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Researching Legal Oppression: Methodological Notes on Socio-Legal Research on the Relationship between Subordinated Social Groups and Law

Badanie opresji prawnej. Uwagi metodologiczne dotyczące socjologicznoprawnych badań nad relacją między podporządkowanymi grupami społecznymi a prawem

ABSTRACT

This methodological paper reflects on the problems of research about the relationship between oppressed social groups and the legal system. The starting point is to notice that oppression is not addressed but is rather reinforced by the legal system. Besides, the stronger the oppression that is mediated by social structures or based on the direct exercise of power, the more important it is to use low intervention, particularly qualitative methods. In the first part of the paper, we focus on two main areas: (1) general literature on socio-legal methodology and (2) reflections on specific sociological methods of law and their potential applications. We conclude that the problem raised by this paper appears only sporadically, mostly in connection with specific research projects. So, there are no elaborated answers or even in-depth discussions in the literature of the sociology of law about this methodological problem. Therefore, in the second part of the paper we attempt to provide a starting

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point for such a debate. We briefly present the methods that, with appropriate reflexivity, we consider suitable for researching the relationship between oppressed groups and the legal system. We discuss narrative interviewing, legal storytelling, legal ethnography, and critical discourse analysis, briefly describing these methods and providing concrete examples of research that demonstrate their suitability for this purpose.

Keywords: oppressed social groups; socio-legal methods; narrative interview; legal ethnography; critical discourse analysis; legal storytelling

INTRODUCTION

In the following sections, we argue why aiming to use non-interventionist and unbiased methods of empirical data collection is extremely important when investigating subordinated social groups and their relationship with the law. We first describe the power dynamics among these groups and show how the law distorts these power relations. We then present methodological approaches that may be more suitable for accessing this target group.

What could researchers do if they investigate groups living under structural oppression,[1] who think about the law and legal procedures in a completely different way than they do? Designing a research study is a high-level intellectual task that may present a literacy barrier that is not equally accessible. The main problem may be identified as the creation of a theoretical framework in advance, predetermining what we wish to see and hear.[2] It is of particular importance to take this into account when studying subordinated social groups, where access to lived experiences, and hence conceptualisation and interpretation, can differ greatly between the researcher and the participants.[3]

When examining subordinated groups and focusing on how they use the law, we need to pay particular attention to this problem, because the law and its dogmatic world are extremely capable of suppressing these voices. According to the scientific literature, access to justice is highly selective.[4] However, the legal process, and the

[1] We use the term "structurally oppressed group" in the same sense as "subordinated group", but we prefer it because it emphasises the impersonal nature of certain forms of oppression. The groups we refer to by this term are explained in the following section. In principle, the conceptualisation draws on the left-wing tradition of social theory, especially on the works of K. Marx, J. Habermas, P. Bourdieu, A. Honneth, and N. Fraser.

[2] G. Rosenthal, *Reconstruction of Life Stories: Principles of Selection in Generating Stories for Narrative Biographical Interviews*, "The Narrative Studies of Lives" 1993, vol. 1(1).

[3] F. Schütze, *Autobiographical Accounts of War Experiences: An Outline for the Analysis of Topically Focused Autobiographical Texts – Using the Example of the "Robert Rasmus" Account in Studs Terkel's Book, "The Good War"*, "Qualitative Sociology Review" 2004, vol. 10(1).

[4] W.L.F. Felstiner, R.L. Abel, A. Sarat, *The Emergence and Transformation of Disputes: Naming, Blaming, Claiming…*, "Law & Society Review" 1980, vol. 15(3–4); M. Galanter, *Why the*

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recognition of harm, as well as the presentation and interpretation of the law, may not be unified and may vary widely between social groups in different situations.

We do not promote one method over another. We merely emphasise and underline why the role of non-intrusive qualitative methods in the study of power asymmetries, as in legal situations in general, is inescapable and why these methods may represent a source of insight for researchers working in this field.

