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Subversive Stories and Hegemonic Tales: Toward a Sociology of Narrative

Patricia Ewick Susan S. Silbey

The authors outline a sociology of narrative—an analysis of the role of narrative in various social contexts, including academic sociolegal scholarship. Narratives are social acts that depend for their production and cognition on norms of performance and content that specify when, what, how, and why stories are told. Because narratives are situationally produced and interpreted, they have no necessary political or epistemological valence but depend on the particular context and organization of their production for their political effect. The analysis specifies the variable conditions that produce hegemonic tales—stories that reproduce existing relations of power and inequity—and subversive stories—narratives that challenge the taken-for-granted hegemony by making visible and explicit the connections between particular lives and social organization.

In his book of essays *The Content of the Form*, Hayden White (1987:1) observed that "so natural is the impulse to narrate, so inevitable is the form of narrative for any report of the ways things really happen, that narrativity could appear problematic *only* in a culture in which it was absent" (our emphasis). With characteristic insight White thus accounts for the recent interest in the narrative form among social scientists and legal scholars. Ironically, that which operates naturally and inevitably throughout most of the social world appears, by virtue of its absence, to be problematic among precisely those who claim expertise in reporting "the way things really happen."

In fact, the virtual absence of the narrative form within social science and legal scholarship has been a self-conscious achievement. Scorned by scholars aspiring to scientific authority, narrative analysis was largely abandoned by social scientists in the

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1930s and 1940s. Narratives were thought to be an ambiguous, particularistic, idiosyncratic, and imprecise way of representing the world. Writing in a 1935 article, appropriately entitled "Measurement and Sociology," Read Bain (1935:486) observed that a sociology that gave primacy to stories as opposed to numbers would become "forever a bastard discipline," one containing "a hodge podge of pretentious words, random observations, speculations, opinions, pious hopes and fears, attitudes, wishes, sophistical logic, and literary purple patches."[1]

In recent decades, however, errant scholars in various disciplines have challenged conventional scholarly discourse and the claims to truth it stakes. An important challenge has come from the use of narrative in a variety of fields including legal and sociolegal scholarship. Stories, not statutes or statistics, have become the subject matter of much sociolegal scholarship. Reembracing the narrative form as both object and a method of analysis (a distinction we will pursue in a moment), this research seeks to incorporate subjective, contextualized, and specific accounts of social life. Accordingly, narrativity has not so much been defended against the charges of particularity, ambiguity, and imprecision as it has been celebrated for embodying precisely those qualities. Kathy Abrams (1993:30), for example, claims that "complex narratives are, first and foremost, a promising vehicle for introducing legal decision-makers to a more complex, ambiguous legal subject." They can contribute, she writes (ibid.), to a "reconceptualization of critical aspects of law and legality," forcing us to "think concretely" but to remember socially" (1991:1052).

In philosophy, sociology, and psychology, much has been written about how people explain their actions to themselves and to others through stories (Mishler 1986; Bruner 1986, 1990; Sarbin 1986; Pillemer 1992, Pillemer et al. 1995). MacIntyre (1981) argues that rather than offer categorical principles, rules, or reasoned arguments, people tend to describe, account for, and perhaps relive their activities through narratives: sequences of statements connected by both a temporal and a moral ordering (cf. Ricoeur 1984, 1985, 1988). Todd & Fisher (1986, 1988) and Reissman (1993) suggest that narratives bridge the gap between daily social interaction and large-scale social structures: language organized temporally to report a moral reflects and sustains institutional and cultural arrangements at the same time as it accomplishes social action. In other words, stories people tell about themselves and their lives both constitute and interpret those lives; the stories describe the world as it is lived and understood by the storyteller. So foundational to human interaction is narrative that Polkinghorne (1988:135) proposes that the self,

[1] The full quote concludes: "should a sociologist be a Zola or a Quetelet?"

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the fundamental concept of psychological theory, be conceptualized as an unfolding narrative; further, Polkinghorne suggests that one function of psychotherapy may be "to assist in the reconstruction of a meaning-giving narrative of self-identity."

It appears that narrative analysis is celebrated on two grounds. The first is epistemological. It is argued that narratives have the capacity to reveal truths about the social world that are flattened or silenced by an insistence on more traditional methods of social science and legal scholarship. According to this view, social identities and social action, indeed all aspects of the social world, are storied. Consequently, narrative is not just a form that is imposed upon social life (Somers 1992); rather, it is constitutive of that which it represents. To attempt to examine lives, experiences, consciousness, or action outside of the narratives that constitute them, it is argued, is to distort through abstraction and decontextualization, depriving events and persons of meaning (Barthes 1966; Mishler 1986; Bruner 1986; Polkinghorne 1988; White 1987).

A second and related claim made for narrative scholarship is overtly political. Some scholars contend that narratives have significant subversive or transformative potential. "A central, if not *the* central, concern underlying narrative studies . . . is to give voice to the subject: to collect, interpret, and present materials about human experiences that preserve this voice of the subject" (Bell 1991:245; see Rollins 1995). By allowing the silenced to speak, by refusing the flattening and distorting effects of traditional logico-scientific methods and dissertative modes of representation, narrative scholarship participates in rewriting social life in ways that are, or can be, liberatory (Graham 1984; Mishler 1986; Matsuda 1987; Smith 1987; Delgado 1989; Abrams 1991, 1993; Abu-Lughod 1993; Rollins 1995).

The two virtues that have been claimed for narrative—to reveal truth and to unsettle power—are not separate or unrelated. Indeed, the *political* commitment to giving voice and bearing witness through narrative is underwritten by the epistemological conviction that there is no single, objectively apprehended truth. Conversely, the *epistemological* claim that there are multiple truths is based on the recognition that knowledge is socially and politically produced. Together, the two claims regarding narrative scholarship argue that the multiple stories which have been buried, silenced, or obscured by the logico-deductive methods of social science have the capacity to undermine the illusion of an objective, naturalized world which so often sustains inequality and powerlessness.

Given the proliferating interest and provocative debate, it seems appropriate to assess the place of narrative in sociolegal scholarship. In this essay we assume an empirical perspective by looking at the ways in which narratives operate in social life, in

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particular in legal settings. Part I offers a brief conceptualization of narrative and its possible roles in social research. In part II, we argue that narratives have no single political or epistemological valence. Rather, we suggest that narratives are socially organized phenomena which, accordingly, reflect the cultural and structural features of their production. We offer examples of the social organization of narrative in a variety of legal settings and situations. We conclude this section by arguing that, as socially organized phenomena, narratives are implicated in both the production of social meanings and the power relations expressed by and sustaining those meanings. Parts III and IV explore the ways in which narratives can function to sustain hegemony or, alternatively, subvert power. Specifically, we suggest that when narratives emphasize particularity, and when they efface the connection between the particular and the general, they help sustain hegemony. Conversely, when narrativity helps bridge particularities and makes connections across individual experiences and subjectivities, it can function as a subversive social practice.

I. Conceptualizing Narrative Analyses

To begin this examination of narrative in sociolegal scholarship, a few conceptual points need to be clarified. Most important, we need to define with greater precision what we mean by the term "narrative." Indeed, as the legitimacy and frequency of narrative analysis within social science and legal scholarship has increased, so too have its definitions. Synthesizing these various definitions, it appears that to qualify as narrative, a particular communication must minimally have three elements or features. First, a narrative relies on some form of selective appropriation of past events and characters. Second, within a narrative the events must be temporally ordered. This quality of narrative requires that the selected events be presented with a beginning, a middle, and an end. Third, the events and characters must be related to one another and to some overarching structure, often in the context of an opposition or struggle. This feature of narrativity has been variously referred to as the "relationality of parts" or, simply, "emplotment." The temporal and structural ordering ensure both "narrative closure" and "narrative causality": in other words, a statement about how and why the recounted events occurred.

What is meant by narrativity has been most effectively communicated, perhaps, through negative examples, by comparing narrative to nonnarrative forms of communication and cognition. Hayden White (1987), for instance, has contrasted narrative forms of history with forms of historical representation that are nonnarrative, such as annals and chronicles. He argues that annals and chronicles lack some essential feature of narrativity. An-

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nals, which simply list events in chronological order, lack both a plot and narrative closure. The chronicle, which more closely resembles a narrative with a coherent plotted subject—for example, the life, work, or times of a particular authority—nonetheless fails as narrative by lacking closure. The chronicle simply terminates in the present and fails to provide "the summing up of the meaning of the chain of events with which it deals." "The demand for closure," according to White, is more than recording events that have past, it "is a demand . . . for moral meaning," a moral principle in light of which the sequence of events can be evaluated. For White, narrativizing is impossible without moralizing.

