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 a Professor of Anthropology & Law, University of Illinois, and a yearly Visiting Professor of Law, University of Chicago.

This class meets on Wednesdays from 3:00pm to 5:50pm in Classroom F of the College of Law, 504 E. Pennsylvania Ave.

Office Hours: Wednesdays, 1:00pm to 3:00pm; please email me to arrange a time to meet or to chat by remote services. My office is Room 296 in Davenport Hall; cell phone 312-513-2683, and email cfennell@uchicago.edu.

I have created a course web page using the University’s Canvas program. Enrolled students can access the course web page by logging onto the Canvas system for access to the course syllabus, reserve readings, class notes and illustrations, and other online class resources, each set out in a separate “Module.” Other primary course documents that you will find useful in this seminar are available in separate Modules on the Canvas site, 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 online reserve on the Canvas site, 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.

Seminar Paper

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

Schedule for completing seminar paper:

Project title and abstract (2-3 paragraphs) due: Oct. 30
Detailed outline due: Nov. 6
Final paper due: Dec. 19.

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 possible in the case of emergencies or other compelling circumstances; these should be addressed before the expiration of the deadline unless circumstances make this impossible.
Class Participation

Class participation counts for 10 percent of your course 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.

Seminar Paper Presentation and Discussion

This element counts for 10 percent of your course grade. During the last three weeks of classes, each participant will present a 15-minute synopsis of their seminar paper project. This will be followed by feedback and comments by class participants. Drafts of the seminar paper will be distributed one week before this presentation to designated reviewers.

Class Meeting Schedule and Required Readings

Week 1, Aug. 26

Introduction to anthropological perspectives of law

“Discourses of Law in Cross-Cultural Perspective,” chapter 6 in Just Words, pp. 101-120.

Week 2, Sept. 4

Language, law and power

“Politics of Law and Science of Talk,” chapter 1 in Just Words, pp. 1-16.
“Revictimization of Rape Victims,” chapter 2 in Just Words, pp. 17-40.

Week 3, Sept. 11

Language, law, gender, and power

“Language of Mediation,” chapter 3 in Just Words, pp. 41-61.

Week 4, Sept. 18

Language, law, racism, and power

“A Natural History of Disputing,” chapter 5 in Just Words, pp. 81-100.
Week 5, Sept. 25

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.

Week 6, Oct. 2

Racial and ethnic categories and an implicit discourse on whiteness

“Race, the Court and America’s Dialectic,” in *Minding the Law*, pp. 246-281.


Week 7, Oct. 9

Constructed identities and sexual orientations

Attempts to define and govern “sexual outlaws”


Week 8, Oct. 16

Indigenous groups and conflicting concepts of ownership


Week 9, Oct. 23

Human rights, multicultural negotiations, and “cultural defenses”


Week 10, Oct. 30

Cultural heritage and ownership conflicts


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

Deadline: project title and abstract (2-3 paragraphs in length) describing your planned seminar paper (delivery via email).

Week 11, Nov. 6

Continuing developments in the Native American Graves Protection and Repatriation Act

Deadline: detailed outline of seminar paper, including citations of sources identified thus far that you intend to use (delivery via email).

Week 12, Nov. 13

Cultural heritage preservation and ethical issues


Week 13, Nov. 20

Seminar paper presentations and workshop

Classroom presentations and discussion of seminar papers.

Thanksgiving Break! Classes do not meet Nov. 23 through Dec. 2.

Week 14, Dec. 6

Seminar paper presentations and workshop

Classroom presentations and discussion of seminar papers.

Week 15, Dec. 11

Seminar paper presentations and workshop

Classroom presentations and discussion of seminar papers.

Semester end. Final papers are due by email by 5:00pm on Dec. 19.

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Learning outcomes. After completing this class, I expect that students will: Be familiar with the general approaches to the study of law and legal reasoning; Demonstrate the ability to identify and understand key concepts in substantive law, legal theory, and procedure; Have the ability to write a competent legal analysis; Demonstrate the ability to conduct legal research; Demonstrate communication skills, including oral advocacy; Demonstrate an understanding of the interdisciplinary nature of law and the contributions that other disciplines can make to the study of law.

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