ANTH7031: Current themes in Social Anthropology: Law and Human Rights

Anthropologists have long been concerned with social order and the institutions, persons, and forms of authority that contribute to its maintenance (or, indeed, its disruption). While early anthropologists debated whether or not stateless societies could be said to 'have' law, today's legal anthropologists are more likely to study the interaction of legal regimes, including local, religious, and international legal norms, which may be independent, mutually reinforcing, or even at odds. This course introduces students to the anthropology of law, with a particular focus on the implications of the recent rise of human rights discourse in both scholarly and popular circles. By examining legal anthropology through the growth of (and resistance to) rights-based claims, we will consider such themes as anthropology's historic (and, arguably, ongoing) colonial legacy; the guestion of universal versus relative values; the constraining (and liberating) effects of legal language; and the existence (or otherwise) of a discrete legal sphere.



Abu-Lughod, Lila. 2002. 'Do Muslim Women Really Need Saving? Anthropological Reflections on Cultural Relativism and Its Others'. American Anthropologist 104(3):783–90. doi: 10.1525/aa.2002.104.3.783.

American Anthropologist Association. 2003. 'Statement on Human Rights'. Quaderns de l'Institut Català d'Antropologia (19).

Anon. 9AD. Religion Out Loud: Religious Sound, Public Space, and American Pluralism (North American Religions Series). NYU Press.

Anon. 16AD. 'Colin Firth & Survival International Save the Awà People -Survivalinternational.Org Awa'.

Anon. n.d.-a. 'Archbishop Backs Sharia Law for British Muslims | UK News | The Guardian'. Retrieved (https://www.theguardian.com/uk/2008/feb/07/religion.world).

Anon. n.d.-b. Hobbes, Thomas. [1651] Leviathan, or The Matter, Forme and Power of a Common Wealth Ecclesiasticall and Civil.

Anon. n.d.-c. 'How Do You Solve a Problem like Sharia? The Real Issues Raised by the Sharia Law Debate | Religion and the Public Sphere'. Retrieved (http://blogs.lse.ac.uk/religionpublicsphere/2016/08/how-do-you-solve-a-problem-like-shari a-the-real-issues-raised-by-the-sharia-law-debate/).

Anon. n.d.-d. 'Locke, John. 1689. Two Treatises of Government (Particularly Book II, "An Essay Concerning the True Original Extent and End of Civil Government")'. in John Locke: Two Treatises of Government (1680-1690).

Anon. n.d.-e. Maine, Henry Sumner. 1908 [1863]. Ancient Law: Its Connection with the Early History of Society, and Its Relation to Modern Ideas.

Anon. n.d.-f. 'Roberts, Simon. 1998. Against Legal Pluralism: Some Reflections on the Contemporary Enlargement of the Legal Domain. Journal of Legal Pluralism 42: 95-106.'

Anon. n.d.-g. 'Sharia Courts in Britain Lock Women into "Marital Captivity", Study Says | Home News | News | The Independent'. Retrieved (http://www.independent.co.uk/news/uk/home-news/sharia-courts-in-britain-lock-women-in to-marital-captivity-study-says-a6761141.html).

Anon. n.d.-h. 'The Universal Declaration of Human Rights | United Nations'. Retrieved (http://www.un.org/en/universal-declaration-human-rights/).

Anon. n.d.-i. 'Watters, Ethan. 2014. The Organ Detective: A Career Spent Uncovering a Hidden Global Market in Human Flesh. Pacific Standard'.

Asad, T. n.d. 'On Torture, or Cruel, Inhuman, and Degrading Treatment'. Social Research 63(4):1081–1109.

Asad, Talal. 2003. 'Asad, Talal. 2003. Chapter Four: Redeeming the "Human" through Human Rights.' in Formations of the secular: Christianity, Islam, modernity. Vol. Cultural memory in the present. Stanford, Calif: Stanford University Press.

