This course explores the global diversity of legal cultures, beginning in ancient China and ending with 21st-century migrations. Moving beyond models of state and non-state legal systems, we will consider the multiplicity of superimposed and interpenetrated legal spaces that constitute human societies. We will interrogate concepts such as the rule of law, equity, unofficial law, public policy, private justice, extralegality, and ultimately, the meaning of law itself. A spectrum of evidentiary resources—visual, aural, material, performative and textual—will inform our analysis of the law substantiating polities, families, capital exchange, diasporas, spiritualities, and violence. Case studies include Chinese polyandry, Aztec cartography, Mozambican healers, Filipino revolutionaries, Inuit song duels, Wisconsin tribal and drug courts, Ghanaian slave ancestry, Islamic shari’a, Brazilian messianic trials, Tokyo’s Tuna Court, US lynchings, and cyberlaw. Students will collaboratively develop a globally published Internet site on legal pluralism, both dynamic products of human interaction. Online and in law, we will probe the power of multimodality, mutability, and pervasive distribution.

**Communications**

Professor: Nancy Buenger  
Email: nbuenger@wisc.edu  
Phone: 608-263-2100  
Office: 8139 Sewell Social Sciences  
Office hours: Tues/Thurs 2:00-4:00 and by appointment
**Course Requirements**

Classes will combine lecture, discussion, and other activities. All readings are available electronically at learn@uw. You will be graded on the following:

- Participation and attendance  20%
- Response papers   20%
- Group blog and presentation   20%
- Midterm exam   20%
- Final exam   20%

*Participation and attendance:* Learning is a collaborative process. You will learn more, feel more engaged, get a better grade, and have more fun by participating regularly in discussion. If you are uncomfortable speaking in class, come meet with me during office hours and I will help you to connect.

Participation means that you have carefully read all assigned materials and that you contribute your voice and “reading” of these materials to our discussion. It means raising questions about readings, responding to questions I raise, and to other students’ comments. It means respectfully listening to what a classmate has to say even when you strongly disagree with her or his point of view. It means offering your thoughts even when you think that many, some, all of your classmates will disagree with you. As Hsün-tz’u observed, “Wherein is it that man is truly man? Because he makes distinctions.”

In keeping with plural Chinese legal culture, I subscribe to Confucianist modeling of benevolent kindness and Legalist rules—clearly communicated, uniformly applied, and enforced by the knowledge of certain punishment (extending for three generations).

In-class use of electronic devices is limited to laptop note taking. Accessing other devices or materials is disruptive to the class, unless specifically requested in conjunction with our group blog project. If you abuse this privilege once, you will lose it for the remainder of the semester.

If you must be absent, email or call me in advance, as I will be taking attendance. Keep me apprised of anything that could significantly impair your studies. Because everyone has other things to do, gets sick, has an out-of-town sporting event, or just needs a day off, you may miss three regular classes without penalty. After that, it affects your grade. If you miss six or more classes, you will fail the course. You may not miss on an exam day, or on a day when you are scheduled to present your group blog, unless you have my prior approval. If you miss a class, you are responsible for getting any handouts or assignments made. Ask me or check with someone from class; we will create a class list at our first meeting.

A late assignment will affect your grade.

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1 Hsün-tz’u, 5b-6a.
2 Shang-chün shu, 4, 6b-7a. Shih chi, 5, 6b.
Response papers: To promote mental work (highly esteemed by Confucianists), you will complete ten one-page responses to questions posted on learn@uw. The papers should substantively engage the week’s reading, but the format is your choice. Personality and creativity are encouraged! Hard copies are due at the beginning of class on Mondays. NO ESSAYS ARE DUE: Week 1, Week 7 (midterm), Week 15, your Group Blog Week, and one Opt Out Week of your choice.

Group blog and presentation: Our Internet site will expand beyond the law’s letter, exploring its richer dimensionality and resonance in 21st century cultures. Groups of 2-3 students will collaboratively prepare and post one blog entry on an assigned topic AND present their entry in class, launching a discussion. The project is intended to enhance our learning partnership, spark creativity, promote digital literacy, and engage a public audience. We will discuss logistics and content as a class, develop the site in-house, and publish it beyond the UW community at the end of the semester. I encourage each group to meet with me for a brainstorming session on your blog. You can access the site at http://chatter.lss.wisc.edu/courses/ls510/ following an in-class orientation with L&S Learning Support Services.

