Law 6936 Law and Anthropology    Prof. Paul J. Magnarella

Sect. #18BH       Spring 2017

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Office Hours:  Wed. 1:00 - 2:30 & by appointment
Class:   Wed. 3:00-4:40 in MLAC 209

The first class meets on Jan. 11, 2017.  See reading assignment below.

Course description

In this seminar, we will assume a balanced reciprocity between Law and Anthropology, wherein neither is independent of nor subordinate to the other. Some of the topics to be examined and discussed include: 1) the nature of law in societies characterized by differing levels of socio-political-economic complexity; 2) the impacts of Western influences on non-Western law; 3) legal pluralism/semi-autonomous socio-cultural-legal fields; 4) the proposition that a universal human nature influences legal developments (especially human rights law) cross-culturally.

Course goals

Students who complete the assigned readings and engage in class discussions should be able to explain how various socio-cultural and econo-political arrangements (including international contacts and pressures) may influence a society’s legal system.

They should also be able to discuss intelligently the four broad topics listed above.
Class attendance & participation policy:

The seminar's success as a stimulating learning experience will depend on students coming to class having already done the week’s assigned readings and being able to discuss them. Students should be on time and stay until the end of class. Attendance will be taken; students are responsible for ensuring that they are not recorded as absent if they come in late. A student who misses more than two classes will be dropped from the course.

Writing Requirement and Oral Presentation

All students must participate in class discussions based on their previous reading of the assigned material.

In addition, students may choose from two sets of requirements.

1) A written research paper on a topic approved by the professor and an oral presentation of the research topic to the class. Students may use this seminar to meet the advanced writing requirement for the J.D. The general standard for fulfilling this requirement is a quality paper of at least 25 pages of double-spaced, 12-point text submitted in hardcopy.

Students choosing this option, must submit (in hard copy) a one or more page description of their intended research paper with a list of at least five major sources. Due in class on Feb. 22. Completed papers (in hard copy) are due Wed. April 26, 2017.

2) Four to five page summaries of seven assigned readings marked with an asterisk (see below). Each summary must cover the reading’s key points and include a discussion question for the class on a topic relative to the assigned reading. Students may submit no more than one summary a week. In addition, each student must give an oral presentation on at least two of the chosen readings. Each summary must be submitted in class (in hard, printed copy) on the day the reading assignment is scheduled. On Jan. 18 students should be ready to indicate which seven readings they plan to review.

Grades:

A student’s final grade will be based on: 1) the quality of the research paper submitted or seven summary papers (70%); 2) the oral presentation(s) (10%); and 3) attendance and contributory participation in class discussions (20%). General information on grading policy can be found at:

**Materials.** This seminar will utilize a Westlaw TWEN site. Students should sign on to this site, using their ufl.edu email address, which will be employed to communicate with them throughout the semester. Links for many of the assigned readings are available in the “Course Materials/Assignments” section of the TWEN site.

**Accommodations for Students with Disabilities.** Students requesting classroom accommodation must first register with the Office of Disability Resources. The UF Office of Disability Resources will provide documentation to the student who must then provide this documentation to the Law School Office of Student Affairs when requesting accommodation.

Towards the end of the semester students will have the opportunity to evaluate this course online at: https://evaluations.ufl.edu

The only **Required Text** is:


**Order of Readings/Discussions**

Jan. 11 – “Concepts of Law; Approaches to Study of Law and Society” by PJ Magnarella


The above two readings are available on Twen.

Jan. 18 - Historic foundations and the processual approach

“Two Works of Karl Llewellyn” (with Adamson Hoebel)

*Simon Roberts, “The Study of Dispute; Anthropological Perspectives”, pp. 3-24, available at:

https://books.google.com/books?hl=en&lr=&id=6APC7mLOvqMc&oi=fnd&pg=PR7&dq=related:vl Lew8wqWvtcJ:scholar.google.com/&ots=wM8L0Lnbrq&sig=Wu0RLutiKHWneWDTkA8GfPB-tg#v=onepage&q&f=false

Jan. 25 – Comparative Approaches


Feb. 1 – Legal Pluralism


*Sally Falk Moore, “Semi-autonomous social fields,” Law and Society Review, vol. 7 (1972). Available at:

Feb. 8 – Legal Pluralism continued


Feb. 15 – Legal Pluralism continued


Feb. 22 – Legal Pluralism continued (Research paper descriptions and major sources due)

In the *Gypsy Law* book listed above, read the following two chapters:


*Anne Sutherland, “Complexities of U.S. Law and Gypsy Identity,” pp. 231-242. Also read:


*Wisconsin v. Yoder 406 US 205 (decided 1972).* (Click on ‘Original image…’(pdf)


March 8 – Spring Break

March 15 – Western Influence on non-Western law.


* The Otieno Case: African Customary Law versus Western Jurisprudence,


March 22 – Western vs. Indigenous Law


Three Cases: Pakistan, Tanzania, Zimbabwe (Available on TWEN site)

March 29 – Human Rights


April 5 – Human Rights Continued.


*Nicholas De Genova, The Legal Production of Mexican/Migrant ‘Illegality,’” Latino Studies 2004, 2, (160–185). Available at:


April 12 – Student Reports

April 19 – (Final class) Student Reports

April 26 – Research papers due.