Bohannan, Paul Bohannan, Paul (correspondence author). n.d. Justice and Judgment among the Tiv.

Carol J. Greenhouse. n.d. Praying for Justice. Cornell University Press.

Chanock, Martin. 1978. 'Nec-Traditionalism and the Customary Law in Malawi'. The Journal of Legal Pluralism and Unofficial Law 10(16):80–91. doi: 10.1080/07329113.1978.10756245.

Chari, S., and H. Donner. 2010. 'Ethnographies of Activism: A Critical Introduction'. Cultural Dynamics 22(2):75–85. doi: 10.1177/0921374010380887.

Clifford, James. 1988. 'Chapter Twelve: Identity in Mashpee'. Pp. 227–346 in The predicament of culture: twentieth-century ethnography, literature, and art. Cambridge, Mass. ; London: Harvard University Press.

Comaroff, John L. 2009. 'Reflections on the Rise of Legal Theology: Law and Religion in the Twenty-First Century'. Social Analysis 53(1). doi: 10.3167/sa.2009.530112.

Comaroff, John ; Roberts, Simon. n.d.-a. 'Comaroff, John L. & Simon Roberts. 1986. Pgs. 3-21 of Introduction. Rules and Processes: The Cultural Logic of Dispute in an African

Context . Chicago: University of Chicago Press.' in Rules and processes. The cultural logic of dispute in an African context.

Comaroff, John ; Roberts, Simon. n.d.-b. Rules and Processes. The Cultural Logic of Dispute in an African Context.

Conklin, Beth A. 1997. 'Body Paint, Feathers, and Vcrs: Aesthetics and Authenticity in Amazonian Activism'. American Ethnologist 24(4):711–37. doi: 10.1525/ae.1997.24.4.711.

Conley, J.; O'Barr, W. 1994. 'Legal Anthropology Comes Home: A Brief History of the Ethnographic Study of Law'. Loyola of Los Angeles Law Review 27(1):41–64.

Cowan, Jane K., Marie-Bénédicte Dembour, and Richard A. Wilson, eds. 2001. 'Merry, Sally Engle. 2002. Changing Rights, Changing Culture'. in Culture and Rights: Anthropological Perspectives. Cambridge: Cambridge University Press.

Durkheim, Emile. 1972. Emile Durkheim: Selected Writings. edited by A. Giddens. Cambridge: Cambridge University Press.

Elizabeth A. Povinelli. 1998. 'The State of Shame: Australian Multiculturalism and the Crisis of Indigenous Citizenship'. Critical Inquiry 24(2):575–610.

Engelke, M. 1999. "We Wondered What Human Rights He Was Talking About": Human Rights, Homosexuality and the Zimbabwe International Book Fair'. Critique of Anthropology 19(3):289–314. doi: 10.1177/0308275X9901900305.

Fortes, Meyer, E. E. Evans-Pritchard, and International African Institute. 1987. 'Evans-Pritchard, Edward E. 2015 [1940]. The Nuer of Southern Sudan'. in African political systems. London: KPI in association with the International African Institute.

Freeman, Michael. 1994. 'The Philosophical Foundations of Human Rights'. Human Rights Quarterly 16(3). doi: 10.2307/762434.

Fuller, Chris. 1994. 'Legal Anthropology,: Legal Pluralism and Legal Thought'. Anthropology Today 10(3). doi: 10.2307/2783478.

Gillis, John R. 1994. 'Handler, Richard. 1994. Is "Identity" a Useful Cross-Cultural Concept?' in Commemorations: the politics of national identity. Princeton, N.J: Princeton University Press.

Göle, Nilüfer, ed. 2013. 'Billaud, Julie. 2013. Ethics and Affects in British Sharia Courts: "A Simple Way of Getting to Paradise"'. in Islam and public controversy in Europe. Vol. Global connections. Farnham, Surrey, UK: Ashgate Publishing.

