

RSOS2953/RSOS4953 – Legal Anthropology Fall 2020

Please note that times may change. Updates will be posted at the semester course site and in CANVAS.

General information:

Each lecture is divided into two parts – a 45 minutes online lecture on the announced topics and 45 minutes discussion on zoom. The lecture will be made available online Thursday afternoon the week before the discussion. In the 45 minutes zoom meeting we assume that the students have read the assigned literature, listened to the online lecture. In the online zoom meeting the students will discuss questions that have been posted and ask questions.

Discussion groups:

We encourage the students to form online discussion groups where they can discuss among themselves.

Home exams. The students write an exam paper.

Individual course essay (optional). To enhance their writing skills and prepare for the home exam the students have the opportunity to write a paper on topic that cut across the course literature. The essay will be given individual comments along with a general discussion in the last class 26 October. The essay must be handed in by 19 October.

The course book : Merry, Sally Engle. *Human rights and gender violence: Translating international law into local justice* (University of Chicago Press, 2009). The students have to buy this book.

The articles are available online or in PDF in Canvas.

Monday 31 August (45 minutes online lecture and 45 minutes practical information and questions from students)

Topic: Introduction (Anne Hellum ,Stener Ekern and Kristin Sandvik)

Readings:

Moore, Sally Falk. 'Certainties Undone: Fifty Turbulent Years of Legal Anthropology, 1949-1999.' *The Journal of the Royal Anthropological Institute*. 2001. Vol. 7, No. 1, pp. 95-116. 21 pages.

Griffiths, Anne. "Legal Pluralism" in Reza Banakar, Max Travers (ed.) *An Introduction to Law and Social Theory* (Hart Publishing 2002) 289-310, 21 p.

Case study based on fieldwork: Ekern, Stener. "Between relations and rights: writing constitutions in Mayan Guatemala." *The Journal of Legal Pluralism and Unofficial Law*: 2018. 1-21, 20 p

Monday 7 September

Topic: Rights, culture and legal pluralism (Anne Hellum and Stener Ekern) 45 minutes lecture available in the afternoon Thursday 3 September – 45 minutes zoom discussion Monday 7th)

Readings:

Covan, Jane K., Marie- Benedicte Dembour and Richard A Wilson (2001): "Introduction and Rights: Anthropological Perspectives." In: Cowan, Jane K., Marie-Bénédicte Dembour, and Richard A. Wilson, (eds.) *Culture and rights: Anthropological perspectives*. Cambridge University Press, 2001. pp. 1-20. 19 p.

Moore, Sally Falk. "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study." *Law & Society Review*. 1973. Vol. 7, No. 4, pp. 719-746. 27 pages

Case studies based on fieldwork:

Hellum, Anne. "18. How to study human rights in plural legal contexts: an exploration of plural water laws in Zimbabwe." *Research Methods in Human Rights: A Handbook* (2017): 435-460, 25 p. [Canvas]

Eckert, Julia. "From subjects to citizens: legalism from below and the homogenisation of the legal sphere." *The Journal of Legal Pluralism and Unofficial Law* 38.53-54 (2006): 45-75.

Monday 14 September (45 minutes lecture available in the afternoon Thursday 10 September – 45 minutes zoom discussion Monday 14th)

Topic : Gender, culture, rights and legal pluralism (Anne Hellum) (45 minutes lecture available in the afternoon Thursday 10 September – 45 minutes zoom discussion Monday 14th)

Readings: Merry, Sally Engle. *Human rights and gender violence: Translating international law into local justice* (University of Chicago Press, 2009). 1-232, 231 p.

Monday 21 September

Topic: Disputes (Stener Ekern and Anne Hellum) (45 minutes lecture available in the afternoon Thursday 17th September – 45 minutes zoom discussion Monday 21th)

Readings:

Nader, Laura "Ch. 3 Hegemonic Processes in Law: Colonial to Contemporary", *The Life of the Law, Anthropological Projects* (University of California Press 2002) (117-168), 51 p.

Christie Nils. "Conflict as Property" *The British Journal of Criminology*, 17:1.1 (1977) (1–15), 15 p.

Griffiths, Anne and Randy F. Kandel. "Local Responses to National and Transnational Law: A view from the Scottish Children's Hearings System", in Anne Hellum, Shaheen Sardar Ali and Anne Griffiths (eds.) *From Transnational Relations to Transnational Laws* (Ashgate 2011) (189-207), 18 p.

