

RULES VERSUS RELATIONSHIPS

The Ethnography of
Legal Discourse

John M. Conley

&

William M. O'Barr

Rules Versus Relationships The Ethnography Of Legal Discourse

Joanna Kopaczyk



Rules Versus Relationships The Ethnography Of Legal Discourse:

Rules Versus Relationships John M. Conley, William M. O'Barr, 1990-05-15 In Rules versus Relationships John M Conley and William M O Barr examine the experiences of litigants seeking redress of everyday difficulties through the small claims courts of the American legal system The authors find two major and contrasting ways in which litigants formulate and express their problems in terms of specific rule violations and seek concrete legal remedies that would mend soured relationships and respond to their personal and social needs

Rules versus Relationships John M. Conley, William M. O'Barr, 1990-06-15 In Rules versus Relationships John M Conley and William M O Barr examine the experiences of litigants seeking redress of everyday difficulties through the small claims courts of the American legal system The authors find two major and contrasting ways in which litigants formulate and express their problems in terms of specific rule violations and seek concrete legal remedies that would mend soured relationships and respond to their personal and social needs

Entextualizing Domestic Violence Jennifer Andrus, 2015 This book explores how language ideologies circulated in the hearsay rule of the Anglo American law of evidence create the potential to speak for and or ignore the speech of victims of domestic violence using discourse analysis to identify the particular mechanisms in case law and statute that do this work

Bronislaw Malinowski's Concept of Law Mateusz Stępień, 2016-09-26 This book discusses the legal thought of Bronislaw Malinowski 1884 1942 undoubtedly one of the titans of social sciences who greatly influenced not only the shape of modern cultural anthropology but also the social sciences as a whole This is the first comprehensive work to focus on his legal conceptions while much has been written about his views on language magic religion and culture his views on law have not been fairly reconstructed or recapitulated A glance at the existing literature illustrates how little has been written about Malinowski s understanding of law especially in the legal sciences This becomes even more evident given the fact that Malinowski devoted much of his scholarly work to studying law especially in the last period of his life during which he conducted broad research on law and primitive jurisprudence The main aim of this book is to address this gap and to present in detail Malinowski s thoughts on law The book is divided into two parts Part I focuses largely on the impact that works of two distinguished professors from his alma mater L Dargun and S Estreicher had on Malinowski s legal thoughts while Part II reconstructs Malinowski s inclusive broad and multidimensional understanding of law and provides new readings of his legal conceptions mainly from the perspective of reciprocity The book offers a fresh look at his views on law paving the way for further studies on legal issues inspired by his methodological and theoretical achievements Malinowski s understanding of law provides a wealth of fodder from which to formulate interesting research questions and a solid foundation for developing theories that more accurately describe and explain how law functions based on new findings in the social and natural sciences

Law and Society Reconsidered Austin Sarat, 2007-12-05 This volume of Studies in Law Politics and Society presents a diverse array of interdisciplinary research It contains articles by scholars from political science sociology and law

These articles examine the legal treatment of suspect populations the work of legal actors and the works of various legal devices Taken together the work published in this volume exemplifies the kind exciting and innovative work now being done by legal scholars from different disciplines Studies in Law Politics and Society is now available online at ScienceDirect full text online of volumes 18 onwards Elsevier book series on ScienceDirect gives multiple users throughout an institution simultaneous online access to an important compliment to primary research Digital delivery ensures users reliable 24 hour access to the latest peer reviewed content The Elsevier book series are compiled and written by the most highly regarded authors in their fields and are selected from across the globe using Elseviers extensive researcher network For more information about the Elsevier Book Series on ScienceDirect Program please visit <http://www.info.sciencedirect.com/bookseries>

