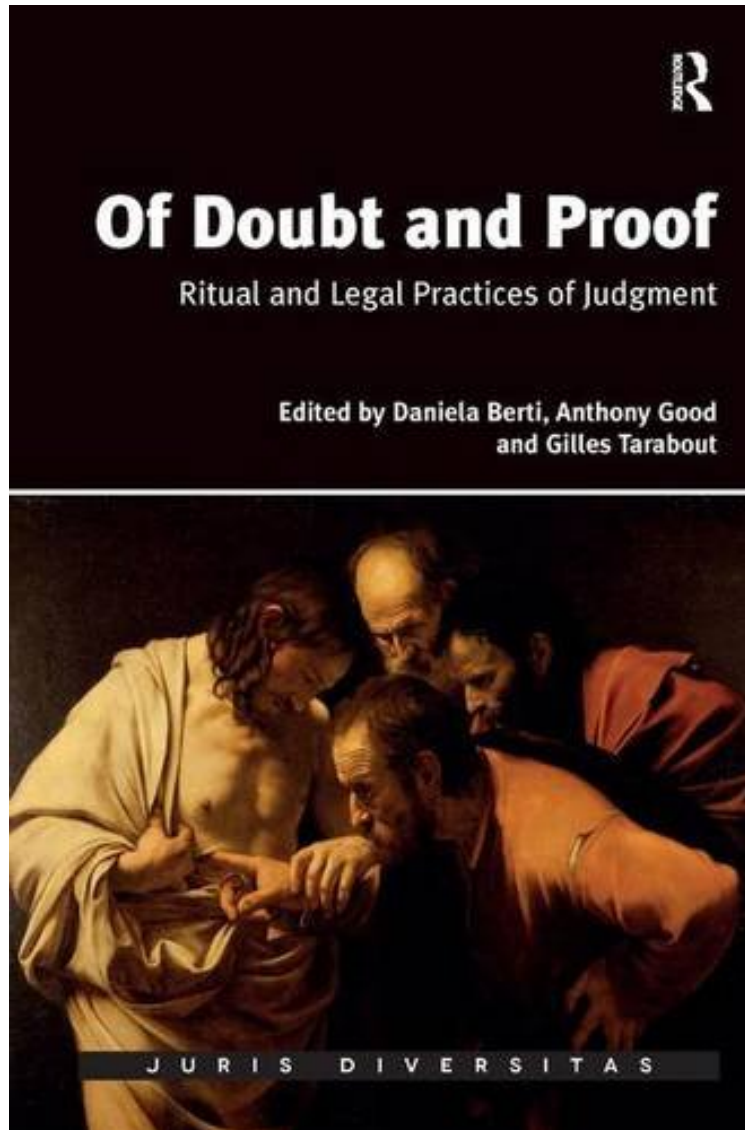


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# Of Doubt and Proof: Ritual and Legal Practices of Judgment (Juris Diversitas)

*Daniela Berti, Anthony Good*  
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#7116202 in Books 2015-04-10Original language:English 9.25 x 6.25 x .751, 1.20 #File Name:  
147243451X224 pages | File size: 38.Mb

**Daniela Berti, Anthony Good : Of Doubt and Proof: Ritual and Legal Practices of Judgment (Juris Diversitas)**  
before purchasing it in order to gage whether or not it would be worth my time, and all praised Of Doubt and Proof:  
Ritual and Legal Practices of Judgment (Juris Diversitas):

0 of 0 people found the following review helpful. A fascinating contributionBy Phillip Taylor MBEA FASCINATING  
CONTRIBUTION TO THE DEBATE ON THE CONCEPT OF PROOF AND DOUBTAn appreciation by Phillip

Taylor MBE and Elizabeth Taylor of Richmond Green Chambers. *Of Doubt and Proof* is a title that could have come straight from Dostoyevsky. But no -- this book is in fact a scholarly examination by ten international contributors, including the three editors, of doubt and proof -- that often perplexing duality which, like it or not, is part and parcel of the process of judgment and judging across a range of contexts, from judgments in a court of law to -- when you come to think it -- decisions by cricketing umpires, or indeed Taiwanese diviners, as three of the distinguished contributors to this book have set out either to discuss or prove. The contributors are distinguished indeed. With university backgrounds ranging from, for example, Copenhagen and Edinburgh to Hamburg and Oxford and a range of academic institutions in France, they bring a dizzyingly diverse array of impressive credentials to this particular forum of discussion and enquiry. As the editors explain, the book is based on a panel of the same title which took place during the Biennial Conference of the European Association for Social Anthropology (EASA) at the Université Paris Ouest, at Nanterre in 2012. Recognized as the principal event in the European Conference calendar and organized around the theme of Uncertainty and Disquiet the conference to summarise set out to examine ways in which notions of doubt and states of doubting have generally been understood across a variety of academic disciplines. Fundamentally, say the editors, the individual contributions reveal and illustrate the range of techniques employed in dispelling doubt, not only in ritual contexts, but in formal legal procedures, (as the sub-title indicates). The aim, they add, is to deepen theoretical understandings of the social role of doubt, both in social science and in law. One could remark here that it is the lawyers of this world, as well as judges of course, who would, we think, derive maximum fascination from this admittedly multidisciplinary overview of doubt and proof, that is tackled from a number of different viewpoints and certainly from, yes, different disciplines, including law and jurisprudence (obviously), to social science and anthropology, (not quite so obviously). The end result emerges as, in the words of Deborah James of the London School of Economics a rigorous contribution to the novel field of the anthropology of doubt and evidence, which demonstrates how law and ritual have much more in common than formerly supposed. A recent publication from Ashgate's *Juris Diversitas* series, this is a stunningly original book that should certainly occasion endless debate at high tables and in common rooms, not to mention robing rooms in court buildings where English barristers strive to ensure that in all cases and without exception that justice is done. While agreeing with much of the content of this book, they -- and certainly the judges -- would say, almost without any doubt whatsoever, that in the common law, it is the quality of the argument that refines the decision. See, for example, Anthony Goods' article on *The Benefit of the Doubt in British Asylum Claims and International Cricket*. Touching on standard of proof, reasonable doubt, credibility and so forth -- this is one of the most lucid explanations of the concept of the benefit of the doubt in common law systems as you're likely to find anywhere. Rooted in comparative law, the book will be of interest to a wide range of academics, students and practitioners, particularly those with an international orientation who wish to keep abreast of current thinking in this and other related areas of law. The publication date is cited as at 2015.