Gonzalez, Roberto. n.d. American Counterinsurgency: Human Science and the Human Terrain.

Goodale, Mark. 2009a. Human Rights: An Anthropological Reader. Vol. Blackwell readers in anthropology. Malden, MA: Wiley-Blackwell.

Goodale, Mark. 2009b. 'Merry, Sally Engle. 2009. Legal Transplants and Cultural Translation: Making Human Rights in the Vernacular'. in Human rights: an anthropological reader. Vol. Blackwell readers in anthropology. Malden, MA: Wiley-Blackwell.

Goodale, Mark, and Sally Engle Merry. 2007. 'Speed, Shannon. 2007. Exercising Rights and Reconfiguring Resistance in the Zapatista Juntas de Buen Gobiernao.' in The practice of human rights: tracking law between the global and the local. Vol. Cambridge studies in law and society. Cambridge: Cambridge University Press.

Gourevitch, Philip. 1998. We Wish to Inform You That Tomorrow We Will Be Killed with Our Families: Stories from Rwanda. London: Picador.

Greene, Shane. 2004. 'Indigenous People Incorporated?' Current Anthropology 45(2):211–37. doi: 10.1086/381047.

Griffiths, John. 1986. 'What Is Legal Pluralism?' The Journal of Legal Pluralism and Unofficial Law 18(24):1-55. doi: 10.1080/07329113.1986.10756387.

Hale, Charles R. 2006. 'Activist Research v. Cultural Critique: Indigenous Land Rights and the Contradictions of Politically Engaged Anthropology'. Cultural Anthropology 21(1):96–120. doi: 10.1525/can.2006.21.1.96.

Harris, Olivia and European Association of Social Anthropologists. 1996a. 'Dembour, Marie-Benedicte. 2005. Human Rights Talk and Anthropological Ambivalence: The Particular Context of Universal Claims'. in Inside and outside the law: anthropological studies of authority and ambiguity. London: Routledge.

Harris, Olivia and European Association of Social Anthropologists. 1996b. 'Sanadjian, Manuchehr. 2005. A Public Flogging in South-Western Iran: Juridical Rule, Abolition of Legality and Local Resistance'. in Inside and outside the law: anthropological studies of authority and ambiguity. London: Routledge.

Hobsbawm, E. J., and T. O. Ranger. 1992a. 'Hobsbawm, Eric. 2003 [1983]. Introduction: Inventing Traditions'. in The invention of tradition. Cambridge: Cambridge University Press.

Hobsbawm, E. J., and T. O. Ranger. 1992b. 'Ranger, Terrence O. 2003 [1983]. The Invention of Tradition in Colonial Africa.' in The invention of tradition. Cambridge: Cambridge University Press.

Hurd, E.S. n.d. Beyond Religious Freedom: The New Global Politics of Religion.

Kahn, P. 2001. 'Freedom, Autonomy, and the Cultural Study of Law'. Yale Journal of Law & the Humanities 13(1):141–74.

Kahn, Paul W. 1999. The Cultural Study of Law: Reconstructing Legal Scholarship. Chicago, Ill: University of Chicago Press.

Kirsch, S. 2002. 'Anthropology and Advocacy: A Case Study of the Campaign against the Ok Tedi Mine'. Critique of Anthropology 22(2):175–200. doi: 10.1177/03075X02022002851.

Kuper, Adam. 2003. 'The Return of the Native'. Current Anthropology 44(3):389–402. doi: 10.1086/368120.

Laura Nader. n.d.-a. 'Bohannan, Paul. 1997 [1969]. Ethnography and Comparison in Legal Anthropology'. in Law in culture and society / edited by Laura Nader.

Laura Nader. n.d.-b. 'Gluckman, Max. 1997 [1969]. Concepts in the Comparative Study of Tribal Law'. in Law in culture and society / edited by Laura Nader.

