

s o u r c e s o f l a w

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ANG 6930 - 27274 • ANT 4930 - 27275

i n a m a z o n i a

M A T 0 0 0 5

W | Periods 5-7 (11:45AM - 2:45PM)

Instructor:

**R i c h a r d
K e r n a g h a n**

Grinter 335 | kernaghan@ufl.edu

office hours:

Mondays 1-3:00 pm
(or by appointment)

Summary: How do questions of law become entangled with rivers and the places rivers roam? From where do legal phenomena gather strength and to what extent do material terrains themselves have a say? Given that matters of law are always plural and, therefore, beyond the ultimate control of any one power, how are such matters decided and how would one know?

This seminar examines relations of jurisprudence as they meet riverine environments: here with a strict geographic focus on "Amazonia," above all, its western and northern margins. Rivers, in their precipitous drop from the heights of the Andes, move with and within landscapes of the Amazon. In so doing, they bring to the fore historical struggles for ground: including what churns beneath the surface, no less than what hovers above. In so doing, rivers reiterate a general problem of relations: a certain something that always crops up in between. How does any relation—material,

social, temporal, ecological—become a *legal* relation, if not through a vitality that binds, obliges, entitles, cuts and stretches. To ask where that supplementary charge comes from, and therein about the sources of law in any particular Amazonian place, requires straddling more than one register of critical inquiry.

In this class we will delve into select historical and ethnographic records, drawing as well on works of cinema and literary fiction. Moving slowly, we will look and listen for the rhythms, events and reliefs that run through empirical worlds. We will take great care as well to familiarize ourselves with relevant legal concepts and practices, while paying attention to how they combine language, force, and technique.

In Amazonia who can be a native and who a settler? Who can assert ties to land and of what kinds? Who can represent interests acting from afar? And who can extract wealth and advantage, sometimes without giving nearly enough in return? How do legal claims *relate* specifically to Amazonian terrains? To their supposed pristine origins, to their defilements and ruin, to their present-day defense?

Perhaps all law springs from seizure. And if so, then rivers are a good place to begin.

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Overview of Requirements: This class is run as an in-person 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 a project abstract and annotated bibliography due mid-semester.

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Learning Objectives: In this class, students will:

1. Examine enduring colonial motifs from histories & ethnographies of Amazonia
2. Situate legal phenomena within an anthropological theory of relations
3. Explore how rivers & riverine terrains unsettle senses of ground
4. Practice textual analysis and cross-genre interpretation
5. Conduct independent research on the sources of law

Class Approach, Materials & Etiquette

This course will be collaborative in practice and in spirit. During this semester-long, mutually-supportive endeavour, we will engage, weigh, and compare assigned materials in order to deliberate with them and with each other. We will accomplish this by valuing reading in a robust

sense, taking time to attend to explicit intensions and obvious meanings, all the while scanning for unanticipated angles of approximation. We will aim for a mode of critical inquiry that is generous, never satisfied with negating gestures, and always pushing to discover latent potentials that may not have been altogether apparent to the original authors or creators.

Though this is a class of Anthropology, I have also drawn course materials from a range of kindred scholarly fields and representational practices. I have selected them for their historical, intellectual, and/or creative significance. Many of them I have chosen specifically in order to help us hone our sensitivity to how rivers and riverine terrains may inflect legal relations, even as they become entangled with the specific ways claims and counter-claims aspire to achieve the force of law.

Amazonia is, of course, an enormous region of vast cultural differences. The relevant literatures reflect that diversity in ways that are skewed. Most works have been published in languages not indigenous to the Americas. This is one of many enduring consequences of European colonialism. And in this class we must acknowledge that legacy, since it is central to the region's historical presents and because it affects and threatens to overdetermine both what we can study and how we can learn.

This class is designed for undergraduate as well as graduate students, with all of our main assigned readings in English. There are also "supplemental" materials (recommended, not required), a few in Spanish or Portuguese. The Canvas site also contains an ever-growing archive of relevant electronic and online resources, many in languages other than English (European and Amerindian). These literatures, if we were to consider them in depth, would be overwhelming. We can instead develop an appreciation for them by reading selectively and strategically—the kind of "sweet spot" that I hope to have achieved with our schedule of readings.

In terms of class prep, undergraduates should as a general rule anticipate having a weekly reading load of between 50 and 75 pages. For graduate students the load is greater: varying from 100 to 150 pages. That said, each of us will want to pace ourselves in line with own specific level of study and personal capacity. For my part, I promise to do my best to be a worthy guide as we explore together, striving to help each of us figure out how we wish to navigate the study of Amazonia in ways that feel vibrant, useful, and relevant.

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Texts: Most class materials (readings, films, etc.) can be accessed via the Canvas course site.