Speak English Or What? Philipp Sebastian Angermeyer, 2015 This book presents a study of interpreter mediated interaction in New York City small claims courts drawing on audio recorded arbitration hearings and ethnographic fieldwork Focusing on the language use of speakers of Haitian Creole Polish Russian or Spanish the study explores how these litigants make use of their limited proficiency in English in addition to communicating with the help of professional court interpreters Drawing on research on courtroom interaction legal interpreting and conversational codeswitching the study explores how the ability of immigrant litigants to participate in these hearings is impacted by institutional language practices and underlying language ideologies as well as by the approaches of individual arbitrators and interpreters who vary in their willingness to accommodate to litigants and share the burden of communication with them Litigants are shown to codeswitch between the languages in interactionally meaningful ways that facilitate communication but such bilingual practices are found to be in conflict with court policies that habitually discourage the use of English and require litigants to act as monolinguals using only one language throughout the entire proceedings Moreover the standard distribution of interpreting modes in the courtroom is shown to disadvantage litigants who rely on the interpreter as consecutive interpreting causes their narrative testimony to be less coherent and more prone to interruptions while simultaneous interpreting often leads to incomplete translation of legal arguments or of their opponent's testimony Consequently the study raises questions about the relationship between linguistic diversity and inequality arguing that the legal system inherently privileges speakers of English

The Oxford Handbook of Law and Anthropology Marie-Claire Foblets, Mark Goodale, Maria Sapignoli, Olaf Zenker, 2022-04-01 The Oxford Handbook of Law and Anthropology is a ground breaking collection of essays that provides an original and internationally framed conception of the historical theoretical and ethnographic interconnections of law and anthropology Each of the chapters in the Handbook provides a survey of the current state of scholarly debate and an argument about the future direction of research in this dynamic and interdisciplinary field The structure of the Handbook is animated by an overarching collective narrative about how law and anthropology have and should relate to each other as intersecting domains of inquiry that address such fundamental questions as dispute resolution normative ordering social

organization and legal political and social identity The need for such a comprehensive project has become even more pressing as lawyers and anthropologists work together in an ever increasing number of areas including immigration and asylum processes international justice forums cultural heritage certification and monitoring and the writing of new national constitutions among many others The Handbook takes critical stock of these various points of intersection in order to identify and conceptualize the most promising areas of innovation and sociolegal relevance as well as to acknowledge the points of tension open questions and areas for future development

Legal Theory and the Social Sciences Maksymilian Del Mar, Michael Giudice, 2017-07-05 Ever since H L A Hart's self description of The Concept of Law as an exercise in descriptive sociology contemporary legal theorists have been debating the relationship between legal theory and sociology and between legal theory and social science more generally There have been some who have insisted on a clear divide between legal theory and the social sciences citing fundamental methodological differences Others have attempted to bridge gaps revealing common challenges and similar objects of inquiry Collecting the work of authors such as Martin Krygier David Nelken Brian Tamanaha Lewis Kornhauser Gunther Teubner and Nicola Lacey this volume the second in a three volume series provides an overview of the major developments in the last thirty years The volume is divided into three sections each discussing an aspect of the relationship of legal theory and the social sciences 1 methodological disputes and collaboration 2 common problems especially as they concern different modes of explanation of social behaviour and 3 common objects including most prominently the study of language in its social context and normative pluralism

Legal Anthropology James M. Donovan, 2007-12-28 Legal Anthropology An Introduction offers an initial overview of the challenging debates surrounding the cross cultural analysis of legal systems Equal parts review and criticism James M Donovan outlines the historical landmarks in the development of the discipline identifying both strengths and weaknesses of each stage and contribution Legal Anthropology suggests that future progress can be made by looking at the perceived fairness of social regulation rather than sanction or dispute resolution as the distinguishing feature of law

Handbook of Justice Research in Law Joseph Sanders, V. Lee Hamilton, 2007-05-08 Justice a word of great simplicity and almost frightening scope When we were invited to edit a volume on justice in law we joked about the small topic we had been assigned Often humor masks fear and this was certainly one of those times Throughout the project we found daunting the task of covering even a fraction of the topics that usually fall under the umbrella of justice research in law Ultimately the organization of the book emerged from the writing of it Our introductory chapter provides a road map to how the topics weave together but as is so often the case it was written last not first It was only when we had chapters in hand that we began to see how the many strands of justice research might be woven together Chapters 2 4 on the basic forms of justice procedural retributive and distributive are the lynchpin of the volume they provide the building blocks that permit us to think and write about each of the other substantive and applied chapters in terms of how they relate to the fundamental forms of justice In the large central section of the

volume Chapters 5-9 the contributors address many ways in which the justice dimensions relate to one another. Most important for law is the relationship of perceptions of procedural justice and the two types of substantive justice: retributive and distributive.

