

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

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ANG 6930 - 25407 • ANT 4930 - 25408

i n a m a z o n i a

TUR 2306

M | Periods 3-5 (9:35AM - 12:35PM)

Instructor:

**Richard
Kernaghan**

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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 class examines relations of jurisprudence as they meet riverine environments. Keeping a strict geographic focus on "Amazonia," especially its western and northern margins, we will ask how enduring ties to land manifest in this region today. Who represents interests, human and more-than-human, even when acting from afar? From where do permissions arrive to extract wealth and advantage, sometimes without giving nearly enough in return?

Rivers, in their incessant drop from the heights of the Andes, move into and through landscapes of lowlands Amazonia. In so doing they bring to the fore historical struggles for ground: what churns at and beneath the surface, ever connected to what hovers above. Amazonian rivers, thus,

reiterate a general problem of relations: a certain something that always crops up in between. How, then, does any relation—material, social, ecological, temporal—become a legal relation, if not through a vitality that binds, obliges, entitles, cuts and stretches. To examine where that supplementary charge comes from, tracing back toward the sources of law in any particular Amazonian place, requires straddling more than one register of critical inquiry.

Therefore, over the semester, we will delve in select, engaging texts of Amazonian ethnology and historiography. We will draw as well upon works of cinema and literary fiction. Moving slowly, we will look and listen for the rhythms, events and reliefs that run through specific empirical worlds. We will take great care as well to familiarize ourselves with relevant legal concepts and practices, paying attention to how they combine language, force, and technique. More fundamentally still, we will ask how claims of any kind 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 the specific concerns & motifs that have shaped 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)
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)
Nimuendajú, C. *The Tukuna* (University of California Press, 1954)
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 provide appropriate documentation (*except for religious holidays*). In such cases you are responsible for contacting a classmate to obtain notes on materials and topics covered while away.

In accord with university attendance policies ([click here to read](#)), absences for reasons of illness, religious holiday, and official university business are excused.

If the absence is planned, please notify me ahead of time and as early as possible.

If the absence is unplanned, then as soon as it is feasible for you to do so.

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.

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Evaluations

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

Participation	20%	Ongoing
Seminar presentation (& discussion prompt)	15%	TBA: sign-up sheet
Seminar report	20%	TBA: sign-up sheet
Project abstract	5%	Mar 3
Annotated bibliography	15%	Mar 24
Final paper	25%	Apr 21

Participation: A grade 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 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 specific questions about major assignments.

participation grading scheme

5% / 5 points - i. regular, punctual attendance

5% / 5 points - ii. attentive listening, informed contributions during in-class conversations

5% / 5 points - iii. written discussion questions on seminar readings

5% / 5 points - iv. effective communication with instructor (i.e. email, office hours, etc.)

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 9am on Sunday*). 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 9am on Sunday*), 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, but 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 have a minimum of fifteen (15) annotated entries. Ten (10) or more 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 3000 words; for graduate students, between 4500 & 6000 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 must 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* – 3/03
- *term project bibliography* – 3/24
- *term project essay* – 4/21

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). Extensions for the term project essay will only be granted for documented extenuating or emergency circumstances.

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*: [Ombuds Complaint Portal](#).
- [Anthropology Library Guide](#)

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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
1/13	Varese, “Relations between the Andes and the Upper Amazon” Dancer, “Harmony with Nature: towards a new deep legal pluralism” Hénaff, “Living with Others: Reciprocity and Alterity in Lévi-Strauss” <u>supplemental:</u> Macpherson et. al., “Constitutional Law Ecosystems & Indigenous Peoples in Colombia” Walker, “Justice and the Dark Arts”
week 2	encroachments
1/20	HOLIDAY - CLASS DOES NOT MEET BUT PLEASE READ: Harris, “Revisiting first contacts on the Amazon 1500-1562” Porro, “Social Organization & Political Power in the Amazon Floodplain” Acuña, <i>A New Discovery of the Great River of the Amazons</i> (1639)
week 3	imperial jurisprudence
1/27	Schmitt, <i>Nomos of the Earth</i> : Part II Anghie, “Francisco de Vitoria and the Colonial Origins of International Law” Benton, <i>A Search for Sovereignty, Law and Geography</i> : Chapter 6 <u>supplemental:</u> Benton and Straumann, “Acquiring Empire by Law” Miller, “The International Law of Colonialism: a comparative analysis”

week 4

things that ground: *gravity, grave, pulse, relief...*

2/3

Gordillo, "Gravity on the Primacy of Terrain"