The following books have also been placed on Library Reserve:

Calvo, C. *Three Halves of Ino Moxo* (Inner Teachings International, 1995) **

Casement, R (Mitchell, ed.). *The Amazon Journal of Roger Casement* (Anaconda Editions, 2000)

Costa, L. *The Owners of Kinship* (HAU Books, 2018)

Herzog, T. *Frontiers of Possession* (Harvard University Press, 2015) **

Hugh Jones, C. *From the Milk River* (Cambridge University Press, 1979)
 Goldman, I. *The Cubeo* (University of Illinois Press, 1979) **
 Goldman, I. *Cubeo Hehenewa Religious Thought* (Columbia University Press, 2004).
 Kopenawa, D. & Albert, B. *The Falling Sky* (The Belknap Press of Harvard University Press, 2013)
 Roller, H. *Contact Strategies: Histories of Native Autonomy in Brazil* (Stanford Univ. Press, 2021)
 Varese, S. *Salt of the mountain* (University of Oklahoma Press, 2004) **

Note: red asterisks ** inserted above indicate electronic access for title is limited, which may require adjusting how you prep for relevant class sessions. Alternatively, you could purchase the book.

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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 email me the 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 always excused; however, proper notification should still be provided.

Multiple unexcused absences (more than 2) may undermine academic performance and even risk failing the course. Students with perfect or near perfect attendance will, however, receive bonus credit. [Click here to read the university attendance policies.](#)

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Evaluations

Final grades will be determined according to the following criteria/assignments:

Participation	25%	Ongoing
Seminar presentation (& discussion prompt)	15%	TBA: sign up sheet
Seminar report	20%	TBA: sign up sheet
Project abstract	5%	Oct 5
Annotated bibliography	10%	Oct 19
Final paper	25%	Dec 7

Participation: Your engagement with class-related activities and discussions will be assessed in terms of focus and consistency as well as other specific contributions you make to the overall

success of the course. So please come to each session prepared to share your impressions, questions, and interpretations of all assigned materials. I also encourage you to visit office hours two or three times during the semester to talk about your progress in the course and your on-going work on the final project.

Presentation & discussion prompt: During our first class, you will select a theme-week from the course calendar for the date you wish to guide discussion. You might therefore review the syllabus ahead of time, looking for two, or perhaps three weeks with topics and materials that closely align with your own interests and/or program of study.

On your assigned week, you should circulate a list of discussion points and questions *via Canvas* at least **24 hours prior to your seminar presentation** (in other words: *no later than 11am on Tuesday*). Then, when class begins, you should open the session with a 10-to-15-minute presentation that provides an overview of that week's readings, before leading the class through a more in-depth group conversation. One excellent and efficient way to start off is by reading your written seminar report to the class (see below).

Please note: At least 24 hours prior to your seminar presentation (in other words: *no later than 11am on Tuesday*), you should circulate a list of discussion points and questions *via Canvas*.

The Seminar Report is a short essay, 5-6 pages in length, that undertakes a close interpretation of one or more assigned texts. Crafting a succinct, insightful essay has one overarching purpose: to help others better grasp what they have also read.

This assignment not only gives you a chance to practice the art of seminar paper writing, you will also receive constructive feedback from the class (instructor and peers).

While we will talk more about how to approach this assignment, here is some general advice:

a seminar 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. For that, an economy of language and a precision of one's written words is key.

The seminar report is due at the beginning of class on the week you have chosen to lead discussion.

Term Project abstract should describe in 250-300 words a research project that intersects with a theme or motif of our course. Your project does not have to focus entirely on Amazonia: the point or points of intersection with this class can be primarily conceptual rather than geographical or regional. Your abstract should, however, set forth specific questions you will pursue as well as indicate the scholarly contributions you wish to make.

Note: I encourage all students to come up with a project they can feel passionate about and that they might wish to continue developing in the future. Graduate students might want to consider how their project can lead to the development of a research proposal, a conference paper, journal article, publishable essay, or thesis chapter.

Annotated bibliography: With this assignment you should show which texts will inform your research, while explaining how they will influence your arguments and/or project objectives. The bibliography must include 15-20 annotated entries. At least 10 of those entries should be scholarly works selected from our class: i.e. readings that are assigned, supplemental or drawn from the Canvas course archive.

The Term project essay is an opportunity to craft an original, persuasive, and creative engagement with the research project you have already described in your abstract. The expected length for undergraduates is approximately 4000 words; for graduate students, between 5500 & 7000 words. You are welcome to experiment with the form of your writing. You can include different kinds of representational media if you wish. Thus, you have many options and lots of leeway in terms of genre and style. Whichever representational route you ultimately decide to go with, please be prepared to justify the choices you have made.

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* – 10/05
- *term project abstract & bibliography* – 10/19
- *term project essay* – 12/7

Late policy: Apart from the term paper, I can accept any assignment handed-in for a grade up to one week (7 days) past their scheduled due date. Late assignments will, however, be docked 10 points (on a letter grade / 100-point scale). Unfortunately, there can be no extensions for the term project essay.