Psychologist Jerome Bruner (1986:11) also clarifies the meaning of narrative by comparing it to nonnarrative forms of discourse. Bruner describes two "modes of cognitive functioning, two modes of thought, each providing distinctive ways of ordering experience, by constructing reality." One mode he calls *logico-scientific* or *paradigmatic*. This mode includes arguments that make truth claims which are falsifiable through either formal logic or empirical evidence. The second mode of cognition, Bruner identifies as *stories* or *narratives*. Rather than truth, narratives seek lifelikeness and verisimilitude. Even though logico-deductive arguments and narratives rely on different standards of verification, and are "irreducible to one another" (Mink 1970), they can be used to inform or convince each other (see Polkinghorne 1988).[2]

With a working definition of narrative in place, we can identify at least three ways that narrative enters scholarly research. Narrative can be the object of inquiry, the method of inquiry, or the product of inquiry (the researchers' representation).[3] First, when narrative is the object of inquiry and explanation, scholars

[2] The philosopher Louis Mink (1987) compared narrative to three, rather than two, other forms of comprehension which he defined as the ability to grasp "together in a single mental act things which are not experienced together, or even capable of being so experienced" (p. 49). Information can be organized into meaningful wholes, Mink suggested, by theoretical comprehension when making logical inferences or deductions (Bruner's logico-deductive or paradigmatic mode), by categorical comprehension when several objects are seen as examples of the same category, and by configurational comprehension when phenomenon are understood as elements in a single and concrete complex of relationships. Mink regarded these modes of comprehension as irreducible to each other and mutually exclusive. He suggested that each form of comprehension found a home in a different academic enterprise (science, philosophy, and history), accounting in part for the continuing squabbles among disciplines. Mink noted that historical narration exemplified configurational comprehension and involved what he called "synoptic judgment," the ability to comprehend "an indigestible heap of data," by seeing together "all these facts in a single act of understanding" (p. 82). Synoptic judgment or narration, however, is not unique to historians, Mink claimed, but a common and distinctive process by which humans understand and order the world.

[3] It is, of course, possible to use narrative in more than one way in a single piece of research; moreover, it is also possible to be using or doing "narrative" without necessarily being self-conscious or explicit about it. In other words, we deploy narrative here as an analytic concept to observe "narrativity" in research, scholarship, and other social settings.

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examine how stories are produced through social action and function in mediating action and constituting identities. Here, narrative is used as a fundamental sociological concept, analogous to role or status, to denote processes by which people construct and communicate their understandings of the world. Research examines—across time and space—the various ways in which actors rely on narrative forms in interpreting and making sense of their worlds. Exploring the conditions of narration, scholars describe variations in local definitions of what constitutes an appropriate, reasonable, or persuasive narrative. They also observe rules of participation and variable strategies of narration affecting when and why stories are told. For example, in a comparative study of storytelling, Heath (1983) explored how two communities differentially valued truth telling, innovation, playfulness, and embellishment. One community, Heath writes, has a strong fundamentalist bent that makes its members view any fictionalized or narrative account of real life as a *lie*. The members of the community do not encourage the shifting of context of items and events characteristic of fiction and abstraction which are conceived of not only as untruths but as deliberately so. In another example, Natalie Zemon Davis (1987:4) described her project of analyzing letters of remission to the King of France as an effort to understand "how sixteenth century people told stories (albeit in the special case of the pardon tale), what they thought a good story was, how they accounted for motive, and how through narrative they made sense of the unexpected and built coherence into immediate experience." Here, the object of analysis is the production of meaning and social exchange through storytelling and narrative.

Narrative is also used as a method or means of studying social life. Rather than the *object* of study themselves, here, narratives are the *means* of studying something else such as class consciousness, familial power, or jury decisionmaking. Scholars may solicit, collect, and examine narratives as a way of accessing or revealing some other aspect of the social world (Polkinghorne 1988). For example, classic works of the Chicago school of sociology relied on informants' stories to construct their accounts of urban processes (see Abbott 1992; Park, Burgess, & McKenzie 1925). Contemporary studies of family, community, and professions often solicit life stories in the context of lengthy depth interviewing (e.g., Rubin 1976, 1979; Hochschild 1983, 1989; Vaughan 1986; Stacey 1990; Cuba 1987; Cuba & Longino 1991; Hummon 1990; Cushman 1995).[4]

[4] Mishler (1986) argues that all interview responses can potentially assume narrative form and that choosing to analyze interviews as stories is one method of analyzing meaning, as well as any number of other important concerns.

Telling stories is far from unusual in everyday conversation and it is apparently no more unusual for interviewees to respond to questions with narratives if they

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Relying on narrative as a method of research is underwritten by an assumption that narratives provide a lens or window through which we can best study social life (see Ricoeur 1980). Although scholars who collect narratives may be interested in examining how narratives are constituted, they need not be. In her book, *Writing Women's Worlds,* for example, Lila Abu-Lughod (1993) collects and retells the stories told to her by the Bedouin women with whom she lived. Her purpose in collecting these stories is to show that the anthropological concept of "culture" is a "dangerous fiction." By presenting the narratives, Abu-Lughod seeks to unsettle and challenge the cohesiveness, stability, and determinance of the concept of "culture." In doing this, however, Abu-Lughod does not, in her own words, "undertake an analysis of the role of these stories in the life of the community." In other words, that part of the world brought into focus through the stories that are collected need not have anything to do with what constitutes a narrative and the ways it is produced and functions in social life. Whereas narrativity as the object of inquiry can be understood as a sociology *of* narrative, insofar as it charts the role and significance of narrative as a type of social act, narrative as a method of research constitutes a sociology *through* narrative insofar as it examines and invokes narratives as a mode of observation, a vantage from which the world can be seen or heard (cf. Maines 1993).

There is, in addition, a third way in which narrative enters scholarship when social researchers themselves function as storytellers in producing accounts of social life (Van Maanen 1988: Maines 1993; Somers 1992; Cohen & Rogers 1994). In this iteration, narrativity inheres in the scholarly production itself as much as in the object of study or the lens for observing social phenomena. The narrative elements of scholarly research may be more or less explicit. For example, critical race theorists and feminist legal scholars such as Patricia Williams (1991), Derrick Bell (1987), Marie Ashe (1989), Susan Estrich (1986), and Richard Delgado (1989) have self-consciously written personal narratives as a way of examining and understanding the law.

Hayden White's analysis of narrative, with which we began, was engendered in part by just this aspect of narrativity, that is, the writing of narratives by scholars, in this case historians. White

> are given some room to speak. . . . We are more likely to find stories reported in studies using relatively unstructured interviews where respondents are invited to speak in their own voices, allowed to control the introduction and flow of topics, and encouraged to extend their responses. Nonetheless, respondents may also tell stories in response to direct, specific questions if they are not interrupted by interviewers trying to keep them to the "point." (P. 69)

Similarly, courtroom testimony and conversations are not always seen as narrative but can nonetheless be analyzed as such and thus become a means of learning about the processes of legal decisionmaking and other professional practices, e.g., relations between lawyers and clients.

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is concerned, principally but not exclusively, with the historians' claim to accurately represent reality and the appropriate means for doing so. Because the social world does not come to us "already narrativized, already 'speaking itself' " (White 1987:24), scholars construct narrative representations of that world. Those representations are persuasive and compelling because they offer, White claims, an order, "coherence, integrity, fullness and closure" that characterizes good narrative, but that coherence may be more imaginary than real.[5] The world does not really "present itself to perception in the form of well-made stories, with central subjects, proper beginnings, middles, and ends, and a coherence that permits us to see 'the end' in every beginning" (ibid., p. 24). That ordering and interpreting work is supplied through scholarly narrativity (Van Maanen 1988; see also Marcus & Clifford 1986).[6] Thus, the scholarly representation and analysis of social action can be itself an act of narration—sociology *as* narrative.[7]

We offer these distinctions among forms of narrative scholarship as a highly provisional, but useful, means for initiating an analysis of the political and epistemological possibilities of narrative. Specifying the multiple roles that narrativity can play in research and scholarship allows us to analyze defensibly together the seemingly disparate work of empirical sociolinguists who study courtroom testimony, interpretive anthropologists who col-

[5] It is possible to read in Ricoeur's analysis of narrative, in contrast to White's, a stronger claim for narrative history. He suggests that narrative is not simply a common form of representation and reporting but perhaps a form that better corresponds to lived human experience. Ricoeur criticizes structural analyses that dissect stories, and by implication other social phenomenon, into static rules or components. The reduction of the chronological to the logical is mischievous and wrong, he claims; "the search for a temporal formula that generates the chronological display of functions transformed the structure of the tale into a machinery whose task it is to compensate for the initial mischief of lack by a final restoration of the disturbed order. Compared to the logical matrix, the quest . . . itself appears as a mere diachronical residue, a retardation of suspension in the epiphany of order" (Ricoeur 1980:180). Ricoeur seems to suggest that narrative is a powerful form of representation because it is ultimately grounded in human experiences of lived time, and thus reproduces the order and experience of lived time through its own form and structure. In effect, Ricoeur seems to suggest that narrative has temporality as its ultimate reference and, conversely, that temporality finds its expression in narrative. Thus, narrative is not simply a construction of the author but something directly corresponding to lived human experience.

[6] Louis Mink (1970:558) offers a similar understanding when he writes:

> [S]tories are not lived but told. Life has no beginnings, middles, or ends; there are meetings, but the start of an affair belongs to the story we tell ourselves later, and there are partings, but final partings only in the story. There are hopes, plans, battles, and ideas, but only in retrospective stories are hopes unfulfilled, plans miscarried, and battles decisive, and ideas seminal. Only in the story is it America which Columbus discovers, and only in the story is the kingdom lost for want of a nail. We do not dream or remember in narrative, I think, but tell stories which weave together the separate images of recollection.

