

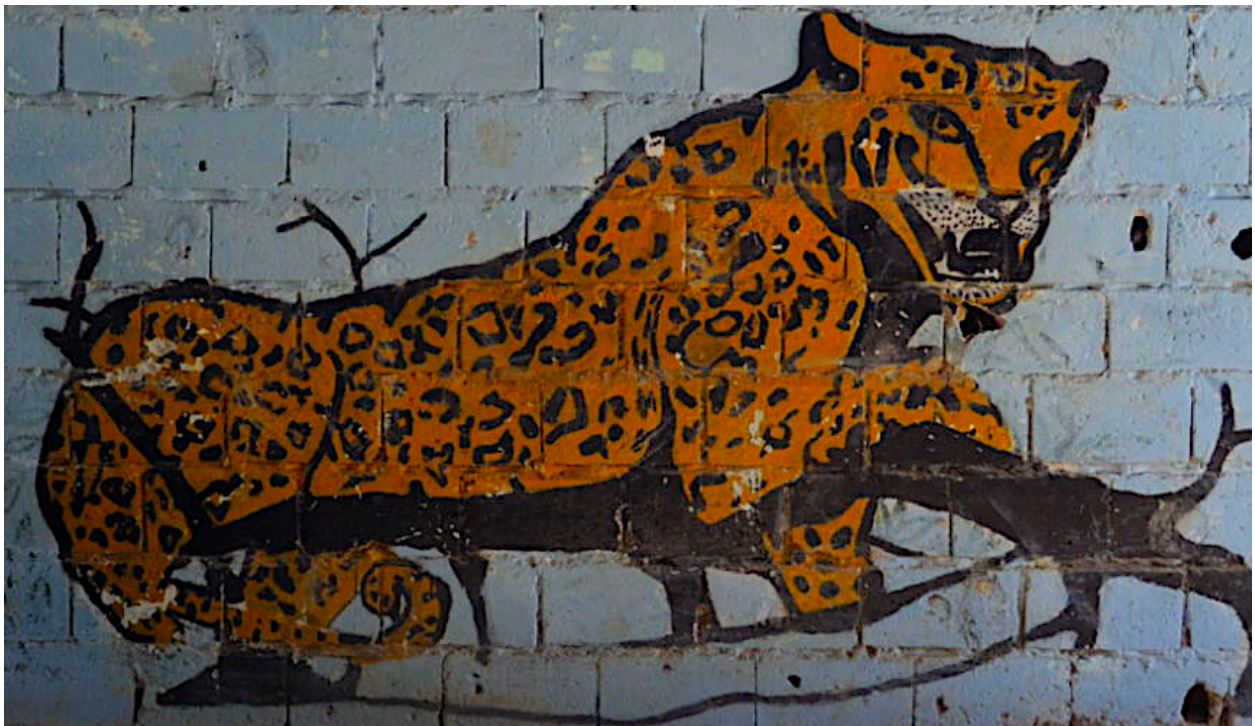
# Anthropology of Law

ANT 4273 33C0 / ANG 6930 33CH • Spring 2019

Instructor: Richard Kernaghan  
Department of Anthropology  
Grinter Hall 335  
[kernaghan@ufl.edu](mailto:kernaghan@ufl.edu)

Wednesdays: 6 (12:50 -1:40pm)  
Fridays: 6-7 (12:50 -2:45pm)  
TUR 2336

Office Hours: Fridays 3:00-5pm or by appointment



**Summary:** How do taboos, norms, and rules infuse ordinary life and how do people make sense of their transgression? What binds law to coercion and under what circumstances may lethal force be deemed legitimate? Which social hierarchies and histories underlie how political and legal institutions selectively address, or even refuse to consider, events of past abuse and injustice?

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 tradition of anthropological perspectives on jurisprudence as well as contemporary ethnographic approaches to its textured, cross-cultural study in order to probe several fundamental themes, such as sovereignty, violence and democracy, but also myth, imagination, legal aesthetics and forensic evidence. To assist us with these crucial topics, we will draw upon a select group of texts from anthropology, political and legal philosophy, documentary film and literary fiction. Whether engaging Enlightenment notions of social contract, indigenous rights, courtroom illustration, 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, no less than their empirical, reality-creating effects.

**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

**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. 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 (250-300 words). In lieu of a mid-term and final exam, there will be an individual research project consisting of an abstract, an annotated 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 and have been ordered through the UF bookstore:

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

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

Williams & Russell, *The Illustrated Courtroom* (CUNY Journalism Press, 2014)

These books have also been placed on reserve at Library West. All remaining assigned and supplemental readings are available to download from the Canvas course page.

**Films:** Among the critical materials for this course are six films, all scheduled during the first half of the semester. These will 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. When weblinks are not available, alternative arrangements will be made.

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

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

**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 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.

*For official UF Policy on attendance and absences please consult:*

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

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

**1. Participation (20%)** 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 at least two times 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, seven in all (25%)** These very brief responses (250-300 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 (25%)** 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 (30%)** 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.

