ANTH 680: Tutorial Reading 1, The Anthropology of Law

Prof. Ronald Niezen

Fall 2020
Wed, 3:05 - 5:55
Via Zoom

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1. Course description:

This course has three principal goals: The first is to introduce students to the key issues, concepts, and methods of the anthropology of law as a distinct field of research. This part of the course in the first several weeks introduces the intellectual history of legal anthropology, outlining the legacy of the most influential approaches to the comparative and ethnographic study of legal systems. Some of the pioneering anthropologists in British social anthropology in particular were centrally concerned with problems relating to law: the sources of social order, obedience, and dispute resolution in the absence of literacy and bureaucracy.

Second, the anthropology of law will be approached as a sub-discipline with important things to say about contemporary cultural contests, activism, group representation, and identity formation. It has emerged in the past decade or so as a particularly ground-breaking field of research, in part because it has become central to understanding the changed dynamics of cultural expression and collective identity through new avenues of communication and transnational networking. In many parts of the world, legal systems are “pluralizing,” often integrating local conceptions of justice with formal procedures and institutions. At the same time, more people and organizations than ever before are using the institutions and mechanisms of law to achieve conditions of equal access to the benefits of rights, recognition, and prosperity, above all through new standards and processes of human rights. The challenges of identifying and interpreting the controversies that follow from claims of difference and distinct rights alongside claims of equality and uniform standards of justice are central to the emerging field of legal anthropology.

Finally, the course is intended to develop the ethnographic skills needed to gather information on legal phenomena. The distinct challenges of legal anthropology include ethnographic observation in institutional settings and the significance of legal documents for ethnographic understanding, will be addressed in class and in the assignments.

Requirements:

Reading analysis: x 6, 2 to 3 pages each, due the day of the reading assignment: 60%
Ethnographic reports, due November 23, 5:00 pm: 40%
Reading analysis. Students are asked to select any 6 weekly reading assignments and to offer short analytical review of each. The model is that of a brief book review. Since one goal of this assignment is to facilitate deeper class discussion, the reviews are due on the day of the class meetings in which the reading has been assigned. Late reading analyses will not be accepted.

Ethnographic report. For this assignment, students are asked to conduct and report on their own foray into institutional ethnography. The exercise consists of making two or more visits to the same venue to make observations, writing field notes for each visit, and reporting on the process of investigation and discovery. Questions that you might address are: What obstacles, if any, did you encounter in gaining access to the venue? What were the reactions of others, if any, to your presence? What difference(s) did you find between your first and second (and, if applicable, subsequent) visits in terms of what you observed? Your choice of venue will of course have to follow the limits of Covid closures and safety requirements. You may, if you wish, choose to do an online investigation, addressing the same questions as above, but adding something about what you might not be seeing or properly understanding from your online vantage point. (This is speculative, I know, because if you can’t see it, you can’t report on it, but all the same it might be worth thinking about.) Your paper based on this exercise is not a research assignment, although you may add references if you choose. Rather, it should be a report of the process of research. You are not expected to do a complete ethnography, so loose ends and empty spaces, particularly those properly acknowledged and commented on, are welcome. The ethnographic assignment will be assessed in part with reference to the quality your ethnographic observations. (How to achieve this will be discussed in class meetings.)

The completed paper should be no more than ten pages, double spaced, 12 Times New Roman font, default margins, etc.

All assignments must be successfully completed to receive course credit. Ethnographic reports submitted after the submission deadline without either prior arrangement with the instructor or a documented excuse will be penalized at a rate of 10% of the assignment’s value per day. All assignments will be submitted via MyCourses.

3. Course activity
Class time will consist of one class meeting (Wed., 3:05 - 5:55) each week. Class time will consist of brief lectures, discussion of readings, and methods preparation.

4. Readings.
Readings consist of 60 – 90 pages of assigned reading per week. Readings form the basis of the class activity; and each week’s assignment should be completed prior to the class meetings. Recommended readings are intended as suggestions for further exploration.

The following two books will be covered in greater detail and may be purchased from an online bookseller. (Some copies of #HumanRights may be available at Paragraph Books.)


All other readings will be made available on MyCourses. Recommended and assigned readings may be changed during the course to accommodate new discoveries, although the general topics will remain the same.

5. Schedule of Classes and Topics.

Week 1, Sept 8: Introduction.


Recommended:


Week 2, Sept 15: Law and Social Progress: Nineteenth Century Paradigms.

Maine, Henry. *Ancient Law*, pp. 73-100.


Durkheim, Emile. *The Division of Labour in Society*. Ch. 2, 3.


Gluckman, Max. The Judicial Process Among the Barotse of Northern Rhodesia. Selection from Sally Falk Moore, *Law and Anthropology: A Reader*, pp. 84-86.
Recommended:


**Week 4, Sept 29: Customary Law and Legal Pluralism.**


Recommended:


**Week 5, Oct 6: The Anthropology of Law Online.**


Lupton, Deborah. (editor) (2020) Doing fieldwork in a pandemic (crowd-sourced document). Available at:
https://docs.google.com/document/d/1clGjGABB2h2qbduTgfqribHmog9B6P0NvMgVuiHZCl8/edit?ts=5e88ae0a#

**Week 6, Oct 13: Law, Culture, and Juridification.**


Recommended:


**Week 7, Oct 20: Human Rights in Practice.**


Recommended:


**Week 8, Oct 27: The Ethnography of Judicial Process.**


Recommended:


**Week 9, Nov 3: The Ethnography of Institutions.**


Recommended:


**Week 10, Nov 10: Transnational Movements and Activism.**

Merry, Sally Engle. 2006. Human Rights and Gender Violence. Ch. 2.


Recommended:


Week 11, Nov 17: Environmental Change and Rights to (and of) Nature.


***Ethnographic reports, due November 23, 5:00 pm***

Week 12, Nov 24: Speech Crime and the Politics of Hate.


Week 13, Dec 1: Topic and readings t.b.a.

5. Statements on academic integrity and language:

*Statement on academic integrity:*

McGill University values academic integrity. Therefore, all students must understand the meaning and consequences of cheating, plagiarism and other academic offences under the code of student conduct and disciplinary procedures (see www.mcgill.ca/integrity for more information).

L’université McGill attache une haute importance à l’honnêté académique. Il incombe par conséquent à tous les étudiants de comprendre ce que l’on entend par tricherie, plagiat et autres infractions académiques, ainsi que les conséquences que peuvent avoir de telles actions, selon le code de conduite de l’étudiant et des procédures disciplinaires (pour des plus amples renseignements, veuillez consulter le site www.mcgill.ca/integrity).

*Statement on language:*

In accordance with McGill University’s Charter of Students’ Rights, students in this course have the right to submit in English or French any written work that is to be graded.

Conformément à la Charte des droits de l’étudiant de l’Université McGill, chaque étudiant a le droit de soumettre en français ou en anglais tout travail écrit devant être noté.