

SCHOOL OF SOCIAL SCIENCE

INSTITUTE FOR ADVANCED STUDY

Archive of the Social Science Seminar



2016-2017 | Law and the Social Sciences

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2016-2017

Founded in 1973, the School of Social Science is the most recent and smallest of the four Schools of the Institute for Advanced Study. It takes as its mission the analysis of contemporary societies and social change. It is devoted to a pluralistic and critical approach to social research, from a multidisciplinary and international perspective. Each year, the School invites twenty to twenty-five scholars who conduct research with various perspectives, methods and topics, providing a space for intellectual debate and mutual enrichment. Scholars are drawn from a wide range of fields, notably political theory, economics, law, psychology, sociology, anthropology, history, philosophy, and literature.

To facilitate scientific engagement among the visiting scholars, the School defines a theme for each year. Besides the informal conversations that take place all year long, the scientific activity of the School is mostly centered on two moments. The weekly Social Science Seminar offers the opportunity to all members to present their work, whether it is related to the theme or not. The Theme Seminar meets on a bimonthly basis and is mostly based on discussion of the literature and works relevant to the theme. In 2016-2017, the theme was “Law and the Social Sciences”. The program was led by Didier Fassin, James D. Wolfensohn Professor in the School, with Visiting Professor Bernard E. Harcourt, Isidor and Seville Sulzbacher Professor of Law and Political Science at Columbia University.

**School of Social Science
2016-2017**

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Social Science Seminar

WHY DO WE PUNISH? BEYOND THEORIES OF JUSTIFICATION

Didier Fassin

The world is undergoing an unprecedented punitive moment. Over the past half century, prison demographics and, more broadly, the population under various forms of supervision have considerably increased, most notably in Western countries. Remarkably, however, this evolution is not correlated to an upsurge in crime, but results for the most part from a combination of cultural and political changes, as penal populism manipulates diffuse anxieties in society and contributes to intolerance regarding deviance and difference. Such a phenomenon, which culminates in the United States, calls for a reappraisal of what is fundamentally at stake in the act of punishing. Based on ten years of ethnographic research conducted on police, justice and prison in France, the research tries to answer three questions: What is punishment? Why do we punish? Who gets punished? This lecture addresses more specifically the second one. This triple inquiry into the definition, justification and distribution of punishment thus engages a critical dialogue with moral philosophy and legal theory, breaking the enchantment of their normative stances via both genealogical and empirical approaches.

The two most common justifications for punishment are utilitarian (protecting society) and retributive (correcting a wrong). In the current implementation of these principles, however, the inefficacy of the former and the excess in the latter lead to a dual revision of these theories. Following Nietzsche and using case studies, one can establish that there are multiple reasons for punishing—affirmation of a social order, application of a bureaucratic routine, satisfaction of a political constituency, extraction of financial resources, etc.—but that beyond these rationalities there are also emotional aspects in the form of the pleasure of inflicting physical and moral suffering—either directly, for the police officer, the judge or the guard, or by proxy, for the general public who implicitly delegates to these professions the dirty work of institutionalized vengeance. Underlying these rational and emotional dimensions of punishment is the differentiated allocation of retribution, with some being regarded as punishable while others are spared. A troubling fact is that, in the end, punishment as it is practiced in most contemporary societies participates in the desocialization of individuals and destructuring of families in the short term, increases recidivism and illegalisms in the medium term, and generates inequality and insecurity in the long term.

September 26, 2016

THE ECOLOGY OF POLITICAL ACTIVISM: RIGHTS-ORIENTED LAWYERING IN CHINA

Sida Liu

Collective action has a spatial logic beyond causal mechanisms. In recent decades, the social movement scholarship has gradually moved from mechanism-based explanations such as resource mobilization and political opportunity structure to network-based and spatial theories. The rise of field-theoretical approaches in sociology gives further momentum to this spatial turn in theorizing political mobilization. Field theories often adopt a strategic and structural view of social action. By contrast, this research takes an ecological and processual view of social action following Simmel and the Chicago School of sociology: it considers that the meaning of social action only emerges when an actor is enclosed by other actors in the social space and that boundary work occurs among them as the space consolidates. Furthermore, social spaces are not saturated but have vacancies. A social space sometimes emerges from a state of isolation, in which actors do not actively engage in collective action but passively occupy vacant positions and avoid interaction with other actors.

To develop this ecological approach to collective action as an alternative to the field-theoretical approach, I draw on the empirical case of lawyer mobilization in contemporary China. The ecology of activism for Chinese lawyers is an emergent social space in which various species of lawyers settle in, move around, and look for their political causes through interactions with one another. In the early stage of this ecology (2000-2007), the constant threat of state repression left many vacant or sparsely populated areas of activism and the small number of activist lawyers existed in a passive and precarious state of isolation. Yet, two events of spatial consolidation in 2008-2011, namely, the BLA election and the Li Zhuang case, greatly reduced the social distances among lawyers in the ecology and facilitated their collective action. The die-hard lawyering movement in the following years (2011-2015) used an innovative combination of social media, courtroom drama, and street theatre to mobilize lawyers across China in order to defend the basic legal rights of lawyers and citizens. It generated a series of intensive boundary work in the ecology, including boundary making and blurring between moderate and radical lawyers, the state's boundary closure on human rights activists, most notably in the July 2015 crackdown, and lawyers' boundary shifting to less sensitive areas as a response to the crackdown.

October 3, 2016

PRECARIOUS HOPE, MIGRANT LEGALIZATION AND THE LIMITS OF AFFECT THEORY

Ayşe Parla

Bulgarian Turkish migrants hold a relatively privileged position vis-à-vis other undocumented migrants in Turkey, benefiting from legally codified as well as informal favorable treatment based on presumed “racial kinship.” However, their lives are nonetheless marked by precarity insofar as many work as undocumented laborers and are dependent on the benevolence of the Turkish state in securing legalization. My lecture explores the simultaneously entitled and precarious quality of the hope held by ethnically Turkish migrants from Bulgaria, for whom legalization is promised through periodic amnesties and exceptional favors but only occasionally delivered. In exposing the ambivalence of the structure of relative privilege and the hope it produces, I urge for more attentiveness to the differentiated nature of hope in terms of how hope articulates, with varying degrees of access and promise. In doing so, I also intervene into affect theory’s recent monopoly over the analysis of the ambivalent, uncertain, and non-discursive. Cautioning against the presentism the hard version of affect theory leads to, I insist on the necessity of sustaining an analysis of, on the one hand, the ambivalent and emergent nature of hope as it is produced and performed, and, on the other hand, its more structured and governed qualities that are shaped in relation to historically embedded and existing legal codes and regulations.

The talk is a part of the book manuscript entitled *Precarious Hope: Migrants, Law and Relative Privilege*. The larger project looks at the ways in which migration bureaucracies, laws and their differentiating criteria variegate and structure experiences of hope for a migrant group with relative privilege. However, the limits of governance through ethno-racial appropriation and market consideration are also pushed in unexpected ways by migrants, resulting in entangled processes of governance through hope and of hope escaping the logic of governance.

October 10, 2016

THE EMPEROR'S NEW GENES
RACE, SCIENCE, POLICY AND THE ALLURE OF OBJECTIVITY

Ruha Benjamin

The field of human population genomics promises to reveal the biological underpinnings of how diverse populations evolved and the unique health vulnerabilities that different groups face. This lecture examines the social dimensions of this undertaking across a number of different countries. It focuses on how claims of “genomic sovereignty,” in which governments assert a custodial status over a population’s DNA, may at times reflect, reinforce, or potentially challenge hierarchies based on race, class, and citizenship. Ultimately, the discussion demonstrates how the *epistemic agility* (making competing knowledge claims) and the *normative dexterity* (asserting conflicting political claims) of genomics rather than its strict enforcement of hierarchy, is what makes the field powerful, problematic and, for some, profitable.

Genomic claims are used at both ends of the lines of power, where the meaning of biological difference and the rights sought by different groups are negotiated and contested. In this process, biological notions of race are resuscitated in service to new kinds of biopolitical regimes that have received little critical attention partly because of the emancipatory rhetoric in which they come packaged. With this rhetoric, the investment is not in hierarchy and exclusion but in commodification and inclusion, with the explicit goal of producing tailored medicine for niche markets. But despite the seeming empowerment of genomic sovereignty claims, it is important to contend with the way in which the parameters of this social field, its rules and doxa, are being constituted around a narrow definition and commodification of patentable life into which longstanding social divisions are euphemized as “genetic diversity.”

For social scientists wary about the resurgence of biological determinism in the wake of genomics, this discussion directs attention to the wider biopolitical arena, focusing on the inter—and intra—national power dynamics that give rise to claims around genomic group identity. It argues that the conventional sociological concern with determinism overlooks the dexterity of genomics and the way that study findings can be mobilized by competing political actors. The agility, not the fixity of such claims, underpins their authority and power and should therefore be the focus of ongoing critical engagement.

October 17, 2016

MAKING UP THE EX-OFFENDER

Reuben Jonathan Miller

The decades-long expansion of the U.S. prison system has captured the public's imagination, yet a conspicuous and equally consequential development remains hidden in plain sight—the rise of a supervised society. 48,000 laws, regulations and administrative sanctions constrain the social, civic, and economic participation of 19.6 million Americans with felony convictions—two thirds of whom are poor, one third of whom are black. This population is 10 times the size of the U.S. jail and prison census and represents one in three black American men. The legal exclusion that constrains their mobility makes their care networks responsible for their actions. Consequently, the “ex-offenders” are dependent on others to meet their basic human needs and are among the least desirable candidates for that help. What must life be like under these conditions? What are its broader implications?

Drawing on an ethnography of former prisoners' experiences returning home to neighborhoods in Chicago, Detroit, and New York City, I re-conceptualize prisoner reentry as a *social institution* that originates from and occurs across multiple sites of confinement and care. Like any other social institution, reentry classifies social actors and stratifies resources accordingly. Theorizing reentry in this way moves beyond the discourse of power, which presents crime control policy as an instrument of social control deployed to restore order and ensure public safety. Attending to the experiences of people in reentry reveals what the law produces in the social worlds beyond the prisons' gates. I extend Ian Hacking's (1986) theory of “people making” to the reentry experience, revealing how the convergence of discourse, practice, and interaction “make up” the ex-offender, a novel “human kind” emergent in our carceral age.

