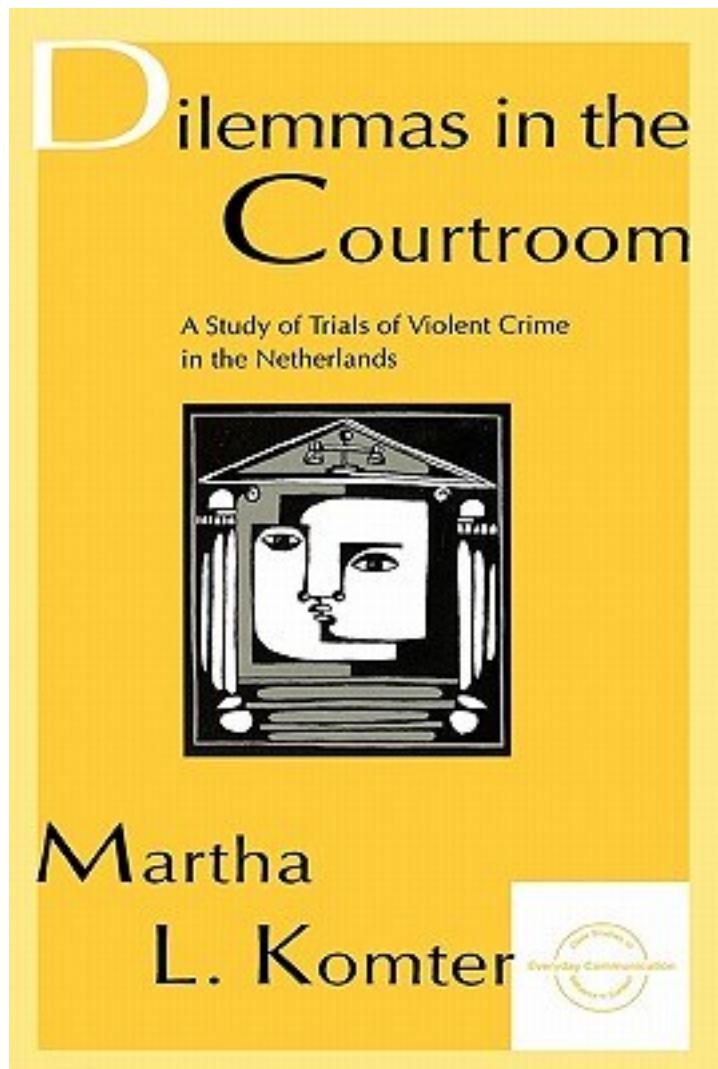


Dilemmas in the Courtroom



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著者:Komter, Martha L.

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Interactional dilemmas occur when participants are required to engage in two contradictory activities at the same time or orient to two conflicting goals. The existence of such dilemmas provides a context for interactants to be creative, pro-active and indeed strategic as they manoeuvre between the numerous demands placed on them and produce behaviour that fits the ongoing communication episode. Trials are one such episode in which the various participants - in this case, the judge, the defendant and lawyers - experience interactional dilemmas and work to resolve these through their behaviour. This volume offers an analysis of both the institutional factors which promote dilemmas during court proceedings and the interactional behaviours used by trial participants to navigate these dilemmas. Using ethnomethodology, conversation analysis and ethnography as complementary methods, Komter's research combines an understanding of the legal rules for courtroom procedures and crime descriptions, with details of acute trial discourse. The analysis is based upon fieldnotes of 48 trials and audiotapes of 31 trials, all related to violent crimes and occurring in courtrooms in Amsterdam, Utrecht and Haarlem. Dilemmas reflect enduring conflicts of interest of values; they derive from the ongoing institutional and interactional positions of the various courtroom participants. The author does not attempt to resolve the dilemmas she finds, but rather points to their existence and to their role in shaping unfolding interaction. She especially highlights the different dilemmas faced by judges and suspects, and the ways in which behaviour on the part of one constrains that of the other. She further reveals the wide variety of ways in which interactants handle dilemmas - their innovativeness and resourcefulness - and the consequences these have for the interaction and the court's ultimate judgement. Of course, dilemmas are not only relevant to an understanding of judicial interaction. This study has implications for other contexts, since concerns with credibility, blame, responsibility and morality - and their opposites - are incorporated into many everyday interactions, not just those in legal settings. It examines behaviour that is quite specific to a single context, yet its conclusions may bear upon a wide range of communication events.

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