This course will examine the role that both law and language, as mutually constitutive mediating systems, occupy in constructing ethnoracial identity in the United States. We will approach the law from a critical anthropological perspective, as a signifying (and significant) sociocultural system rather than as an abstract collection of rules, norms, and procedures, to examine how legal processes and discourses shape processes of cultural production and reproduction that contribute to the creation and maintenance of differential power relations. Course material will draw on anthropological, linguistic, and critical race theory as well as ethnographic and legal material to guide and document our analyses.

Required Texts


Optional Texts (but highly recommended):


Books are on sale at the Campus Store as well as at other convenient book outlets of your choice. All course material, including required and optional texts, is on library reserve, both on the shelves and in electronic media through Blackboard.

Course Requirements

I expect students in this course to come to class thoroughly prepared for full and intense participation in class discussions. Class participation will count toward 25% of your final course grade. Obviously, a significant engagement with the topics we’ll be discussing in the course requires perfect attendance and keeping up with the readings. To guarantee the latter, your grade will also be based on weekly written responses to the course readings (30%) and either a final research paper or a take-home essay exam (45%), depending on your status.

The weekly response (or précis) is a 1-2 pp. summary of the significant issues, ideas, and arguments presented in the week's
readings. In your response, you may also raise questions and issues regarding the authors' assertions. Note that it is not one response per article or piece assigned, but a single text synthesizing a week's batch of material. Responses will not be graded but evaluated through a checkmark system by which a checkmark will indicate an adequate response ("●"), a checkmark with a plus sign ("●/+") will mark a particularly felicitous response, and a checkmark with a minus sign ("●/-") will signal that you may be missing some of the points raised in the readings. Of course, I will also annotate your responses with comments and counter-responses to the extent that you allow me to do so.

For professional and graduate students, the final will consist of a research paper on a topic germane to the issues and situations raised in the course. I will require students to submit a statement on their chosen topic for my approval. The research paper should be 25 pages in length, excluding list of references, appendices, endnotes, and such other material you may want to include. For undergraduates, the final will be a take-home essay exam consisting of one or two essay questions on significant concepts and issues addressed in the course readings and in our class discussions. Your response[s] should be, in total, 20 pages in length, also excluding references and so on.

NO LATE PAPERS/EXAMS WILL BE ACCEPTED

STUDENTS ARE EXPECTED TO ABIDE BY THE CORNELL CODE OF ACADEMIC INTEGRITY. IF YOU ARE NOT FAMILIAR WITH THE CODE, ITS PURPOSES, AND THE CONSEQUENCES OF VIOLATING IT, I URGE YOU TO GET A COPY OF THE ACADEMIC INTEGRITY HANDBOOK AND READ IT. NONCOMPLIANCE WITH THE CODE MAY ENTAIL TERMINATION OF YOUR CAREER AT CORNELL.

THE USE OF CELL PHONES OR ANY SUCH ELECTRONIC DEVICE DURING CLASS IS FORBIDDEN, EXCEPT FOR A LAPTOP COMPUTER FOR TAKING CLASS NOTES. PLEASE TURN OFF YOUR CELL PHONES WHEN YOU COME TO CLASS.

Lecture and Reading Schedule
NB: Students who are not familiar with the concept of "culture" in U.S. anthropology are well-advised to consult me on sources about it.

Week 1 (24 January): General housekeeping and introduction to the course

Week 2 (31 January): Anthropology and Law
          Moore, "Introduction," pp. 1-31;
          "Chapter 1: Uncertainties in Situations,
          Indeterminacies in Culture," pp. 32-53;
          and "Chapter 2: Law and Social Change: The
          Semiautonomous Social Field as an Appropriate
Subject of Study," pp. 54-81 in Law As Process
(reserve)

Week 3 (7 February): Language, Identities, Rights, and the Nation State
Reading: May, Language and Minority Rights: Ethnicity, Nationalism, and the Politics of Language

Strongly suggested: Crawford, “Part I: Historical Roots of U.S. Language Policy,”
“Part III: Symbolic Implications of Language Conflict”,
and “Part VI: International Perspectives on Language Politics” in Language Loyalties

Week 4 (14 February): Language and Law 1
Readings: Bourdieu, "The Force of Law: Toward a Sociology of the Juridical Field" (reserve)
and Language and Symbolic Power

Week 5 (21 February): Language and Law 2
Readings: Conley and O’Barr, Rules versus Relationships

