ANTH 222 – Legal Anthropology

Instructor: Justin Raycraft
Class: 8:35 am - 9:55 am (EST), Tuesdays and Thursdays (remote delivery)
Office hours: 2pm-4pm (EST) on Tuesdays (remote via zoom link)
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Teaching Assistants: TBD

Course Description

How do social institutions function in the context of society to promote solidarity and resolve disputes? And how do these mechanisms operate across cultures, and at different scales? In wrestling with these key questions, this course will provide an overview of anthropological engagements with the field of law. We will touch on topics of relevance to the social lives of individuals and collectives including the role of customary practices and oral traditions in small-scale societies, the political forces of the territorial state, and the intersecting influences of international law. In doing so, we will challenge our preconceptions as we consider what constitutes ‘morality’ vis-a-vis universal notions of human rights, and culturally-specific ways of knowing. We will explore the ways in which different institutional arrangements for governing and managing people supersede one another and coexist in the context of legal pluralism. And finally, we will question what all this means for the anthropologist tasked with doing legal ethnography. Ultimately, the course aims to instill an appreciation for the theoretical complexity of law, as it exists across cultures, and the wealth of possibilities that this field of study can offer those with interest in the anthropological project.

Course Requirements

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<th>Method for Evaluation</th>
<th>% of Final Grade</th>
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<tr>
<td>Take-home Exam #1</td>
<td>30</td>
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<tr>
<td>Take-home Exam #2</td>
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<td>Take-home Exam #3</td>
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<tr>
<td>Participation</td>
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Take-home Examinations

The take-home Examinations will involve an evaluation of students’ knowledge of the course materials. The format will be similar for all of the exams. The first exam will cover reading materials from the first four weeks of class. The second will assess students’ understandings of the materials from weeks 5-8. The first two Take-home examinations will each comprise four question prompts for short answer responses, from which students will select two to answer. Each question will relate to the central theme of one particular week of class, and as such each response should reflect a grasp of that week’s reading material. External references are NOT advised, as this is an exercise in working through the course materials. The questions will evoke students’ understandings of key themes and concepts in relation to a specific reading, or set of readings. Each response will be limited to 700 words maximum, and responses longer than this upper limit will be penalized a point. Each short answer response will be graded out of 10 points.
The first two Take-home Examinations will be posted to MyCourses on Jan. 28, and Feb. 25 respectively, and each will be due one week from their initial posting date at 5pm EST. The third Take-home Exam will follow a similar format, but will cover the course materials from weeks 10-15, and will present the students with six question prompts, from which students will answer three (700 word limit responses). The third Take-home Exam will be posted to MyCourses during the Final Exam period on April 19, and will be due one week later.

**Plagiarism detection software**
Work submitted for evaluation as part of this course may be checked with text matching software within MyCourses (Urkund).

**Participation**
Class participation will be evaluated through short written summaries of the weekly reading materials (minimum of 5 sentences). Students will annotate one reading of choice from the week’s assigned readings. The process of annotating readings through short summaries is a crucial skill that will teach students to extract key pieces of information from texts and organize them into short narrative abstracts in their own words to aid with personal understanding. This learning process will serve students well in preparation for their Take-home Examinations, and beyond this course for those with interests in later pursuing graduate school or postgraduate study in the field of law. The summaries will be graded on a completion basis. They may be assigned grades of 0 (not submitted); .5 (submitted but the summary is cursory, late, incomplete, or filled with spelling/grammatical mistakes); 1 (submitted and summary is sufficient for basic understanding of key points). Students are required to submit a total of seven weekly summaries. The submissions must be made in separate weeks, but students will have the authority to decide which weeks they do not submit summaries, depending on their personal workload, interests, and accessibility considerations. There will be no bonus marks for submitting more than seven article summaries. If more than seven are submitted, the most recent seven will be used to calculate the participation grade.

**Assigned Readings**
Students will not be required to purchase textbooks or course packages for this course. All reading materials will be available as .pdf or .docx files via the MyCourses portal. When working through the reading material, it is not necessary to memorize everything (e.g. dates), but rather, key concepts and arguments, which students can draw from in writing their Take-home Examinations. Course readings will comprise between 30-80 pages per week. Taken together, the reading materials offer an overview of some important themes with central significance to the anthropology of law. They are not in and of themselves comprehensive. Take-home Examinations will provide students with a one week window to engage closely with their readings of choice, offering some flexibility for choosing which readings to dive into in greater depth. The intention here is for students to engage thoroughly with those topics that interest them most, while also prioritizing flexibility to take into account accessibility and workload concerns in the context of the COVID-19 pandemic. “Further readings” are not required for this course, and are listed for those with intrinsic interest in the given topic.
Course Lectures
Lectures will be pre-recorded via Zoom and uploaded to MyCourses the night before class, with the expectation that students will watch the lectures during the allocated class time. Opportunities for students to virtually meet with the instructor and the TAs to discuss the course materials will be available during designated Zoom office hours. Lectures will be shorter than the standard 1.5 hr time slots allotted for class time to take into account the fact that pre-recorded lectures often contain more streamlined presentation of course materials.

Submissions and Deadlines
Take home examinations are due at 5pm EST on the specified deadlines. Article summaries are due at 5pm EST on the day of the Thursday lecture. All submissions are to be made via the MyCourses web portal in the designated submissions folders.

McGill University Policy 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/students/srr/honest/ for more information).