**For Graduate students only** (ANG 6930 13FH) 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.

**Assignment Deadlines:**

- 1) three discussion questions (weekly): posted to the Canvas course page by **6pm every Tuesday**
- 2) reading reflections: 1/18, 2/1, 2/15, 3/1, 3/15, 3/29, 4/12
- 3) research project sketch: 2/22
- 4) research proposal: 4/24

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:** 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. **Two exceptions:** no extensions will be granted for the final research proposal; and there will also be no second chances to turn in the weekly questions (except for excused absences).

**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://archive.catalog.ufl.edu/ugrad/1617//advising/info/student-honor-code.aspx> also <https://sccr.dso.ufl.edu/quick-links/academic-integrity/>

**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/](http://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: 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).

As per university 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 also consult current UF policy on how grade point averages are calculated at <https://catalog.ufl.edu/ugrad/current/regulations/info/grades.aspx#calculating>.

**Course feedback:** Students are expected to provide feedback on the quality of instruction in this course by completing online evaluations at <https://evaluations.ufl.edu/>. Evaluations are typically open during the last two or three weeks of the semester, but students will be given specific times when they are open. Summary results of these assessments are available to students at <https://evaluations.ufl.edu/results/>

**UF Resources:**

Anthropology Library Guide: <http://guides.uflib.ufl.edu/c.php?g=147739&p=969917>

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/>

## Course Schedule

### **week one                    ethnography and the limits of empirical worlds**

1/9                    Introductions (or how to craft a question)

Canetti, "Question & Answer"

**film**: Hana-Bi (dir. Kitano)

1/11                    Silbey & Cavicchi, "The Common Place of Law"

Kafka, "The Problem of Our Laws"

**supplemental**:

Richland, "Jurisdiction"

### **week two                    forensic interventions**

1/16                    Mulla, *The Violence of Care*: Introduction, Chapters 1-3

1/18                    Mulla, Chapter 4

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

### **week three                    image, evidence, cliché**

1/23                    Williams & Russell, *The Illustrated Courtroom*

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

Mulla, "Normalizing Sexually Violated Bodies"

**supplemental**:

Barthes, "Rhetoric of the Image"

1/25 Arguedas, "The Pongo's Dream" / "Pongoq mosqoynin" / "Sueño del pongo"  
Leal, "You cannot be here"

supplemental:

Forensic Architecture Project, "Threshold of Detectability"

<https://www.forensic-architecture.org/theme/threshold-detectability/>

**week four**                      **relations... (how far to extend sympathy?)**

1/30 Moore, "Introduction to the Early Classics of Legal Ethnography"

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

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

2/1 Malinowski, *Crime and Custom in Savage Society*: Part II

supplemental:

Bohannon, *Justice and Judgment Among the Tiv* (excerpt)

**week five**                      **forbidden**

2/6 Fraser, "Taboo"

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

**film:** *M* (dir. Fritz Lang)

supplemental:

Taussig, "Transgression"

2/8 Taussig, "NYPD Blues"

**week six**                      **mythical violence or fairy tales**

2/13 Boll, "The Balek Scales"

Hobbes, *Leviathan*, Chapters 13-14

Locke, *Second Treatise of Government*, Chapter 8

supplemental:

Malinowski, "Myths of Origin"

2/15 Kernaghan, "Time as Weather"

**week seven**                    **democracy: the question of police**

2/20 Erickson, *Checked Out OK* (excerpts)

Stillman, "The Use and Abuse of Civil Forfeiture"

Locke, "Of Prerogative"

**film:** Rosa Chumbe (dir. Relayze)

supplemental:

Pietz, "Death of the Deodand"

2/22 Canetti, "Command. Flight and Sting"

supplemental:

Brighenti, "Did we really get rid of commands"

**week eight**                    **states of exception (frontier law)**

2/27 Carter, "Gothic Sovereignty"

Schmitt, "Definition of Sovereignty"

supplemental:

Schmitt, "Dictatorship in Contemporary Law and Order: The State of Siege"

3/1 **film:** Antonio das Mortes (dir. Rocha)

**SPRING BREAK**



**week nine                    a passion for justice**

3/13                    Kleist, "Michael Kohlhaas," pp. 210-258

3/15                    Kleist, "Michael Kohlhaas," pp. 259-280

**week ten                    liminal zones**

3/20                    Taussig, *Law in a Lawless Land*, pp. 1-88

3/22                    Taussig, *Law in a Lawless Land*, 89-108

**week eleven                research workshop**

3/27                    working group sessions

3/29                    working group sessions

**week twelve                multiple realities**

4/3                    Taussig, *Law in a Lawless Land*, pp. 109-186

4/5                    Taussig, *Law in a Lawless Land*, pp. 187-202

**week thirteen              when to accuse?**

4/10                    Siegel, *Naming the Witch*: prologue

Evans-Pritchard, *Witchcraft, Oracles and Magic among the Azande*:  
chapters 1-4

4/12                    Evans-Pritchard, *Witchcraft*: chapters 8-9

Siegel, *Naming the Witch*: Chapter 3

**week fourteen      legal events**

4/17                  Siegel, *Naming the Witch*: Chapter 6

4/19                  individual project presentations

**week fifteen      scenes from the ethnography of law**

4/24                  research project presentations