In locating the ex-offender's genesis at the nexus of policy, practice, and interaction, I offer a new way to theorize the role of the state in the lives of the black and brown poor, the social effects of what criminologists Fergus McNeill and Kristel Beyens have labeled “mass supervision,” and a political theory of crime control to the largely technical research on prisoner reentry.

October 24, 2016

THE COUNTERREVOLUTION

Bernard E. Harcourt

In my previous work, *Exposed: Desire and Disobedience in the Digital Age* (2015), I argued that we are now living in what I call an “expository society”—by contrast to, say, an Orwellian or *panoptic* society—in which we most often voluntarily expose our personal data to others through our social media, cell phones, Internet searches, and digital presence on the Internet. Through a combination of commercial surveillance (for instance, Facebook and Google collecting all our user information in order to target digital publicity to us) and state surveillance (for instance, NSA collecting all our social media through the PRISM program to monitor us), practically all our voluntary digital traces become exposed.

What I had not sufficiently explored in *Exposed* is the way in which our new expository society relates to other contemporary forms of governing—both at the global and local levels. In other words, how does our digital exposure at the global level interconnect with the government’s deployment of drone strikes or targeted digital propaganda? At the local level, how does our social media connect with law enforcement’s policing of protests and urban neighborhoods? Those are the questions that I began to explore this year at IAS, in an effort to link our new expository society to the forms of governmentality that dominate today.

What I propose now is that our new expository society is actually only the first prong of a larger style of governmentality that I would call counterrevolutionary, or more simply “The Counterrevolution.” Our digital exposure fits within the governmental project of total information awareness—the objective being to obtain everything knowable about everyone in the population. That first prong is what feeds and makes possible the other prongs of a counterrevolutionary style of governing that requires, first, distinguishing between friend and foe, or between the dangerous minority and the passive majority; second, eradicating the dangerous minority; and third, winning the hearts and minds of the passive masses. It is only total information awareness that makes it possible to govern in the way that characterizes the practices of the United States and other advanced Western nations. My conclusion is that our expository society may be even more nefarious than I had previously documented. It is, in a sense, the very foundation of a style of governing that is marked by excess, or by what other commentators refer to as “states of exception.” It makes possible a new way of governing abroad and at home based on a counterrevolutionary logic that has far-reaching implications for us all.

October 31, 2016

INSURGENT UNIVERSALITY

Massimiliano Tomba

What I call the legacy of insurgent universality exceeds the familiar juridical horizon of citizenship and human rights, by revisiting questions relating to the modern conception of private property. I focus on three events: 1793 and the alternative revolutions within the French Revolution, 1871 and the experiment of the Paris Commune, and the 1917 peasant's revolutions within the Russian revolution. I analyze these events by drawing attention to three texts: the 1793 *Declaration of the Rights of Man and of the Citizen*, the 1871 *Declaration to the French People* and the 1918 *Declaration of Rights of the Working and Oppressed People*. Each revolutionary rupture begins with a Declaration, which articulates intentions for a new political experiment and new forms of political togetherness, but also expresses them in a distinct democratic style. The Declarations represent genuine democratic writing, which is hinted at by the fact that they are not the product of an individual author, but rather forms of collective expression.

I analyze these events as exhibiting alternative trajectories of modernity, experiments that were understood as embodying future possibilities. By doing this, my book aims to “decolonize” European history, offering an image of Europe that is not monolithic but composed of many layers and paths that have been repressed or forgotten. The aim of my book is to reactivate those roads not taken.

My book starts out by suggesting that we need to abandon the concept of universal history. The singularization of history, which is the fundamental premise of universal history, is intrinsically Eurocentric and colonial. It puts European civilization at the top of the historical-temporal vector, dismissing an enormous variety of alternative political and economic forms, both European and non-European, as pre-capitalist or pre-modern. According to this conception of history colonization and civilization overlap each other. In attempting to put into question the “universal” of universal history, I put forth a new historiographical framework in which multiple temporalities coexist and conflict with each other. It is through the prism of this historiographical framework that I redefine universality as an excess of equality and freedom beyond the juridical frame of universal human rights in the 1793 Declaration; as a reconceptualization of power as found in the institutions created during the 1871 Paris Commune; and in the redefinition of property as the transgenerational possession of common land in the peasant insurgencies within the 1917 Russian revolution.

November 7, 2016

THEORIZING ABOUT TORTURE

Nick Cheesman

“Does torture work?” The question sounds reasonable. If violence is instrumental, we might as well ask whether or not torture delivers on what it promises. The answer to the question would also seem to invite further inquiry into what to do next—whether to rule out the practice, or to examine the permissible or necessary circumstances for its use. But the question’s apparent reasonableness is misleading. It presents not an opening, but an obstacle in the way of productive inquiry about torture. That is because it narrows our focus to the least significant dimensions of the phenomenon, and generates largely irrelevant debate, based on unrealistic assumptions, about acceptable circumstances for torture’s use. It gives rise to theorizing aimed not at understanding torture but at justifying it, by contriving to have us view the practice from the standpoint of a hypothetical torturer. In short, it is a question that itself does not work.

What are the possibilities for theorizing about torture independently from the question of whether or not it “works”? To theorize *about* torture would seem to call for a different kind of question, expressed here as: what work does torture do? This question, while modestly rearranging the parts of speech, significantly rearranges the parts of the problem. Instead of treating torture as an instrument for some end or ends, it invites its study without prior agreement to acknowledge it on terms laid down in the interests of torturers; without presuming to know already what torture is for, or the circumstances of its use. In so doing, it invites us also to attend to the fullness of the torture situation—a situation in which a totally dominated person is subjected to torment inflicted in the name of a public authority, for a function or functions that remains to be determined. By going beyond torture’s instrumentality, its epistemology of pain, and justificatory debates that have little or no bearing on actual cases of torture, this mode of inquiry might open up routes to examine the special structure of domination, the arbitrariness of interference, and the relationship to public authority that make torture a type of violence that is at once distinctive and politically significant.

November 14, 2016

CARCERAL HUMAN RIGHTS

Karen Engle

In the 21st century, fighting impunity has become both the rallying cry and a metric of progress for international human rights advocacy and law. Whereas in an earlier era, criminal punishment had been considered one tool among many, it has now become common sense that the absence of criminal sanctions (“impunity”) is the principal harm of human rights and that criminal sanctions (“anti-impunity”) are the key means by which not only to respond to human rights violations, but also to promote sustainable peace and foster justice. This new emphasis on criminal prosecution, I argue, represents a fundamental change in the positions and priorities of those involved in the international human rights movement. It happened in a remarkably short time, and it has significant negative consequences.

The carceral turn in human rights can be found in a variety of sites and among a number of different actors. Two of the sites that demonstrate it are: 1) the rejection of amnesties for gross human rights violations, even when the amnesties are made a condition of peaceful transition; and 2) international criminal legal developments that treat rape and sexual violence as the quintessential harm that women suffer during conflict.

Contemporary examples both highlight the common sense and offer reasons to be skeptical of it. Genealogies of the post-Cold War human rights movement, including the women’s human rights movement, demonstrate that the primacy of criminal law in human rights was neither necessary nor natural, and that it has problematically affected the lens through which the human rights movement and international law scholars who support it view and respond to human rights violations. In short, I contend that as human rights advocates increasingly rely on criminal prosecutions, they invoke a constructed victim subject to reinforce an individualized and decontextualized understanding of the harms they aim to address, even while relying on the state and on forms of criminalization of which they have long been critical.

Through the description and critique of the carceral turn in human rights, I identify critical moments when certain positions solidified, and even ceased to be seen as positions. Inspired by Clifford Geertz’s approach to anti-relativism, I do so to counter the anti-impunity trend—not by defending impunity, but by showing what has been lost by its framing.

November 21, 2016

**SHOW TIME:
THE POWER AND LOGIC OF VIOLENT DISPLAY**

Lee Ann Fujii

How do people come to participate in violent displays? By “violent display,” I mean a collective effort to stage violence for people to take in, notice, or experience first-hand. Participants include anyone and everyone who takes part, from those who commit physical acts to those who watch at a distance. Examples include the sexual tortures at Abu Ghraib and spectacle lynchings in the US. The puzzle of violent display is why they occur at all given the risks and costs. Violent displays can undermine larger political goals and exact terrible costs on participants as well as the communities where they occur.

To explore this puzzle, the book examines three episodes that occurred in diverse contexts: a massacre that took place during the Bosnian war, the killing of a prominent family during the Rwandan genocide, and a lynching in Jim Crow Maryland. Drawing on primary sources and interview data I gathered in each research site, I examine the local processes by which actors put violence on display. I focus on embodied action—more specifically, on what actors *are seen* doing. This approach obviates the need to speculate about actors’ internal beliefs or motives, and allows me to examine violent displays as a process and occasion for performing collective identities in a special way.

In this talk, I examine two episodes in detail: first, the spectacle lynching of George Armwood, a 22-year old black farmhand, which occurred in October 1933 in Princess Anne, Maryland; second, the massacre of (civilian) Muslim men that took place in Northwest Bosnia in July 1992, at the start of a three-year civil war. To explain the various pathways to participation, I develop a theory of casting. Casting is the process by which people take on roles and roles take on people. These roles give the display its form and enable actors to do things they would not normally do. In Maryland, the process enabled widespread participation (which quick execution would have denied). Every action that people took, from cheering their delight to pulling on a rope, cast these men and women in bit parts and supporting roles; and in doing so, conferred on them instant status and prestige. In Bosnia, the round-up and parading of over one hundred captive men gave starring roles to the most willing and eager, and forced reluctant actors to be seen in supporting roles. In both episodes, the displays re-inscribed what it meant to belong to a particular social category; they also enabled actors to broadcast claims to power and authority and to bring to life a new social-political order.

