

**Quarter:** Spring 2019

**Course:** Anthropology of Law

**Instructor:** Lee Cabatingan, Criminology, Law & Society

**Description:** This graduate seminar provides an advanced introduction to anthropological studies of law. The course covers foundational texts and classical readings in legal anthropology, long lingering topics of concern, such as post/colonialism, and recently emergent areas of inquiry, such as questions of sovereignty and jurisdiction.

**syllabus included on following pages**

CRM/LAW C234 Anthropology of Law  
Spring 2019

**ROUGH SYLLABUS**

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<b>Instructor</b>	Lee Cabatingan
<b>E-mail</b>	lcabatin@uci.edu
<b>Class Information</b>	
<b>Office Hours</b>	2303 Social Ecology II
<b>Website</b>	

**Introduction**

This graduate seminar provides an advanced introduction to anthropological studies of law. We will divide our time between foundational texts and classical readings in legal anthropology (Part I), long lingering topics of concern, such as post/colonialism (Part II), and more recently emergent areas of inquiry, such as questions of sovereignty and jurisdiction (Part III). Through these readings, students will gain an understanding of “law” as a complex and ever-evolving object of anthropological attention. They will also learn what an anthropological perspective can add to our knowledge about law and its place in various societies near and far. Students in the course will divide the labor of introducing the readings each week, presenting a brief critical review of the works listed and posing several questions for the class to discuss. A final research paper of 15-17 pages, guided by each student’s own interests and that incorporates at least one of the texts we read this quarter, is also required for a quality grade.

**Course Objectives**

After successful completion of this course, you should be able to:

1. Identify several classical and contemporary topics and texts in legal anthropology;
2. Understand “law” as an object open to anthropological inquiry;
3. Recognize the value-added of an anthropological perspective to our understanding of law and society.

**Readings**

This course will use a combination of articles, chapters, and books. To the extent possible, the readings will be made available on Canvas or will be accessible through journals to which you have digital access. However, there are several books that you are required to purchase. I have ordered the following books to the bookstore:

*TBD*

## Assessment

Your successful completion of this course will be determined by your active participation in class discussions, including, but not limited to, an in-class presentation of the readings with discussion questions. You are also expected to complete a final paper of 15-17 pages in which you incorporate at least one of the texts we read this quarter.

### Part I: Foundational Texts and Classical Readings

#### 1. Introduction to the Course and Foundations of Legal Anthropology

Possible texts:

- Maine, Henry Sumner. 2006. *Ancient Law*. (Chapters 2 &3)
- Hobbes, Thomas. 1651. *De Cive* (Chapters 13 & 14)
- Durkheim, Emile. 1997. *The Division of Labor in Society*. New York: The Free Press. (excerpts)
- Weber, Max. 1978. *Economy and Society: An Outline of Interpretive Sociology*. Berkeley: University of California Press. (excerpts)

#### 2. Functionalism and Structural Functionalism

Possible texts:

- Malinowski, Bronislaw. 1985. *Crime and Custom in Savage Society*. Totowa: Helix. (Part I)
- Radcliffe-Brown, A.R. 1965. *Structure and Function in Primitive Society: Essays and Addresses*. New York: The Free Press. (Chapters 9-12)
- Radcliffe-Brown, A.R. 1935. "Primitive Law." *Man* 35: 47-48.

#### 3. Great Debates

Possible texts:

- Gluckman, Max. 1967. *The judicial process among the Barotse of Northern Rhodesia*, Second Edition. Manchester: Manchester University Press. (excerpts)
- Bohannan, Paul. 1968. *Justice and Judgement Among the Tiv*. Prospect Heights: Waveland Press. (excerpts)
- Gluckman, Max. 1997. "Concepts in the Comparative Study of Tribal Law." In *Law in Culture and Society*, edited by Laura Nader, 349-74. Berkeley: University of California Press.
- Bohannan, Paul. 1997. "Ethnography and Comparison in Legal Anthropology." In *Law in Culture and Society*, edited by Laura Nader, 401-19. Berkeley: University of California Press.
- Comaroff, John L. and Simon Roberts. 1981. *Rules and Processes: The Cultural Logic of Dispute in an African Context*. Chicago: University of Chicago Press.

