Workshop on Story-Based Research in Socio-Legal Studies

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- State Agent Narrative: Law Abidance and the Demands of law, rules, administrative process

- Two Stories (1.1, 8.2)
- (1.1) "This is one the supervisor does not want to know about";
- (8.2) "The supervisor decided to arrest… I didn't file the case against him"

- (1.1) "She worked so hard to put herself back together"; (8.2) "(F)rancisco had been a hard worker"

- (1.1) "Single mom in bad part of town with little guy";
- (8.2) "F was a Mexican guy… To (supervisor) F was seen as a semi-literate Hispanic"

Peeling Open Dominant Images

Seeking Out the Practical Logics and Operating Norms of Dominating Processes

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Stories: Vessels for Linking Culture to Action

▸ Story-Telling, more than Rules, Guides In/Action (Shearing/Ericson 1991)

▸ Story/Narrative Structure as Socio-Cultural Vessel: Plot, Characters, Relationships, Feelings, Settings

▸ Challenge is Getting at or Simulating Stories in Action

Socio-Legal Studies and Story-Based Inquiry

▸ Story As Object of Inquiry; As Data for Inquiry of Other Phenomena; As the Researcher's Telling of Findings (Ewick and Silbey 1995)

▸ Law is Everywhere (Sarat 1990), Bracketed by Other Normative Orderings (Herbert 1997, Gilliom 1997), As Orientations of Consciousness (Ewick/Silbey 1997), As Traces in Life Histories (Engel/Munger 2003)

▸ Finding the Story of a Judicial Case and Legal Archeology (Macaulay Response)

▸ Tool of the Trouble Case or Hitch (Llewellyn/Hoebel 1941; Silbey Response)

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The Formulation of Socio-Legal Frameworks/Schemas

‣ Before, With, Against the Law (Ewick and Silbey 1997)

‣ Law, Bureaucratic Control, Adventure, Safety, Competence, Morality (Herbert 1997)

‣ Action ("Rep"), Moral ("Chillin"), Rational ("System")Tales (Morrill, et. al 2000)

‣ Rights (Rules)Talk, Needs (Relationship) Talk (Gilliom 2000; Conley/O'Barr 1990)

‣ Discourses of Racial Justice, the Market, Faith (Engel/Munger 2003)

‣ Adaptive, Struggling, Resistant Reservists (Musheno/Ross 2009)

‣ State-Agent, Citizen-Agent Narratives (Maynard-Moody/Musheno 2003)

‣ Unhinging Schemas: Life-Course Persistent/Adolescent Limited Socio-Legal Schema (Laub and Sampson 2003)

Story Research Orientation: Interpretation As a Logic of Inquiry (Soss 2007)

- ▶ Interpretation as a Logic of Inquiry; A Kind of Methodology

- ▶ Skepticism About Shared Meaning; Instead Local Contexts and Convergent, Divergent Meanings

- ▶ Research Participants Understandings and Sense-making on Terms Plausible to Participants Themselves

- ▶ Participants' Understandings as a Prerequisite for Making Claims about Sources and Consequences of Such Understandings

- ▶ Complexity of Emotional Content

Story Research as an Empirical Project

▶ Taking Conceptual Frames into the Field in Search of Local Meanings

▶ Discovery as Much as Explanation

▶ Verification, Replication, Falsification

▶ Jurisdictional and Organizational Comparison

▶ Life Histories and Longitudinal Designs

▶ Story or Account of Encounter/Trouble as Unit of Inquiry

▶ Multiple Methods and Issues of Prevalence

▶ Accounting for Variation of Schema

Story Research as an Empirical Enterprise: Repertoire of Everyday Youth Conflict Practices (Morrill/Musheno 2009)

Components	"Chillin'"	"Rep"	"The System"
How trouble is defined	"fuckin' around" (relational and trust violations)	"talking or doing shit" "taking what's mine" (audience-driven identity threat)	"getting' jammed" (in relation to school rules)
What should be done	"chill" "clarify....talk it out" (define, repair, avoid, tolerate on back-stage)	"make [my] rep" "get up in [one's] face" "scrap" (aggressively confront on front-stage)	"use the system" "play the rules" "play by the rules" (use school rules)
Decision-making image	"principled" [stand] (categorical)	"do what you gotta do" (intuitive)	"thinking it out" (consequences)
Emotional expressions	"pissed" (annoyed/angry) "crushed" / "bummed" (devastated)	"pissed" (indignation and humiliation)	"worried" (anxiety)
Routines in Written Stories by Youths	33.9% (215)	56.9% (361)	9.3% (59)
Routines in Fieldnotes	63.5% (54)	28.2% (24)	8.2% (7)

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A Practicum on Field-Based Story Research

▶ **Start with the End**

  ▶ Set of story texts

    ▶ Most begin as "oral" but become written

  ▶ Adequate story text for

    ▶ Discovery

    ▶ Interpretation

    ▶ Alternative interpretations

Forms of Research Stories

- Unprompted/stories in action.
  - Researcher heard or overheard
  - Researcher as "participant listener"
- Prompted/stories of action
  - William Labov, "but because the experience and emotions involved here ...[the storyteller] seems to undergo a partial reliving of that experience and he is no longer free to monitor his own speech as he normally does in face-to-face interviews."
- Researcher rendered
  - From field and case material
  - Frameworks or schemas

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Socio-Legal Frameworks or Schemas

▶ Before, With, Against the Law (Ewick and Silbey 1997)

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▶ Rights Talk, Needs Talk (Gilliom 2000; Conley/O'Barr 1998)

▶ Discourses of Racial Justice, the Market, Faith (Engel/Munger 2003)

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▶ State-Agent, Citizen-Agent Narratives (Maynard-Moody/Musheno 2003)

What makes a good research story?