November 28, 2016

ABOLITIONIST KILLJOYS AND THE SOCIAL LIFE OF SOCIAL DEATH

Andrew Dilts

Prison abolitionists, police abolitionists, and anti-carceral theorists and activists struggle with attachments to existing forms of life that reinforce the prison. I argue that one of these attachments is *enjoyment*. Putatively “innocent” members of U.S. society receive identifiable material, psychic, and symbolic benefits and privileges from the practices of incarceration and policing. These practices are embedded in hetero-patriarchal white supremacy in the United States, and people who are less subjected to confinement and state supervision *enjoy* these benefits and privileges, attached to them as forms of *parasitic* social life. Building the “Abolition-Democracy”—what Angela Davis, George Lipsitz, and Joel Olson, drawing on the work of W.E.B. Du Bois, identify as building a world in which black liberation is positively assured beyond “negative” emancipation—requires the disruption of such social life, forms of property, and enjoyments that depend on the continued functioning of the prison as a site of moral and political differentiation. Moreover, such a disruption must also target the very *desire* to save, perfect, and protect the prison with reformist programs and even well-intentioned progressive models of inclusion that continue to accept the premise that prison can be made safe for anyone.

This lecture traces four speculative claims that together insist on the necessity of identifying, confronting, and disrupting “carceral enjoyments.” First, I claim that incarceration in the U.S. is an institution that produces social death. It unites civil and social death through the ethno-racial prison as a site of its production, marking the U.S. social order as governed by white supremacy. This in turn transforms the paradigmatic socially dead figure of “the slave” into that of “the prisoner.” Second, I claim that there is another “side” of social death: namely a social life produced *through* social death. In the U.S., one form of this parasitic social life is that which is produced by incarceration and confinement, i.e. “carceral enjoyments.” Third, I claim that “prison reform” is an exemplary instance of a “carceral enjoyment.” I explore one such project: the establishment of segregation units inside jails and prisons for queer, gender-non-conforming, and transgender persons, such as the K6G segregation unit inside Men’s Central Jail in Los Angeles County. Fourth, I argue that one resource for confronting carceral enjoyments is to disrupt the flow of affective pleasures through a political-epistemological project of “kill-joying.” Inspired by Sara Ahmed’s figure of the “feminist killjoy,” I identify the work and thought of CeCe McDonald as that of an “abolitionist killjoy.”

Acknowledging our attachments to such carceral enjoyments is a condition of possibility for cultivating and redistributing certain kinds of “bad feeling,” toward liberatory ends. Becoming an abolitionist killjoy, I conclude, is a necessary (but insufficient) part of abolitionist projects and ought to be embraced rather than avoided. This means supporting killjoys, becoming killjoys ourselves, and above all, ceding the floor to those best situated and able to disrupt the flow of the “good feelings” of carcerality and carceral reform.

December 5, 2016

HUMANITARIAN DESIGN AND THE SCALE OF THE FUTURE

Peter Redfield

What visions of the human do people enact when seeking to change the world? My larger project addresses this question by examining an emerging intersection between innovative design and humanitarian sentiment. In this domain, the figure of the human has arguably outlived utopian dreams of revolution and the wide horizon of modernist planning. Whereas the era of decolonization half a century ago embraced large dreams of nation building and massive development works pursuing modernization, today such aspirations appear in relatively short supply. By contrast, diffuse claims about human rights and humanitarianism permeate international relations, as well as the glossy brochures of aid organizations. The globalization of health research has shifted emphasis from national populations to groups or regions suffering from specific conditions. The temporality of emergency and assertions about exceptional circumstances increasingly function as a norm. Recently, a wave of social entrepreneurs has sought to respond to social problems of disaster and extreme poverty with ingenious, small-scale designs for objects like minimal shelters, water filters or low-cost incubators, examples of which fill volumes such as *Design Revolution* or *Design Like You Give a Damn*. The successors to an earlier wave of locally appropriate technology like solar cookers, these devices display heightened ecological concern, deploy audit oversight and desire to enroll their targeted users into the planning process. They remain modest in scope, seeking “small fixes” through highly specific interventions. At the same time, they suggest new contours of humanitarian imagination, partly decoupled from both states and standard infrastructure, and reattached to ingenuity and entrepreneurship.

My presentation gives an overview of the project in three acts, outlining the problem, noting the theoretical points of inspiration and sketching a tentative analytic frame. The first act (“A Biopolitical Horizon of Expectations”) draws inspiration from Foucault’s early lectures on urban medicine and biopower and Koselleck’s theory of modernist historical experience. Combining Foucault’s reference to “the living conditions of the existential milieu” with Koselleck’s phrase “horizon of expectations,” I analyze the LifeStraw water filtration system and Plumpy’nut therapeutic food as illustrative objects that reveal assumptions about future intersections of life and politics, in which water grids remain unbuilt and starving children will regularly require therapeutic food. The second act (“A Needy Human and a Mobile Milieu”) takes a detour into first aid kits, refugee camps, lifeboats and outer space to examine the problem of the human defined by needs, particularly in extreme and urgent conditions. From this perspective, urban infrastructure appears as an extended habitat for urban norms, recasting political modernity as a technopolitics. The third act (“Broken Worlds and the Scale of the Future”) returns to the humanitarian devices at the core of the project, positioning them as markers tensions between modernist expectations about material support for life, and perceptions of political failure and ecological limits at a global scale. In honor of the IAS setting, the presentation concludes with a figure illustrating the constriction of future between these forces.

December 12, 2016

ADAM AND JUAN PATRICIO: DIS/POSSESSED

David Kazanjian

In *Adam and Juan Patricio: Dis/Possessed*, I examine two cases of turn of the eighteenth-century Afro-diasporic subalterns—Adam from Boston and Juan Patricio from Yucatán—who were involved in court cases over their freedom.

Reconstructing these cases from rich and yet fragmentary archives, I re-narrate them to show how seemingly local and remote conflicts have much to teach us today about ongoing relationships among race, dispossession, and freedom. I argue that these cases—once recovered and given new narrative life—show how racial capitalism works not simply to take possessions like labor and land from exploited subjects, but also and perhaps more significantly to possess or invest such subjects with racial being.

This possession takes markedly different forms in British New England and colonial New Spain, revealing the uneven development of racial capitalism across the Americas. In turn, these cases show how subjects like Adam and Juan Patricio differently repurposed race in opposition to racial capitalism's possessive force. My transnational study crosses the stubborn historiographic border between the Anglo and Spanish Americas, and it deconstructs boundaries between possession and dispossession. Centrally, these cases suggest that we need not posit foundationalist understandings of ownership at the origin of the story of capitalist accumulation. Furthermore, by bringing the turn of the eighteenth-century past into our present, I offer anti-foundationalist theories of dispossession and accumulation that speak to contemporary politics of indigeneity, settler colonialism, Afro-diasporan identity, and reparation.

In the end, I suggest that Adam and Juan Patricio teach us to read and act not only with outrage for the loss of all that was dispossessed, and not simply with hope for efforts to restore or repair stolen, prior possessions. Rather, they teach us how to live exorbitantly and wander deviantly from possession as such, how to improvise with what we are told we are and repurpose who we might become.

January 23, 2017

**SEEKING ASYLUM, FINDING GOD:
ASYLUM-SEEKING ON RELIGIOUS GROUNDS AND THE POLITICS OF DESERVINGNESS**

Jaeun Kim

My current project examines the underexplored nexus of migration, religion, and nation-states in the current phase of globalization, focusing on the asylum-seeking of unauthorized migrants on religious grounds. I would like to offer a more sociologically sound approach to asylum-seeking on religious grounds than the prevalent one, which is preoccupied with the truth of the claimed religious identity. Instead of taking asylum-seekers as a self-evident object of inquisitive academic analyses and benevolent or punitive policy interventions, I would like to develop in the present lecture a relational, processual, and agentic theoretical framework with which to examine asylee-making from the ground up.

My point of departure is the regime of what some scholars call “probationary citizenship.” In contemporary immigration states, unauthorized migrants are treated simultaneously as “civic culprits” to be punished and “civic minors” to be redeemed; they are measured as more or less illegal, and thereby as more or less deserving of incorporation into the civic community. Building on this insight, I approach asylee-making as a tension-ridden co-production of various state (legislative, executive, judicial, and bureaucratic authorities) and non-state actors (legal intermediaries, migration brokers, religious networks, and migrants themselves), who mobilize multiple, and often mutually contradictory, understandings of who are redeemable “civic minors” and how one can achieve this status. These understandings may congeal into an assemblage of institutions, discourses, and practices, constituting a redemption project that provides plausible and legitimate “vocabularies of motives,” distinctive parameters of worth, and a quintessential “moral career” of a “deserving” migrant.

Drawing on my empirical findings from multisited field research in China, Korea, and the U.S., I identify three redemption projects that shape the contested and fractured terrain that unauthorized migrants seeking religious asylum in the U.S. must navigate. These projects are informed respectively by the logic of humanitarian benevolence, the logic of the market, and the logic of divine grace. And each of these projects tends to be embraced, invoked, and enacted by the asylum institution, commercialized migration brokerage, and religious organizations. I show how the dynamic interplay of these three redemption projects—sometimes competing and at other times unexpectedly colluding with each other—shapes the migration careers, legalization strategies, and conversion patterns of some asylum seekers in the U.S. Overall, my current project illustrates the disciplinary and productive power of state laws, while revealing the tensions and contradictions inherent in the norms and practices of citizenship in contemporary immigration states.

January 30, 2017

**THE HONEST BUT UNFORTUNATE DEBTOR:
SOCIAL CLASS, STATEBUILDING, AND U.S. LAW**

Emily Zackin

The proper relationship between private debt and public power has been a central controversy in America's political and constitutional development. It might seem quite natural for the state to punish debtors when they do not repay their debts. Public power, on this view, is quite properly devoted to protecting private property rights and the sanctity of contracts. Yet, throughout American history, debtors have seen things differently. What looked to many elites like the straightforward and apolitical application of the law was actually, debtors insisted, the state siding with wealthy creditors at their expense. Rather than simply enforcing economic bargains, debtors' movements demanded the enactment of laws that would do almost exactly the opposite, and they were remarkably successful in shaping state and federal law. I argue that we should understand America's long tradition of protection for insolvent debtors as a form of social insurance.