[7] In conversation, Roger Cotterell reminded us (see also Maines 1993) that one could write a narrative of or about sociology itself. In other words, the subject of any narrative can and will vary, and can address forms of scholarship itself as well as other aspects of social life.

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lect stories of trouble and dispute, and storytellers/scholars who reveal the organization of legal institutions through personal accounts. It seems appropriate and necessary to examine this full range of narrative scholarship to be able to identify the contingencies of narratives' capacity to subvert power and reveal truth.

Specifically, we suggest that while narratives have very successfully and effectively challenged dominant discursive, epistemological, and political norms in social science and legal scholarship by relying on and offering stories rather than surveys, statistics, or legal documents as evidence, the use of narrative presents no such challenge in nonacademic settings. Although the narrative form—with its potential for expressing ambiguity, particularity, and complexity—has been relatively absent and perhaps subversive within the pages of 20th-century academic journals, narratives are ubiquitous and conventional in other social settings, including legal settings such as courtrooms, mediation sessions, and attorneys' offices. In fact, the dominance of the narrative form in most social situations invites us to consider the extent to which narratives may actually be complicit in constructing and sustaining the very patterns of silencing and oppression that some narrative scholars seek to reveal through the use of narrative method.

In the remainder of this essay we explore this hypothesis and suggest, on the basis of a review of some empirical research, limitations on both the epistemological and political potential for narrative in law and legal scholarship. We do so by locating that literature within a framework which recognizes that narratives are social acts performed within specific contexts that organize their meanings and consequences.

II. The Social Organization of Narrative

> [I]n seeking to identify the *functions* of storytelling for the individual narrator or his community, a recognition of the variety of possible narrative transactions and the range of interests that they may thereby serve should encourage us to acknowledge and explore the *multiplicity* of functions that may be performed by narratives generally and by any narrative in particular. We would, accordingly, be less likely to expect to find . . . any single fundamental political purpose or psychological (or transcendental) effect of narratives, whether it be to reflect reality or to supplement it, to reinforce ruling ideologies or to subvert them, to console us for our mortality or to give us intimations of our immortality. (Herrnstein Smith 1980:235)

As Barbara Herrnstein Smith suggests, narratives are told for a variety of reasons, to a variety of audiences, with a variety of effects. One might, for instance, tell a version of "Little Red Riding Hood" to a three-year-old child with hopes of lulling him to

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sleep. The danger, violence, and gore would be toned down (the wolf didn't actually *eat* grandma, just hid her in a closet); the action abbreviated (it's already well past his bedtime); and the details modified for a three-year-old middle-class American in the late 20th century (why would a child risk life and limb to bring Grandma a bottle of *wine?*). Similarly, we might retell a different version of the tale five years later, as the same child sets off for his first independent walk to a friend's house. "Stay on the path and don't talk to strangers" will do. Within the context of this first solo expedition and a mother's worried face, mention of "the path," "strangers," and the tacit suggestion of danger all evoke, after years of retelling, the tale of Little Red Riding Hood. Finally, we might recall an entirely different "Little Red Riding Hood" from the early years of rock and roll when Sam the Sham and the Pharaohs sang (a type of telling) another, comedic version. In that telling, sex is in and danger is out, "Little Red Riding Hood," they wailed, "You sure are lookin' good, you're everything a big, bad wolf could want . . ."

As these examples indicate, stories are always told within particular historical, institutional, and interactional contexts that shape their telling, its meanings and effects. They are told with particular interests, motives, and purposes in mind. Furthermore, stories are constrained by both rules of performance and norms of content. In short, stories are socially organized phenomena, the elements of which can be systematically described.

1. Storytelling does not occur randomly or evenly across social interactions. The social organization of narrative, or what some term the context of elicitation, determines, among other things, *when* a story is expected, demanded, or disallowed. In his studies of interaction rituals, for instance, Goffman (1959, 1963, 1967) describes the various circumstances in which explanations and accounts are expected. For example, in *Asylums* (1961), Goffman describes what he calls "sad tales," the narratives that inmates of total institutions produce and expect of each other and that account for their current status in the institution. Such accounts and narratives are expected in a wide variety of situations where identity and status is threatened (Sykes & Matza 1967; Scott & Lyman 1968). These narrative explanations are often offered in the hope of excusing or justifying behavior and thus forestalling a change in social status.

Narrative accounts are often demanded in legal proceedings, at times effecting the outcome of legal decisionmaking. Schultz's (1992) research on gender discrimination litigation describes federal courts' recent preference for anecdotal, rather than statistical, evidence in deciding gender discrimination cases. "Conservative judges explicitly berate plaintiffs," Schultz (p. 305) writes, "for failing to produce evidence of discrimination against individual women." Thus, without particular victims with specific

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tales of exclusion, it is difficult for classes of victim/defendants to convince judges that the disproportionate employment of men is the consequence of discrimination by defendants rather than a lack of interest in that occupation on the part of women.

Finally, in some cases narrativity is statutorily required as a condition for claiming a legal right. In her "Law as Litany: Teenage Abortion Hearing," Carol Sanger (1993) provides an apt illustration of how the demand for narrative affects legal claimants. Sanger described the reluctance of teenage women to testify before judges about their personal experiences and emotions as a condition for obtaining an abortion in states with parental consent laws. The law's requirement in this regard reinforces a young woman's powerlessness by virtue of her age and gender. In each of these examples, the failure to provide a story when conventional circumstances demand it works to the disadvantage of the reluctant narrator.

2. The content of narratives is also governed by social norms and conventions. Content rules, as they operate within different cultural and institutional settings, define *what* constitutes an appropriate or successful narrative. They define intelligibility, relevance, and believability, while specifying what serves as validating responses or critical rejection (Derber 1979). For example, Conley and O'Barr's (1990) ethnography of courtroom discourse provides evidence of how local norms of narrative content operate. They describe the variable appropriateness and success of differing styles of litigant storytelling. Based on their examination of more than 1,000 lay litigants, Conley and O'Barr described courtroom narratives and accounts as falling somewhere on a continuum between a *rule orientation* and a *relational orientation.* Rule-oriented litigants frame their narrative accounts of disputes in terms of legal rules and principles and omit details of their social statuses or relationships. By contrast, relational-oriented litigants construct their stories around the details of their social relationships, motivations, emotions, and particularistic expectations. This relational style of discourse violates the court's definition of what is a coherent and persuasive account. "Predictably," the authors note (p. 58), "the courts tend to treat such accounts as filled with irrelevancies and inappropriate information, and relational litigants are frequently evaluated as imprecise, rambling, and straying from the central issues."

In an earlier study of courtroom storytelling, Bennett (1978; Bennett & Feldman 1981) describes how variations in storytelling technique and content become conventionalized, and how deviations from the convention are interpreted in the process of rendering judgment in courts. To the degree that elements of the plot are left unspecified by witnesses or attorneys, they are likely to be provided by the audience. Bennett (1978:17) concludes, "in some instances perfectly true accounts will be disbelieved"

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due to what he calls "improper symbolization or structurally inadequate presentation. Conversely, false accounts may be believed due to skillful juxtaposition of internally consistent symbols," although these consistencies may not produce an accurate representation of the sequence of events. In other words, to the degree that the narrative presented by a litigant or witness fails to provide the logical connections demanded by the developing plot and conventionalized norms for sequence, motive, and the like, the audience will supply those normal connections (which may or may not support the witness or litigant); the particularities of the individual story will be suppressed within conventionalized and homogenized story lines.

3. The social organization of narrative or storytelling regulates not only when and what kinds of stories can be told, it also governs what Herrnstein Smith calls "narrative transactions," that is, *how* stories are told. In other words, because stories are interactive rather than individual productions, social norms specify rules of participation. These rules not only assign the roles of storyteller and audience, they also define when and by whom a narrative might be interrupted, interrogated, or elaborated upon. For instance, in the particular historical and institutional context of the Anglo-American criminal trial, the jury is defined as the principal, although not exclusive, audience; rules of testimony specify who can narrate and about what; and specific rules of procedure govern the forms of interaction and communication that may occur between storytellers (witnesses) and their audience (the jury).

In the research by Conley and O'Barr (1990), for example, the authors observed that judges strongly influence the stories presented in court, shaping such features as the length of the witness's account, the amount and type of information included in the story, and the degree to which the narrative includes legally relevant information and categories (Scheff 1984:127-42; Sarat & Felstiner 1986; Holstein 1988). "Thus, it is wrong," Conley and O'Barr (p. 171) write, to think of testimony as "simply that of a litigant" or witness. "Rather, the audience is in some respects as important to the form of an account as the 'facts' being recounted."

