hy-flex format, combining F2F and video conferencing modalities (zoom). Anyone attending remotely would then have to log onto the video conference to be counted as present.

Please note: Since participation as well as assimilation of class materials depend upon attendance, multiple absences (3 & above) will undermine academic performance and may even risk failing. Students, however, with perfect or near perfect attendance will receive bonus credit. [Click here to read the university attendance policies.](#)

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Evaluations – Final course grades are calculated according to a combination of three criteria:

Participation (35%): A grade for participation will be assessed at the end of the semester based on the degree to which you have played an active, informed role in class discussions, and in so doing contributed to the course's overall success. So please be prepared at each session to share your impressions, questions and interpretations of all assigned materials. I also encourage you to come to office hours two or three times during the semester to talk about progress in the course and your on-going work on the final project.

Seminar Report/Presentation (25%): You are responsible for the preparation and presentation of one seminar report (length: 5-6 double spaced pages) on the topic of your assigned week. That report should not merely summarize but offer a well-crafted, spirited interpretation, which situates the required readings within the ideas and concepts of the course. It should outline specific concerns as well as hone questions.

On your assigned week, please circulate *via Canvas* a list of discussion points and questions *at least 24 hours* prior to your presentation (in other words: *no later than midday on Monday*). The report itself is due at the beginning of class.

Term project essay (40%): The final paper should be an original, persuasive and creative engagement with one or more of the class concepts. Of approximately 5500-7000 words in length

for graduate students and approximately 4000 words for undergraduates, the term project should contribute directly towards the development of a research proposal, a conference paper, journal article or thesis chapter. A concise 250-word abstract, outlining the objectives of the project, and a bibliography are due mid-semester.

The term project essay must be handed in no later than the last day of class.

All assignments should be submitted via Canvas: typed in a common 12pt font and double-spaced with one-inch margins and pages numbered.

Assignment Deadlines:

- seminar paper - TBA
- term project abstract & bibliography – 10/19
- term project essay – 12/7

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Academic Honesty: 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](#).

Additional UF Resources:

Health & Wellness

- *Up-to-date information on COVID-19 and vaccination:* [UFHealth.org](https://ufhealth.org) and coronavirus.ufl.edu
- *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](#)

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:* Various ways to receive assistance with respect to using the libraries or finding resources.
- *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.](#)
- *Anthropology Library Guide:* <http://guides.uflib.ufl.edu/c.php?g=147739&p=969917>

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Please note: I may make minor adjustments to class readings or assignment requirements during the semester. Any and all modifications will be announced ahead of time.

Course Schedule

week 1	introductions
8/24	Kafka, "the problem of our laws" Kernaghan, "Malecón Huallaga"
week 2	limits
8/31	Hume, <i>A Treatise of Human Nature</i> (excerpts) Deleuze, "Hume" Deleuze, <i>Empiricism and Subjectivity</i> : chapter 6 Rutherford, "Sympathy, State-Building, and the Experience of Empire" <u>supplemental:</u> Panagia, "Inconsistencies of Character" <i>film</i> : The Balad of Narayama (1958 version, dir. Kinoshita)
week 3	clamors
9/7	Lorau, <i>The Invention of Athens</i> (select chapters) Slatkin, "Remembering Nicole Lorau, Remembering Athens" Foucault, <i>Society must be Defended</i> : Lecture Four <u>supplemental:</u> Deleuze, "How Do We Recognize Structuralism?"
week 4	things
9/14	Cabinet: Issue 43 Forensics Panourgia, "Stones (paper, humans)" McAllister, "What are the Dead Made of?"

Povinelli, "Geontologies: The Concept and Its Territories"

Serres, "Science, Law"

week 5

generations

9/21

Clarke & Haraway (eds.), *Making kin not population* (select essays)

Costa, *Owners of Kinship* (excerpts)

supplemental:

Pitt-Rivers, "the law of hospitality"

Strathern et al, "Forum on Making Kin Not Population- Reconceiving Generations"

film: The River Fuefuki (dir. Kinoshita)

week 6

seizures

9/28

Mbembe, *Necropolitics* (select chapters)

supplemental:

Schmitt, *Nomos of the Earth* (excerpts)

Ewald, "Norms, discipline and the law"

McAllister & Napolitano, "Political Theology / Theopolitics"

week 7

matters

10/5

Pine, *The Alchemy of Meth*

week 8

readings

10/12

final project workshop

week 9

techniques

10/19

Hussain, *The Jurisprudence of Emergency*

supplemental: Hakyemez, "Margins of the Archive"

week 10

cases

10/26

Serres, *Geometry* (excerpt: pp 9-11)

Berlant, "On the case"

Berlant, "Slow Death (Sovereignty, Obesity, Lateral Agency)"

Simmel, *Philosophy of Money* (excerpt)

supplemental:

Hussain, "Beyond Norm & Exception: Guantánamo"

film: Street of Shame (dir. Mizoguchi)

week 11

romans

11/2

Meyer, *Legitimacy & Law in the Roman World* (Part I)

Thomas, "Res Religiosae"

Pottage, "Finding Melanesia in Ancient Rome: Mauss' Anthropology of *nexum*"

supplemental:

Madero, "Interpreting the Western Legal Tradition"

Pottage, "Law after Anthropology: Object and Technique in Roman Law"

week 12

frames

11/9

Carter, *Gothic Sovereignty*

supplemental:

Cache, "Cadre" (*Earth Moves*, chapter 5)

film: The Eternal Breasts (dir. Tanaka)

week 13

titles

11/16

Wood, "Testaments and *Títulos*"

Wood, "The Social vs. Legal Context of Nahuatl *Títulos*"

Wood, "The Fundo Legal or Lands Por Razón de Pueblo..."

Weber, *The Agrarian Sociology of Ancient Civilizations* (excerpts)

supplemental: Garcia Hierro, "Indigeneous Territories: Knocking at the Gates of Law"

week 14

algorithms

11/23

Serres, *Geometry*: Chapter 6

Canetti, "The Command"

reports on individual research

week 15

presentations

11/30

reports on individual research

week 16

presentations

12/7

reports on individual research & concluding remarks