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MODULE 01 ASSIGNMENT: LAW, POWER, AND THE GATEKEEPER

Instructions

Due: 02/16

Readings:

- Sally Falk Moore, *Law and Anthropology: A Reader* (Part I)
- A. R. Radcliffe-Brown, *Primitive Law*
- Franz Kafka, *Before the Law*

Objective

This assignment invites you to explore **the nature of law, access to justice, and legal pluralism** through the lens of **anthropology and literature**. By examining **Kafka's allegory**, alongside **Moore's and Radcliffe-Brown's anthropological perspectives**, you will reflect on **how law operates in different societies and what it means to seek justice**.

Prompt

Franz Kafka's *Before the Law* presents an enigmatic portrayal of **law and access to justice** through the characters of the **gatekeeper** and the **countryman**. The countryman waits at the gate, hoping for access to the law—only to be denied indefinitely.

Anthropologists, like **Sally Falk Moore and A. R. Radcliffe-Brown**, have approached law differently. While **Radcliffe-Brown** viewed law as an integral part of **social structure and function**, **Moore challenges the idea of law as a singular, universal system**, instead emphasizing **legal pluralism**—the coexistence of multiple legal orders within societies.

Choose between a **short analytical response** or a **creative reflection** (like a short dialogue or visual interpretation).

Using **Kafka's story** as a starting point, reflect on the following:

1. The Nature of Law

- How does the **gatekeeper** in *Before the Law* represent a **barrier to legal access**?
- Does Kafka's depiction of law suggest it is **universal, arbitrary, inaccessible, or something else**?

2. Comparing Anthropological Views of Law

- How does **Radcliffe-Brown's** structural-functional view of law **contrast** with Kafka's portrayal?
- How does **Moore's idea of legal pluralism**—where multiple legal systems coexist—help explain the countryman's inability to access justice?
- Is the law in Kafka's story a **state-controlled system, an unwritten custom, or something more elusive**?

3. Justice and Power

- Is there **justice** in *Before the Law*? Or is the **law merely a system of control**?
- How does Moore's argument about **law existing beyond formal legal institutions** challenge or expand the way we understand Kafka's allegory?

Format & Submission

- **Length:** 1-2 pages, double-spaced.
- **Style:** Informal but structured—think of this as an intellectual conversation rather than a formal essay.
- **Citations:** Briefly reference the texts when necessary.
- **Submission:** Upload as a Word or PDF document to Brightspace by the deadline.

Grading Criteria

- ✓ **Engagement with Kafka's allegory** – Thoughtful interpretation of *Before the Law*
- ✓ **Integration of anthropological perspectives** – Connection to Moore & Radcliffe-Brown
- ✓ **Clarity & Organization** – A coherent and engaging reflection
- ✓ **Creativity & Depth** – Original insights into law, power, and justice

Final Thought

This is not a test—it's an opportunity to **question what law is, who controls it, and whether justice is ever truly accessible.**

Does the law exist to serve us, or do we exist to serve it? I look forward to reading your reflections!

After the due date your work may be subject to a penalty of 5% per day.



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