Language Policy
In accord with McGill University’s Charter of Students’ Rights, students in this course have the right to submit in English or in 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 (sauf dans le cas des cours dont l’un des objets est la maîtrise d’une langue).

Policy on Reproduction of Video Lectures
I remind everyone of their responsibility in ensuring that lecture videos and associated material are not reproduced or placed in the public domain. This means that each of you can use it for your educational (and research) purposes, but you cannot allow others to use it, by putting it up on the Internet or by giving it or selling it to others who may also copy it and make it available. Please refer to McGill’s Guidelines for Instructors and Students on Remote Teaching and Learning for further information. Thank you very much for your help with this.
Course Schedule (Jan. 7 – April 15, 2021)

Week 1 – Introduction – Law as Cultural Practice (Jan. 7)


Further Reading:


Week 2 – Knowledge and Institutions (Jan. 12, 14)


Mary Douglas 1986. How Institutions think. Introduction and Chapter 1 Institutions cannot have minds of their own. (Pgs. 1-20)

Emile Durkheim What is a social fact? In Rules of the Sociological method 1982. (Pgs. 50-60)

Further Reading:

*Anthropology of Ontologies*

Eduardo Kohn Annual Review of Anthropology 2015 44:1, 311-327 (particularly the operationalized definition of ontology on pg. 311)

Week 3 – Customs, Oral traditions and Codification (Jan. 19, 21)


Bruce Miller 2011. Oral History on Trial: Recognizing Aboriginal Narratives in the Courts (Preface and Introduction)

Further reading:

Julie Cruickshank 1992 Invention of Anthropology in British Columbia's Supreme Court: Oral Tradition as Evidence in Delgamuukw v. B.C. (pgs. 1-18)


Lucy Mair - Law in an Age-based Political system: The Arusha (pp. 137-148)


Bruce Miller 2011. Issues in Law and Social Science. In Oral History on Trial. (approx. 30 pages)


Week 4 – The State (Jan. 26, 28)


Max Weber – Politics as Vocation (Introduction) (Pgs. 1-27)

Antonio Gramsci State and Civil Society (pp. 71-86)

Further Reading:
Jean Jacques Rousseau. The social contract or principles of political right. 1762. Book 1 (pgs. 1-17).

John Locke – Two Treatises of Government

Thomas Hobbes – Leviathan

Max Weber - Bureaucracy (pgs. 199-244)


TAKE HOME MIDTERM EXAM #1 POSTED ON JAN. 28, 2021

Week 5 – Ideology and Hegemony (Feb. 2, 4)

Ronald Niezen. 2000. (Pgs. 38-41) “Prelude to Nation-Building” In Spirit Wars

Antonio Gramsci – Ideology and Ideological State Apparatuses (pp. 86-112)

Hobsbawm – Invention of Tradition – Introduction: Inventing Traditions (Pgs. 1-15)

Benedict Anderson – Imagined Communities (Introduction) (Pgs. 1-9)

Further reading:


TAKE HOME MIDTERM EXAM #1 DUE ON FEB. 4, 2021

Week 6 – Governmentality and the Conduct of Conduct (Feb. 9, 11)


Further Reading:
Foucault, Michel. 1977. Introduction to "Discipline and Punish (A. Sheridan, Trans.)." *New York: Pantheon*.

**Week 7 – Space and Territory (Feb. 16, 18)**

John A. Agnew (2013): Territory, Politics, Governance, Territory, Politics, Governance, 1:1, 1-4


Further Reading:


**Week 8 – Property Theory (Feb. 23, 25)**


Further Reading:


**TAKE HOME MIDTERM EXAM #2 POSTED ON FEB. 25, 2021**

**Week 9 – READING WEEK (March 2, 4)**

**TAKE HOME MIDTERM EXAM #2 DUE ON MARCH 4, 2021**

**Week 10 – Legal Pluralism (March 9, 11)**

Katherine Lemons. 2019. Chapter 1 - Regulating Kinship under Legal Pluralism. In Divorcing Traditions (Pgs. 3-34)


Further Reading:


**Week 11 – International Law and Indigeneity (March 16, 18)**

Ronald Niezen. The origins of the International Movement of Indigenous Peoples. *In* The Origins of Indigenism: human rights at the politics of identity (Pgs. 29-52)


Katja Gocke – Indigenous Peoples in International Law in *Adat* In Indigeneity in Indonesia (Pgs. 17-30)

Further Reading:


**Week 12 – Human Rights and Relativism (March 23, 25)**


Further reading:


Paul Farmer – Introduction to AIDS and Accusation

Paul Farmer – Introduction to Pathologies of Power.

Arthur Kleinman – Introduction to Social Suffering

**Week 13 – Law and Gender (March 30, April 1)**


Mark Goodale Law and the Moral economy of Gender In Law and Anthropology (pgs. 163-183).

Further Reading:


Merry et al. 2010. Law From Below: Women’s Human Rights and Social Movements in New York City

**Week 14 – Legal Process: Resolving Conflicts and Disputes (April 6, 8)**


Further Reading:

Lara Nader – Coercive Harmony: the Political Economy of Legal Models (Pg. 1-13)

Bronislaw Malinowski. Primitive crime and its punishments In Crime and Custom in Savage Society (pg. 21-38)


Week 15 – Doing Legal Ethnography (April 13, 15)


Further reading:


Philip Abrams. Notes on the difficulty of studying the state (Pp. 112-131).


FINAL TAKE HOME EXAM – POSTED APRIL 19, DUE ON APRIL 26, 2021.