Potter, "The Mesozoic and Cenozoic paleodrainage of South America"

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

Clement et. al. – "The domestication of Amazonia before European conquest"

Denevan, "A Bluff Model of Riverine Settlement in Prehistoric Amazonia"

Junk, "The flood pulse concept in River-Floodplain Systems"

Cache, "Décrochement" (excerpt from chapter 3 of *Earth Moves*)

supplemental:

Levis et al. "Indigenizing conservation science for a sustainable Amazon"

Serres, *Geography*: ix-lvii

week 5

basins, opacities, seizures...

2/10

Goldstein, "Life in Traffic"

Varese, *The Salt of the Mountain*

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

supplemental:

"The ordeal of the Caquetá River and the Miraña people (cambiocolombia.com)"

week 6

concessionary powers

2/17

Hvalkof, "Outrage in Rubber & Oil Extraction"

Cepek, "There might be blood"

Guzmán-Gallegos, "Controlling Abandoned Oil Installations"

Torrealba Alfonso, *Kukama Radio*: Chapter 4

supplemental:

Zhoury & Pascoal, "From the muddy banks of the Watu: The Krenak and the Rio Doce mining disaster in Brazil"

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

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

week 7

foundations & their filters

2/24

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

Villar, "Amazonia by Steam"

Taussig, "Culture of Terror, Space of Death"

Oliveira, "*Wild Indians*, Tutelary Roles, & Moving Frontier in Amazonia"

Echeverri, "To Heal or to Remember"

supplemental:

Mitchell, editor's intro to *The Amazon Journal of Roger Casement*

week 8

winds, words...

3/3

Calvo, *The three-halves of Ino Moxo*

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

Gow, "River People: Shamanism and History in Western Amazonia"

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

supplemental:

Descola, "Beyond nature and culture: The traffic of souls"

Viveiros de Castro, "Perspectival Anthropology & the Method of Controlled Equivocation"

de la Cadena, "Uncommoning Nature Stories from the Anthro-po-Not-Seen"

week 9

the porosity of lines

3/10

Herzog, *Frontiers of Possession*: Part I

Sweet, *A Rich Realm of Nature Destroyed*: Chapters 3 & 7

Chauca, "Missionary hydrography and the invention of early modern Amazonia"

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

supplemental:

Wright, "Indian Slavery in the Northwest Amazon"

Dias, "Jesuit Maps and Political Discourse"

Altic, "Missionary Cartography of the Amazon after the Treaty of Madrid"

Roller, "River Guides Geographical Informants & Colonial Field Agents in the Portuguese Amazon"

*** **SPRING BREAK – March 17-21** ***

[PLEASE WATCH](#) - **film**: *Embrace of the Serpent* (dir. Guerra)

week 10

on territory and other claims

3/24

Santos Angarita, "*Narracion tikuna del origen del territorio*"

Ünãgükü Taüchina et al. "*Üyeane maûgü*"

Heckenberger, "Xinguero Heroes, Ancestors and Others"

Viegas, "Temporalities of Ownership"

Fausto, "Too many Owners"

supplemental:

Leitão Barboza et al., "Corpoteritorialização Katukina"

Costa, *The Owners of Kinship*

week 11

sites of emergence

3/31

Goldman, *The Cubeo* (pp.1-113)

Goldman, *Cubeo Hehénewa Religious Thought* (pp.1-88)

Nimuendajú, *The Tukuna* (chapters 1, 2, 9 & 10)

supplemental:

Reichel-Dolmatoff, review of *The Cubeo*

Wright, review of *Cubeo Hehénewa Religious Thought*

Faulhaber, "A View from the West: The Institute of Social Science and the Amazon"

week 12

ancestors, mortuaries (prescriptions against the void)

4/7

Chaumeil, "Bones, Flutes and the Dead"

Fausto, "Feasting on People"

Karadimas, "Odors and boundaries"

Lucas, "Digitization return and circulation of sound recordings among the Bora in the Colombian Amazon"

supplemental:

Taylor, "Remembering to Forget"

week 13

the oracular | in times of dream

4/14

Krenak, "Of dreams and the earth"

Kopenawa & Albert, *The Falling Sky* (excerpts)

supplemental:

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

week 14

presentations

4/21

reports on individual research & final reflections