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 Associate Professor of Law, University of Chicago.

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

Office Hours: Please email me to arrange a time to meet. 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 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 Racism, Law, and Social Sciences; Sources on Social Norms and Law; and Sources on Analysis of Social Group Identities.

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).

“Audience, Ownership, and Authority: Designing Relations between Museums and Communities,” by Steven D. Lavine, in *Museums and Communities: The Politics of...*


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 June 1, 2018 (or by April 11 if you are graduating in June 2018). 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.

Procedures

Please follow these steps to register for an SRP or a WP: Discuss the project with the faculty member; obtain the faculty member’s written consent to supervise the project via his or her signature on a properly completed “Writing Requirement Petition” (available online at http://www.law.uchicago.edu/students/academics/petitions); and submit the form to the Office of the Registrar by the deadline listed in the Academic Calendar. The Law School’s student handbook also encourages third-year students to “turn in a first draft” of an SRP paper “no later than the conclusion of Spring Break [March 26] of their third year.” More information about the SRP and WP requirements is available at https://www.law.uchicago.edu/students/handbook/academicmatters/writing.

Schedule for completing the paper:

Project title and abstract (2-3 paragraphs) due: February 13
Detailed outline due: February 20
Final paper due: June 18, 2018 (or April 30, if you are graduating in June 2018)

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

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<thead>
<tr>
<th>Week 1</th>
<th>Jan. 2</th>
<th><strong>Introduction to anthropological perspectives of law</strong></th>
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<th>Week 2</th>
<th>Jan. 9</th>
<th><strong>Language, law and power</strong></th>
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<td></td>
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<td>“Revictimization of Rape Victims,” chapter 2 in <em>Just Words</em>, pp. 15-38.</td>
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<tr>
<th>Week 3</th>
<th>Jan. 16</th>
<th><strong>Language, law and power, cont’d</strong></th>
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<tr>
<td></td>
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<td>“Speaking of Patriarchy,” chapter 4 in <em>Just Words</em>, pp. 60-77.</td>
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<th>Week 4</th>
<th>Jan. 23</th>
<th><strong>Viewing social realities through judicial categories; Racial and ethnic categories and an implicit discourse on whiteness</strong></th>
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<td>“Categorizing at the Supreme Court, Missouri v. Jenkins,” in <em>Minding the Law</em>, pp. 54-77.</td>
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<td>“Race, the Court and America’s Dialectic,” in <em>Minding the Law</em>, pp. 246-81.</td>
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<th>Week 5</th>
<th>Jan. 30</th>
<th><strong>Inherent identities and sexual orientation; Attempts to define and govern “sexual outlaws”</strong></th>
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<td>“Governing Sexuality: The Supreme Court’s Shift to Containment,” by Paul A.</td>
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**Week 6**  
**Feb. 6**  
**Indigenous groups and conflicting concepts of ownership**


**Week 7**  
**Feb. 13**  
**Human rights and multicultural negotiations**


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

**Week 8**  
**Feb. 20**  
**Cultural heritage and ownership conflicts**


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

**Deadline**: detailed outline of seminar paper, including citations of sources identified thus far that you intend to use (delivery via email).
Week 9  Feb. 27  Cultural heritage preservation and ethical issues


Term end  Final paper due on deadlines as indicated.

[Last updated: Jan. 9, 2018]