Each student’s contribution should include at least one paragraph, one image, and two source links. Group blogs should be posted online by the beginning of the assigned class period. A bonus will be awarded to groups that thoughtfully incorporate presentation feedback in their entry.

The group blog should:

- substantively engage the assigned topic
- help the class understand a theme in the week’s readings
- interrelate individual group member contributions
- include a variety of source materials: visual, material, performative, aural, textual
- demonstrate independent thought and creativity

Here are some sites to visit for examples and inspiration:

Cliopatria Awards
Culture&Stuff
Frog in a Well
History Carnival
Legal History Blog
Roy Rosenzweig Center for History and New Media

Midterm and final exams: The midterm exam will be on Wednesday, October 19; the final exam on Tuesday, December 20. The format for both exams will be an essay question. I will circulate possible questions in advance from which I will draw the exam question. You may bring to the exam one 3 x 5 notecard for each question. I will ask you to staple all of your notecards to your bluebook(s). You may include whatever you like on the notecard (thesis, outline, key quotes, dates, key elements of evidence) and may write on both sides of each card.
CLASS SCHEDULE

Week 1: Introduction

Monday September 5

LABOR DAY, no class

Wednesday September 7
• Introduction
• In-class film viewing: The Story of Qiu Ju (Zhang Yimou, 1992), part 1

The Rule of Law

Week 2: Law and Li in the East

Monday, September 12
• T’ung-Ts’t Ch’u, “The Confucian School and the Legal School,” Law and Society in Traditional China (1961)
• In-class film and discussion: The Story of Qiu Ju, part 2

Wednesday, September 14
• Matthew H. Sommer, “Making Sex Work: Polyandry as a Survival Strategy in Qing Dynasty China,” Gender in Motion: Divisions of Labor and Cultural change in Late Imperial and Modern China, ed. Bryna Goodman and Wendy Larson (2005).
• Extraterritorial Courts in China, selected readings

Week 3: Law and Equity in the West

Monday, September 19
• Equity, Conscience, and the Court of Chancery, selected readings

Wednesday, September 21
• Colonial courts, selected readings
• Group blog: Star Chambers
Plural Sources

Week 4: Performing and Visualizing Law

Monday, September 26

• Patricia Seed, “Taking Possession and Reading Texts: Establishing the Authority of Overseas Empires,” 49 The William and Mary Quarterly 183 (April 1992)

Wednesday, September 28

• Inuit Song Duels from the Canadian Arctic, Norbert Rouland, Etudes Inuit Studies (1979)
• Group blog: Rap and song duels

Plural States

Week 5: Tribal and Drug Courts

Monday, October 3

Guest Lecturer: Larry Nesper, UW Anthropology and American Indian Studies

• Larry Nesper “Negotiating Jurisprudence in Tribal Court and the Emergence of a Tribal State: The Lac du Flambeau Ojibwe,” 48 Current Anthropology 675 (October 2007)
• Frank Pommersheim, Braid of Feathers: American Indian Law and Cotemporary Indian Life (1995), selection

Wednesday, October 5

• Criminal Equity, selected readings
• “Very Tough Love,” This American Life Episode 430 (parts one and two), 25 March 2011
• Group blog: A visit to the Dane County Drug Court

Families

Week 6: Kin as Property

Monday, October 10

Wednesday, October 12

- Midterm exam questions distributed
- Group blog: African Americans and the Uniform Partition of Heirs Property Act

Week 7: Property as Kin

Monday, October 17

- Pueblo of Laguna v. Pueblo of Acoma (1857)
- In class viewing: Los Matachines de la Santa Cruz de la Ladrillera (KLRN Alamo Public Telecommunications Council, 1996)