4. Finally, storytelling is strategic. Narrators tell tales in order to achieve some goal or advance some interest. *Why* are stories told? We tell stories to entertain or persuade, to exonerate or indict, to enlighten or instruct. With purposes in mind, we consciously construct our stories around the rules, expectations, and conventions of particular situations. Knowledge of the variation in the organization and narrative is, indeed, a basic feature of the social competent actor. As members of an audience we purposively participate in the production of stories, requesting certain details, ignoring others, validating or rejecting plot, characteriza-

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tion, or ending. The strategic use of narrative is nowhere more developed than in legal settings where lawyers, litigators, judges, and juries all participate in the telling of tales. As Jay Watson (1994:124) has written:

> The litigator's own repertoire of narrative and physical artifacts must be interrogated, or "cross-examined" . . . if these fragments are to be coordinated in the most effective manner for courtroom presentation. What is a judge or jury likely to think about this bit of testimony or piece of evidence, coming at this particular moment in my case? What will it signify? To what potential uses may it be put, not only by myself, but by opposing counsel? Which story or story fragment from my repertoire most firmly and persuasively establishes the particular point I am pursuing here? When should this witness take the stand? Early in the case, or later? Are physical artifacts complemented by narrative ones, stories that give them shape, scope and significance? Which items from the inventory should be left out of the case altogether? From which is my opponent most likely to profit? Am I arranging my resources in a way that develops a discernible argument, that allows an overarching story, an "internal disposition" to emerge? And is this story constructed in such a way that it will not look or sound constructed at all but will simply appear to present "reality" itself?

Holstein (1988) describes the strategic use of legal interrogation by both district attorneys and public defenders to impede or facilitate the development of narratives by defendants in involuntary commitment hearings. In direct examination defense counsel employs specific techniques to help organize the narratives of patients in ways that demonstrate their mental competence. For instance, the public defender asks questions to elicit brief, direct answers. The logic of the interaction and the adequacy of the answers is largely organized by counsel so as to make the patient/witness appear coherent and responsive. Whenever a patient/witness begins to say anything that could be construed as "crazy," the public defender quickly intervenes to change the subject. By contrast, district attorneys use techniques of cross-examination in such hearings to produce narrative incompetence. Among these various techniques, district attorneys in these hearings organize incompetence by orchestrating questions so as to violate conventional narrative lines. For instance, they ask in rapid sequence a series of unrelated questions which, even when answered appropriately, give the appearance of talk that is discontinuous, multifocused, and incoherent. Finally, although district attorneys limit the length of appropriate and reasonable answers given by witnesses, they will refrain from interrupting what they refer to as "crazy talk." At that point, long, rambling uninterrupted narratives are allowed, even validated and encouraged. The district attorneys Holstein studied refer to this strategy as "letting the patients hang themselves" (p. 466).

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Thus, with these various strategies, lawyers elicit talk that indicates either mental competence or incompetence. The type and sequence of questions they pose, the rules of elicitation they observe (or knowingly violate), are strategically chosen to demonstrate their legal argument. Perhaps most important in these efforts is the necessity of obscuring the degree to which the lawyers are themselves implicated in the production of these stories. Narrative competence must be made to appear to describe the patient/witness. In other words, the fundamental strategy underlying these techniques of direct and cross-examination is to obscure the interactive and collaborative activity that seeks to display narrative competence or incompetence.

These dimensions of the social organization of narrative—the *when, what, how,* and *why* of narrative—operate simultaneously to structure and produce different outcomes. Sarat and Felstiner's (1986) account of conversations between divorce lawyers and clients offers an apt illustration of these dimensions working in tandem to shape the strategic negotiations through which the lawyer and client shape the case within a particular legal culture (a regime of no-fault divorce) which specifies, among other things, narrative relevance (what must be and ought not be said). Although stories assigning blame and responsibility to one's spouse are important to the client, these narratives represent obstacles for the lawyer, for whom such stories are legally irrelevant. Yet, given the market relationship between client and lawyer, the narratives are not explicitly challenged or dismissed by the attorneys. Sarat and Felstiner (1988:764) sum up the lawyer's dilemma in this way:

> If they [the attorneys] were to join with clients in the project of reconstructing the marriage failure and the moral standing of spouses, they would be dragged into a domain that is, in principle, irrelevant to no-fault divorce, wastes their time, and is in fact beyond their expertise. On the other hand, if they directly challenge client characterizations, or dismiss them as legally irrelevant, they risk alienating their clients or deepening client mistrust.

The different purposes, assumptions, and hierarchies of relevance, as well as the particular contractual relationship that exists between lawyer and client, shape the telling and hearing of narratives in this legal setting. As Sarat and Felstiner have observed, the typical resolution to the dilemma is for the lawyer to assume the role of passive, noncollaborating audience; "most of the time the lawyers remain silent" in the face of these stories.

The variable features of narrative illustrated by these pieces of sociolegal research constitute the social organization of narrative. The features such as the norms that expect or demand narrativity, the rules of content, the interactive context of elicitation, and the particular relationships and purposes of storyteller and

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audience together describe the ways narratives are produced and function as communicative devices in human interaction. The stories collected in some of this research are also used to analyze and illustrate, among a host of other issues, norms of professional practice, institutionalized bases of professional authority, and dynamics of legal decisionmaking. Finally, some of this research constructs a narrative account of the research as a means of explaining the particular legal phenomenon under study.

It is misleading, however, to leave this exploration of the social organization of narrative by implying that narratives are constructed or given *within* social contexts (such as courtrooms or the world of sociolegal scholarship), as if to imply that a narrative has some existence *outside of or prior to* any normative and material context in which it might be expressed. All stories are produced and communicated interactively with a social context. Herrnstein Smith (1981) has described a hypothetical narrative—one existing outside of or prior to a social context—as a Platonic ideal: "unembodied and unexpressed, unpictured, unwritten and untold," it is, ultimately, unknowable.[8] Narratives are not just stories told *within* social contexts; rather, *narratives are social practices,* part of the constitution of their own context.[9] Because narratives are social practices that are constitutive of, not merely situated within, social contexts, they are as likely to bear the imprint of dominant cultural meanings and relations of power as any other social practice. More important, the stories and accounts that are told to and by litigants, clients, lawyers, jurors, and other legal actors are not simply reflective of or determined by those dominant meanings and power relations. They are implicated in the very *production* of those meanings and power relations. Through various discursive practices, legal categories, symbols, and authority are organized and maintained across time and space. It is to a consideration of these possibilities we now turn.

III. Hegemonic Tales

In the previous section, we discussed how narratives, like the lives and experiences they recount, are cultural productions. Narratives are generated interactively through normatively structured performances and interactions. Even the most personal of narratives rely on and invoke collective narratives—symbols, linguistic formulations, structures, and vocabularies of motive—without which the personal would remain unintelligible and

[8] In the closing passage of the *Tractatus,* Wittgenstein ([1921] 1961:151) comments without translation from the Latin, here translated into English, "What we cannot speak about we must pass over in silence."

[9] For an interesting exploration in a very different social milieu of the possibilities of representation without context, see Trow 1981.

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uninterpretable. Because of the conventionalized character of narrative, then, our stories are likely to express ideological effects and hegemonic assumptions.[10] We are as likely to be shackled by the stories we tell (or that are culturally available for our telling) as we are by the form of oppression they might seek to reveal. In short, the structure, the content, and the performance of stories as they are defined and regulated within social settings often articulate and reproduce existing ideologies and hegemonic relations of power and inequality.

It is important to emphasize that narratives do more than simply reflect or express existing ideologies. Through their telling, our stories come to constitute the hegemony that in turn shapes social lives and conduct. "The hegemonic is not simply a static body of ideas to which members of a culture are obliged to conform" (Silberstein 1988:127). Rather, Silberstein writes, hegemony has "a protean nature in which dominant relations are preserved while their manifestations remain highly flexible. The hegemonic must continually evolve so as to recuperate alternative hegemonies." In other words, the hegemonic gets produced and evolves within individual, seemingly unique, discrete personal narratives.

Indeed, the resilience of ideologies and hegemony may derive from their articulation within personal stories. Finding expression and being refashioned within the stories of countless individuals may lead to a polyvocality that inoculates and protects the master narrative from critique. The hegemonic strength of a master narrative derives, Brinkley Messick (1988:657) writes, from "its textual, and lived heteroglossia . . .[, s]ubverting and dissimulating itself at every . . . turn"; thus ideologies that are encoded in particular stories are "effectively protected from sustained critique" by the fact that they are constituted through variety and contradiction.

[10] We recognize that there is much controversy about what constitutes the hegemonic and the theoretical grounds for distinguishing ideology, hegemony, and counterhegemony. Where power and ideas are so embedded as to be almost invisible, so taken for granted as to "go without saying, because, being axiomatic, they come without saying," we shall, following Comaroff and Comaroff (1991:23), use the term *hegemony*. Here the concept of hegemony is defined in terms of its relationship to the taken-for-granted everyday world (which is, of course, historically contingent). We identify the hegemonic as "the order of signs, practices, relations and distinctions, images and epistemologies—drawn from a historically situated cultural field—that come to be taken-for granted as the natural and received shape of the world and everything that inhabits it" (ibid.). In other words, when we rely on this definition, it is impossible to define the "content" of what is or might operate counterhegemonically, at least in general. But where there is an articulated set of meanings, values, and beliefs, where there is active contest over meanings, values, and beliefs, we shall use the term *ideology*. The ideological is that part of the meaning system that does not go without saying. Any struggle is ideological to the extent in which it "involves an effort to control the cultural terms in which the world is ordered and, within it, power legitimized" (ibid., p. 24). (See Silbey 1992b for an extended discussion of both ideology and hegemony.)