This component of America's social insurance system has been partial rather than universal, protective of some and unavailable to others. Only some debtors have been understood as deserving of the law's protection. I am working out an argument about how the particular political economy of the long 19th century made the identity of deserving debtor salient, but that the political economy of the 20th century made that less true. I want to show the contingency of this political identity, and illuminate the way these ideas about deservingness shape and are shaped by struggles over the law.

Finally, I have been wondering whether, given the sharp decline of labor organizing in the 21st century, American movements for economic re-distribution might once again focus on indebtedness and debt relief. In the wake of the 2008 mortgage crisis, a debtor politics has re-emerged, and with it a rhetoric of greedy bankers and sympathetic homeowners, facing unjust foreclosures. Students too have begun to organize around their indebtedness, arguing (just as 19th century farmers did) that they were forced to go into debt to participate the social and economic life of our society. Political and economic conditions may be such that even if people organize around indebtedness, today's debtors will have a much harder time securing protection in this century than farmers did in the 19th. The goal of this project is to draw attention to and understand America's long tradition of debtors' movements and the conditions under which they succeed or fail.

February 6, 2017

EMANCIPATION BINDS

Fadi A. Bardawil

The Arab popular uprisings put the question of emancipation back at the heart of our present. The rebellions against the authoritarian regimes, the sectarian and ethnic divisions, not to mention the military and economic interventions by regional and international actors all contribute to render the question of emancipation and its complications even more urgent. Anchored in our present, *Emancipation Binds* unearths the forgotten theoretical and political archive of an earlier generation of revolutionaries. It is both a history of the rise of the Levantine Left during the 1960s and its subsequent ebbing away a decade later, as well as an anthropological inquiry into the translation and multiple uses of critical theory.

In unearthing their significant body of theoretical work and political party archives written in Arabic, I bring to light a complex intellectual tradition that has not been translated and studied in the English-speaking academy. I am driven to re-examine their dual legacy: radical revolutionary hope and political disenchantment. To recover their visions is an antidote to public amnesia, an exercise that clarifies the distinct contours of our present and an invitation to an intergenerational conversation about the potentials and limits of emancipation.

This lecture engages in “fieldwork in theory.” It looks into the different social lives of theory, shifting the question from how theory helps us understand the world to what kind of work it does in it, how it partakes in authorizing political practices for militants and contributes to the cultivation of their cultural capital and sensibilities. Anthropology has produced a rich reflexive tradition, which by turning the discipline’s critical gaze inwards interrogated the epistemological assumptions undergirding its concepts and its practices of representation by showing their entanglement with power. This lecture shifts the focus away from the critique of the discursive assumptions of theoretical discourses to the ethnography of their circulation, uses and political effects in non-Western and non-academic settings. As the frames of enquiry become the objects of ethnographic investigation, *Emancipation Binds* pushes the boundaries of anthropology by overcoming the distinction between what is supposed to be the slick, context-less, abstract theoretical frame and the stickiness of ethnographic empirical worlds. In doing so, a different kind of reflexivity is gained, which highlights how the questions, stakes, modes of criticism and practices of engagement of disenchanting Levantine Marxist intellectuals speak back to our own disciplinary commitments.

February 13, 2017

MARKETS AND SOCIAL ACTION: LESSONS FROM FINANCIAL DIARIES

Jonathan Morduch

Our eyes are newly opened to economic inequality, both globally and within countries. Better data—especially tax data on the richest of the rich—have informed news articles, academic studies, and political uprisings. Traditional economic surveys could say little about the very, very rich, but the tax data revealed remarkable, widening inequalities since 1970. They show, for example, that today the top 1 percent claim 20 percent of pre-tax earnings in the United States, leaving the entire bottom half with just 12.5 percent. The bottom half of the income distribution (and especially the bottom 20 percent) is badly understood too, and here tax data cannot help much. Like the richest, the poorest are weakly represented in the usual economic surveys. They are also badly represented in the kinds of administrative data that Piketty and others deploy to such advantage. A different kind of empirical innovation is needed.

Fifteen years ago, researchers started collecting highly-detailed surveys of very poor households in India, Bangladesh, and South Africa. The samples were small, but the research was intensive. The aim was to record every penny that the households earned, spent, borrowed, saved, and shared over the course of a year. The findings, brought together as *Portfolios of the Poor: How the World's Poor Live on \$2 a Day* (Princeton University Press 2009), showed how intertwined are poverty and instability. The data reveal how the condition of poverty—even in purely financial terms—is not captured adequately by low average earnings. A second (harder-to-see) problem is the irregularity and unpredictability of those earnings, together with the lack of financial tools to manage the instability. The data give a new window on poverty and point to paths for policy.

Besides, while at the Institute, I completed a book with Rachel Schneider that draws lessons from a related study in the United States, *The Financial Diaries: How American Families Cope in a World of Uncertainty* (Princeton University Press 2017), based on fieldwork in Mississippi, Kentucky, Ohio, California, and New York. The book argues that fundamental shifts in U.S. job markets have created instabilities like those seen in poorer countries—with the need for similar transformations of ideas about markets and possibilities for social action. These changes do not just affect marginalized populations: they are central to understanding middle class economic anxieties and the broad social and political shifts arriving in their wake.

February 27, 2017

SAVING MUSLIM WOMEN CULTURAL RELATIVISM, FORCED MARRIAGE, AND “HONOR” KILLINGS IN LONDON

Lalaie Ameeriar

This project is an ethnographic study of legal protections surrounding forced marriage and honor abuse and killings within predominantly Muslim immigrant communities in London and in the United Kingdom. There are some 9,000 forced marriages in the United Kingdom every year, and from 2010 to 2014, the U.K. police recorded 11,744 cases of honor-based violence. In response, the United Kingdom passed the Forced Marriage (Civil Protection) Act of 2007, enabling victims to apply for court orders of protection. In 2014, in conjunction with the Anti-social Behavior, Crime and Policing Act, forced marriage officially became a crime punishable by up to 7 years in prison. The legislation has not been received without controversy. Lawyers have argued that this legislation will not be beneficial to victims, acting rather to deter women from coming forward for fear of implicating their families in court proceedings. This project suggests that human rights laws (and the transnational discourses and practices that structure them) are central to the governing of Muslim minorities in the U.K., but have resulted in unintended consequences. The result is a disjunction between the law and the community, between human rights and humanitarianism that lies at the heart of this book, particularly where these coalesce within discourses regarding women’s rights in marginalized communities. Scholarship on human rights and humanitarianism has focused on the production of a morally legitimate suffering body that is the subject of care and intervention. Scholars have examined the ways human rights regimes center on the notion of the liberal individual subject. Human rights are a global discourse articulated through a series of international conventions such as the Universal Declaration of Human Rights (UDHR) and conceive at their center an individual that is “inherently equal to others in rights and dignity” (Allen 2009: 163). Human rights NGOs, such as London based organizations integral to this study are central in the production of this ethical and moral discourse. Pertinent for the research here is the way scholars have understood the conflation of a rights bearing subject with the subject of humanitarian compassion. This conflation leads to the emergence of a suffering body, or victim, as a condition for a legitimate rights bearing subject. How is this suffering body (as a site of legal protection) constructed when it belongs to a Muslim woman? This project seeks to explore the intimate and affective dimensions of this violence against women and how the state contributes to perpetuating this violence through creating legal standards that do not in their practical application operate in women’s best interests. Through ethnographic research, this work examines the ways women understand and negotiate their relationship to law, the state and citizenship, as well as with their families, gender ideologies and religion. This project examines the critically important area of everyday practices by which laws, human rights and women’s rights are made and understood. It advances understanding regarding the way the law helps create the figure of the human, and in this case as a rights bearing subject with a bodily integrity that must be protected. In addition, this research has significance for the relationship between Muslims and Muslim Americans as cultural and religious minorities in North America and the United Kingdom.

March 6, 2017

IS DISEASE PART OF THE JOB?
ECONOMIC AND MORAL RESTRUCTURING IN A FRENCH FACTORY

Pascal Marichalar

What are the conditions that bring workers to engage in denunciation of their dangerous working conditions, and state that disease need not be a part of the job? The economic ties that bind workers to their work do not explain all. The evolution of moral ties must also be taken into account. In this talk, I describe the evolution of blue-collar workers' relationship to their job from the 1960s onwards, drawing on a monography of French industrial glassworkers that I have been working with since 2013, through ethnography and archival work. These men worked in a factory in Givors, near Lyon, producing glass bottles and jars for the food and liquor industry, until this factory was closed in 2001 (effective in 2003). The two final years were ones of intense struggle against the closing of the factory, during which the workers demonstrated their attachment to their job. This was followed as of 2009 by a new fight (ongoing), during which former glassworkers denounced the dangerous working conditions to which they had been exposed, which they believed had harmed and killed some of them, and asked for justice.

These workers have long known they were in a very dangerous trade. However, they did not question their exposure to danger while it was encompassed in a broader, implicit moral contract which governed social relations within the factory. As long as this contract was respected, disease was considered a normal part of the job. However, workers experienced a wave of economic restructuring from the 1980s onwards, which was then accompanied by different stages of a process that I call "moral restructuring," ultimately transforming this conception of fairness. Eventually, most glassworkers came to the conclusion that disease should not have been part of their job, and that they were betraying no one by thinking so. It was they, rather, who felt that they had been betrayed.

March 13, 2017

DOING WEALTH INEQUALITY IN THE FAMILY

Céline Bessière

Since the 1980s, economic inequality based on income and capital ownership has risen spectacularly in Europe and North America. Following Piketty (2014), what is new at the end of the twentieth century is not only the rise of wealth inequality but also the return of inheritance and gifts from previous generations in the capital accumulation, rather than personal savings from work-related income. Family transmission of wealth is at the center of capitalism in the twenty-first century, just as it was in the nineteenth century. However, families have changed a lot in the past few decades. The growth in separation and divorce rates has contributed to the increase in lone-parent families and stepfamilies. Marriage is not the only way to organize sexual and cohabiting relationships anymore. Gender discrimination was erased from family law in the books. Children who have unmarried parents have the same rights as children with married parents. Same-sex partners are increasingly recognized by the law as spouses and parents, and so forth. In this new context, I study how family and wealth are closely intertwined. I argue that by studying the wealth of families, we can better understand unequal distributions of wealth in our contemporary societies.