When we start to explore this question, the literature does not provide clear help. In what follows, we reflect on the gap in the general literature of legal and social methodology and provide and describe four methods that can handle power-saturated relationships between the law, the state, and members of vulnerable groups. As for the methodology of this analysis, we offer a literature review which concentrates on "mainstream" socio-legal methodology. The literature review could be broadened to include those strands of socio-legal theories concerned with specific vulnerable groups such as feminist legal theory and disability legal studies. However, to keep our argument concise, we do not engage with these perspectives in the present paper.

RESEARCH AND RESULTS

1. Subordinated groups and "mainstream" socio-legal methodology

General sociology of law handbooks and studies do not reflect on the problem of what methods ought to be used when studying the relation of vulnerable groups to the law.[5] This is linked to the fact that relatively few studies are available on research methods in the sociology of law that address this topic in a systematic way, either in textbooks or in monographic form.

Sociologists of law generally seek to apply sociological methods to answer their own research questions.[6] This is rightly so, since, if law is studied as a social phenomenon, the sociology of law is more connected to sociology than to jurispru-

"Haves" Come Out Ahead: Speculations on the Limits of Legal Change, [in:] *Law and Society*, ed. R. Cotterrell, Dartmouth 1994, pp. 165–230; P. Ewick, S. Silbey, *Narrating Social Structures: Stories of Resistance to Legal Authority*, "American Journal of Sociology" 2003, vol. 108(6); Z. Fleck, *A hatalom korlátozása*, "Magyar Tudomány" 2016, no. 6.

[5] L. Webley, *The Why and How to of Conducting a Socio-Legal Empirical Research Project*, [in:] *Routledge Handbook of Socio-Legal Theory and Methods*, eds. N. Creutzfeldt, M. Mason, K. McConnachie, Abingdon 2020, pp. 58–69; R. Banakar, M. Travers (eds.), *Theory and Method in Socio-Legal Research*, Oxford 2005; A. Sarat (ed.), *The Blackwell Companion to Law and Society*, Oxford 2004; D. Feenan (ed.), *Exploring the 'Socio' of Socio-Legal Studies*, London 2013; D. Cowan, D. Wincott (eds.), *Exploring the 'Legal' in Socio-Legal Studies*, London 2016; A. Sarat, P. Ewick (eds.), *The Handbook of Law and Society*, Oxford 2015; M. McConville, W.H. Chui (eds.), *Research Methods for Law*, Edinburgh 2017; N. Creutzfeldt, M. Mason, K. McConnachie (eds.), *op. cit*.

[6] L. Webley, *op. cit.*, p. 67.

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dence. Yet, unlike in other social science disciplines, there has been little reflection on the specific methods of the sociology of law. As R. Banakar and M. Travers have observed,[7] this problem is particularly striking when comparing methodological consciousness of socio-legal studies with the methods employed in sociology and in criminology (which is similar to socio-legal studies in many respects as a branch of scientific inquiry). It is typical that the available monographs and the edited volumes, written by numerous authors, that comprise general introductory studies and works on individual research projects summarising their methodological experiences,[8] lack a systematic, mid-level overview of actual research practice. It would appear that the sociology of law is still waiting for its great methodological textbook.

2. Some applicable methods

We argue that adequate research methods are mostly qualitative. The qualitative results that explore as fully as possible the perspectives of the vulnerable people are needed, as they can capture and show a reading of reality that is different from the established understanding.[9] Since quantitative methods approach their object of research with a solid set of research concepts and typically closed questions, they are not well suited to exploring these different readings of reality.

How can this methodological obstacle be solved? In the following sections, we present the methods that we consider most effective in this field. As well as exploring the potential applications of qualitative methods, we will also examine how quantitative methods can be adapted to these specific research questions. In addition to presenting the possibilities of narrative interviewing, legal storytelling, and institutional ethnography, we will address how the processing of judgments can be made more suitable for the investigation of these research questions by using the tools of content and discourse analysis.

