

Legal Anthropology (B000903)

Course size (nominal values; actual values may depend on programme)

Credits 3.0 Study time 90 h Contact hrs 30.0 h

Course offerings and teaching methods in academic year 2019-2020

A (semester 2) Dutch lecture: response 30.0 h
lecture

Lecturers in academic year 2019-2020

Desmet, Ellen RE22 lecturer-in-charge

Offered in the following programmes in 2019-2020

	crdts	offering
Bachelor of Arts in Archaeology	3	A
Bachelor of Arts in Moral Sciences	3	A
Bachelor of Arts in Philosophy	3	A
Bachelor of Laws in Laws	3	A
Master of Science in Teaching in Social Sciences (main subject Criminological Sciences)	4	A
Master of Science in Criminological Sciences	4	A
Linking Course Master of Arts in Gender and Diversity	3	A

Teaching languages

Dutch

Keywords

Law and society, anthropology, culture; diversity, law in action, law in context, semi-autonomous social fields, dispute management processes, interlegality, legal pluralism, legal consciousness, cross-cultural relevance of human rights, ethnography

Position of the course

How do law and society influence each other? What does 'law' mean for people in their daily lives? How are human rights invoked, adapted or rejected in culturally and religiously diverse contexts? What can an interdisciplinary dialogue between law and anthropology teach us? These are some of the questions that are addressed in the course 'legal anthropology'.

On the basis of the socio-scientific study of both law and the context in which law is made and used, the potential, internal contradictions and limitations of law become clear. Such an approach is ever more relevant in our current society, in which increasing globalisation and transnational migration lead to a more complex interaction between different normative systems and cultures.

The objectives of the course are situated at two levels. On the one hand, the course aims to provide students with an understanding of the basic concepts and approaches within legal anthropology. On the other, the course aims to strengthen students' abilities of critical reflection, by raising awareness of ethnocentric bias and of the added value of an interdisciplinary approach.

Contents

The first part of the course discusses some concepts, questions and approaches that stand central in legal anthropology. This includes, among others, the concepts of 'law' and 'society' and their interaction, law in action, law in context, semi-autonomous social fields, dispute management processes, interlegality, legal pluralism, legal consciousness and the cross-cultural relevance of human rights (e.g. vernacularization). The historical development of the discipline is also traced.

In the second part, the legal anthropological knowledge and insights obtained in the first part are further deepened and broadened through addressing specific themes in

current legal anthropological research (e.g. the cultural defense, the management of land and natural resources, gender, indigenous peoples, migration). Particular attention is paid to the multiple interactions between different levels (local, national, regional, global).

Finally, some methodological concepts and issues within legal anthropology are discussed (e.g. ethnography, participant observation).

Initial competences

The final objectives of the secondary education.

Final competences

- 1 Understand the concepts, questions and approaches that stand central in legal anthropology.
- 2 Understand the historical development of the legal anthropological discipline.
- 3 Reflect critically on the interaction between law and culture, in writing as well as orally
- 4 Reflect critically on current themes in legal anthropological research, in writing as well as orally
- 5 Reflect critically on the added value and challenges of interdisciplinarity
- 6 Display a critical attitude in the encounter with scientific contributions from other disciplines
- 7 Display a culturally sensitive attitude and respect diversity

Conditions for credit contract

Access to this course unit via a credit contract is determined after successful competences assessment

Conditions for exam contract

This course unit cannot be taken via an exam contract

Teaching methods

Lecture: response lecture

Extra information on the teaching methods

Students prepare each session through the reading of one or more texts. These form the basis for an interactive and critical discussion during the class.

Learning materials and price

- (Mainly English) texts will be made available via Minerva, prior to the lecture
- The PowerPoint slides are made available on Minerva, before or after the lecture

References

An-Na'im, Abdullah Ahmed, ed. *Human Rights in Cross-Cultural Perspectives. A Quest for Consensus*. Philadelphia: University of Pennsylvania Press, 1992.

Cowan, Jane K., Marie-Bénédicte Dembour, and Richard A. Wilson, eds. *Culture and Rights. Anthropological Perspectives*. Cambridge: Cambridge University Press, 2001.

De Sousa Santos, B. *Toward a New Common Sense - Law, Science and Politics in the Paradigmatic Transition*. New York-London: Routledge, 1995.

Donovan, James M. *Legal Anthropology: An Introduction*. Lanham: Altamira Press, 2008.

Felstiner, William L. F. , Richard L. Abel, and Austin Sarat. "The Emergence and Transformation of Disputes: Naming, Blaming, Claiming." *Law and Society Review* 15, no. 3-4 (1980): 631-54.

Merry, Sally Engle. *Human Rights and Gender Violence: Translating International Law into Local Justice*. Chicago Series in Law and Society. Chicago [u.a.]: University of Chicago Press, 2006.

"Legal Pluralism." *Law & Society Review* 22 (1988): 869-96.

Moore, Sally Falk. "Law and Social Change: The Semi-Autonomous Social Field as an Appropriate Subject of Study." *Law & Society Review* 7, no. 4 (1973): 719-46.

Moore, Sally Falk. *Law and Anthropology: A Reader*. Malden, MA: Blackwell, 2005.

Sieder, Rachel, and John-Andrew McNeish. *Gender Justice and Legal Pluralities : Latin American and African Perspectives*. Abingdon, Oxon ; New York, NY: Routledge, 2013.

von Benda-Beckmann, Keebet, von Benda-Beckmann, Franz, and Griffiths, Anne, eds. *The Power of Law in a Transnational World: Anthropological Enquiries*. New York, Oxford: Berghahn Books, 2009.

Course content-related study coaching

- Questions can always be discussed with the lecturer.
- From one week before the exam period until after the exam, no content-related questions will be answered ('faculty curfew').

Evaluation methods

end-of-term evaluation and continuous assessment

Examination methods in case of periodic evaluation during the first examination period

Oral examination

Examination methods in case of periodic evaluation during the second examination period

Oral examination

Examination methods in case of permanent evaluation

Assignment

Possibilities of retake in case of permanent evaluation

examination during the second examination period is possible

Extra information on the examination methods

- Periodic evaluation: oral exam with presentation of paper, as well as open questions
- Non-periodic evaluation: paper

Calculation of the examination mark

Periodic evaluation (50%) - Non-periodic evaluation evaluation (50%)

The student is obliged to participate in all evaluations (both non-periodic and periodic); otherwise, he/she will be declared "failed" for the course and will get the highest non-compensable mark (7/20).