Thus, I study two crucial moments in contemporary family settlements in France: inheritances and marital breakdowns. These are two moments when economic issues are at stake explicitly, because people have to count and value what they have, what they did, what they would like to have, what they claim. They also have to interact with their mother, father, siblings, children, partner, etc., about these inventories and valuations. I call these moments “family wealth arrangements.” Of course, these arrangements are not only a question of money and assets: they also involve sentiments, emotions, values and norms.

Through ethnography, I carry out *in situ* observation of ordinary people as they deal with the law, precisely situating the social position of male and female disputants, and paying all due attention to legal professionals themselves (notaries, lawyers and judges), inasmuch as they are intermediate agents of legal socialization. I study how intergenerational wealth transmissions reproduce class inequality between families, while at the same time, though less visibly, maintaining and justifying gender inequality. Moreover, economic transfers resulting from marital breakdowns expand the gender wealth gap, though with different material consequences in rich and poor families.

March 20, 2017

WHY DO WE INVESTIGATE?
THE POLITICAL EPISTEMOLOGY OF INTERNATIONAL COMMISSIONS OF INQUIRY

Lori Allen

Palestinians and their advocates have relied heavily on different forms of law in their long struggle for independence. International law—as a set of liberal norms, values, and political mechanisms—has brought political opponents together in a shared framework of social and intellectual interaction, fundamentally shaping Palestinian politics and political consciousness, and the conflict with Zionism and Israel. The argument of this lecture is that international investigative commissions are a key mechanism by which some Palestinians have become entangled within international law and its liberal-legal sensibilities. International law, as uniquely activated through investigative commissions, is an arena in which liberalism has functioned as an ideology of rule—in different ways, for the rulers and the ruled. Commissions claim to assess the status of Palestine in terms of international legal principles, but they put into action implicit norms and standards of comportment, revealing a gap between political reality and the ideology of legal liberalism (the idea that law is a distinct sphere of action that runs on the basis of objective rules that can yield predictable results when applied in a juridical process). Through each commission in each historical era, demands for the assertion of distinct values and performance of specific stances appear, from properly contained nationalist passion to humanitarian sympathy, balance and compromise, to hope, and sincere suffering.

The shifting sensibilities that underwrite the assessments of Palestinians, the differential demands they make of those pleading their cases, function within a “rule of cultural difference” with implicit criteria of worthiness to pathologize Palestinian political subjectivity. The reasons why many Palestinians nevertheless remain tethered to this liberal-legal ideology, to political-legal approaches and to systems that never deliver on their promises, has to do with the ways that each investigative commission extends liberalism’s lures in a newly hope-inspiring form. Each new iteration of liberalism’s promises reaches out to new generations, re-inciting faith in the existence of an international community that cares, prompting belief in the notion that law can be an objective arbitrator. This embroilment in an international legal mode has narrowed political vision and action for Palestine, and provided the international community with a means to justify its refusal of Palestinian claims to independence.

March 27, 2017

STATISTICS AND PROBABILITY IN THE COURTROOM DO THEY THREATEN THE FAIR TRIAL?

Marcello Di Bello

In recent years, statistics, probabilistic estimates and quantitative evidence more generally have become quite common in criminal trials. While a large body of relevant literature in forensic science, psychology and law has been written, the literature in philosophy of law and epistemology on the topic has remained relatively small. This project takes a philosophical perspective and examines the use of statistics and probability in criminal trials as a lens to think about the fair trial.

To begin with, I identified two plausible—and theoretically simple—requirements that a fair trial system must meet. If some innocent defendants will be inevitably convicted, this chance of error must be reduced as much as possible. Hence, the first requirement is that the risk of mistaken conviction for innocent defendants be kept suitably low. The second requirement is that the risk of mistaken conviction for innocent defendants be equally low for all defendants. Burdening some innocents more than others would be unfair. I call this the “equal risk requirement.” These are not the only two substantive requirements that a fair trial must meet, but they are, I argue, very crucial.

In particular, the second requirement of equal risk is helpful for justifying the uneasiness that many of us have in admitting at trial a form of statistical and quantitative evidence. This is the so-called profile evidence, that is, evidence showing that people belonging to certain social groups are more likely to commit certain crimes than those who do not belong to such groups. Existing objections in the literature against admitting profile evidence at trial point out that profile evidence is not specifically about the defendant, while others point out that admitting profile evidence would offend the individuality of the defendant. I believe that these objections fail upon closure scrutiny. Instead, I propose that the second requirement—the equal risk requirement—offers us an elegant way to explain our uneasiness about admitting profile evidence. I argue that the equal risk requirement would be violated should profile evidence be admitted at trial.

If this is correct, some corollaries follow: for example, that DNA evidence, also a form of statistical and quantitative evidence, does not violate the equal risk requirement. At the same time, whenever DNA evidence is used in cold-hit cases—cases in which the incriminating evidence is only DNA evidence—the equal risk requirement is again violated. There are therefore nuances and subtleties about the use of statistics at trial, which the equal risk approach is able to accommodate.

April 3, 2017

IMAGINING ABOLITION

Allegra McLeod

Prisons and punitive policing produce tremendous brutality, violence, racial stratification, ideological rigidity, despair, and waste. Meanwhile, incarceration and prison-backed policing neither redress nor repair the very sorts of harms they are supposed to address—interpersonal violence, addiction, mental illness, and sexual abuse, among others. Yet, it remains for many impossible to imagine abandoning incarceration and prison-backed policing despite persistent and increasing recognition of the deep problems that attend criminal law enforcement.

This lecture explores the political imaginary of contemporary abolitionist movements, often described as prison abolitionist. These movements—including the Movement for Black Lives, the movement for immigration justice, feminist efforts to both redress sexual violence and excessive policing, as well as community-based initiatives to confront gun violence and other forms of violent crime without prisons or police—demonstrate that the reluctance to engage seriously an abolitionist framework represents a failure of moral, legal, and political imagination. If abolition is understood to entail simply the immediate tearing down of all prison walls, then it is easy to dismiss abolition as unthinkable. But contemporary movements for abolition are working incrementally to reduce incarceration by reducing reliance on practices of imprisonment, walling, caging, and policing as primary means of addressing complex social concerns and instead, generating alternative social responses to migration, sexual abuse, and homicide.

Moreover, movement participants understand these contemporary projects to be connected to a centuries-long abolitionist struggle for new forms of democracy and freedom and against the ravages of slavery, colonialism, and racial capitalism. In the long struggle to realize such fuller conceptions of freedom, equality, and democracy, for much of the late nineteenth, twentieth and early twenty-first centuries criminal law enforcement served as a primary means of preserving unfreedom. Contemporary abolitionists' critiques of punishment accordingly address broader patterns of inequality and injustice and their relation to criminal law enforcement rather than centering on imprisonment or policing alone. Movement participants draw on a critical philosophical tradition informed by historical, sociological, and existential considerations—particularly the work of W.E.B. Du Bois, Frantz Fanon, and Angela Davis. This work offers a notable contrast to philosophical and popular approaches to conceptualizing justifications of punishment that proceed from a set of abstract and idealized constraints regarding moral personhood and human agency.

The lecture develops these ideas in five parts by focusing on how contemporary abolitionist movements imagine alternatives to the status quo in criminal law enforcement and punishment. We examine the Movement for Black Lives' work to end broken windows policing and other low-level quality of life enforcement, followed by the immigration justice movement's focus on decriminalizing migration. Then we turn to efforts to confront sexual harm in abolitionist terms and to a series of initiatives to address even the most serious forms of violent crime without prisons or police. Finally, we consider the applicability of abolitionist arguments to what are often referred to euphemistically as “white collar crimes”—the economic and environmental devastation associated with the banking, corporate, and other sectors. In the course of this, the lecture considers how these abolitionist efforts constitute alternative ideas of democracy, freedom, and security, and ends finally with a discussion of the uses of utopian imaginaries in these uncertain times.

April 17, 2017

LAW AND BEHOLD

Juan Obarrio

This lecture is devoted to a presentation of preliminary materials and provisional conclusions from a work in progress on transformations of law and capital in the Global South, with particular reference to issues of citizenship, inclusion and inequality in Africa. The current ongoing research project engages connections between law, understood as norm, and capital in its current phase of hegemony of financial systems, aiming at showing how they are shaping and influencing each other in the neoliberal moment. The project follows Foucault's studies of late liberal articulations of law and capital, or normalization and financialization, yet adapts to the specificities of Global South contexts.

The lecture presents a summary of two main theoretical avenues explored in the broader research project. On the one hand, it examines the increasing blending of private and public forms of sovereignty, which is illustrated by the blurring of agencies and jurisdictions of state apparatuses, public actors and government officials, with multilateral financial organisms, donor agencies, corporations and lobby groups. On the other hand, it explores (as well as the research project more broadly) the fact that, in addition to a governmental focus on populations, (as in the classical models of biopolitics studied by Foucault, and later developed further by Agamben and others thinkers), the contemporary, late liberal phase of biopolitics also presents a strong focus on communities. In this regard, the community appears in current governmental discourse and practice as a unit that constitutes a collective individual that is shaped by political and economic agencies as a group-form of a prototypical "neoliberal subject", a newly recognized entity to which rights are granted and resources devolved but to which responsibilities of self-government are also transferred.

In the late liberal context, the community appears as a crucial locus that bypasses both the grand schemes of the Nation and the State, operating within the dismantling of state functions and the retreat of public funds and management from the management of the social. This lecture presents concrete illustrations on these theoretical issues through references of materials from fieldwork in Mozambique evoking the passage (in the 2000s) from socialism and a centralized economy to a liberal democratic system organized through structural adjustment, foreign aid money and financial capital, as well as the role of the recognition of rights to local communities. The ethnographic examples encompass processes related to donors, aid money and development projects, discussions among foreign consultants and high rank politicians on the trajectory and fate of people's courts/community tribunals; questions of land collective and private property/tenure and customary practice; the figure of the citizen-subject in rural and peri-urban Africa, and in particular, of the female subject; as well as the role of kinship and customary law in the way citizenship rights and access to justice are enacted within the community courts. The analysis of these ethnographic materials is mostly aimed at developing the broad themes of simultaneous process of social inclusion and exclusion, of the extension of political equality through democratic rights taking place in an intricate connection alongside with the deepening of economic and social inequality in the Global South—and in Africa in particular—and of the changing role of law and of the recognition of legal rights in the consolidation of this particular form of liberal democracy.

