

PRAVNA ANTROPOLOGIJA IN ETNOLOGIJA

UČNI NAČRT PREDMETA/COURSE SYLLABUS

Predmet:	Pravna antropologija in etnologija
Course title:	Legal anthropology and ethnology
Članica nosilka/UL Member:	UL PF

Študijski programi in stopnja	Študijska smer	Letnik	Semestri	Izbirnost
Pravo, prva stopnja, univerzitetni (od študijskega leta 2026/2027 dalje)	Ni členitve (študijski program)	4. letnik	1., 2. semester	izbirni

Univerzitetna koda predmeta/University course code: 0644754

Predavanja /Lectures	Seminar /Seminar	Vaje /Tutorials	Klinične vaje /Clinical tutorials	Druge oblike študija /Other forms of study	Samostojno delo /Individual student work	ECTS
20	30			70	60	6

Nosilec predmeta/Lecturer: doc. dr. Svit Komel

Vrsta predmeta/Course type: Posebni program študijskih izmenjav/Special elective course for Erasmus students

Jeziki/Languages:

Predavanja/Lectures:	Angleščina
Vaje/Tutorial:	

Pogoji za vključitev v delo oz. za opravljanje študijskih obveznosti:

Študenti na izmenjavi na Univerzi v Ljubljani.

Prerequisites:

Exchange student at the University of Ljubljana.

Vsebina:

1. »Odkritje« in zbiranje običajnega prava: Vzporedni razvoj pravne antropologije, etnologije in primerjalne pravne zgodovine v 19. in zgodnjem 20. stoletju.
1.1. Henry Sumner Maine: primerjalno raziskovanje angleških, »nemških« in indijskih običajnopравnih pravic na zemlji.
1.2. Eugen Ehrlich: bukovinsko običajno pravo kot prizma ponovnega priznanja ustvarjalnosti sodniške prakse po prevladi kodificiranega postavljenega prava.
1.3. Kolonialni vprašalniki o običajnem pravu in njihov vpliv na razvoj primerjalne pravne zgodovine in antropologije kot znanstvenih disciplin.
2. Kritične interdisciplinarne povezave med pravno antropologijo, etnologijo in zgodovino v drugi polovici 20. stoletja
2.1. Pravni pluralizem.

Content (Syllabus outline):

1. The »discovery« and collection of customary law: The parallel development of legal anthropology, ethnology and comparative legal history in the nineteenth and early twentieth centuries.
1.1. Henry Sumner Maine and comparative studies of English, »Teutonic«, and Indian customary land rights
1.2. Eugen Ehrlich: Bukovinian customary law as a prism of re-acknowledging the creativity of judicial practice in the wake of legal codification and positivism.
1.3. Colonial questionnaires on customary law and their influence on the development of comparative legal history and anthropology as scientific disciplines.
2. Critical interdisciplinary exchanges between legal anthropology, ethnology, and history in the second half of the twentieth century.
2.1. Legal pluralism.

2.2. Zgodovinske in etnološke raziskave pravotvornosti Sergija Vilfana v okviru terenskih ekip Borisa Orla v SFRJ. 3. Pierre Bourdieu, problem (pravnega) habitusa in »utelešene« vednosti v izbranih tekstih francoske sociologije in etnologije 20. stoletja. 4. Novejši sociološki, etnološki in etnografski pristopi k pravu. 4.1. Etnometodološke raziskave prava (Max Travers, Michael Lynch). 4.2. Sociologija znanstvenega vedenja kot možen zgled za preučevanje pravnih praks (Bruno Latour). 4.3. Etnografije različnih pravnih delovnih mest in institucij.	2.2. Sergij Vilfan's historical and ethnological investigations of lawmaking within Boris Orel's field research group in socialist Yugoslavia. 3. Pierre Bourdieu, the problem of (legal) habitus and "embodied" knowledge in selected French twentieth-century sociological and ethnological texts. 4. Recent sociological, ethnological, and ethnographic approaches to law. 4.1. Ethnomethodological studies of law (Max Travers, Michael Lynch). 4.2. Sociology of scientific knowledge as a possible paragon for understanding juridical practice (Bruno Latour). 4.3. Ethnographies of different legal workplaces and institutions.
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Temeljna literatura in viri/Readings:

This is a list of referential literature that will provide a basis for lectures and student written assignments. It is intentionally broad to give an impression of possible topics. Students will not be required to read all of the texts for the written exam; relevant excerpts and passages will be highlighted and circulated in the lectures.

Bens, Jonas and Larissa Vetters. (2018). "Ethnographic Legal Studies: Reconnecting Anthropological and Sociological Traditions". *The Journal of Legal Pluralism and Unofficial Law* 50 (3): 239-254.

Bourdieu, Pierre. (1987). "The Force of Law: Toward a Sociology of the Juridical Field." *Hastings Law Journal* 38 (5): 805-853.

Flood, John. (2013). *What Do Lawyers Do?: An Ethnography of a Corporate Law Firm*. New Orleans: Quid Pro Books.

Latour, Bruno. (2010). *The Making of Law: An Ethnography of the Conseil d'Etat*. Cambridge: Polity.