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Research in a variety of social settings has demonstrated the hegemonic potential of narrative by illustrating how narratives can contribute to the reproduction of existing structures of meaning and power. First, narratives can function specifically as mechanisms of social control (Mumby 1993). At various levels of social organization—ranging from families to nation-states—storytelling instructs us about what is expected and warns us of the consequences of nonconformity. Oft-told family tales about lost fortunes or spoiled reputations enforce traditional definitions and values of family life (Langellier & Peterson 1993). Similarly, bureaucratic organizations exact compliance from members through the articulation of managerial prerogatives and expectations and the consequences of violation or challenge (Witten 1993). Through our narratives of courtship, lost accounts, and failed careers, cultures are constructed; we "do" family, we "do" organization, through the stories we tell (Langellier & Peterson 1993).

Second, the hegemonic potential of narrative is further enhanced by narratives' ability to colonize consciousness. Well-plotted stories cohere by relating various (selectively appropriated) events and details into a temporally organized whole (see part I above). The coherent whole, that is, the configuration of events and characters arranged in believable plots, preempts alternative stories. The events seem to speak for themselves; the tale appears to tell itself.

Ehrenhaus (1993) provides a poignant example of a cultural meta-narrative that operates to stifle alternatives. He describes the currently dominant cultural narrative regarding the United States's involvement in the Vietnam War as one that relies on themes of dysfunction and rehabilitation. The story, as Ehrenhaus summarizes it, is structured as a social drama which characterizes both the nation and individual Vietnam veterans as having experienced a breakdown in normal functioning only recently resolved through a process of healing. This narrative is persuasive because it reiterates and elaborates already existing and dominant metaphors and interpretive frameworks in American culture concerning what Philip Rieff (1968) called the "triumph of the therapeutic" (see also Crews 1994). Significantly, the therapeutic motif underwriting this narrative depicts veterans as emotionally and psychologically fragile and, thus, disqualifies them as creditable witnesses. The connection between what they saw and experienced while in Vietnam and what the nation did in Vietnam is severed. In other words, what could have developed as a powerful critique of warfare as national policy is contained through the image of illness and rehabilitation, an image in which " 'healing' is privileged over 'purpose' [and] the rhetoric of recovery and reintegration subverts the emergence of rhetoric

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that seeks to examine the reasons that recovery is even necessary" (Ehrenhaus 1993:83).

Constituent and distinctive features of narratives make them particularly potent forms of social control and ideological penetration and homogenization. In part, their potency derives from the fact that narratives put "forth powerful and persuasive truth claims—claims about appropriate behavior and values—that are shielded from testing or debate" (Witten 1993:105). Performative features of narrative such as repetition, vivid concrete details, particularity of characters, and coherence of plot silence epistemological challenges and often generate emotional identification and commitment. Because narratives make implicit rather than explicit claims regarding causality and truth as they are dramatized in particular events regarding specific characters, stories elude challenges, testing, or debate. Van Dijk (1993) has reported, for instance, that stories containing negative images and stereotypes of nonwhite persons are less subject to the charge of racism when they recount personal experiences and particular events. Whereas a general claim that a certain group is inferior or dangerous might be contested on empirical grounds, an individual story about being mugged, a story which includes an incidental reference to the nonwhite race of the assailant, communicates a similar message but under the protected guise of simply stating the "facts." The causal significance or relevance of the assailant's race is, in such a tale, strongly implied but not subject to challenge or falsifiability. Thus representations, true and/or false, made implicitly without either validation or contest, are routinely exchanged in social interactions and thereby occupy social space.

Third, narratives contribute to hegemony to the extent that they conceal the social organization of their production and plausibility. Narratives embody general understandings of the world that by their deployment and repetition come to constitute and sustain the lifeworld. Yet because narratives depict specific persons existing in particular social, physical, and historical locations, those general understandings often remain unacknowledged. By failing to make these manifest, narratives draw on unexamined assumptions and causal claims without displaying these assumptions and claims or laying them open to challenge or testing. Thus, as narratives depict understandings of particular persons and events, they reproduce, without exposing, the connections of the specific story and persons to the structure of relations and institutions that made the story plausible. To the extent that the hegemonic is "that order of signs and practices, relations and distinctions, images and epistemologies . . . that come to be taken-for-granted as the natural and received shape of the world and everything that inhabits it" (Comaroff & Comaroff 1991), the unarticulated and unexamined plausibility is the story's con-

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tribution to hegemony. The following two examples drawn from recent sociolegal research illustrate the ways in which legally organized narrativity helps produce the taken-for-granted and naturalized world by effacing the connections between the particular and the general.

Sara Cobb (1992) examines the processes through which women's stories of violence are "domesticated" (tamed and normalized) within mediation sessions. Cobb reports that the domestication of women's stories of violence are a consequence of the organization of the setting in which they are told: within mediation, the storyteller and her audience are situated within a normative organization that recognizes the values of narrative participation over any substantive moral or epistemological code or standard. Being denied access to any external standards, the stories the women tell cannot therefore be adjudged true or compelling. The stories are interpreted as one version of a situation in which "multiple perspectives are possible." Cobb demonstrates how this particular context of elicitation specifically buries and silences stories of violence, effectively reproducing women's relative powerlessness within their families. With women deprived of the possibility of corroboration by the norms of the mediation session, their stories of violence are minimized and "disappeared." As a consequence, the individual woman can get little relief from the situation that brought her to mediation: she is denied an individual legal remedy (by being sent from court to mediation) and at the same time denied access to and connections with any collective understanding of or response to the sorts of violence acknowledged by the law (through the organization of the mediation process). Through this process, "violence, as a disruption of the moral order in a community, is made familiar (of the family) and natural—the extraordinary is tamed, drawn into the place where we eat, sleep and [is] made ordinary" (ibid., p. 19).

Whereas mediation protects narratives from an interrogation of their truth claims, other, formal legal processes are deliberately organized to adjudicate truth claims. Yet even in these settings, certain types of truth claims are disqualified and thus shielded from examination and scrutiny. The strong preference of courts for individual narratives operates to impede the expression (and validation) of truth claims that are not easily represented through a particular story. Consider, for example, the Supreme Court's decision in the *McClesky* case (1986). The defendant, a black man who had been convicted of the murder of a police officer, was sentenced to death. His Supreme Court appeal of the death sentence was based on his claim that the law had been applied in a racially discriminatory way, thus denying him equal protection under the law. As part of McClesky's appeal, David Baldus, a social scientist, submitted an amicus brief in

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which he reported the results of his analysis of 2,000 homicide cases in that state (Baldus 1990). The statistical data revealed that black defendants convicted of killing white citizens were significantly more likely to receive the death sentence than white defendants convicted of killing a black victim. Despite this evidence of racial discrimination, the Court did not overturn McClesky's death sentence. The majority decision, in an opinion written by Justice Powell, stated that the kind of statistical evidence submitted by Baldus was simply not sufficient to establish that any racial discrimination occurred *in this particular case.* The court declared, instead, that to demonstrate racial discrimination, it would be necessary to establish that the jury, or the prosecutor, acted with discriminatory purpose in sentencing McClesky.[11]

Here, then, an unambiguous pattern of racial inequity was sustained through the very invocation of and demand for subjectivity (the jury's or prosecutor's state of mind) and particularity (the refusal to interpret this case as part of a larger category of cases) that are often embodied in narratives. In this instance, relative powerlessness and injustice (if one is to believe Baldus's data) were preserved, rather than challenged, by the demand for a particular narrative about specific concrete individuals whose interactions were bounded in time and space. In other words, the Court held that the legally cognizable explanation of the defendant's conviction could not be a product of inferential or deductive comprehension (Mink 1970; Bruner 1986). Despite its best efforts, the defense was denied discursive access to the generalizing, and authoritative, language of social logico-deductive science and with it the type of "truths" it is capable of representing. The court insists on a narrative that effaces the relationship between the particular and the general, between this case and other capital trials in Georgia.

Further, the *McClesky* decision illustrates not only how the demand for narrative particularity may reinscribe relative powerlessness by obscuring the connection between the individual case and larger patterns of institutional behavior; it also reveals how conventionalized legal procedures impede the demonstration of that connection.[12] The court simultaneously demanded evidence of the jurors' states of mind *and* excluded such evidence. Because jury deliberations are protected from routine scrutiny and evaluation, the majority demanded a kind of proof that is institutionally unavailable. Thus, in the *McClesky* decision, by insisting on a narrative of explicit articulated discrimination, the court calls for a kind of narrative truth that court procedures institutionally impede.

[11] It is notable that the demand for narrative is so strong that, even in dissent, Justice Brennan attempted to present Baldus's statistical data as a story that could be told about the advice a lawyer would necessarily have to give his client facing a capital trial.