2.1. Narrative life story interviews

We talk to each other through stories. We tell stories to express ourselves, to narrate our experiences, to present the reality we know, and it is part of our everyday life. As J. László observes in several of his writings, we think about our lives through stories, we pass on our knowledge and experiences to others through stories, and

[7] R. Banakar, M. Travers (eds.), *op. cit.*, p. ix.

[8] Notwithstanding the above-quoted comment, the volume of studies cited above are no exception to this.

[9] C.A. MacKinnon, A. Dworkin (eds.), *In Harm's Way: The Pornography Civil Rights Hearings*, Cambridge 1997.

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we learn from others through stories. In this way, stories go beyond themselves, giving us a picture of one's reality, reflections, and consciousness.[10]

Life history research has many antecedents and branches. Early examples include W.I. Thomas' and F. Znaniecki's research with Polish immigrants, which is based primarily on documentary analysis, and O. Lewis' *The Children of Sanchez*. Later research has also focused on life histories.[11] Of this rich body of research, one trend includes sociological methods that place narratives at the focus of life history research, within which the narrative life history interview is also situated.

The research of life history using interview techniques was pioneered by G. Rosenthal, among others, and was further developed in Hungary by J. Vajda and É. Kovács.[12] The narrative interview technique is the least intrusive, or intervening, interviewing method,[13] with the explanation, of course, that all interviewing techniques are by nature intervening. This methodology can bring us closer to the actors' consciousness and help us understand them. If we seek to study the relationship between oppressed groups and the law, it is essential that, as researchers, we are not guided by dogmatic claims and concepts of law. The narrative life history interview is the best way to give the most space to the ideas and feelings of members of oppressed groups in the research.

The interviewer is left to interpret, structure, and contextualise their own life story. In this way, the researcher can learn about narratives, identity elements and norm systems that they would not have thought of or could not have thought of on their own, and thus could not have learned about them by asking a preformulated question.[14]

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[10] J. László, *A történetek tudománya. Bevezetés a narratív pszichológiába*, Budapest 2005.

[11] V. Kiss, *Az élettörténetek kutatása*, [in:] *A jogtudat narratív értelmezése*, Budapest 2017, pp. 114–117.

[12] É. Kovács, J. Vajda, *Interchanged Identities: The Role of a Jewish School in a Mixed Marriage*, "The History of the Family" 2002, vol. 7(2), pp. 239–257; J. Vajda, É. Kovács, *Élettörténet-kutatás a szociológiában. Identitás és narratíva*, [in:] *Forrásvidékek. Tanulmányok Némedi Dénes 60. születésnapjára*, eds. G. Felkai, A.K. Molnár, E. Pál, Budapest 2002, pp. 352–366; J. Vajda, *Ott, akkor – Túléléstörténetek a soából*, Budapest 2020.

[13] The narrative life history interview is one of the least intervening methods as the role of the interviewer is very limited, being as unobtrusive as possible. After explaining the focus of the research, the interviewer simply asks the interviewee, an autobiographical speaker, to tell the story of their life. The interviewer then retreats, listening and taking notes, not shaping the interviewer's narrative in any way. In this way, the entire reconstruction of the life story, the structuring of the narrative, and the shaping of the narrative is in the hands of the biographical speaker. See J. Vajda, *A terápiás hatás mint melléktermék*, "Thalassa" 2007, vol. 17(1), pp. 123–136. In addition, the interviewer does not ask their own questions but reflects the interviewee's words and asks questions about any life events that took place. In all cases, the interviewer avoids questions that would in any way influence what is said. Despite all the strict methodological considerations, the interviewer's person, personal presence, and the interviewing environment can also have an impact on the interviewer, but to a much lesser extent than other techniques.

[14] É. Kovács, J. Vajda, *op. cit.*, pp. 239–257.