Lyall, Andrew. (2008). "Early German Legal Anthropology: Albert Hermann Post and His Questionnaire". *Journal of African Law* 52 (1): 114-138.

Nicola, Fernanda, and Bill Davies. (2017). *EU Law Stories: Contextual and Critical Histories of European Jurisprudence*. Cambridge: Cambridge University Press.

Rouland, Norbert. 1994. *Legal Anthropology*. Stanford: Stanford University Press.

Supiot, Alain. (2007). *Homo Juridicus. On the Anthropological Function of the Law*. London: Verso.

Travers, Max, and John Manzo (eds.). (1997). *Law in Action: Ethnomethodological and Conversation Analytic Approaches to Law*. London: Routledge.

Travers, Max. (1997). *The Reality of Law: Work and Talk in a Firm of Criminal Lawyers*. Aldershot: Ashgate.

Cilji in kompetence:

- zagotoviti celovit pregled pravne antropologije in etnologije kot posebnega interdisciplinarnega področja;
- usvojitev antropoloških, etnoloških in primerjalno pravno zgodovinskih pristopov k preučevanju pravnih praks na podlagi poglobljenega branja primarnih virov in sekundarne literature ter izvajanja intervjujev in opazovanj s pravnimi praktiki;
- razvoj sposobnosti kritične analize in znanstvenega pisanja.

Objectives and competences:

- provide a comprehensive overview of legal anthropology and ethnology as a specific interdisciplinary field;
- master anthropological, ethnological, and comparative legal historical approaches to studying legal practices based on in-depth reading of primary sources and secondary literature as well as conducting interviews and observations with legal practitioners;
- develop critical analytic and scientific writing skills.

Predvideni študijski rezultati:

Študentje/študentke se bodo seznanili z glavnimi smermi pravne antropologije in etnologije ter prepletom razvoja te discipline s primerjalno pravno zgodovino.

Intended learning outcomes:

Students will familiarize themselves with the main currents of legal anthropology and ethnology, as well as the parallel development of this discipline and comparative legal history.

Del predmeta je možno opraviti tudi s pripravo pisnega izdelka, v katerem študent/ka analizira izbran pravni pojav oz. prakso bodisi s pomočjo zgodovinskih primarnih virov (npr. pravnega besedila, zakonodajne razprave, sodbe, pripravljalnega gradiva, zapiski sej itd.) bodisi na podlagi intervjujev s praktiki ali opazovanja njihovega dela. Izbrana tema je lahko iz Slovenije, domače države študentka/študentke ali drugega primernege geografskega območja.	Students can also partially complete the course by preparing a written assignment in which they analyze a chosen legal practice or phenomenon either by relying on historical sources (e.g., legal text, legislative debate, judgment, preparatory materials, minutes of sessions, etc.) or by interviewing or observing the work of practitioners. The chosen topic can be located in Slovenia, the student's home country, or other suitable geographical context.
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Metode poučevanja in učenja:	Learning and teaching methods:
• Predstavitev teoretičnega okvira na predavanjih z razpravo študentov • Obravnava izbranih besedil na seminarjih • Razprava o pisnih nalogah na seminarjih • Priprava raziskovalne naloge preko samostojnega dela in konzultacij	• Presentation of the theoretical framework through lectures and student discussion • Seminar discussion of chosen texts • Seminar discussion of written assignments • Preparation of research paper through individual work and supervision meetings

Načini ocenjevanja:	Delež/Weight	Assessment:
Individualna seminarska naloga	50,00 %	Written assignment
Pisni izpit odprtega tipa	50,00 %	Written open book exam.

Ocenjevalna lestvica:	Grading system:
5 - 10, pri čemer velja, da je pozitivna ocena od 6 - 10	5 - 10, a student passes the exam if he is graded from 6 to 10

Reference nosilca/Lecturer's references:
1. Komel, S. (2023). »Praktična vednost in praktična vednost pravnih delavcev«. <i>Problemi</i> 61 (9-10): 159-193. 2. Komel, S. (2024). »Delo in praktična vednost Oddelka za etažno lastnino na Okrajnem sodišču v Ljubljani. Prvi del: Delitev dela, spoznavne sheme in načini sklepanja«. <i>Glasnik SED</i> 64 (1): 5-18. 3. Komel, S. (2024). »Delo in praktična vednost Oddelka za etažno lastnino na Okrajnem sodišču v Ljubljani. Drugi del: Obrazci, vzorci, utelešene veščine in nepričakovani primeri«. <i>Glasnik SED</i> 64 (2): 67-77. 1. Komel, S. (2023). "Practical knowledge and the practical knowledge of law workers". <i>Problemi</i> 61 (9-10): 159-193. 2. Komel, S. (2024). "Work and Practical Knowledge at the Ljubljana District Court Condominium Department. Part One: Division of Labour, Cognitive Schemata and Manners of Reasoning". <i>Glasnik SED</i> 64 (1): 5-18. 3. Komel, S. (2024). "Work and Practical Knowledge at the Ljubljana District Court Condominium Department. Part Two: Forms, Models, Embodied Skills, and Unexpected Cases". <i>Glasnik SED</i> 64 (2): 67-77.