[12] This point was illustrated earlier by the example from Holstein.

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As these examples suggest, a reliance on or demand for narrativity is neither unusual nor subversive within legal settings. In fact, given the ideological commitment to individualized justice and case-by-case processing that characterizes our legal system, narrative, relying as it often does on the language of the particular and subjective, may more often operate to sustain, rather than subvert, inequality and injustice. The law's insistent demand for personal narratives achieves a kind of radical individuation that disempowers the teller by effacing the connections among persons and the social organization of their experiences.

This argument is borne out if we consider that being relieved of the necessity, and costs, of telling a story can be seen as liberatory and collectively empowering. Insofar as particular and subjective narratives reinforce a view of the world made up of autonomous individuals interacting only in immediate and local ways, they may hobble collective claims and solutions to social inequities (Silbey 1984). In fact, the progressive achievements of workers' compensation, no-fault divorce, no-fault auto insurance, strict liability, and some consumer protection regimes derive directly from the provision of legal remedies *without* the requirement to produce an individually crafted narrative of right and liability.

IV. Subversive Stories

Are narratives, then, always hegemonic? To take that position would be to claim some fundamental character and necessary political consequences for narrative and to reject the socially organized variability we have sought to establish. In fact, as much of the recent narrative scholarship claims, subversive stories are told, stories which defy and at times politically transform. The following examples give content to such stories and suggest some conditions under which they are told.

In his "Origin Myths: Narratives of Authority, Resistance, Disability and Law," Engel (1993) describes the stories told by the parents of children with disabilities about the first time they were informed of their child's disability. In stories about that initial confrontation with the "truth" of their child's condition, parents recall their world shattering into a number of oppositions. Their child was defined in opposition to other children, their dreams for their child in opposition to his or her predicted future, and their wishes for their child's education in opposition to the recommendation of professionals. Yet these origin myths, the stories in which their encounter with the physician is told and retold, are, Engel claims, narratives of resistance. As stories, they rewrite the past in ways that are subversive of expert authority and validate the child's life. In juxtaposing the doctor's original insensitivity and pessimistic diagnosis with present accounts of their

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child's achievements, these stories deny the scientific knowledge and power of the professionals. Moreover, by depicting the initial fallibility of the professional (physician), the stories enable parents to question and resist the authority of educational professionals in the present. "Retelling the stories," Engel (p. 797) writes, "is a way to *triumph over the particularities of historical time*, to escape the pain and frustration of day-to-day events and to affirm instead the lasting truths embedded in the mythical accounts of these first encounters between parents and professionals" (emphasis ours).

Lucie White's (1990) story about Mrs. G. provides another example of subversive storytelling. Mrs. G. is an African American woman who, defying her lawyer's advice, explained to a welfare hearing officer that among the "life necessities" on which she spent an unreported insurance payment were Sunday shoes for her children. Prior to this hearing, Mrs. G.'s attorney had explained to Mrs. G. the legal rule that would allow her to keep the unreported payment: if the money had been spent on "life necessities," it was considered unavailable for income and would not have to be returned to the welfare office. It was agreed that Mrs. G. would testify that the money had been spent on furniture, food, sanitary napkins, and (everyday) shoes for her children. Yet during the hearing, Mrs. G., when asked, replied that the money had been used to buy "Sunday" shoes.

White characterizes Mrs. G.'s defiant and unscripted explanation as resistant and affirming. Mrs. G.'s story was resistant simply but precisely because it wasn't scripted. Regardless of what she said, Mrs. G. violated the rules of legal storytelling by raising her voice in a conversation from which she had been "structurally excluded." She broke the silence that had been imposed on her and claimed a different identity for herself: respectable churchgoer and proud parent. Moreover, in addition to speaking "out of turn," Mrs. G. broke the rules of legal rhetoric—"the rule of relevancy, the rule against "rambling," the unwritten rule that told her to speak like a victim if she wanted to win" (p. 49). And finally, with her departure from the agreed-upon script, Mrs. G. refused to remain within the categories provided by the welfare office: categories that defined what constituted a necessity and that cast her in the role of victim and supplicant. In mentioning and explaining the Sunday shoes, Mrs. G. defied the socially defined parameters of testimony in such hearings.

What distinguishes these stories as subversive? If narratives contribute to hegemony to the degree that they efface the connections between the particular and the general, perhaps subversive stories are those that emplot those connections, making manifest the relationship between what C. Wright Mills (1959:6) called biography and history. In making this point, we wish to emphasize that there is a fine, but critical, distinction between

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generalizing and *emplotting the connections between the particular and the general.* To generalize, in the conventional methodological sense, entails the presentation of specific events and characters as one of many similar cases which aggregate to some larger social reality (a reality which often destroys the particularity that constituted the narrative in the first place). By contrast, subversive stories do not aggregate to the general, do not collect particulars as examples of a common phenomenon or rule; rather, subversive stories recount particular experiences as *rooted* in and part of an encompassing cultural, material, and political world that extends beyond the local.

To illustrate this point, consider that what makes the narratives of feminist legal scholar Patricia Williams so provocative is not that the events related are presented as typical or general. Rather, her stories are subversive because they present subjective accounts of experiences that are narratively embedded in a larger complex of social relations and cultural processes including, but not restricted to, "the law." They shock and enlighten precisely because they juxtapose the particular and private with the legal abstractions that are supposed to contain them. Describing her work, Williams (1991:14) writes, "[L]ittle bits of law and everyday life fly out of my mouth in weird combinations." The combinations may seem "weird" only in the sense that the coupling is unusual, not in the sense that they are random or unintelligible. For the power of her stories lies not merely in her beautifully rendered accounts of everyday life, or in her scholarly explications of the law, but in the connections she draws between the two.

For instance, in her essay "The Death of the Profane," Williams tells a story of being locked out of Benneton's by a salesperson who refuses to buzz her in one Saturday afternoon. Williams presents the events of that afternoon within the context of social and historical processes that shaped and organized her experiences. At one level this is a story of an African American woman being locked out of an upscale retail store. But this is also a story of commodity capitalism and the exploitation of race. It was, Williams points out, Benetton's to which she was denied access, a company whose advertising campaign appropriates images of racial and ethnic diversity to sell the sweaters they wouldn't give Williams the chance to purchase. This is a story of Williams's rage and humiliation at being locked out. But it is also a story about the social construction of knowledge and authority. The law review article in which Williams had recounted her lockout was edited, she tells us here, to eliminate "irrelevancies"; notably these included references to her race, her emotional state, and the name of the store. This is a story of Williams's overwhelming sense of powerlessness at the hands of the "saleschild" who refused her admittance. But it is also a story of the postmoderniza-

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tion of social control. The "buzzing in" (and subsequent locking in) of "desirable" shoppers represents processes of "waste management" wherein the dangerous classes are channeled away from the highly regulated private spaces of commodified control (Simon 1993). Thus, Williams's narrative conveys the complex relations that exist between mundane experience and larger social, cultural, legal, and economic processes. By including references to Supreme Court decisions, family history, and local gossip, Williams weaves a tapestry that preserves the integrity of her particular experiences while enframing them within the social and historical world she inhabits.

According to Dorothy Smith (1987), the relationship of the local and particular to generalized social relations is not a conceptual or methodological issue. It is not, in other words, simply a matter of establishing typicality or categorizing like cases. The relationship between the particular and the general is a property of social organization, *the way the particulars are arranged and connected* (p. 157). What makes the narrativizing of their connection possible, then, is the mutually constitutive relationship that exists between them; what makes it subversive is the fact that the relationship is so often obscured, taken for granted, and unnoticed (and thus strikes us as "weird"). Recognizing and emplotting social organization thus challenges not only the apparent opposition between the particular and the general but the hegemonic power that maintains that opposition as well.

If narratives instantiate power to the degree that they regulate silence and colonize consciousness, subversive stories are those that break that silence. Stories that are capable of countering the hegemonic are those which bridge, without denying, the particularities of experience and subjectivities and those which bear witness to what is unimagined and unexpressed. Subversive stories, then, do not oppose the general and collective as much as they seek to appropriate them; they do not merely articulate the immediate and particular as much as they aim to transcend them. Subversive stories are narratives that employ the connection between the particular and the general by *locating the individual within social organization.*

Not only do these examples illustrate subversive stories, they suggest the conditions that may generate the counterhegemonic narrative. One condition may be the social marginality of the narrator, for it is, by definition, the marginal whose lives and experiences are least likely to find expression in the culturally available plots and characters (Comaroff & Comaroff 1991:26; Gramsci 1971:333). The parents of a disabled child, for instance, must daily confront the limitations of what is socially defined as "normal" and "abnormal." As these parents watch their child embody and enact much that is defined as "normal," they experience the insufficiencies and contradictions of these socially defined cate-

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gories. Similarly, the welfare recipient must routinely confront the contradictions inherent in our cultural narratives of helping and social responsibility and the experiences of humiliation and degradation that sustain those narratives.

