Anth 620F
Spring '09

Theories of Law and Social Control in Social and Cultural Anthropology

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W 1:30-4:00

Course Goals:

The starting point of this course will be an examination two of the most important interlinked contemporary issues at the intersection of law and anthropology, the problem of intangible cultural property and the articulation of traditional and modern legal systems. From this initial, problem based perspective, the seminar style course will take a broad historical survey approach to theories of law and social control in anthropology. The ethnographic case study and cultural comparative perspectives will be emphasized as the element that distinguishes legal anthropology from jurisprudence or traditional legal sociology. Readings, lectures, and class discussions will center on the basic issues addressed by legal anthropology, and students will be introduced to important authors, from Maine to Merry, including the most influential such as Morgan, Llewellyn and Hoebel, Gluckman, Bohannan, Nader, Moore, and others. Their ideas will be presented in terms of the classic debates that have shaped the subfield, including those about cultural relativism and law, morality and law, and the relation of law to language. The legal anthropology literature will be looked at in context of historical developments and trends in the global political economy, such as enlightenment inspired revolution, counter revolution, the emergence of the nation state, capitalism, colonialism, postcolonialism, and globalism. Broad currents in theoretical consciousness that have crosscut the social sciences and humanities, such as idealism, Darwinian evolution, Marxism, pragmatism, structuralism, and postmodernism will also be considered to the extent that they have participated in setting theoretical agendas in legal anthropology.

Course Requirements:

Attendance and class participation based on the assigned readings are required. Participants will take responsibility, on a rotational basis, for presenting summaries and discussion questions based on common reading assignments. Participants not presenting will come to class with written questions or comments about the readings to be discussed. A term paper is required. The paper should relate to the student’s research interests and address substantive or methodological issues in legal anthropology. At the end of the course participants will present brief accounts, or progress reports, of their papers.
**Texts:**

**Required:**

*Who Owns Native Culture* by Michael F. Brown

**Recommended:**

Laura Nader, ed. *Law in Culture and Society*;  
Sally Falk Moore, *Law as Process*;  
Sally Merry, *Colonizing Hawai‘i*.

**Assigned Readings:**

Selections from Maine, Sauvigny, Morgan, Lowie, Moore, Nader, Coombs, law cases from Australia and the US.

**Organization of Topics:**

The detailed schedule course topics will be flexibly organized. The general plan of organization however will include three parts:

**Part I:** Basic issues in legal anthropology in historical context, including important precursors of the subfield in anthropology. (Several Weeks)

**Part II:** The dispute settlement, conflict management focus in legal anthropology. (This will take up the main body of the course, reading the classics works and applying them to current issues and questions.)

**Part III:** Law as Process (in this part of the course the contemporary developments in legal anthropology will be examined.)