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In Rosenthal's interpretation, the life story is not a source but a social construction, in which the reality of the individual and the social context are both present. On this basis, she distinguishes between the concepts of the lived and the narrated life story, which lie at the heart of life story analyses when read together, compared, and contrasted.[15]

In Hungary, two studies have already been conducted with a socio-legal focus and narrative life history interviews. The first is Z. Fleck's research on the narrative interpretation of legal consciousness,[16] while the second is I. Hoffman's research study of supported and substitute decision-making in Hungary.[17]

The research question of the narrative interpretation of legal consciousness is what the interviewees think about the law, what situations they identify as legal, and what strategies they develop when they meet the law. Based on the life course interviews, the picture that emerges is that the interviewees do not clearly identify any fully determined legal field or phenomenon. Instead, the law appears in the life story narratives in situational ways and with a wide variety of content, and not at all consistently. It is thus best understood as part of culture rather than as a social subsystem.[18]

The above-mentioned research examines substitute and supported decision-making procedures among people with psychosocial and intellectual disabilities. It aimed to explore, through case studies, three narrative interviews with the concerned person, the guardian and the concerned person's supporter (a family member or friend), how these procedures are conducted and how they are perceived by those whose lives are restricted by the institution of guardianship. The case studies offer unique complex and detailed empirical data about the everyday functioning of supported and substitute decision-making, its institutional models and, mainly, dysfunctions.[19]

2.2. Legal storytelling

The legal theories of minority consciousness can use any method in their critical analyses, but they particularly favour qualitative approaches, and usually pay more attention to storytelling and "counter-stories" than traditional research studies pertaining to legal theory and sociology of law.[20] This is necessary because they

[15] G. Rosenthal, *op. cit.*, pp. 59–91.

[16] Z. Fleck, V. Kiss, F. Tóth, L. Neumann, A. Kenéz, D. Bajnok, *A jogtudat narratív értelmezése*, Budapest 2017.

[17] F. Gulya, I. Hoffman, *A nagykorúak cselekvőképességének korlátozása Magyarországon*, Budapest 2024.

[18] Z. Fleck, V. Kiss, F. Tóth, L. Neumann, A. Kenéz, D. Bajnok, *op. cit*.

[19] F. Gulya, I. Hoffman, *op. cit*.

[20] R. Delgado, *Storytelling for Oppositionists and Others: A Plea for Narrative*, "Michigan Law Review" 1989, vol. 87(8), pp. 2411–2441.

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seek to present an alternative reading of reality through the experiences of those who belong to a minority group.

The main aim of this branch is to reveal the oppressive nature of translating conflicts into the language of law and to allow other narratives to be heard.[21] A good example of this approach is R. Delgado's study of 1989, in which he argues for the importance of storytelling. Delgado's point of departure is that the greatest obstacle to the improvement of the situation of oppressed minority groups is that the situation of the privileged majority is naturalised by the established views of reality that are mediated by stories and narratives. Delgado's analysis focuses on African Americans in the USA. As he explained, like a pair of glasses worn for a long time, the worldview that is conveyed by dominant narratives becomes naturalised. Challenging this is impossible for oppressed groups, however much it may be in their interest, and it also ensures that the ruling group can enjoy their privileged position with a clear conscience: "Those in power sleep well at night – their conduct does not seem to them like oppression".[22]

In his study, Delgado shows how storytelling can contribute to a more complete reality and emancipation. He tells a story from five different perspectives, in which a black applicant is not accepted to teach at a prestigious law school, and analyses the specificities of each character's narrative. He argues that storytelling is vital for oppressed minorities: it has therapeutic power. The conclusion of the article, intended as a programmatic contribution, is highly optimistic, envisaging that storytelling leads to healing, liberation, and the improvement of mental health for minorities. In the stories, members of the minority group become self-aware, recognise their similar interests, become able to critique the oppressive system, and draw strength from them for individual change and collective resistance. The comfortable position of the oppressors is fundamentally shaken as the hegemonic narratives fragment, but ultimately, they benefit in the process because it leads to a healthy social dialogue and, through that, a more just phase and a more content shared reality.

