

LAW AND SOCIAL ANTHROPOLOGY

Syllabus and Reading Assignments

Spring 2009

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200 McAllister, Room 390

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Office Hours: T 3:30-4:30, W 12:00-1:00, and by appointment.

I. OBJECTIVES

This seminar will provide a broad overview of the field of legal anthropology - the comparative study of law, legal institutions, and other modes of dispute processing and regulation, in both contemporary and historical societies. Ultimately, the seminar will promote the adoption of a detached, inquisitive, and critical - that is to say, anthropological - perspective on the contemporary American legal system, and focus attention both on its cultural underpinnings, and on the complications which arise in its operation within a society of increasing ethnic diversity.

II. METHODOLOGY

The first seven or eight meetings of the seminar will pursue specific themes in legal anthropology, for which readings (and in some cases, films) will be assigned. I will normally start these meetings with introductory remarks, but the bulk of the time will be given to general discussion involving all members of the seminar. Please come to class each time prepared to participate in informed and critical discussion of the topic and assigned readings. Individual students may be requested to prepare summaries and critiques of particular readings (either from the list of required readings or from elsewhere) for oral presentation to the class. The remaining meetings will consist of oral presentations by students on their research topics.

Students will also read and critique a limited amount of each other's written work.

III. COURSE REQUIREMENTS

The primary requirement of the seminar is the completion of an approved research project, which will be the basis of one oral presentation and a final written report or paper. **Please note that the research project must be substantially based on ethnographic research.** We will discuss and clarify what that means, but it **cannot** be limited to library research in secondary materials. The data you gather may be in virtually any form (textual, film, interviews, observation, etc.) and may involve any topic related to the seminar.

A title or topic must be submitted by the second class meeting (**January 20**), and a **written prospectus** of the research project, including a description of the topic, outline of methodology, and brief review of relevant literature, is due by the fourth meeting

(February 3). The paper, which may fulfill the College's writing requirement, is due at **12:00 p.m., April 21**, one week after the last class meeting (note that April 21, a Tuesday and the last day of instruction for the College, is to be treated as a Wednesday, so our last class meeting is April 14).

Informed participation in seminar discussions is also required.

IV. EVALUATION

The course grade will be based on the final written report or paper, but may be adjusted upward or downward by one-half grade based on general class participation.

VI. CLASS SCHEDULE AND READINGS

All required readings will be posted to the class web site. Unless otherwise indicated, all readings listed for a class meeting are required. In some cases, you will have the option of reading one or more, instead of all of the readings assigned for a particular meeting. Please consult the syllabus regularly to ascertain the reading requirements.

Almost all of these readings can be read in more than one way, or for more than one purpose. You are explicitly encouraged to draw connections and mark distinctions between them – and to read them all critically – as I do.

- 1. Tuesday, January 13** - Legal Anthropology: defining the scope of the field
"Trobriand Cricket" (film).
John Monaghan and Peter Just "A Dispute in Donggo: Fieldwork and Ethnography" Chapter 1 of *Social and Cultural Anthropology: A Very Short Introduction*
- 2. Tuesday, January 20** - Reciprocity and exchange as mechanisms of enforcement
Bronislaw Malinowski, *Crime and Custom in Savage Society* (excerpts)
Lisa Bernstein, "Opting Out of the Legal System: Extralegal contractual relations in the Diamond Industry"
- 3. Tuesday, January 27** - Disputes and dispute processing in "intimate" societies
June Starr, "Turkish Village Disputing Behavior"
"Adliye" (film)
- 4. Tuesday, February 3** - Principles of field research
Carol Greenhouse, "Preface" and "A Note to Readers in Hopewell", from *Praying for Justice*
Herbert Kritzer, "Stories from the Field: Collecting Data from Outside Over There"
Rebecca Bryant, review of *Personal States: Making Connections between People and Bureaucracy in Turkey*

5. **Tuesday, February 10** - Law in colonial and post-colonial societies
Sally Engle Merry, "Courts as Performances: Domestic Violence Hearings in a Hawai'i Family Court"
Tobias Kelly, "Returning Home? Law, Violence, and Displacement among West Bank Palestinians"
6. **Tuesday, February 17** – Anthropological studies of American legal institutions
John Conley and William O'Barr, "Hearing the Hidden Agenda: the ethnographic investigation of Procedure"
Susan Coutin, "Enacting Law through Social Practice: Sanctuary as a Form of Resistance"
Film: "Little Injustices"
7. **Tuesday, February 24** – Anthropology and Human Rights
Sally Engle Merry, "Human Rights Law and the Demonization of Culture (and Anthropology along the Way)"
Madhavi Sunder, "(Un)disciplined" (response to Sally Merry)
Elsibetta Grande, "Hegemonic Human Rights and African Resistance: Female Circumcision in a Broader Comparative Context"
8. **Tuesday, March 3** - The uses of anthropological insight in legal practice
James Clifford, "Identity in Mashpee"
Deirdre Evans-Pritchard and Alison Dundes Renteln, "The Interpretation and Distortion of Culture: a H'mong Marriage by Capture Case in Fresno, California"

Spring Break

9. **Tuesday, March 17** - student presentations
10. **Tuesday, March 24** - student presentations
11. **Tuesday, March 31** - student presentations
12. **Tuesday, April 7** - student presentations
13. **Tuesday, April 14** - student presentations

Tuesday, April 21, 12:00 p.m. - final paper due