April 24, 2017

CRITIQUE AND THE REALISTIC SPIRIT

Linda M. G. Zerilli

For some time now, a certain strand of contemporary critical theory has understood its task almost wholly in terms of how to justify critique as such: how to justify those elements that critique owes to its philosophical origins, albeit in a nonfoundationalist manner. This focus on issues of justification has not been without cost to the very idea of critique itself: the crucial connection between critique and social/political transformation.

A new critical theory would depart from this self-grounding project and seek instead to inspire a creative and world-building practice. If change is the real object of critique, however, what will guard against an unrealistic and—as the history of the twentieth century amply demonstrates—potentially dangerous utopianism? Critical theory must navigate between the Scylla of false neutrality, indifferent to the anticipatory utopian character of critique, and the Charybdis of false idealism, indifferent to the actual material and historical context in which change is pursued. Such a theory should refuse the choices that govern much of the current debate on the future of critique: it should be neither *realist* nor *antirealist*, but *realistic* in spirit, to borrow Frank Ramsey's phrase.

To aspire to a critical theory that is realistic in spirit is, in the first instance, to become aware of certain temptations that arise whenever we engage in theory-producing critique. There is the temptation to think that we can somehow stand outside our practices and take stock of what they really are. Perhaps we do not pretend to see through all ideological mystifications, as a now rather defunct version of Marxism held, but we do claim that social identities are “socially constructed,” that all knowledge and values are historically contingent, and that there is no such thing as Truth. And there is the temptation to slide from the arrogance of the external standpoint from which such claims seem possible into the despair of seeing that standpoint to be an illusion; and—if we are now thinking clearly—there is nothing we can say or judgments we can make with any certainty whatsoever, certainly not beyond the confines of our own location in time and space. The “historical apriori” (Foucault) is our fate—at best. In Western philosophy, this is the familiar drama of dogmatism and skepticism, realism and antirealism, but when it comes to critical theory, that drama is ongoing.

May 1, 2017

INTERRUPTION

Vanja Hamzić

This project offers a critical historical analysis of the all but forgotten lifeworlds of the enslaved West Africans, who were brought largely from the ports of Senegambia as well as, to a lesser extent, Ouidah (in present-day Benin) and Cabinda (in today's Angola) to colonial Louisiana. I argue that paying attention to *one particular aspect* of being in, transitioning and surviving these worlds can interrupt not only the stubborn formations of silence in the colonial archive but also the ways that ostensibly tongue-tied archive is continuously used to legitimize and loudly proclaim as 'historical' only certain kinds of subjectivity and life of the enslaved Africans. That aspect is gender, or more specifically, gender variance of the enslaved. There is a great deal of evidence to suggest that, across the societies and historical periods that are of broader relevance here, a gender-variant person would be in many ways a living interruption to the imperial orders of human personhood, an interruption whose presence revealed certain less-obvious inconsistencies in those orders. I begin by (I) sketching out certain social, legal and political positionalities of gender-variant subjectivities in various Muslim empires of the day. I move, then (II), to an examination of numerous accounts of gender variance and transitioning in the spiritual, political and social configurations of the self in West Africa. First, I assess the gendered narratives of the Wolof, Serer and Fulbe slave warriors in eighteenth-century Senegambia as well as Muslim slave armies that arose against them, many of which included individuals who were castrated in their youth. Second, I explore Bamana and Mandinka cosmologies, linguistic and social practices—replete with androgyny and non-gender-binary ways of being in the world. Third, I revisit colonial accounts of gender variance in and around Ouidah and Cabinda, including those relating to the Dahomey court as well as a more wide-ranging Angolan subjectivity known as *chibado/chibanda/quimbanda*. Next (III), I interrogate the colonial sources on the Middle Passage. These documents attempted to produce a clear gender-binary structure of the enslaved—a prerequisite for the colonial slave economy that was to be built upon the labour of their bodies. And yet, such attempts weren't always successful. I examine some such telling failures. Finally (IV), I engage in a detailed re-examination of eighteenth-century Louisianan society, including the accounts of gender variance amongst its indigenous peoples. Against the backdrop of the colonial state's racing, classing and gendering of its Louisianan subjects, I pay special attention to the ways the enslaved West Africans formed alliances across the imagined and real imperial faultlines but, also, the ways they managed to retain certain aspects of their linguistic and religious autonomy. With respect to their gender diversity, however, the colonial archives are still largely silent. Instead, what little remains are fragments—modest insurrectionary details—that challenge the logics of pure binarism in cultural, religious and linguistic formations of gender. I examine, in particular, some telling remnants in Louisiana Creole and Louisiana Voodoo.

May 8, 2017

II

Theme Seminar

Law & the Social Sciences

The interface between law and social inquiry has long been a domain of analysis explored by legal scholars and social scientists. In recent decades, the emergence of contemporary critical legal thought, the flourishing of the “Law and” movements, the rise of New Legal Realism, Empirical Legal Studies, and Global Legal Pluralism, the renewed interest in Islamic law and indigenous rights, the debates regarding humanitarianism and human rights in international law have opened new avenues for theoretical approaches. In parallel, the work of law enforcement, the evolution of criminal justice, the phenomenon of mass incarceration, the repression of undocumented immigrants, the adjudication of asylum seekers, the creation of international courts, the judicialization of political affairs, and the politicization of judicial decisions have led to an increasing production of empirical research both qualitative and quantitative. It is this broad multidisciplinary field that the theme will explore.

What are the place, meaning and functions of the law, its institutions, and its professionals in contemporary society? How have values, norms and doctrines embedded in legal theories and practices changed over time and what legacies do they leave? How do legal systems vary across cultures and what sort of arrangements are made when they are confronted with one another? How are new technologies, such as DNA testing, or new knowledge, such as neuroscience, transforming legal practices? How do law and social sciences relate methodologically and is law an object for social scientific inquiry or does it have its own method of analysis? How are the legal disciplines responding to the dialogue with and critique from the social sciences and humanities? These are some of the questions we addressed from the multiple perspectives of law, political theory, and penology, as well as history, sociology, anthropology, psychology, philosophy, economics, and political science.

Michel Foucault & Judicial Power – October 5, 2016

(Curated by Bernard E. Harcourt)

The first seminar explored Michel Foucault's rich engagement with legal practice and institutions, and juridical power, in the early 1970s. In particular, we focused on at least two important ways in which his work drew on the juridical: first, in the development of his ideas about the role of legal forms in the production of truth and the eventual birth of the social sciences; and second, in the transformation of his theories about "*illégalismes*" and their role in producing new juridical forms like the prison. The readings traced a development of thought from his 1972 lectures on *Penal Theories and Institutions*, to his Rio lectures in 1973 on the production of truth through legal forms, to his 1973 lectures on *The Punitive Society on illégales*, and finally to his more polished exposition in 1975 in *Discipline and Punish*.

Readings:

- Michel Foucault, "Summary of Course: Penal Theories and Institutions (1972)," pp. 17-21, in Michel Foucault, *Ethics: Subjectivity and Truth* (New York: New Press, 1997)
- Michel Foucault, "Truth and Juridical Form (1973)," pp. 32-52, in Michel Foucault, *Power (Essential Works Vol.3)* (New York: New Press, 2000)
- Michel Foucault, "On the Punitive Society (1973)," pp.139-169, in Michel Foucault, *Lectures at the Collège de France, 1972-1973* (New York: Palgrave Macmillan, 2015)
- Michel Foucault, "Illegality and Delinquency (1975)," pp. 257-292, in Michel Foucault, *Discipline and Punish* (New York: Vintage Books, 1995)

Archive:

- Andrew Dilts, "Law," pp. 243-249, in Leonard Lawlor and John Nale (eds.), *The Cambridge Foucault Lexicon* (Cambridge: Cambridge University Press, 2014)
- Bernard E. Harcourt, "Course Context," pp. 265-310, in Michel Foucault, *Lectures at the Collège de France, 1972-1973* (New York: Palgrave Macmillan, 2015)
- Michel Foucault, "Surveiller et Punir, Notice," pp. 1462-1496, in Michel Foucault, *Surveiller et Punir* (Paris: Gallimard, 2015)
- François Ewald and Bernard E. Harcourt, "Situation du Cours," pp. 243-282, in Michel Foucault, *Théories et institutions pénales Cours au Collège de France. 1971-1972* (Paris: Gallimard/Le Seuil, 2015)

Revolution, Transition, and New Legal Orders – October 19, 2016

(Curated by Juan Obarrio, Amr Shalakany, and Linda Zerilli)

In this session, we discussed different forms of transition to new legal orders in both historical and theoretical contexts. The seminar focused on the Arab Spring (Samera Esmeir, “The Time of Engagement”), transitions in Latin America (Guillermo O’Donnell, “Transition from Authoritarian Rule,” excerpt), and the writings and thought of Hannah Arendt. The archives included a wonderful piece by Amr Shalakany called “The Day the Graffiti Died,” as well as a law review article by Carlos Santiago Nino called “Transition to Democracy,” and the full Guillermo O’Donnell article, as well as a few other interesting selections on a variety of topics related to the seminar.

