

The Anthropology of Violence and Law

Spring 2011

ANTH UA-320-004 /LWSOC UA-951-001

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This course explores the nature of law and of violence from an anthropological perspective. It sees law as a system of ordering relations and controlling conflict in contexts as diverse as small bands and global institutions. Law is fundamental to maintaining state power and to colonial expansion yet also provides a way of dealing with conflict that does not require parties to use violence. Violence is a complicated concept, including both physical harm and cultural meanings. The course examines law and violence in the context of non-state societies, colonialism and postcolonialism, international law and human rights, alternative dispute resolution techniques, and practices of governmentality and audit.

This is an advanced seminar, and students are expected to do the readings and come to class prepared to discuss the material. There will be three short papers based on the course readings. Each is 30% of the grade and class participation is 10%. In each class, three students will be assigned to raise critical points and questions from the readings.

Required Books:

E.E. Evans-Pritchard. 1940. *The Nuer: A Description of the Modes of Livelihood and Political Institutions of a Nilotic People*. Oxford Univ. Press. Also available on kindle.

Malinowski, Bronislaw. 1926. *Crime and Custom in Savage Society*. Littlefield Adams.

E.E. Evans-Pritchard. *Witchcraft, Oracles, and Magic among the Azande. (abridged version)*. Blackwell.

Joseph Conrad. *Heart of Darkness*.

Chinua Achebe. *Things Fall Apart*.

Sally Engle Merry. 2000. *Colonizing Hawai'i: The Cultural Power of Law*. Princeton Univ. Press.

Jean and John L. Comaroff, eds. 2006. *Law and Disorder in the Postcolony*. Univ. of Chicago Press.

January 24-26: Law and Violence: What is Law?

Max Gluckman. 1955. "The Peace in the Feud." *Past and Present* 8 (1): 1-14. (available through library, on JStor)

Robert Redfield. 1964. "Primitive Law." *University of Cincinnati Law Review* 33 (1): 1-22.

January 31 – February 2: Law in Stateless Societies I: Reciprocity

Bronislaw Malinowski. 1926. *Crime and Custom in Savage Society*. Littlefield Adams.

Jan 31 – first part

Feb 2 – second part

February 7 – 9: Law in Stateless Societies II: Negotiating Violence

E.E. Evans-Pritchard. 1940. *The Nuer: A description of the modes of livelihood and political institutions of a Nilotic people*. Oxford Univ. Press. Introductory and chapters I, III, and IV. Chapter IV focuses in particular on law.

Recommended: rest of the book.

February 14 – 16: Theorizing Violence and the Law

"Introduction" by Nancy Scheper-Hughes and Philippe Bourgois. 2004. In *Violence in War and Peace*. Nancy Scheper-Hughes and Philippe Bourgois, eds. Blackwells. On Blackboard.

Primo Levy, "The Gray Zone." From *The Drowned and the Saved*. 1988. Abridged, in *Violence in War and Peace*. Nancy Scheper-Hughes and Philippe Bourgois, eds. Blackwells. On Blackboard.

Hannah Arendt, 1963. "Judgment, Appeal, and Execution." From *Eichmann in Jerusalem: A Report on the Banality of Evil*. Abridged, in *Violence in War and Peace*. Nancy Scheper-Hughes and Philippe Bourgois, eds. Blackwells. On Blackboard.

Robert M. Cover. 1986. "Violence and the Word." *Yale Law Journal* 95 (8): 1601-1609. Online.

Daniel Goldstein. 2003. "In our own hands: Lynching, justice, and the law in Bolivia." *American Ethnologist*, Volume 30, Issue 1: 22-43. Online in Anthrosource.

February 21- March 1: Violence and Imperialism

Feb. 21: Joseph Conrad. *Heart of Darkness* and Chinua Achebe. *Things Fall Apart*.

Feb. 23: No class

Feb 28: The Space of Death

Michael Taussig. 1984. "Culture of Terror-Face of Death: Roger Casement's Putumayo Report and the Explanation of Torture." *Comparative Studies in Society and History* 26 (3): 467-97. Available online.

March 1: Colonial Violence

Franz Fanon. 1963. "Concerning Violence." Pp. 35-107 in *Wretched of the Earth*. On Blackboard.

March 6-8: Law, Oracles, and Witchcraft

E.E. Evans-Pritchard. *Witchcraft, Oracles, and Magic among the Azande*. (abridged version). Blackwell.

March 20-22: The Disputing Process and ADR

Laura Nader and Harry Todd, eds. 1978. *The Disputing Process: Law in Ten Societies*. "Introduction" and chapters 1, 2, and 4. On Blackboard.

Felstiner, William L.F., Richard L. Abel and Austin Sarat. 1981. "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming." *Law and Society Review*. Vol. 15(3/4):631-654.,

Richard Abel. 1979. "The Rise of Capitalism and the Transformation of Disputing: From Confrontations over Honor to Competition for Property," *UCLA Law Review* 27: 223-55. On line.

March 27: Gossip and Scandal

Merry, Sally Engle. 1984. "Rethinking Gossip and Scandal." Pp. 271-303 in Donald Black (ed.) *Toward a General Theory of Social Control*, Vol. I. On Blackboard.

Kristin Sandvik. 2011. "Blurring Boundaries: Refugee Resettlement in Kampala – between the Formal, the Informal, and the Illegal. *PoLAR: Political and Legal Anthropology Review*, Volume 34, Issue 1 (May 2011) Pages: 11-32. Available online through Anthrosource.

March 29- April 3: Marxism and Law

Mindie Lazarus-Black and Susan Hirsch, eds. 1994. "Introduction" and chapters "Kadhi's Courts" and "Slaves, Masters, and Magistrates." *Contested States*. On Blackboard.

Maureen Cain and Alan Hunt. Selections from *Marx and Engels on Law*. On Blackboard.

E.P. Thompson. 1963. "The Rule of Law." Epilogue to *Whigs and Hunters: The Origin of the Black Acts*. On Blackboard.

April 5- 10: Discipline and Governmentality

April 5:

Foucault, Michel. 1979. *Discipline and Punish*. Part One, Torture and Part Three, Docile Bodies. Pp. 3-69 and 135-169. On Blackboard.

Foucault, Michel. "Governmentality." On Blackboard

April 10:

Pat O'Malley. 1999. "Governmentality and the Risk Society." *Economy and Society* 28: 138-148. On Blackboard.

James Ferguson and Akhil Gupta. 2002. "Spatializing States: Toward an Ethnography of Neoliberal Governmentality." *American Ethnologist* 29 (4): 981-1002.

Andrew B. Kipnis. 2008. "Audit cultures: Neoliberal governmentality, socialist legacy, or technologies of governing?" *American Ethnologist* 35 (2): 275-289

April 12-19: Law and Colonialism

Sally Engle Merry. 2000. *Colonizing Hawai'i: The Cultural Power of Law*. Princeton Univ. Press.

April 24: Legal Pluralism and International Human Rights

Sally Engle Merry. 1988. "Legal Pluralism." *Law and Society Review* 22: 869-896. Online.

April 26-May 1: Law and Disorder in the Postcolony

Jean and John L. Comaroff, eds. 2006. *Law and Disorder in the Postcolony*. Univ. of Chicago Press.

May 3: Review