Wednesday, October 19

MIDTERM EXAM

Capital Exchange

Week 8: Diamonds and Tuna

Monday, October 24

- Mercantile Law and Associations, selected readings

Wednesday, October 26

- Group blog: Television courts and Laura Nader’s Little Injustices

Week 9: Breaking Frames

Monday, October 31


Wednesday, November 2

- The New Lex Mercatoria, selected readings
- Group blog: India’s Aadhaar and law in cyberspace
Spirituality

Week 10: Jewish and Islamic Courts

Monday, November 7


Wednesday, November 9

- Kathleen M. Moore, “Britain’s Fear of Shari’acracy,” The Unfamiliar Abode: Islamic Law in the United States and Britain (2010)
- Group blog: US shari’a debates

Week 11: Heterodox States

Monday, November 14

MEET AT SPECIAL COLLECTIONS CLASSROOM, MEMORIAL LIBRARY


Wednesday, November 16

- Group blog: Heterodox spirituality and the UW Schadewald Pseudo Science Collection

Violence

Week 12: Feuds and Trial by Battle

Monday, November 21


Wednesday, November 23

- Cynthia Nicoletti, “The American Civil War as a Trial by Battle,” 28 Law and History Review 71 (February 2010)
- Group blog: The law of war
Week 13: Posse Comitatus and Lynch Law

Monday, November 28


Wednesday, November 30

- Group blog: Witnessing law and Without Sanctuary: Lynching Photography in America

Note: Be aware that much of the material in Without Sanctuary is very disturbing. Your task as a group is to sensitively consider the problem of remembering, understanding, and presenting such difficult legal/historical moments.

Future Past

Week 14: Law in Diaspora

Monday, December 5

- Gillian Flaccus, “Two Gypsy Clans’ Feud Over Fortunetelling Offers Rare Glimpse into Insular Culture,” Deseret News (7 December 2007)

Wednesday, December 7

- Group blog: US immigration detention system

Week 15: Multiculturalism

Monday, December 12


Wednesday, December 14

- Review
- Final exam questions distributed

FINAL EXAM: TUESDAY, DECEMBER 20 10:05 - 12:05
Creating an environment that fosters learning for every student is essential to the mission of the University and our class. Below I have outlined the policies and services that are most important for building and sustaining such a learning community.

**Accommodations**

Students with needs that might affect participation, exams, or coursework should speak with me no later than the third week of the course in order to arrange for accommodations. The McBurney Center assists in determining reasonable academic accommodations. For additional information, please contact me or the McBurney Center at [http://www.mcburney.wisc.edu](http://www.mcburney.wisc.edu) (608-263-2741).

**Religious Observation**

Mandatory academic requirements will not be scheduled when a religious observance may cause significant numbers of students to be absent from the class. Student religious observation that might affect participation, exams, or coursework should be discussed with me no later than the third week of the course. Make up of work due to religious observation may be before or after the regularly scheduled requirements, at my discretion.

**Learning Environment**

Equal opportunity includes every student’s right to a dignified and respectful learning environment. Sexual harassment is one form of disrespect that undermines our community and violates the law. If you have questions, or are having any problems, contact me or the Office for Equity and Diversity at [http://www.oed.wisc.edu/](http://www.oed.wisc.edu/) (608-263-2378).

**Academic Integrity**

Academic integrity—honesty, trust, fairness, respect, and responsibility—is a key element of a positive learning environment. The overwhelming majority of students are hard working and honest about their schoolwork. If you have any questions about how to cite or present your material, ask me. If you have any concerns about academic integrity in our classroom, feel free to discuss them with me.

It is important to understand how academic misconduct is defined in order to avoid it. According to University of Wisconsin-Madison policies, academic misconduct is an act in which a student:

- Seeks to claim credit for the work or efforts of another without authorization or citation
- Uses unauthorized materials or fabricated data in any academic exercise
- Forges or falsifies academic documents or records
- Intentionally impedes or damages the academic work of others
- Engages in conduct aimed at falsely representing a student’s academic performance
- Assists other students in any of these acts

[How to avoid plagiarism](http://www.wisc.edu/)

[Academic misconduct and disciplinary procedures](http://www.wisc.edu/)