Meaning and Power in the Language of Law Janny H. C. Leung, Alan Durant, 2018-01-18. Legal practitioners, linguists, anthropologists, philosophers, and others have all explored fundamental challenges presented by language in formulating, interpreting, and applying laws. Building on centuries of interaction between legal practice and jurisprudence, the modern field of law and language or forensic linguistics brings insights in linguistics and related fields to bear on topics including legal drafting and translation, statutory interpretation, expert evidence on language use and dynamics of courtroom interaction. This volume presents an interlocking series of research studies engaged with different legal jurisdictions and socio-political contexts as well as with the more abstract notion of law. Together, the chapters written by international leaders in their fields highlight recent directions in research and investigate in particular how law expresses yet also conceals power relations in its crafted use of words and in the gaps and silence between those words.

The Anthropology of Law Fernanda Pirie, 2013-10-31. Questions about the nature of law, its relationship with custom, and the form of legal rules, categories, and claims are placed at the centre of this challenging yet accessible introduction. Anthropology of law is presented as a distinctive subject within the broader field of legal anthropology, suggesting new avenues of inquiry for the anthropologist while also bringing empirical studies within the ambit of legal scholarship. The Anthropology of Law considers contemporary debates on human rights, international laws, and new forms of property alongside ethnographic studies of order and conflict resolution. It also delves into the rich corpus of texts and codes studied by legal historians, classicists, and orientalists: the great legal systems of ancient China, India, and the Islamic world, unjustly neglected by anthropologists, are examined alongside forms of law created on their peripheries. Ancient codes, medieval customs, village constitutions, and tribal laws provide rich empirical detail for the authors' analysis of the cross-cultural importance of the form of law as text or rule, and carefully selected examples shed new light upon the interrelations and distinctions between laws, custom, and justice. Legalism is taken as the starting point for inquiry into the nature and functions of law and its roles as an instrument of government, a subject of scholarship, and an assertion of moral order. An argument unfolds concerning the tensions between legalistic thought and argument and the ideological or aspirational claims to embody justice, morality, and religious truth, which lie at the heart of what we think of as law.

Understanding Jurisprudence Raymond Wacks, 2012-02-02. Perfect for the student new to jurisprudence, this book provides an illuminating introduction to the central questions of legal theory. An experienced teacher of jurisprudence, Professor Wacks' approach is both accessible and entertaining, providing the ideal base for further study.

Handbook of Communication in the Legal Sphere Jacqueline Visconti, 2018-09-24. This volume explores communication and its implications on interpretation, vagueness, multilingualism, and multiculturalism. It investigates cross-cultural perspectives with original methods, models, and arguments, emphasizing

national EU and international perspectives Both traditional fields of investigations along with an emerging new field Legal Visual Studies are discussed Communication addresses the necessity of an ongoing interaction between jurilinguists and legal professionals This interaction requires persuasive convincing and acceptable reasons in justifying transparency visual analyses and dialogue with the relevant audience The book is divided into five complementary sections Professional Legal Communication Legal Language in a Multilingual and Multicultural Context Legal Communication in the Courtroom Laws on Language and Language Rights and Visualizing Legal Communication The book shows the diversity in the understanding and practicing of legal communication and paves the way to an interdisciplinary and cross cultural operation in our common understanding of legal communication This book is suitable for advanced students in Linguistics and Law and for academics and researchers working in the field of Language and Law and jurilinguists

Understanding Criminal Justice Philip Smith, Kristin Natalier, 2005 Providing an overview of the sociological approaches to law and criminal justice this book focuses on how law and the criminal justice system inevitably affect one another and the ways in which both are intimately connected with wider social forces