Readings:

- Hannah Arendt, “Foundation II: *Novus Ordo Saeclorum*,” pp. 179-214, in Hannah Arendt, *On Revolution* (London: Penguin Classics, 2006)
- Samera Esmeir, “The Time of Engagement, Zaman al-ishtibak,” *Law, Culture and the Humanities*, Vol.10 (3), 2014, pp. 397-407
- Guillermo O’Donnell and Phillips C. Schmitter, “Transitions from Authoritarian Rule (excerpt),” pp. 3-5, 48-65, in Guillermo O’Donnell and Phillips C. Schmitter, *Transitions from Authoritarian Rule* (Baltimore and London: John Hopkins University Press, 1986)

Archive:

- Amr A. Shalakany, “The Day the Graffiti Died,” *London Review of International Law*, Vol. 2(2), 2014, pp. 357-378
- Carlos Santiago Nino, “Transition to Democracy,” *University of Miami Law Review*, Vol. 44(1), 1989, pp. 129-164
- Guillermo O’Donnell and Phillips C. Schmitter, *Transitions from Authoritarian Rule*, John Hopkins University Press (Baltimore and London), 1986
- Michael Burrage, “Revolution and the Collective Action of the French, American and English Legal Professions,” *Law and Social Inquiry*, vol.13(2), 1988, pp. 225-277
- Katherine Verdery, “Fuzzy Property: Rights, Power, and Identity in Transylvania’s Decollectivization,” in Michael Buraway and Katherine Verdery (eds.), *Uncertain Transition: Ethnographies of Change in Postsocialist World* (Lanham: Rowman & Littlefield, 1999)
- Asef Bayat, “Plebeians of the Arab Spring,” *Current Anthropology*, Vol. 56 (11), 2015, pp. S33-S43

The Ordinary Life of Law – November 2, 2016

(Curated by Céline Bessière, Andrew Dilts, and Sida Liu)

This seminar explored the way in which law pervasively infuses aspects of ordinary life. The readings approached the topic from two symmetrical perspectives: one was interested in the daily production of law by “street-level bureaucrats”, and the other in the presence of law in the “everyday life” of people. For each, there was a classical text, with a more general and theoretical perspective (Lipsky and Ewick & Silbey, respectively), and a case study, which offered an ethnographic viewpoint (Alpes and Spire on bureaucrats in French consulates, and Young on cock fights in Hawaii, respectively). In the archive, we also placed a text by Silbey on legal consciousness and by Hoag on the production of illegality by state bureaucrats in South Africa, to de-center the perspective. One of the objectives of this session was to connect two approaches which largely ignore each other.

Readings:

- Patrick Ewick & Susan S. Silbey, “The Common Place of Law (Excerpt),” pp. 3-53, in Patrick Ewick & Susan S. Silbey, *The Common Place of Law* (Chicago and London: University of Chicago Press, 1998)
- Michael Lipsky, “Street-Level Bureaucracy: Dilemmas of the Individuals in Public Places (Excerpt),” pp. xi-xx, 3-25, in Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individuals in Public Places* (New York: Russell Sage Foundation, 2010)
- Maybrite Jill Alpes and Alexis Spire, “Dealing with Law in Migration Control,” *Social & Legal Studies*, Vol. 23 (2), 2014, pp. 261-274
- Kathryne Young, “Everyone Knows the Game: Legal Consciousness in the Hawaiian Cockfight,” *Law & Society Review*, Vol. 48 (3), 2014, pp. 499-530

Archive:

- Laura Beth Nielsen, “Situating Legal Consciousness: Experiences and Attitudes of Ordinary Citizens about Law and Street Harassment,” *Law and Society Review*, Vol. 34(4), 2000, pp. 1055-1090
- Susan S Silbey, “After Legal Consciousness,” *Annual Review of Law and Social Science*, Vol.1, 2005, pp. 323-368
- Colin Hoag, “The Magic of the Populace,” *PoLAR: Political and Legal Anthropology Review*, Vol. 33(1), pp. 6–25
- Dean Spade, *Normal Life* (Durham & London: Duke University Press, 2015)

After the Fact. Reflections on 11/9 – November 16, 2016

(Curated by Didier Fassin and Bernard E. Harcourt)

In light of the election of President Donald J. Trump, we met more informally at our seminar on November 16th for an open discussion about our current political situation. We opened the seminar to everyone in the School, independently of the participation in the theme. We did not assign any readings, although we placed several pieces that could address issues we were thinking about.

Readings:

- Adam Shatz, “The Nightmare Begins,” *London Review of Books*, 16 Nov. 2016
- Vijay Prashad, “Voters Just Delivered a Mandate to a Pack of Absolute Monsters and Fiends,” *Alternet*, 9 Nov. 2016
- Masha Gessen, “Autocracy,” *The New York Review of Books*, 10 Nov. 2016
- Jan Werner Müller, “Real Citizens,” *Boston Review*, 26 Oct. 2016
- Joan W. Scott, “Letters to London Review of Books,” 10 Nov. 2016
- Thomas Piketty, “We must rethink globalization, or Trumpism will prevail,” 16 Nov. 2016

Archive:

- Ronald F Inglehart and Pippa Norris, “Trump, Brexit, and the Rise of Populism,” *Harvard Faculty Research Working Paper Series*, August 2016
- Nyron Crawford and Matt Wray, “Trump Syllabus 3.0,” *Public Books*, 24 Jan. 2017, <http://www.publicbooks.org/trump-syllabus-3-0/>

Contemporary Critical Approaches to Law – November 30, 2016

(Curated by Karen Engle and Bernard E. Harcourt)

This seminar analyzed contemporary critical approaches to law. The readings focused on three short pieces by three legal scholars: first, a chapter by Janet Halley discussing the Supreme Court's decision in *Oncale* from a queer theory perspective; second, a piece by Cheryl Harris titled "Whiteness as Property," bringing a critical race theory lens to property laws; and third, an article by David Kennedy on "The International Human Rights Movement: Part of the Problem?" that offers a distributive analysis in the international context. In the archive, we included one piece that builds on Halley's essay (Harcourt, "Queering Scalia"), one that bridges Halley and Kennedy (Engle, "Feminism and Its (Dis)Contents"), and a classical critical race theory text by Patricia Williams.

Readings:

- Janet Halley, "Sexuality Harassment," pp. 80-104, in Catherine MacKinnon & Reva Siegel (eds.), *Directions in Sexual Harassment Law* (New Haven: Yale University Press, 2002)
- David Kennedy, "The International Human Rights Movement: Part of the Problem?," *European Human Rights Law Review*, Vol. 15(3), pp. 101-125
- Cheryl Harris, "Whiteness as Property," pp. 276-291, in Kimberlé Crenshaw, Neil T. Gotanda, Gary Peller, Kendall Thomas (eds.), *Critical Race Theory* (New York: New Press, 1996)

Archive:

- Karen Engle, "Feminism and Its (Dis)Contents: Criminalizing Wartime Rape in Bosnia and Herzegovina," *The American Journal of International Law*, Vol. 99(4), pp. 778-816
- Bernard E. Harcourt, "Queering Scalia," *The Journal of Criminal Law and Criminology*, Vol. 94(3), 2004, pp. 503-549
- Patricia J. Williams, "Pain of Word Bondage," pp. 146-155, in Patricia J. Williams, *The Alchemy of Race and Rights* (Cambridge: Harvard University Press, 1991)
- Richard T. Ford, "Beyond 'Difference': A Reluctant Critique of Left Identity Politics," pp. 38-79, in Wendy Brown and Janet Halley (eds.), *Left Legalism/ Left Critique* (Durham & London: Duke University Press, 2002)
- Cheryl Harris, "Whiteness as Property," *Harvard Law Review*, vol. 106 (8), 1993, pp. 1707-1791

Law and Neoliberalism – December 7, 2016

(Curated by Didier Fassin, Lori Allen, and Jonathan Morduch)

This session addressed neoliberalism in its relation with the law. The four texts were, first, Wendy Brown's *Undoing the Demos*, a critical overview of neoliberal rationality (we also placed in the archive the fifth chapter, which analyzes more specifically the relationship between neoliberalism and the law, based on "Citizens United"); second, two papers by Loic Wacquant and Bernard Harcourt on neoliberalism and the penal system, offering two distinct approaches, one structuralist-Bourdiesian, the other genealogical-Foucauldian; and third, a paper by Charles Hale, which discusses the exportation of neoliberalism.

Readings:

- Wendy Brown, "Undoing Democracy: Neoliberalism's Remaking of State and Subject," pp. 17-45, in Wendy Brown, *Undoing the Demos: Liberalism's Stealth Revolution* (New York: Zone Books, 2011)
- Charles R. Hale, "Neoliberal Multiculturalism: The Remaking of Cultural Rights and Racial Dominance in Central America," *Political and Legal Anthropology Review*, Vol. 28(1), pp. 10-28
- Bernard E. Harcourt, "Neoliberal Penalty: A Brief Genealogy," *Theoretical Criminology*, Vol.14(1), pp. 74-92
- Loic Wacquant, "Theoretical Coda: A Sketch of the Neoliberal State," in Loic Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham and London: Duke University Press, 2009)

Archive:

- Wendy Brown, "Law and Legal Reason," pp. 151-173, in Wendy Brown, *Undoing the Demos: Liberalism's Stealth Revolution* (New York: Zone Books, 2011)
- Andrew Dilts, "'Entrepreneur of the Self' to 'Care of the Self': Neoliberal Governmentality and Foucault's Ethics (2011)," *Foucault Studies*, No. 12, pp. 130-146
- François Ewald, "François Ewald on Foucault & Neoliberalism," CCCCT Website, <http://blogs.law.columbia.edu/foucault1313/2016/01/24/ewaldneoliberalism/>
- Michael Feher, "Self-Appreciation, or The Aspirations of Human Capital (2009)," translated by Ivan Ascher, *Public Culture*, Vol. 21(1), pp. 21-41

Law and Disobedience – January 25, 2017

(Curated by Didier Fassin and Bernard E. Harcourt)

This seminar explored the question of contesting legal truth in the context of social movements and political dissent. We focused on three case studies. The first involved samaritan political interventions in Arizona, with a paper by Susan Coutin titled “Smugglers or Samaritans in Tucson, Arizona: Producing and Contesting Legal Truth” (1995). The second involved the Occupy Wall Street movement, and we read Michael Taussig’s poetic ethnography, “I’m So Angry I Made A Sign” (Autumn 2012). Finally, the third was a law review essay exploring civil disobedience and “uncivil obedience,” by Jessica Bulman-Pozen and David E. Pozen, titled “Uncivil Obedience” (May 2015).

Readings:

- Jessica Bulman-Pozen and David E. Pozen, “Uncivil Disobedience,” *Columbia Law Review*, Vol. 115 (4), May 2015, pp. 809-872
- Susan Coutin, “Smugglers or Samaritans in Tucson, Arizona: Producing and Contesting Legal Truth,” *American Ethnologist*, Vol. 22(3), 1995, pp. 549-571
- Michael Taussig, “I’m So Angry I Made A Sign,” *Critical Inquiry*, Vol. 39 (1), Autumn 2012, pp. 56-88
- Bernard E. Harcourt, “Political Disobedience,” *Critical Inquiry*, Vol. 39(1), Autumn 2012, pp. 33-55

The Archives and Black Lives – February 8, 2017
(Curated by David Kazanjian and Reuben Jonathan Miller)

This seminar studied the question of the archives and Black lives. It placed in conversation the contemporary epidemic of massive and racialized overincarceration and the history and writing of Atlantic slavery. It placed today's carceral state in conversation with the history and archival work on Black lives.