Llewellyn, Karl N., and E. Adamson Hoebel. 1973. 'Llewellyn, Karl & Edward Hoebel. 1973 [1941]. Preface & Chapter 2: A Theory of Investigation.' in The Cheyenne way: conflict and case law in primitive jurisprudence. Vol. The civilization of American Indian series. Norman, Okla: University of Oklahoma Press.

Malinowski, Bronislaw. 1926a. Crime and Custom in Savage Society. Vol. International library of psychology, philosophy, and scientific method. London: Kegan Paul, Trench, Trubner.

Malinowski, Bronislaw. 1926b. 'Malinowski, Bronislaw. 1970 [1926]. Preface, Introduction, Chapters I-IV'. in Crime and custom in savage society. Vol. International library of psychology, philosophy, and scientific method. London: Kegan Paul, Trench, Trubner.

Mamdani, Mahmood. 1996. 'Mamdani, Mahmood. 1996. Chapter Four: Customary Law: The Theory of Decentralised Despotism'. in Citizen and subject: contemporary Africa and the legacy of late colonialism. Vol. Princeton studies in culture/power/history. Kampala: Fountain.

Mamdani, Mahmood and Mahmood Mamdani. 2009. 'Making Sense of Political Violence in Postcolonial Africa'. Socialist Register 39(39).

Max Gluckman, 1911-1975 University of Zambia. Institute for Social Research. n.d. The Judicial Process among the Barotse of Northern Rhodesia / by Max Gluckman.

McFate, Montgomery. n.d. 'The Military Utility of Understanding Adversary Culture'. Joint Force Quarterly (38):42–48.

McIvor, Méadhbh. 2015. 'Carnal Exhibitions: Material Religion and the European Court of Human Rights'. Ecclesiastical Law Journal 17(01):3–14. doi: 10.1017/S0956618X14000866.

McLagan, Meg. 2003. 'Principles, Publicity, and Politics: Notes on Human Rights Media'. American Anthropologist 105(3):605–12. doi: 10.1525/aa.2003.105.3.605.

Michael Freeman. 2004. 'The Problem of Secularism in Human Rights Theory'. Human Rights Quarterly 26(2):375-400.

Moore, Sally Falk. 1973. 'Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study'. Law & Society Review 7(4). doi: 10.2307/3052967.

Moore, Sally Falk. 2001. 'Certainties Undone: Fifty Turbulent Years of Legal Anthropology, 1949-1999'. Journal of the Royal Anthropological Institute 7(1):95–116. doi:

10.1111/1467-9655.00052.

Nader, Laura, Klaus F. Koch, and Bruce Cox. 1966. 'The Ethnography of Law: A Bibliographical Survey'. Current Anthropology 7(3):267–94. doi: 10.1086/200718.

Nancy Scheper-Hughes. 1995a. 'The Primacy of the Ethical: Propositions for a Militant Anthropology'. Current Anthropology 36(3):409–40.

Nancy Scheper-Hughes. 1995b. 'The Primacy of the Ethical: Propositions for a Militant Anthropology'. Current Anthropology 36(3):409-40.

Niezen, Ronald. 2010a. 'Niezen, Ronald. 2010. Chapter Four: The Invention of Indigenous Peoples'. in Public Justice and the Anthropology of Law. Vol. New Departures in Anthropology. Cambridge: Cambridge University Press.

Niezen, Ronald. 2010b. 'Niezen, Ronald. 2010. Chapter Two: The Power of Persons Unknown'. in Public Justice and the Anthropology of Law. Vol. New Departures in Anthropology. Cambridge: Cambridge University Press.

Niezen, Ronald. 2010c. Public Justice and the Anthropology of Law. Vol. New Departures in Anthropology. Cambridge: Cambridge University Press.

Peroni, L. 2014. 'Deconstructing "Legal" Religion in Strasbourg'. Oxford Journal of Law and Religion 3(2):235–57. doi: 10.1093/ojlr/rwt047.

Pospisil, Leopold. n.d. 'Legal Levels and Multiplicity of Legal Systems in Human Societies'.

