

Of Doubt and Proof

Ritual and Legal Practices of Judgment

Edited by Daniela Berti, CNRS/Centre for Himalayan Studies, Villejuif, France, Anthony Good, University of Edinburgh, UK and Gilles Tarabout, Laboratoire d'Ethnologie et de Sociologie Comparative, CNRS/Nanterre University, France

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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.

Contents: Foreword, Antoine Garapon; Introduction: technologies of doubt in law and ritual, Anthony Good, Daniela Berti and Gilles Tarabout; Technicalities of doubting: temple consultations and criminal trials in India, Daniela Berti; Judging destiny: doubt and certainty in Chinese divinatory rituals, Stéphanie Homola; Religious uncertainty, astrology and the courts in South India, Gilles Tarabout; When judges feel misjudged: encountering doubt in Ghanaian courts, Jan Budniok; Doubt in action: the different times of doubt in French Assize courts, Véronique Bouillier; 'The benefit of the doubt' in British asylum claims and international cricket, Anthony Good; In doubt: documents as fetishes in the Danish asylum system, Zachary Whyte; Emotions as evidence: hearings in the French asylum court, Carolina Kobelinsky; Afterword, Tobias Kelly; Index.

About the Editor: Daniela Berti is 'Chargée 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.

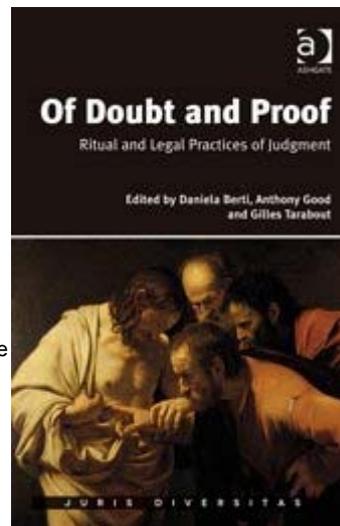
Reviews: 'Of Doubt and Proof highlights issues of considerable importance for the social sciences, not least for lawyers and others such as anthropologists concerned with what Bourdieu called the "juridical field". Its comparative scope, with studies of ritual and judicial processes in Africa, Asia and 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



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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

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