Naturally, it is highly questionable whether peaceful storytelling can truly transform society in any radical way. Yet, even if not all authors regard stories as

[21] This approach has been persistently criticised by R.A. Posner, who once stated, e.g., that "critical race theorists are poor role models. Instead of exemplifying in their careers the potential of members of their groups for respected achievement in the world outside the ghetto of complaint (…) [they] teach by example that the role of a member of a minority group is to be paid a comfortable professional salary to write childish stories about how awful it is to be a member of such a group" (R.A. Posner, *The Skin Trade*, "The New Republic", 13.10.1997, p. 42). Unsurprisingly, many have taken issue with Posner's criticism of not only critical race theory but also other related movements. One of his most famous interlocutors was R. West. See R. West, *Authority, Autonomy, and Choice: The Role of Consent in the Moral and Political Visions of Franz Kafka and Richard Posner*, "Harvard Law Review" 1985, vol. 99(2), pp. 384–428.

[22] R. Delgado, *op. cit.*, pp. 2413–2414.

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a panacea for all social injustice, it is often argued that one of the most fundamental issues is hearing the voice of those who are oppressed and understanding their testimonies. There is a long tradition of legal storytelling, especially in critical race theory.[23] Narrative jurisprudence has also been linked to feminist legal theory,[24] but is also reflected in the awareness with which disability studies seeks to address the participation of those affected in research.[25]

2.3. Legal ethnography

Anthropological research emerged in the 19th century, and despite undergoing major twists and turns and being the subject of great debates, it has remained a methodological tool in use to this day. In ethnographic research, the researcher observes a group of people as an outsider and analyses them based on his or her observations. Thus, this method is particularly well suited to understanding underlying structures and suppressed voices.[26]

Ethnography is not only a method, but also a form of scientific understanding. However, if we consider it as a method, it is closest to participant observation, and as such it aims to interpret communication (verbal and non-verbal), context and culture. As participant observation, it is by its very nature an interventionist method, and this is also its main criticism, as it does not reflect, or even if it does reflect, it cannot remove the bias that the researcher has to affect events, to make empiricism appear through their own interpretation, and it is difficult to counteract power dynamics when studying oppressed groups.[27]

Despite all these legitimate criticisms, modern ethnographic and legal ethnographic research has significantly enriched our knowledge and helped us understand the functioning of legal institutions and the use of rights by oppressed groups.[28]

Modern sociology of law actively employs ethnographic methods. In 2015, A.M. Vargas and R. Urinboyev, in an ethnographic study in Bogotá, showed how street

[23] D.A. Bell, *And We Are Not Saved: The Elusive Quest for Racial Justice*, New York 1987; idem, *Gospel Choirs: Psalms of Survival for an Alien Land Called Home*, New York 1996; idem, *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform*, Oxford 2004; P.J. Williams, *The Alchemy of Race and Rights: Diary of a Law Professor*, Cambridge 1991.

[24] C.A. MacKinnon, A. Dworkin (eds.), *op. cit.*, pp. 60–63.

[25] For example, see D.M. Engel, F.W. Munger, *Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities*, Chicago 2003, p. 57.

[26] G.E. Marcus, M.M.J. Fischer, *Az antropológia mint kultúrkritika*, "Lettre" 1995, no. 18.

[27] Cs. Győry, *Jogi etnográfia*, [in:] *Empirikus jogi tanulmányok. Paradigmák, módszertan, alkalmazási területek*, eds. A. Jakab, M. Sebők, Budapest 2020, pp. 433–460.

[28] There are two of the classic works which help us understand the phenomena of infringement and legal knowledge and compliance: K.N. Llewellyn, A. Hoebel, *The Cheyenne Way: Conflict and Caselaw in Primitive Jurisprudence*, Norman 1941; B. Malinowski, *Crime and Custom in Savage Society*, London 1926.