Of course, as much of human history confirms, marginality alone is not sufficient for challenging the hegemonically constituted world. A second condition for generating subversive stories derives from understanding *how* the hegemonic is constituted as an ongoing concern. In other words, knowing the rules and perceiving a concealed agenda enhance the possibilities of intervention and resistance. In describing her interaction with Mrs. G., Lucie White, acting as her attorney, tells us of her ambivalence:

> When I explained the necessities story, Mrs. G. said she might get confused trying to remember what all she had bought with the money. . . . I reminded her that we didn't have to tell this story at the hearing, and in fact, we didn't have to go to the hearing at all. *Although I was trying to choose my words carefully, I felt myself saying too much. Why had I even raised the question of which story to tell? It was a tactical decision—not the kind of issue that clients were supposed to decide. Why hadn't I just told her to answer the questions that I chose to ask?* (White 1990:29; emphasis ours)

How much information was "too much"? More than simply "scripting" Mrs. G., Lucie White informed her that it *was* a script. Rather than concealing the socially constructed nature of the proceeding, she enabled Mrs. G. to participate in that construction. Being made aware of the negotiated character of social reality, Mrs. G. was able to enter that negotiation herself, acting tactically to promote her own agenda, an agenda that was not expressed in the characters of victim or supplicant (see Scheff 1984).

Finally, a third condition for generating subversive stories may lie in the circumstances of their telling where particular institutions create both a common opportunity to narrate and a common content to the narrative, thus revealing the collective organization of personal life. For example, the consciousness-raising groups of the 1960s, a social practice some have argued generated at least one branch of the contemporary feminist movement, illustrates this condition for the production of counterhegemonic tales. In this historical example, a particular structure of female oppression—postwar domesticity—geographically and socially restricted the lives of middle-class females. Ironically, it was these very forms of restriction that generated the opportunities for storytelling and the content of the stories. The articulation and sharing of personal experiences allowed individual women to perceive a commonality of experience that revealed the operation of politics in their daily lives (Freeman 1979). As R. W. Connell (1987) points out, in this case, structure contained the conditions for its own subversion. Simi-

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larly, *The Autobiography of Malcolm X* (1965) describes the missionary work of the Nation of Islam within American prisons where ministers encourage storytelling by African American inmates that collectively reveal the structural sources of their imprisonment. Finally, Milovanovic and Thomas (1989) also describe the litigation activities of prison inmates as generating opportunity to articulate the collective and structural sources of the inmates' lives.

Conclusion

We have attempted here to outline systematically a sociology of narrative: an analysis of the role of narrative in various social settings, including academic sociolegal scholarship. Recognizing that narratives are social acts that depend for their production on the contextual features of their elicitation suggests that narratives have no necessary political valence. Narratives are likely to bear the marks of existing social inequities, disparities of power, and ideological effects. However, at the same time that particular and personal narratives partake of and reproduce collective narratives, they also provide openings for creativity and invention in reshaping the social world. The assumption that "society" is an ongoing production that is created daily anew, rather than a fixed and external entity, reminds us that local and personal enactment has this dual capacity of reproduction and invention (see Silbey 1992a; Henry 1987). The intellectual challenge before us as students of narrative is to identify the multiple and complex ways in which power gets exercised, at one turn demanding stories, or demanding stories of a certain type, and at other times disallowing types of stories or any stories, at once requiring a telling, at another silencing both story and the possibilities of memory. Likewise, we must not simply note the possibilities of resistance and subversion, we need to begin to specify the conditions under which it occurs.

We hope to begin here that task of specifying the conditions for producing subversive stories or hegemonic tales. Narrative can contribute to hegemony by functioning as a means of social control instructing about what is expected and warning about the consequences of nonconformity. Narrative can also contribute to hegemony by colonizing consciousness with well-plotted but implicit accounts of social causality. Finally, and most important, we believe, to the degree that stories depict understandings about particular persons and events while simultaneously effacing the connections between the particular persons and the social organization of their experience, they hide the grounds of their own plausibility and thus help reproduce the taken-for-granted hegemony. However, narratives can also be subversive. To the degree that stories make visible and explicit the connec-

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tions between particular lives and social organization, they may be liberatory. Subversive stories are narratives that emplot the connection between the particular and the general by locating persons and events within the encompassing web of social organization.

References

Abbott, Andrew (1992) "From Causes to Effects: Notes on Narrative Positivism," 20 *Sociological Methods & Research* 428.

Abrams, Kathy (1993) "Unity, Narrative and Law" in A. Sarat & S. S. Silbey, eds., 13 *Studies in Law, Politics & Society* 3. Greenwich, CT: JAI Press.

—— (1991) "Hearing the Call of Stories," 79 *California Law Rev.* 971.

Abu-Lughod, Lila (1993) *Writing Women's Worlds*. Berkeley: Univ. of California Press.

Ashe, Marie (1989) "Zig-zag Stitching and the Seamless Web: Thoughts on Reproduction and the Law," 13 *Nova Law Rev.* 355.

Bain, Read (1935) "Measurement and Sociology," 40 *American J. of Sociology* 481.

Baldus, David (1990) *Equal Justice and the Death Penalty*. Boston: Northeastern Univ. Press.

Bell, Derrick (1987) *And We Are Not Saved*. New York: Basic Books.

Bell, Susan E. (1991) "Commentary on 'Perspectives on Embodiment: The Uses of Narrativity in Ethnographic Writing' by Katherine Young," 1 (Nos. 2/3) *J. of Narrative & Life History* 245.

Bennett, W. Lance (1978) "Storytelling in Criminal Trials: A Model of Social Judgment," 64 *Q.J. of Speech* 1.

Bennett, W. Lance, & Martha S. Feldman (1981) *Reconstructing Reality in the Courtroom*. New Brunswick, NJ: Rutgers Univ. Press.

Bourdieu, Pierre (1977) *Outline of a Theory of Practice*, trans. R. Nice. New York: Cambridge Univ. Press.

Bruner, Jerome (1986) *Actual Minds, Possible Worlds*. Cambridge, MA: Harvard Univ. Press.

—— (1990) *Acts of Meaning*. Cambridge, MA: Harvard Univ. Press.

Cobb, Sara (1992) "Domestication of Violence in Mediation: The Social Construction of Disciplinary Power in Law." Presented at 1992 Law & Society Association annual meeting, Philadelphia.

Cohen, Ira J., & Mary F. Rogers (1994) "Autonomy and Credibility: Voice as Method," 12 *Sociological Theory* 304.

Comaroff, Jean, & John Comaroff (1991) *Of Revelation and Revolution*. Chicago: Univ. of Chicago Press.

Conley, John M., & William M. O'Barr (1990) *Rules versus Relationships: The Ethnography of Legal Discourse*. Chicago: Univ. of Chicago Press.

Connell, R. W. (1987) *Gender and Power: Society, the Person and Sexual Politics*. Stanford, CA.: Stanford Univ. Press.

Crews, Frederick (1994) "The Revenge of the Repressed," *New York Rev. of Books*, 17 Nov. 1994, p. 54.

Cuba, Lee (1987) *Identity and Community on the Alaskan Frontier*. Philadelphia: Temple Univ. Press.

Cuba, Lee, & C. F. Longino, Jr. (1991) "Regional Retirement Migration: The Case of Cape Cod," 46 (1) *J. of Gerontology* 33.

Cushman, Thomas O. (1995) *Notes from Underground: Rock Music Counterculture in Russia*. Albany, NY: SUNY Press.

Davis, Natalie Zemon (1987) *Fiction in the Archives: Pardon Tales and Their Tellers in Sixteenth-Century France*. Palo Alto, CA: Stanford Univ. Press.

Delgado, Richard (1989) "Storytelling for Oppositionists and Others: A Plea for Narrative," 87 *Michigan Law Rev.* 2411.

This content downloaded from
132.174.250.220 on Fri, 26 Feb 2021 19:06:34 UTC
All use subject to https://about.jstor.org/terms