Povinelli, Elizabeth A. 2002. The Cunning of Recognition. Duke University Press.

RILES, ANNELISE. 2006. 'Anthropology, Human Rights, and Legal Knowledge: Culture in the Iron Cage'. American Anthropologist 108(1):52–65. doi: 10.1525/aa.2006.108.1.52.

Roberts, S. 1984. 'Introduction - Some Notes on African Customary Law'. Journal of African Law (28):1–5.

Roberts, Simon. 1979a. Order and Dispute: An Introduction to Legal Anthropology. Harmondsworth, Middx: Penguin.

Roberts, Simon. 1979b. 'Roberts, Simon. 2013. Chapter Two: Why Not Law?' in Order and dispute: an introduction to legal anthropology. Harmondsworth, Middx: Penguin.

Roberts, Simon. 2005. 'After Government? On Representing Law Without the State'. Modern Law Review 68(1):1–24. doi: 10.1111/j.1468-2230.2005.00526.x.

Sarah Barringer Gordon. 2002. The Mormon Question. Chapel Hill, NC: University of North Carolina Press.

Scott, David, and Charles Hirschkind. 2006. 'Casanova, Jose. 2006. Secularisation Revisited: A Reply to Talal Asad'. in Powers of the secular modern: Talal Asad and his interlocutors. Vol. Cultural memory in the present. Stanford, Calif: Stanford University Press.

Snyder, Francis G. 1981. 'Colonialism and Legal Form: The Creation of "Customary Law" in Senegal'. The Journal of Legal Pluralism and Unofficial Law 13(19):49–90. doi: 10.1080/07329113.1981.10756258.

SOUSA SANTOS, BOAVENTURA DE. n.d. 'THE LAW OF THE OPPRESSED: THE CONSTRUCTION AND REPRODUCTION OF LEGALITY IN PASARGADA'. Law and Society Review 12(1).

Spencer, Jonathan. 1990. 'Nissan, Elizabeth & R. L. Stirrat. 1990. The Generation of Communal Identities'. in Sri Lanka: history and the roots of conflict. London: Routledge.

Starr, June, and Jane Fishburne Collier. 1989. 'Cohn, Bernard. 1989. Law and the Colonial State in India.' in History and power in the study of law: new directions in legal anthropology. Vol. Anthropology of contemporary issues. Ithaca, N.Y.: Cornell University Press.

Sullivan, Winnifred Fallers. n.d. The Impossibility of Religious Freedom.

Tarlo, Emma. 2010. 'Tarlo, Emma. 2010. Chapter Five: Diversity Contested.' in Visibly Muslim: fashion, politics, faith. Oxford: Berg.

Tasioulas, John. 2012. 'Towards a Philosophy of Human Rights'. Current Legal Problems 65(1).

Weiner, Isaac. 2016. 'The Corporately Produced Conscience: Emergency Contraception and the Politics of Workplace Accommodations'. Journal of the American Academy of Religion. doi: 10.1093/jaarel/lfw049.

Wilson, Richard. 1997. 'Stoll, David. 1997. To Whom Should We Listen? Human Rights Activism in Two Guatemalan Land Disputes.' in Human rights, culture and context: anthropological perspectives. Vol. Anthropology, culture, and society. London: Pluto Press.

Winnifred Fallers Sullivan, Robert A. Yelle, and Mateo Taussig-Rubbo. 2011a. 'Engel, David. 2011. "The Spirits Were Always Watching": Buddhism, Secular Law and Social Change in Thailand.' in After secular law. Stanford, California: Stanford University Press.

Winnifred Fallers Sullivan, Robert A. Yelle, and Mateo Taussig-Rubbo. 2011b. 'Sullivan, Winnifred Fallers, Robert A. Yelle & Mateo Taussig-Rubbo. 2011. Introduction'. in After secular law. Stanford, California: Stanford University Press.