



UNIVERSITY
OF WOLLONGONG
AUSTRALIA

University of Wollongong
Research Online

Faculty of Law - Papers (Archive)

Faculty of Law, Humanities and the Arts

2010

"Talkin' 'bout law's generations: an empirical and jurisprudential investigation into the reading of legal cases by different generations of lawyers"

Marett Leiboff

University of Wollongong, marett@uow.edu.au

Publication Details

Leiboff, M. (2010). "Talkin' 'bout law's generations: an empirical and jurisprudential investigation into the reading of legal cases by different generations of lawyers". 27th Annual Conference of the Law and Society Association of Australia and New Zealand

Research Online is the open access institutional repository for the University of Wollongong. For further information contact the UOW Library:
research-pubs@uow.edu.au

"Talkin' 'bout law's generations: an empirical and jurisprudential investigation into the reading of legal cases by different generations of lawyers"

Abstract

The Australian TV comedy quiz show, Talkin' 'bout your generation, pits the knowledge of three different teams of generations against each other. Like a highlystrung game of trivial pursuit, the show's comedy darkly exposes the speed with which knowledge, language and meaning is lost and misinterpreted across and between generations. This pilot study, Talkin' 'bout law's generations takes its cue from its namesake, by discovering if legal interpretation is similarly affected. But the character of legal interpretation being explored is not uni-dimensional, and is instead exploring if (and how) social, political, historical and linguistic knowledge is deployed by its interpreters. Thus, it would appear axiomatic that different generations of lawyers will read and interpret case law differently, because of the loss of these other knowledges.

Keywords

legal, different, reading, lawyers, into, investigation, jurisprudential, cases, empirical, generations, law, bout, talkin

Disciplines

Law

Publication Details

Leiboff, M. (2010). "Talkin' 'bout law's generations: an empirical and jurisprudential investigation into the reading of legal cases by different generations of lawyers". 27th Annual Conference of the Law and Society Association of Australia and New Zealand

LSAANZ Conference 2010

Abstract

Talkin' 'bout law's generations: an empirical and jurisprudential investigation into the reading of legal cases by different generations of lawyers

Marett Leiboff
Faculty of Law
University of Wollongong

The Australian TV comedy quiz show, *Talkin' 'bout your generation*, pits the knowledge of three different teams of generations against each other. Like a highly-strung game of trivial pursuit, the show's comedy darkly exposes the speed with which knowledge, language and meaning is lost and misinterpreted across and between generations. This pilot study, *Talkin' 'bout law's generations* takes its cue from its namesake, by discovering if legal interpretation is similarly affected. But the character of legal interpretation being explored is not uni-dimensional, and is instead exploring if (and how) social, political, historical and linguistic knowledge is deployed by its interpreters. Thus, it would appear axiomatic that different generations of lawyers will read and interpret case law differently, because of the loss of these other knowledges.

This paper will explore the findings of the pilot study, and in doing so will consider its methodology and presumptions. It will show demonstrate that legal thinking is not vouchsafed by the inculcation of legal method of practices. Instead, it will be proposed that factors excluded from the legal imaginary - the mundane and the everyday as exemplified in popular culture - is deeply imbricated into the tropic imaginaries of legal actors at given points in time, and that through the loss of the everyday as contained within judgments, condemns each generational reading of its texts. Thus, the possibility is open that that haphazard, everyday misconceptions and trivialities can actively shape reasoning and interpretation not contemplated by conventional accounts of the behaviour of legal actors.

Biography

Dr Marett Leiboff is Associate Professor and member of the Legal Intersections Research Centre, Faculty of Law, University of Wollongong. Her research centres on practices of jurisprudence, and legal conceptions of culture and creativity. In addition to pilot project, Marett is drawing on her background in theatre studies, and is currently working on developing a new theatrical jurisprudence. She is co-editor of the special issue of *Law Text Culture* (2010) 14: 'Law's Theatrical Presence'.