Monday 5 October (45 minutes lecture available in the afternoon Thursday 1 October – 45 minutes zoom discussion Monday 5 October)

Topic: Legal Formats, Bureaucracies and Courts – international, national and local perspectives (Kristin B. Sandvik and Stener Ekern)

Readings:

Merry, Sally Engle. "Measuring the World, Indicators, Human Rights and Global Governance", *Current Anthropology* 52:3 (2011), 14 p.

Readings: Zerilli, Filippo M. "The rule of soft law: an introduction." *Focaal* 56 (2010): 3-18, 15 p.

Gerhard Anders "The New Global Legal Order as Local Phenomenon: The Special Court for Sierra Leone", In Franz von Benda- Beckmann, Kebeet von Benda- Beckmann and Anne Griffiths (eds.) *Spatializing Law. Anthropological Geography of Law in Society* (Ashgate 2009). (137-156), p. 19.

Sieder, Rachel. "Sexual violence and gendered subjectivities: indigenous women's search for justice in Guatemala" in *Gender justice and legal pluralities. Latin American and African perspectives*. Rachel Sieder and John-Andrew McNeish (eds.) (New York: Routledge-Cavendish, 2013), 23 p.

Sandvik, Kristin Bergtora. "Humanitarians in court: how duty of care travelled from human resources to legal liability." *The Journal of Legal Pluralism and Unofficial Law* (2018), 17 p.

Monday 12 October 45 minutes lecture available in the afternoon Thursday 8 October – 45 minutes zoom discussion Monday 12 October)

Topic: Law, culture and markets (Kristin B. Sandvik). (

Readings:

Ganti, Tejaswini. "Neoliberalism." *Annual Review of Anthropology* 43 (2014): 89-104, 15 p.

Kuldova, Tereza (2016) 'Hells Angels™ Motorcycle Corporation in Fashion Business: Interrogating the Fetishism of the Trademark Law.' *Journal of Design History*. Pp. 1- 19. 19 pages.

Hellum, Anne and Derman, Bill. "Government Business and Chiefs", In Franz von Benda-Beckmann, Keebet von Benda- Beckmann and Julia Eckert (eds.) *Rules of Law and Laws of Ruling. On the Governance of Law* (Ashgate 2009), 13 p. [Canvas]

Low, Setha. "Security at home: How private securitization practices increase state and capitalist control." *Anthropological Theory* 17.3 (2017): 365-381, 16 p.

Monday 19 October 45 minutes lecture available in the afternoon Thursday 15 October – 45 minutes zoom discussion Monday 19 October)

Topic: Legality and illegality (Kristin B. Sandvik)

Readings:

Sandvik, Kristin Bergtora. 'Blurring Boundaries: Refugee Resettlement in Kampala—between the Formal, the Informal, and the Illegal.' *PoLAR: Political and Legal Anthropology Review* (2011) vol.34 no.1, pp. 11-32. 22 pages.

Coutin, Susan Bibler. "Illegality and the Spaces of Nonexistence pp", in *Legalizing Moves: Salvadoran Immigrants' Struggle for U.S. Residency* (University of Michigan Press 2000), (27-47) 20 p. [Canvas]

Gaas, Mohamed Husein and Thomas Hylland Eriksen. In Hellum, A., Ali, S.S. & Griffiths, A.(eds.), *From Transnational Relations to Transnational Laws: Northern European Laws at the Crossroads*, 251-274 (Ashgate 2011), 23 p.

Melhuus, Marit. "Cyberstork Children and the Norwegian Biotechnology Act- Regulating Procreative Practices to What Effect." in Anne Hellum, Shaheen Sardar Ali and Anne Griffiths (eds) *From Transnational Relations to Transnational Laws*, Ashgate 2011 (CRC) (51-70), 19 p

Rudrappa, Sharmila, and Caitlyn Collins. "Altruistic agencies and compassionate consumers: moral framing of transnational surrogacy." *Gender & Society* 29.6 (2015): 937-959, 22 p.

Monday 26 October : Course essay to be submitted 19 October.

Topic: Discussion of individual essays and advice for home exam. Anne Hellum, Stener Ekern and Kristin Sandvik

Home essay topic:

"The overall topic of the essay is the relationship between economy, culture and rights in legal anthropology with focus on the dynamics of legal pluralism. Draw on the syllabus to describe and discuss how economic context shapes the relationship between different regulatory structures, particularly the ways in which norms are generated at the level of state-law and within a group or a community."