Week 6 (28 February): Discourse, Anthropology, and Law 1
Foucault, "Politics and the Study of Discourse," pp. 53-72,
and "Two Lectures," pp. 78-108 in Power/Knowledge: Selected Interviews and Other Writings (reserve)
Merry, "The Discourses of the Lower Court," pp. 110-133 in Getting Justice and Getting Even: Legal Consciousness Among Working Class Americans (reserve)

Week 7 (7 March): Discourse, Anthropology, and Law 2
Readings: Felstiner, Abel, and Sarat, "The Emergence and Transformation of Disputes: Naming, Blaming, and Claiming" (reserve)
Mather, and Yngvesson, "Language, Audience, and the Transformation of Disputes" (reserve)

Suggested:
Brenneis and Myers, "Introduction: Language and Politics in the Pacific," pp. 1-29;
Brenneis, "Straight Talk and Sweet Talk: Political Discourse in an Occasionally Egalitarian Community," pp. 69-84;

and


Hayden, "Turn Taking, Overlap, and the Task at Hand: Ordering Speaking Turns in Legal Settings" (reserve)

Week 8 (14 March): Class cancelled

NO CLASS WEDNESDAY, 14 MARCH: FORD FOUNDATION MEETING, DC
SPRING BREAK: 17-25 MARCH 2005

Week 9 (28 March): Concerning "race" and "ethnicity"
Readings:
Haney-López, White By Law
Delgado, Stefancic, and Harris, Critical Race Theory: An Introduction
Urciuoli, "Racialization and Language," pp. 15-40 in Exposing Prejudice: Puerto Rican Experiences of Language, Race, and Class (reserve)
Zackodnik, "Fixing the Color Line: The Mulatto, Southern Courts, and Racial Identity" (reserve)
Williams, "Documents of Barbarism: The Contemporary Legacy of European Racism in the Narrative Traditions of Federal Indian Law";
Dudziak, "Desegregation as a Cold War Imperative";
Delgado, "Words that Wound: A Tort Action for Racial Insults. Epithets, and Name-Calling";
Davis, "Law As Microagression";
Delgado and Stefancic, "Part X: Beyond the Black-White Binary";

and


Suggested:
Twine and Warren, Racing Research and Researching Race

Week 10 (4 April): Narrativizing "Objectivity"
Readings:
Philips, Ideology in the Language of Judges
Delgado and Stefancic, "Part II: Storytelling, Counterstorytelling, and 'Naming One's Own Reality'" in CRT:CE

Week 11 (11 April): Colonizing, "Othering," and U.S. Law
Readings: Merry, Colonizing Hawai'i: The Cultural Power of Law
Norgren and Nanda, "Introduction: E Pluribus Unum,"
"Part 1: Race," and "Part IV: Community" in American
Cultural Pluralism and Law

**Week 12 (18 April): Language, Criminality, and Identity**

**Readings:**
- Berk-Seligson, The Bilingual Courtroom
- Haviland, "Mixtecs, Migrants, Multilingualism, and
  Murder";
- and "Ideologies of Language: Some Reflections on
  Language and U.S. Law" (reserve)
- Delgado and Stefancic, "Part V: Crime" in CRT:CE

**Week 13 (25 April): Structural and Institutional Issues**

**Readings:**
- Philips, "Language Ideologies in Institutions of Power"
  (reserve)
- Delgado and Stefancic, "Part VI: Structural
  Determinism";
- "Part XIII: Legal Institutions, Critical Pedagogy,
  and Minorities in the Law";
- "Part XV: Criticism and Self-Analysis";
- and Part XVI: Critical Race Praxis" (in CRT:CE)

**Suggested:**
- Crawford, "Part II: The Debate Over Official English";
- "Part IV: The Question of Minority Language
  Rights" in Language Loyalties
- and "Part V: Language Diversity and Education" in
  Language Loyalties

**Week 14 (2 May): Localizing and Anthropologizing Human Rights**

**Readings:**
- Merry, "Human Rights Law and the Demonization of
  Culture (and Anthropology Along the Way)" (reserve)
- and Human Rights and Gender Violence: Translating
  International Law into Local Justice

**FINAL PAPER/EXAM DEADLINE: TBA**

**COURSE BIBLIOGRAPHY**

Berk-Seligson, Susan. 2003. The Bilingual Courtroom: Court
Interpreters in the Judicial Process. Chicago: The
University of Chicago Press.


-- 1991. Language and Symbolic Power. Translated by Gino
Raymond and Matthew Adamson. Edited and Introduced by John

Brenneis and F.R. Myers (eds.), Dangerous Words: Language