Derber, Charles (1979) *The Pursuit of Attention.* New York: Oxford Univ. Press.
Ehrenhaus, Peter (1993) "Cultural Narratives and the Therapeutic Motif: The Political Containment of Vietnam Veterans," in Mumby 1993.
Engel, David (1993) "Origin Myths: Narratives of Authority, Resistance, Disability, and Law," 27 *Law & Society Rev.* 785.
Estrich, Susan (1986) "Rape," 95 *Yale Law J.* 1087.
Freeman, Jo (1979) "The Women's Liberation Movement: Its Origins, Organization, Activities and Ideas," in J. Freeman, ed., *Women: A Feminist Perspective.* 2d ed. Palo Alto, CA: Mayfield Publishing Co.
Goffman, Erving (1959) *The Presentation of Self in Everyday Life.* New York: Anchor Books.
—— (1961) *Asylums: Essays on the Social Situation of Mental Patients and Other Inmates.* Garden City, NY: Anchor Books.
—— (1963) *Stigma.* Englewood Cliffs, NJ: Prentice-Hall.
—— (1967) *Interaction Ritual.* New York: Pantheon Books.
Graham, Hilary (1984) "Surveying through Stories," in C. Bell & H. Roberts, eds., *Social Researching: Politics, Problems, Practice.* London: Routledge & Kegan Paul, 1984.
Gramsci, Antonio (1971) *Selections from the Prison Notebooks.* New York: International Publishers.
Heath, S. (1983) *Ways with Words.* Cambridge: Cambridge Univ. Press.
Henry, Stuart (1987) "The Construction and Deconstruction of Social Control: Thoughts on the Discursive Production of State Law and Private Justice," in J. Lowman, R. Mentias, & T. S. Palys, eds., *Transcarceration: Essays in the Sociology of Social Control.* Aldershot, Hants, Eng.: Gower Publishers.
Herrnstein Smith, Barbara (1980) "Narrative Versions, Narrative Theories," 7 *Critical Inquiry* 213.
Hochschild, Arlie R. (1983) *The Managed Heart: Commercialization of Human Feeling.* Berkeley: Univ. of California Press.
—— (1989) *The Second Shift.* New York: Viking Press.
Holstein, James (1988) "Court Ordered Incompetence: Conversational Organization in Involuntary Commitment Hearings," 35 *Social Problems* 458 (Oct.).
Hummon, David M. (1990) *Commonplaces: Community, Ideology and Identity in American Culture.* Albany, NY: SUNY Press.
Langellier, Kristin M., & Eric E. Peterson (1993) "Family Storytelling as a Strategy of Social Control," in Mumby 1993.
MacIntyre, Alasdair (1981) *After Virtue.* South Bend, IN: Notre Dame Univ. Press.
Maines, David R. (1993) "Narrative's Moment and Sociology's Phenomena: Toward a Narrative Sociology," 34 *Sociological Q.* 17.
Marcus, George E., & James Clifford (1986) *Writing Culture: The Poetics and Politics of Ethnography.* Berkeley: Univ. of California Press.
Matsuda, Mari (1987) "Looking to the Bottom: Critical Legal Studies and Reparations," 22 *Harvard Civil Rights–Civil Liberties Law Rev.* 323.
Messick, Brinkley (1988) "Kissing Hands and Knees: Hegemony and Hierarchy in Shari'a Discourse," 22 *Law & Society Rev.* 637.
Mills, C. Wright (1959) *The Sociological Imagination.* New York: Oxford Univ. Press.
Milovanovic, Dragon, & Jim Thomas (1989), "Overcoming the Absurd: Prisoner Litigation as Primitive Rebellion," 26 (1) *Social Problems* 57.
Mink, Louis O. (1970) "History and Fiction as Modes of Comprehension," 1 *New Literary History* 541.
—— (1987) *Historical Understanding,* ed. B. Fay, E. O. Golob, & R. T. Vann, Ithaca, NY: Cornell Univ. Press.
Mishler, Elliot G. (1986) *Research Interviewing: Context and Narrative.* Cambridge, MA: Harvard Univ. Press.

This content downloaded from
132.174.250.220 on Fri, 26 Feb 2021 19:06:34 UTC
All use subject to https://about.jstor.org/terms

Mumby, Dennis, ed. (1993) *Narrative and Social Control.* Newbury Park, CA: Sage Publications.

Park, Robert E., Ernest W. Burgess, & Roderick McKenzie (1925) *The City.* Chicago: Univ. of Chicago Press.

Pillemer, David (1992) "Remembering Personal Circumstances: A Functional Analysis," in E. Winograd & U. Neisser, eds., *Affect and Accuracy in Recall: Studies of 'Flashbulb' Memories.* New York: Cambridge Univ. Press, 1992.

Pillemer, David, Martha Picariello, Anneliesa Beehe Law, and Jill S. Reichman (1995) "Memories of College: The Importance of Specific Educational Episodes," in J. Rubin, ed., *Remembering Our Past: Studies in Autobiographical Memory.* New York: Cambridge Univ. Press.

Polkinghorne, Donald (1988) *Narrative, Knowing and the Human Sciences.* Albany, NY: SUNY Press.

Rieff, Philip (1966) *The Triumph of the Therapeutic.* New York: Harper & Row.

Ricoeur, Paul (1980) "Narrative Time," 7 *Critical Inquiry* 165.

—— (1984, 1985, 1988) *Time and Narrative.* Vols. 1–3. Chicago: Univ. of Chicago Press.

Reissman, Catherine Kohler (1993) *Narrative Analysis.* Newbury Park, CA: Sage Publications.

Rollins, Judith (1995) *All Is Never Said: The Narrative of Odette Harper Hines.* Philadelphia: Temple Univ. Press.

Rubin, Lillian B. (1976) *Worlds of Pain.* New York: Basic Books.

—— (1979) *Women of a Certain Age: The Midlife Search for Self.* New York: Harper & Row.

Sanger, Carol (1993) "Law as Litany: Teenage Abortion Hearings." Presented at Law & Society Association annual meeting, Chicago.

Sarat, Austin, & William L. F. Felstiner (1986) "Law and Strategy in the Divorce Lawyer's Office," 20 *Law & Society Rev.* 93.

—— (1988) "Law and Social Relations: Vocabularies of Motive in Lawyer/Client Interaction," 22 *Law & Society Rev.* 737.

Sarbin, Theodore R., ed. (1986) *Narrative Psychology: The Storied Nature of Human Conduct.* New York: Praeger.

Scheff, Thomas (1984) *Being Mentally Ill.* Hawthorne, NY: Aldine Press.

Schultz, Vicki (1992) "Women 'Before' the Law: Judicial Stories about Women, Work, and Sex Segregation on the Job," in J. Butler & J. W. Scott, eds., *Feminists Theorize the Political.* New York: Routledge.

Scott, Marvin B., & Stanford M. Lyman (1968) "Accounts," 33 *American Sociological Rev.* 46.

Silberstein, Sandra (1988) "Ideology as Process: Gender Ideology in Courtship Narratives," in Todd & Fisher 1988.

Silbey, Susan S. (1984) "The Consequences of Responsive Regulation," in K. Hawkins & J. Thomas, eds., *Enforcing Regulation.* Boston: Kluwer-Nijhoff.

—— (1992a) "Making a Place for Cultural Analyses of Law," 17 *Law & Social Inquiry* 39.

—— (1992b) "Ideology and Justice as Themes in Socio-legal Studies of Ideology." Prepared for presentation at Law & Society Association Summer Institute (July).

Simon, Jonathan (1993) "From Confinement to Waste Management: The Post-Modernization of Social Control," 8 (No. 2) *Focus on Law Studies: Teaching about Law in the Liberal Arts.*

Smith, Dorothy E. (1987) *The Everyday World as Problematic: A Feminist Sociology.* Boston: Northeastern Univ. Press.

Somers, Margaret R. (1992) "Narrativity, Narrative Identity, and Social Action: Rethinking English Working-Class Formation," 6 *Social Science History* 591.

Stacey, Judith (1990) *Brave New Families: Stories of Domestic Upheaval in Late Twentieth Century America.* New York: Basic Books.

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Swidler, Ann (1986) "Culture in Action: Symbols and Strategies," 51 *American Sociological Rev.* 273.

Sykes, Gresham, & David Matza (1957) "Techniques of Neutralization: A Theory of Delinquency," 22 *American Sociological Rev.* 664.

Thompson, J. (1984) *Studies in the Theory of Ideology*. Berkeley: Univ. of California Press.

Todd, Alexandra Dundas (1989) *Intimate Adversaries: Cultural Conflict between Doctors and Women Patients*. Philadelphia: Univ. of Pennsylvania Press.

Todd, Alexandra Dundas, & Sue Fisher, eds. (1986) *Discourse and Institutional Authority: Medicine, Education and Law*. Norwood, NJ: Ablex Publishing Corp.

—— (1988) *Gender and Discourse: The Power of Talk*. Norwood, NJ: Ablex Publishing Corp.

Trow, George W. S. (1981) *Within the Context of No Context*. Boston: Little, Brown & Co.

van Dijk, Teun A. (1993) "Stories and Racism" in Mumby 1993.

Van Maanen, John (1988) *Tales of the Field: On Writing Ethnography*. Chicago: Univ. of Chicago Press.

Vaughan, Diane (1986) *Uncoupling: Turning Points in Intimate Relationships*. New York: Oxford Univ. Press.

Watson, Jay (1994) "Making Do in the Courtroom: Notes on Some Convergences between Forensic Practice and Bricolage," in S. S. Silbey & A. Sarat, eds., 14 *Studies in Law, Politics & Society* 119. Greenwich, CT: JAI Press.

White, Hayden (1987) *The Content of the Form*. Baltimore: Johns Hopkins Univ. Press.

White, Lucie (1990) "Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.," 38 *Buffalo Law Rev.* 1.

Williams, Patricia (1991) *The Alchemy of Race and Rights*. Cambridge, MA: Harvard Univ. Press.

Witten, Marsha (1993) "Narrative and the Culture of Obedience in the Workplace" in Mumby 1993.

Wittgenstein, Ludwig [1921](1961). *Tractatus Logico-Philosophicus*, trans. D. F. Pears & B. F. McGinness. New York: Routledge & Kegan Paul.

X, Malcolm (1965) *The Autobiography of Malcolm X*. With the assistance of Alex Haley. New York: Grove Press.

Case

McClesky v. Kemp, 481 U.S. 279 (1986).

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