Overview:

This seminar for law school students and graduate students will provide an introduction to the field of legal anthropology. We will address anthropological theories of the nature of law and disputes, examine related studies of legal structures in non-Western cultures, and consider the uses of anthropology in studying facets of our own legal system. By examining individual legal institutions in the context of their particular cultural settings, we can begin to make cross-cultural comparisons and contrasts. In so doing, we confront the challenge of interpreting and understanding the legal rules and institutions of other cultures while assessing the impact of our own social norms and biases on the analysis. Thus, our analytic and interpretative approach will require us to examine the cultural assumptions that underpin various aspects of our own belief systems and the American legal system. We will also consider cultural resource management laws, the Native American Graves Protection and Repatriation Act, and related ethical debates in anthropology and museum practices.

Instructor: Chris Fennell (MA, U. Pennsylvania, 1986; JD, Georgetown U., 1989; Ph.D., U. Virginia, 2003) is an Associate Professor of Anthropology & Law and University Scholar, University of Illinois, and a Visiting Professor of Law, University of Chicago.

This class meets in Classroom VI of the Law School, 1111 East 60th Street, on Tuesdays, from 4:00pm to 6:00pm.

Office Hours: Tuesdays and Wednesdays, 1:30pm to 2:30pm, or by appointment. My office is Room 536 of the Law School; my cell phone is 312-513-2683, and email cfennell@uchicago.edu.

I have created a course web page using the Law School’s Chalk program. Enrolled students can access the course web page by logging onto the Chalk system for access to the course syllabus, reserve readings, class notes and illustrations, and other online class resources. Other primary course documents that you will find useful in this seminar are available in the “Course Material” folder on Chalk, including:

List of Potential Paper Topics;
Sources on Anthropology and Law;
Sources on Social Norms and Law;
Sources on Analysis of Social Group Identities; and
Sources on Racism, Law, and Social Sciences.

**Required Texts:**

The following required texts are available at the University bookstore, or can be purchased through internet booksellers.


Additional readings, which will also be provided through reserve holdings or online excerpts, include:


Bonnichsen v. United States, No. 02-35994 (9th Cir. 2004) (the “Kennewick man” case) (on electronic reserve).


Course Requirements:

No prerequisite courses are required, and this course is designed to enable graduate students to analyze legal structures and to enable law students to understand and apply anthropological theories and concepts in similar studies. Requirements for this seminar course include preparation of a research paper and thoughtful class participation. Writing for this seminar may be used as partial fulfillment of the JD writing requirement (SRP or WP).

The Seminar Paper

Your grade will be based primarily (80%) on an original analytic research paper that you complete on a topic of your choosing related to anthropology and law. Your paper should apply pertinent anthropological concepts and analyses to critically examine the social and legal issues addressed in your chosen topic.

With my approval, writing for this seminar may be used as partial fulfillment of the JD writing requirements. In order to receive writing credit, you will need to check with me at the outset and meet feedback and revision requirements, as well as the specific requirements for the type of writing credit you are seeking. Generally, seminar papers should be at least 20 pages long and are typically 20-30 pages long (6000-8000 words), including footnotes, and double-spaced in a normal font (such as Times New Roman 12 point), with normal margins. If you are seeking writing credit, a full draft of your paper will be due by May 31, 2016 (or by April 12 if you are graduating in June 2016). Students not interested in obtaining SRP or WP credit are invited to submit drafts according to these deadlines, but are not required to do so.

Here are pertinent excerpts of the current Law School guidelines for these writing requirements:

Substantial Research Paper (SRP)

An SRP is (1) a careful, extensive treatment of a particular topic; (2) certified by a member of the faculty; (3) submitted by a student who has taken advantage of one or more opportunities to respond to suggestions and criticism in producing the paper; and (4) not largely derivative of work undertaken for another academic degree, for a summer job, or in some other environment outside the Law School.

SRPs are typically 20-30 pages in length, but revisions and opportunities to rework arguments and writing are more important than length. Faculty members certifying such projects must approve the paper topic and agree to supervise the project prior to the student’s undertaking substantial research and writing.

Writing Project (WP)

A student’s second, or other, writing project (WP) can, but need not, be of the SRP form. Again, work submitted in satisfaction of either of the two writing requirements may not largely be derivative of work undertaken in pursuit of another academic degree or in a summer job or other environment outside the Law School.
Schedule for completing the paper:

Project title and abstract (2-3 paragraphs) due: February 16
Detailed outline due: February 23
Final paper due: June 20, 2016 (or May 2, 2016 if you are graduating in June 2016)

A final paper submitted late will be reduced by one grading increment for each day of lateness. Late submission on any of the other items will negatively affect your class participation grade. Extensions are of course possible in the case of bona fide emergencies or other compelling circumstances, but these must be addressed before the expiration of the deadline unless circumstances make this impossible.

Participation

Class participation constitutes 20% of your grade. Barring illness or emergency, you are expected to attend every class session, to have done the reading, and to be ready and willing to discuss.

Class Meeting Schedule and Required Readings:

Jan. 5    Class will not meet on Jan. 5.
          We will start on Jan. 12 and schedule a make-up class time thereafter. The schedule of readings and discussions set out below will follow the order of Class numbers, but I will need to adjust the dates after we complete the make-up class.

Week 1
Jan. 12    Introduction to anthropological perspectives of law

Week 2
Jan. 19    Language, law and power
          “Revictimization of Rape Victims,” chapter 2 in Just Words, pp. 15-38.
Week 3  
Jan. 26  
Language, law and power, cont’d


“Speaking of Patriarchy,” chapter 4 in Just Words, pp. 60-77.


Week 4  
Feb. 2  
Viewing social realities through judicial categories; Racial and ethnic categories and an implicit discourse on whiteness


“Categorizing at the Supreme Court, Missouri v. Jenkins,” in Minding the Law, pp. 54-77.

“Race, the Court and America’s Dialectic,” in Minding the Law, pp. 246-81.


Week 5  
Feb. 9  
Inherent identities and sexual orientation; Attempts to define and govern “sexual outlaws”


Week 6  
Feb. 11  
Indigenous groups and conflicting concepts of ownership


Week 7  Human rights and multicultural negotiations
Feb. 16


Week 8  Cultural heritage and ownership conflicts
Feb. 23

Bonnichsen v. United States, No. 02-35994 (9th Cir. 2004) (the “Kennewick man” case) (on electronic reserve).

Week 9  Cultural heritage preservation and ethical issues
March 1


**Term end**  Final paper due on deadlines as indicated.

[Last updated: January 20, 2016]