## PART II: Long Lingered Topics of Concern

### 4. Colonialism and “Customary” Law

Possible texts:

- Merry, Sally. 1991. Law and Colonialism. *Law and Society Review*, 25(4):889-922.
- Chanock, Martin. 1985. *Law, Custom, and Social Order: The Colonial Experience in Malawi and Zambia*.
- Moore, Sally Falk. 1986. *Social Facts and Fabrications: “Customary” Law on Kilimanjaro*.
- Comaroff, John. 2001. Law, Culture and Colonialism: a foreward. *Law and Social Inquiry*, 26(2): 101-110

### 5. The Colonial State and the Colonial Citizen

Possible texts:

- Cohn, Bernard. 1996. Law and the Colonial State in India. In *Colonialism and its Forms of Knowledge*
- Stoler, Ann. 1985. Perceptions of Protest: Defining the Dangerous in Colonial Sumatra. *American Ethnologist*, 12:642-58.
- Comaroff, John. 1998. Reflection on the Colonial State, in South Africa and Elsewhere: fragments, factions, facts, and fictions. *Social Identities*, 4(3):321-361.
- Comaroff, John and Jean Comaroff. 1997. *Of Revelation and revolution*, Vol. II. *The Dialectics of Modernity on a South African Frontier*.

### 6. Postcoloniality

Possible texts:

- Hansen, T. B. and F. Stepputat. 2001. *States of Imagination: Ethnographic Explorations of the Postcolonial State*. Durham, NC: Duke Univ. Press. (Introduction and selected chapters)
- Mbembe, Achille. 2001. *On the Postcolony*. (Ch. 1-2)
- Comaroff, John and Jean Comaroff. 2006. *Law and Disorder in the Postcolony*.
- Ng, K. H. 2009. *The Common Law in Two Voices: Language, Law, and the Postcolonial Dilemma in Hong Kong*. Palo Alto, CA: Stanford Univ. Press.

## PART III: Emergent Areas of Inquiry

### 7. Sovereignty and Non-Sovereignty

Possible texts:

- Hansen, T. B. and F. Stepputat. 2006. “Sovereignty Revisited” *Annual Review of Anthropology* 35: 295-315.
- Aretxaga, Begonia. 2003. “Maddening States,” *Annual Review of Anthropology* 32: 393-410.
- Bonilla, Yarimar. 2015. *Non-Sovereign Futures: French Caribbean Politics in the Wake of Disenchantment*. Chicago: Chicago Univ. Press.
- Bonilla, Yarimar. 2017. Unsettling Sovereignty. *Cultural Anthropology*

## 8. Jurisdiction and Law's Authority

Possible texts:

- Cormack, Bradin. 2007. *A Power to Do Justice. Jurisdiction, English Literature, and the Rise of Common Law, 1509–1625*. Chicago: University of Chicago Press.
- Richland, Justin B. 2013. Jurisdiction: Grounding Law in Language. *Annu. Rev. Anthropol.* 42:209–26.
- Richland, Justin. 2011. Hopi Tradition as Jurisdiction: On the Potentializing Limits of Hopi Sovereignty. *Law & Social Inquiry* 36(1):201–34.
- Maurer, Bill. 2013. Jurisdiction in dialect: sovereignty games in the British Virgin Islands. In *European Integration and Postcolonial Sovereignty Games: The EU Overseas Countries and Territories*, Rebecca Adler-Nissen and Ulrik Pram Gad, eds. New York: Routledge, 130-44.
- Kahn, Jeffrey. 2017. Geographies of Discretion and the Jurisdictional Imagination. *PoLAR* 40(1): 5-27.

## 9. The Temporality of Law

Possible texts:

- Greenhouse, Carol J. (1996) *A Moment's Notice: Time Politics Across Cultures*. Ithaca, NY: Cornell Univ. Press.
- Greenhouse, Carol J. (1989) "Just in Time: Temporality and the Cultural Legitimation of Law." 98 *The Yale Law J.* 1631-51.
- Valverde, Mariana. 2015. *The Chronotopes of Law: Jurisdiction, Scale and Governance*. Routledge
- Cabatingan, Lee. 2016. Time and Transcendence: Narrating Higher Authority at the Caribbean Court of Justice. *Law & Society Review* 50(3): 674-702.

## 10. Student choice!

Possible topics:

- Crime and policing
- Human rights
- Regional and International legal formations
- Activism