Readings:

- Saidiya Hartman, "Venus in Two Acts," *Small Axe*, No. 26, Vol. 12(2), June 2008, pp. 1-14
- David Kazanjian, "Two Paths Through Slavery's Archives," *History of the Present*, Vol. 6(2), Fall 2016, pp. 133-145
- Reuben Jonathan Miller, "Devolving the Carceral State: Race, Prisoner Reentry, and the Micro-politics of Urban Poverty Management," *Punishment & Society*, Vol. 16(3), 2014, pp. 305-335
- Yusef Shakur, "Chapter 5: 223605; Chapter 11: They Can Keep The Lion Caged But The Cub Must Go Free," pp. 73-78 & pp. 203-210, in Yusef Shakur, "The Window 2 my Soul: my Transformation from a Zone 8 Thug to a Father & Freedom Fighter: a Political Memoir," *Urban Guerrilla Publishing* (2010)

Archive:

- A Vision for Black Lives: Policy Demands for Black Power, Freedom & Justice
- Joseph Mountain, "Sketches of the Life of Joseph Mountain, a Negro," pp. 289-307, in Joseph Mountain, "Sketches of the Life of Joseph Mountain, a Negro," *T.&S. Greene* (New Haven, 1790)
- David Scott, "Introduction: On the Archaeologies of Black Memory," *Small Axe*, No. 26, Vol. 12(2), June 2008, pp. v-xvi

Alegality or Infrapolitics? – February 22, 2017

(Curated by Nick Cheesman and Vanja Hamzić)

This seminar analyzed the space outside or below the law and politics, asking whether the approach that can be called “alegality” can be put in conversation with “infrapolitics.” Three primary readings included (1) a chapter from Hans Lindahl’s book, *Fault Lines of Globalization: Legal Order and the Politics of A-Legality*, (2) a wonderful new chapter by Vanja Hamzić titled “Alegality: outside and beyond the legal logic of late capitalism” (2017), and (3) one by James C. Scott, “The Infrapolitics of Subordinate Groups.” The topic was posed with a question mark, but left open the possibility of very different relations between these two approaches.

Readings:

- James C. Scott, “The Infrapolitics of Subordinate Groups,” pp. 183-201, in James C. Scott, *Domination and the Arts of Resistance* (New Haven and London: Yale University Press, 1990)
- Sarah Haley, “Sabotage and Black Radical Feminist Refusal,” pp. 195-248, in Sarah Haley, *No Mercy Here: Gender, Punishment, and the Making of Jim Crow Modernity* (Chapel Hill: University of North Carolina Press, 2016)
- Vanja Hamzic, “Alegality; outside and beyond the Legal Logic of Late Capitalism,” pp. 191-209, in Honor Brabazon (eds.), *Neoliberal Legality: Understanding the Role of Law in the Neoliberal Project* (New York: Routledge, 2017)
- Hans Lindahl, “Legality, Illegality, A-Legality: A Preliminary Analysis,” pp. 13-43, in Hans Lindahl, *Fault Lines of Globalization: Legal Order and the Politics of A-Legality* (Oxford: Oxford University Press, 2013)

Archive:

- Boaventura de Sousa Santos, “The Law of the Oppressed: The Construction and Reproduction of Legality in Parsargada,” *Law and Society Review*, Vol. 12(1), 1977, pp. 5-126

Law and Violence – March 8, 2017

(Curated by Massimiliano Tomba and Fadi Bardawil)

In this seminar, we discussed the relationship between law, justice, and violence, focusing on two central texts, Walter Benjamin's *Critique of Violence* and Frantz Fanon's chapter on violence from *The Wretched of the Earth*. We also read an excellent article by our own Massimiliano Tomba on Benjamin's critique of violence.

Readings:

- Walter Benjamin, "Critique of Violence," pp. 277-300, in Walter Benjamin, *Reflections: Essays, Aphorisms, Autobiographical Writings* (New York: Schocken Books, 1986)
- Massimiliano Tomba, "Justice and Divine Violence: Walter Benjamin and the Time of Anticipation," pp. 1-20
- Franz Fanon, "On Violence," pp. 1-62, in Franz Fanon, *The Wretched of the Earth* (New York: Grove Press, 1963)

Archive:

- Zahid Chaudhary, "Subjects in Difference: Walter Benjamin, Franz Fanon, and Postcolonial History," *Differences*, Vol 23(1), 2012, pp. 151-83

Islamic Law, Guest: Brinkley Messick – April 5, 2017
(Curated in collaboration with Fadi Bardawil)

Columbia University Professor of Anthropology Brinkley Messick presented his ongoing research on “Islamic Governance, Shari‘a Interpretation,” focusing on the techniques of textual reading of Yemeni judicial opinions and legal history. During our earlier session, we explored the relationship between legal history and anthropology in the context of research on the Middle East.

Readings:

- Brinkley Messick, “Interpreting Tears,” in *The Islamic Marriage Contract: Case Studies in Islamic Family Law* (Harvard University Press, 2008)
- Brinkley Messick, “Islamic Texts: The Anthropologist as Reader”
- Wael B. Hallaq, “Model Shurū Works and the Dialectic of Doctrine and Practice,” *Islamic Law and Society*, Vol. 2, No. 2 (1995), pp. 109-134
- Ebrahim Moosa, “Allegory of the Rule: Law as a Simulacrum in Islam?” *History of Religions*, Vol. 38, No. 1 (Aug. 1998), 1-24

Archive:

- Brinkley Messick, “Evidence: From Memory to Archive,” *Islamic Law and Society*, Vol. 9, No. 2, Evidence in Islamic Law (2002), pp. 231-270
- Brinkley Messick, “Indexing the Self: Intent and Expression in Islamic Legal Acts,” *Islamic Law and Society*, Vol. 8, No. 2 (2001), pp. 151-178
- Amr Shalakany, “Islamic Legal Histories,” *Berkeley Journal of Middle Eastern and Islamic Law*, Vol. 1, No. 1, 2008
- Ralph Wilde, “Queering International Law,” *ASIL Proceedings* (2007)

The Question of Human Rights – April 19, 2017

(Curated by Lori Allen, Teng Biao, Karen Engle, and Sida Liu)

This seminar explored issues surrounding human rights theory and practice: “The Question of Human Rights.” By way of background and, in part, motivating this session, we had read, but not discussed fully David Kennedy’s article from the one on “Contemporary Critical Approaches to Law,” titled “The International Human Rights Movement: Part of the Problem?” We returned to some of its themes and we focused on three new pieces. The first, by Teng Biao, was a thick description of the “rights defence movement” (*weiquan yundong*) in China since the early 2000s. The second, by Karen Engle, “Culture and Human Rights: The Asian Values Debate in Context,” offered a theoretical framing on the question of how the term “culture” functions in the context of human rights movements in Asia and elsewhere. The third piece, by Michael Sfard, offered another theoretical take and case study, focusing on human rights litigation in Israeli courts. In addition, there were two other articles, one by Sally Engle Merry and another by Raymong Geuss, in the archive.

Readings:

- David Kennedy, “The International Human Rights Movement: Part of the Problem?,” *European Human Rights Law Review*, Vol. 15(3), pp. 101-125
- Teng Biao, “Rights Defense Movement” (draft 2017)
- Karen Engle, “Culture and Human Rights: The Asian Values Debate in Context,” 32 *NYU Journal of International Law and Politics* 291 (1999-2000)
- Michael Sfard, “The Price of Internal Legal Opposition to Human Rights Abuses,” *Journal of Human Rights Practice* Vol. 1, No. 1 (March 2009), pp. 37–50

Archive:

- Sally Engle Merry, “Transnational Human Rights and Local Activism,” *American Anthropologist*, Vol. 108, Issue 1, pp. 38–51 (2006)
- Raymond Geuss, “Human Rights: A Very Bad Idea,” *Theoria*, Issue 135, Vol. 60, No. 2 (June 2013): 83-103

Comparative Criminology, Guest: David Garland – May 3, 2017
(Curated in collaboration with Didier Fassin)

In this session, NYU Professor of Law and Sociology David Garland presented his most recent work on the topic of comparative criminology. During the earlier seminar, we discussed recent research on mass incarceration and the functions of comparative analysis as method and theory.

Readings:

- David Garland, “Epilogue,” to *Peculiar Institution: America’s Death Penalty in the Age of Abolition* (London: Oxford University Press, 2012)
- David Garland, “Penality and the Penal State,” *Criminology*, Volume 51, No. 3 (2013)
- Paul Veyne, “Comparative History,” in *Writing History: Essay on Epistemology* (Middletown: Wesleyan Press, 1984), pp. 124 et seq.

Conclusive Reflections on Law and Social Science – May 17, 2017

In this final session, the members of the seminar were invited to reflect on the theme seminar.

Law & the Social Sciences Film Series

In parallel with the seminar, and in collaboration with Librarian Marcia Tucker, we organized a Film Series, screening fictions and documentaries from around the world to continue our discussion with a broader public through cinema.

October 12, 2016

A Separation, directed by Asghar Farhadi * Post-screening discussion led by Vanja Hamzić and Amr Shalakany

November 15, 2016

Courthouse on the Horseback, directed by Jie Liu * Post-screening discussion led by Teng Biao and Sida Liu

December 7, 2016

13th, directed by Ava DuVernay * Post-screening discussion led by Bernard E. Harcourt and Reuben Jonathan Miller

January 25, 2017

Into the Abyss, directed by Werner Herzog * Post-screening discussion led by Andrew Dilts and Allegra McLeod

February 22, 2017

Abluka, directed by Emin Alper * Post-screening discussion led by Ayşe Parla

March 22, 2017

Hunger, directed by Steve McQueen * Post-screening discussion led by Banu Bargu



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