Fall-out from Fukushima Giulia de Togni, 2021-11-24 This book shows how the Fukushima plaintiffs have challenged narratives of safety and risk containment produced by TEPCO and the Japanese government through offering new empirical data on risk perceptions and life choices of some nuclear evacuees Considering the Fukushima evacuees disappearance from public discourse in Japan the book engages with theoretical writings on risk neoliberal governmentality and citizen science Chapters draw on a wide range of anthropologically related methodologies including socio linguistics participant observation and qualitative interviews Themes of self governance resistance gender kinship class and social change surface throughout setting the Fukushima experience in a broad historical social and comparative context This is the first ethnographic account of the Fukushima litigation and the first extensive qualitative study documenting the worldviews and living conditions of nuclear evacuees who moved outside Fukushima Prefecture with a particular focus on underrepresented groups single mothers elderly and disabled evacuees The history of industrial disasters and the role of citizens in shaping environmental policy in Japan is also evaluated Fall out from Fukushima sets out to be a manifesto for understanding and supporting post nuclear disaster societies and will appeal to students and scholars of social legal and linguistic anthropology science and technology studies as well as Japanese studies

Research Handbook on Legal Evolution Wojciech Zaluski, Sacha Bourgeois-Gironde, Adam Dyrda, 2024-03-14 Adopting an evolutionary perspective this Research Handbook presents novel and cutting edge insights into the interdisciplinary field of legal evolution Engaging with various scientific approaches it provides a versatile analysis of legal evolution examining the field as a whole as well as in the context of specific branches of law

Access to Justice Rebecca L. Sanderfur, 2009-03-23 Around the world access to justice enjoys an energetic and passionate resurgence as an object both of scholarly inquiry and political contest as both a social movement and a value commitment motivating study and action This work evidences a deeper engagement with social

theory than past generations of scholarship The Legal Language of Scottish Burghs Joanna Kopaczyk, 2013-08-15 This book offers an innovative corpus driven approach to historical legal discourse It is the first monograph to examine textual standardization patterns in legal and administrative texts on the basis of lexical bundles drawing on a comprehensive corpus of medieval and early modern legal texts The book s focus is on legal language in Scotland where law with its own nomenclature and its own repertoire of discourse features was shaped and marked by the concomitant standardizing of the vernacular language Scots a sister language to the English of the day Joanna Kopaczyk s study is based on a unique combination of two methodological frameworks a rigorous corpus driven data analysis and a pragmaphilological context sensitive qualitative interpretation of the findings Providing the reader with a rich socio historical background of legal discourse in medieval and early modern Scottish burghs Kopaczyk traces the links between orality community and law which are reflected in discourse features and linguistic standardization of legal and administrative texts In this context the book also revisits important ingredients of legal language such as binomials or performatives Kopaczyk s study is grounded in the functional approach to language and pays particular attention to referential interpersonal and textual functions of lexical bundles in the texts It also establishes a connection between the structure and function of the recurrent patterns and paves the way for the employment of new methodologies in historical discourse analysis **The Analysis of Legal Cases** Flora Di Donato, 2019-07-04 This book examines the roles played by narrative and culture in the construction of legal cases and their resolution It is articulated in two parts Part I recalls epistemological turns in legal thinking as it moves from theory to practice in order to show how facts are constructed within the legal process By combining interdisciplinary paradigms and methods the work analyses the evolution of facts from their expression by the client to their translation within the lawyer client relationship and the subsequent decision of the judge focusing on the dynamic activity of narrative construction among the key actors client lawyer and judge Part II expands the scientific framework toward a law and culture oriented perspective illustrating how legal stories come about in the fabric of the authentic dimensions of everyday life The book stresses the capacity of laypeople who in this activity are equated with clients to shape the law dealing not just with formal rules but also with implicit or customary rules in given contexts By including the illustration of cases concerning vulnerable clients it lays the foundations for developing a socio clinical research programme whose aims including enabling lay and expert actors to meet for the purposes of improving forms of collective narrations and generating more just legal systems

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