- Speaks to research questions
  - "Case of trouble as a main road into inquiry…."
  - Tension between storytellers as insiders and story listeners (researchers) as outsiders
- Compelling versus thin stories
- Adequately rendered & problem of Gists
- Problem of silenced or untold stories.
- Re-producible & archive-able texts

Storytellers & Stories

▸ **Unit of Analysis: story and/or storyteller**

▸ **Identifying and getting your storytellers**

    ▸ Usually embedded in some organizational context

        ▸ Access & permission

        ▸ Human subjects approval & problem of confidentiality (especially with "subversive" tales)

    ▸ Setting as essential to interpretation

Selection/Sampling

▸ Seek variation: Need a selection/sampling strategy

  ▸ Single rich site

  ▸ In our research:

    ▸ Geographic

    ▸ Organizational

    ▸ Types of street-level workers

  ▸ Other examples:

    ▸ Engle & Munger: gender by life stage by disability type

    ▸ Ewick & Silbey: multi-stage cluster sampling, n = 430 face-to-face interviews.

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Story Collection: From Telling to Text

- Entry interview
  - Instruction and "story notebook"
  - Background interview
- Postponing initial story collection with multiple story telling sessions
- Prompting stories
  - Beyond gists: encourage a fuller rendering
- Verbatim to revised stories
- Storyteller review & exit interview

Story Interpretation

▸ Stories, even somewhat fantastical stories, are presented as accounts, as if events occurred and people acted as described.

  ▸ Stories represent the storytellers interpretation of events.

  ▸ Interpretations presented as factual elements

  ▸ Stories are not objective restatements of events.

▸ Two stories/one storyteller from our police stop study

  ▸ *Pulled Over: Racial Framing of Police Stops*, with Charles Epp and Donald Haider-Markel (book manuscript).

Black Male Driver, "I Felt Violated"

One time that I particularly remember, I was just, I don't know how to explain it—I felt violated.

I was doing the speed limit, I got pulled over and was asked for my driver's license and registration. I went and asked why I was being pulled over. He just pretty much stated that there was a warrant check.

And pretty much ran my license and asked if I had any warrants from my arrest and I told him, "No." And he ran my plate and driver's license and asked if that was my current address and all that good stuff and then released me.

Listening to the storyteller

▸ Imagine you had the patrol-car video of this stop. What would you see?

  ▸ Polite officer/compliant driver

  ▸ Maybe you would worry about the justification for this pretext stop, but nothing unusual occurred: an uneventful stop.

▸ But emotion is raw, "I felt violated"

▸ How do we interpret "violated"?

  ▸ One interpretation is a "violation of rights": illegal seizure

  ▸ Another interpretation is a "violation of person": rape

▸ When asked to explain, driver told another story, one that took place earlier in time.

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Black Male Driver, "Came to the Car Blazing."

In that particular case the officer was upset and came to the car blazing. I don't know if this is the proper way to say this, you know with hands on his gun and asked me to step out of the car. And he asked me if I had any weapons in the car or drugs.

You know, handcuffed me.

He asked me, "Do you have your driver's license."

Got it out of my pocket, and, you know, the normal routine: ran my driver's license while I was sitting on the trunk of my car....

He didn't find anything. He ran my license, everything was clean. And he released me: no ticket, no nothing.

Words matter

▸ This earlier stop would be, for most of us, anything but routine: cop with hands on gun, driver cuffed and on trunk.

▸ But driver observes: "you know, the normal routine"

▸ Shows how experience—personal & community—alters subsequent experiences

▸ Underscores how both meanings of violated—rights violated & person violated—merge

▸ Interpretation and Longitudinal Design—Collecting Stories Over Time; Same Subject (Laub and Sampson 2003)

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Listening & Coding

- Listening to the storyteller; initially privilege their interpretation.
  - Close reading
  - Value of coding

From Text to Interpretation

▶ Researcher interpretation

  ▶ Looking for themes that cut across stories and storytellers

  ▶ Additional data sources

  ▶ Value of collective interpretation.

  ▶ Attention to silence

  ▶ How does interpretation reflect and challenge current
    theoretical understanding

On Discovery

▶ Story texts as evidence

▶ Qualitative research is often dismissed as "exploratory."

    ▶ Exploration and discovery requires discipline and rigor, and a willingness to learn from those we study.