All institutions concerned with the process of judging - whether it be deciding between alternative courses of action, determining a judge's professional integrity, assigning culpability for an alleged crime, or ruling on the credibility of an asylum claimant - are necessarily directly concerned with the question of doubt. By putting ritual and judicial settings into comparative perspective, in contexts as diverse as Indian and Taiwanese divination and international cricket, as well as legal processes in France, the UK, India, Denmark, and Ghana, this book offers a comprehensive and novel perspective on techniques for casting and dispelling doubt, and the roles they play in achieving verdicts or decisions that appear both valid and just. Broadening the theoretical understandings of the social role of doubt, both in social science and in law, the authors present these understandings in ways that not only contribute to academic knowledge but are also useful to professionals and other participants engaged in the process of judging. This collection will consequently be of great interest to academics researching in the fields of legal anthropology, ritual studies, legal sociology, criminology, and socio-legal studies.

'*Of Doubt and Proof* highlights issues of considerable importance for the social sciences, not least for lawyers and others such as anthropologists concerned with what Bourdieu called the "juridical field". Its comparative scope, with studies of ritual and judicial processes in Africa, Asia and Europe, is especially impressive and enhances its originality.' Ralph Grillo, University of Sussex, UK 'Doubt is not the opposite of belief, as anthropologists have recently shown, but depends upon belief and in turn helps to constitute it. This book, in writing that is both precise and wonderfully imaginative, explores this apparent paradox in relation to the legal terrain, where doubt is routinely cast and then dispelled through compelling public performances. In the process, the book - showing how law and ritual may have much more in common than formerly supposed - innovatively ranges across settings from asylum courts in France, Denmark and the UK, through Indian temple consultations, to Chinese divination. It ambitiously challenges us to think beyond the level of the obvious, while also making a thoughtful and rigorous contribution to the novel field of the anthropology of doubt and evidence.' Deborah James, London School of Economics, UK 'This volume represents a crucial intervention into the question of what happens in institutional settings where doubt must be exercised, not as a presumed internal or affective state, but as a technique of knowledge formation. The cases presented here show that

doubt is such a successful technique that it must be managed through a host of other social forms. These cases also show that it is often divinatory practices, and not courtroom judgements, in which doubt is more rigorously exercised in arriving at a decision. This is a collection that shows through felicitous juxtaposition of the legal and the ritual how the former shares far more sociological elements with the latter than is often acknowledged.' Melissa Demian, The Australian National University

About the Author Daniela Berti is Charge de Recherche at the French National Centre for Scientific Research (CNRS) in Paris, and a member of the Centre for Himalayan Studies at Villejuif. Her research in North India focuses on ritual interactions, politico-ritual roles and practices formerly associated with kingship, and on the ethnography of court cases in India. She recently coordinated with Gilles Tarabout an international research programme funded by the Agence Nationale de la Recherche (ANR), entitled Just-India: A Joint Programme on Justice and Governance in India and South Asia. Anthony Good is Emeritus Professor of Social Anthropology at the University of Edinburgh, and formerly Head of the School of Social Political Science. His research interests cover Tamil Nadu (South India), and Sri Lanka. He frequently acts as an expert witness in asylum appeals involving Sri Lankan Tamils. His recent research concerns uses of expert evidence in British asylum courts, and (with Robert Gibb) a comparative study of asylum processes in the UK and France. Gilles Tarabout is Emeritus Directeur de Recherche at the French National Centre for Scientific Research (CNRS), and formerly head of the Centre for Ethnology and Comparative Sociology (LESC), at the University of Paris West-Nanterre. His research focuses especially on relationships between society and religion in Kerala (South India). He has recently been coordinating with Daniela Berti an international research programme funded by the Agence Nationale de la Recherche (ANR), entitled Just-India: A Joint Programme on Justice and Governance in India and South Asia.