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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 contact 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.bluera.com/ufl/. [Summaries of course evaluation results are available to students here](#).

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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](#)

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 – on the plural sources of water, land & law**

8/24 Varese, “Relations between the Andes and the Upper Amazon”

Macpherson, Torres Ventura & Clavijo Ospina, “Constitutional Law Ecosystems & Indigenous Peoples in Colombia”

Miller, “The International Law of Colonialism: a comparative analysis”

supplemental:

Taylor, “The Western Margins of Amazonia from the early Sixteenth to Early Nineteenth Century”

week 2 **grounding (gravity, relation, relief)**

8/31 Potter, “The Mesozoic and Cenozoic paleodrainage of South America”

Hoorn et al. “Amazonia through Time: Andean Uplift, Climate Change, Landscape Evolution, and Biodiversity”

Murra, *Reciprocity and Redistribution in Andean Civilizations*: chapters 1 & 2.

Denevan, “A Bluff Model of Riverine Settlement in Prehistoric Amazonia”

supplemental: Cache, “Décrochement”

week 3 **basins, opacities, seizures...**

9/7 Varese, *The Salt of the Mountain*

Silverstein, “Narco-Infrastructures and the Persistence of Illicit Coca in Loreto”

supplemental: Serres, *Geography*: ix-lvii

week 4

concessionary powers

9/14

Hvalkof, "Outrage in Rubber & Oil Extraction"

Guzmán-Gallegos, "Controlling Abandoned Oil Installations"

García Hierro, "Indigenous Territories: Knocking at the Gates of Law"

Belaúnde Olschewski, "Impacts of Hydrocarbon Exploitation on the Indigenous Women of the Peruvian Amazon"

supplemental:

Podcast de la comunidad Kukama de Cunico: "Nuestras historias desde Cuninico"

Cepek, "There might be blood: Oil humility, & the cosmopolitics of a Cofán petro-being"

week 5

foundations & their filters (in vicinities of la Casa Arana)

9/21

Casement, *Amazon Journal of Roger Casement*: Part III: I-III.

Taussig, "Culture of Terror, Space of Death"

Echeverri, "To Heal or to Remember"

supplemental: Kuiru Castro, "La fuerza de la manicuera"

week 6

winds, words...

9/28

Calvo, *The three-halves of Ino Moxo*

Lamb reply to Carneiro, "*The Wizard of the Upper Amazon* as Ethnography"

Viveiros de Castro, "Cosmological Deixis and Amerindian Perspectivism"

supplemental: Duchesne Winter, "Writing under the influence"

Córdova-Ríos & Lamb, *The Wizard of the Upper Amazon*

film: “El viento del ayahuasca” (dir. de Izcue)

week 7

on the porosity of limits

10/5

Carvalho, “Mapmaking & Sovereignty Building: Francisco Requena & the Late Eighteenth-Century Boundary Demarcation Commissions”

Herzog, *Frontiers of Possession*: Part I

supplemental: Roller, “River Guides Geographical Informants and Colonial Field Agents in the Portuguese Amazon”

Zárate Botía, “La invención de la cartografía amazónica”

week 8

natal ties

10/12

Costa, *The Owners of Kinship*

supplemental: Fausto, “Too many Owners”

week 9

cacheveras (sites of emergence)

10/19

Goldman, *The Cubeo* (excerpts)

Goldman, *Cubeo Hehénewa Religious Thought* (excerpts)

supplemental:

Hugh-Jones, “Historia del Vaupés”

Reichel-Dolmatoff, review of *The Cubeo*

Wright, review of *Cubeo Hehénewa Religious Thought*

week 10

ancestors, anacondas

10/26

Hugh-Jones, S., *The Palm and the Pleiades* (Part I & Part II)

Hugh-Jones, C., *From the Milk River* (Chapters 6 & 7)

supplemental: Goldman, "Reflections of Nature in Vaupés Cultures"

film: Embrace of the Serpent (dir. Guerra)

week 11 **mortuaries (prescribed)**

11/2 Chaumeil, "Bones, Flutes and the Dead"

Taylor, "Remembering to Forget"

Fausto, "Feasting on People"

supplemental: Serres, "Education"

week 12 **in times of dream**

11/9 Kopenawa & Albert, *The Falling Sky* (excerpts)

supplemental:

Descola, "Head-Shrinkers versus Shrinks: Jivaroan Dream Analysis"

Kohn, "How dogs dream"

week 13 **ingenuity, complexity...**

11/16 Roller, *Contact Strategies: Histories of Native Autonomy in Brazil* (excerpts)

week 14 **Thanksgiving Holiday**

11/23 class does not meet

week 15 **diplomacy (read, refuse, collaborate)**

11/30 Kopenawa & Albert, *The Falling Sky* (excerpts)

week 16

presentations

12/7

reports on individual research & final reflections