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vendors in Colombia were confronting oppressive rules that had been initiated against them. Since the early 2010s, several illegal street vendors had appeared in Bogotá who did not have the proper permits to sell their wares, thus conducting their activities as black market workers. As increasing numbers of people were affected by this phenomenon and the proliferation of unlicensed street vending was damaging the interests of certain groups, the Colombian government attempted to reduce illegal street vending by instituting increasingly strict administrative and penal regulations. Street vendors never openly stood up for their interests, but they never ceased their activities either. Vargas and Urinboyev conducted an ethnographic study among street vendors. From their interactions with them, it became evident that street vending was not simply a response to economic necessity, but also a political reaction.[29] The vendors' arguments included views and opinions that drew attention to the inefficiency of the government, the fact that the pension system was not enough to live on, and that single parents were not receiving sufficient support from the government. Some pointed out that the country's leadership had failed to solve key social issues, such as the rise in crime, and that until it could provide an adequate response, it had no right to sanction minor transgressions. In other words, the legitimacy and credibility of the government was called into question. What emerged was a form of resistance, a political argument, a complex interpretation of the situation, hidden in such a way that it did not and could not appear in open discourse.[30]

2.4. Researching texts: critical discourse analysis

As far as the specific methodology of critical discourse analysis is concerned, the key here is the discourse itself. In perhaps M. Foucault's most famous lecture on the order of discourse, he describes discourse as a medium in which those who wish to speak on a given (broadly understood) topic must engage. It is only through discourse that our knowledge, understanding, and opinions on a topic can be transmitted to others in society, and these discourses are regulated by institutions. Foucault describes the role of institutions in this way: "Institutions reply: 'But you have nothing to fear from launching out; we're here to show you discourse is within the established order of things, that we've waited a long time for its arrival, that a place has been set aside for it – a place which both honours and disarms it; and if it should happen to have a certain power, then it is we, and we alone, who give it that power'."[31]

In his lecture, Foucault then proceeds to list the exclusionary and ordering procedures that determine the order of discourse. An important and related concept

[29] A.M. Vargas, R. Urinbojev, *Everyday Forms of Resistance to the Law: An Ethnographic Study of Street Vendors in Bogota*, "Droit et Societé" 2005, vol. 91(3), p. 630.

[30] *Ibidem*, p. 638.

[31] M. Foucault, *Orders of Discourse*, "Social Science Information" 1971, vol. 10(2), p. 8.

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in Foucault's lectures on social theory is that of subjugated knowledge. This notion emphasises the power-saturated nature of discourse. This dimension is at the heart of critical discourse analysis.

Critical discourse analysis, as defined by T.A. van Dijk, "is a type of discourse analytical research that primarily studies the way social power abuse, dominance, and inequality are enacted, reproduced, and resisted by text and talk in the social and political context. With such dissident research, critical discourse analysts take an explicit position, and thus want to understand, expose, and ultimately resist social inequality".[32] According to this, critical discourse analysis is committed to being emancipatory, issue-oriented, and accessible. Its emancipatory nature means that it represents a committed, action-oriented movement, which aims to contribute to the reduction of social inequalities through social science knowledge and research. It is case-oriented in the sense that such research is not explicitly theoretical but aims to provide an understanding of a given social problem. Because of this ambition, it seeks to ensure that its findings reach not only a narrow academic audience, but also a wider audience, particularly those affected by the social problem.

The framework offered by critical discourse analysis is rather permissive and adapted to the research question, so it is worth reading the analyses in this paradigm to deepen our understanding of the method. One of the best-known such research studies is that of J. Cotterill on the O.J. Simpson trial, which provides a worthy starting point.[33]

DISCUSSION AND CONCLUSIONS

Both quantitative and qualitative research methods have their role to play, depending on what exactly we intend to examine. If we are interested in a group that is affected by power asymmetry, it is reasonable to assume that their consciousness, narrative, and norms are not as presupposed as for those who are not subject to such strong power constraints.

In our article, we reviewed general handbooks on socio-legal methods and found that they do not provide a systematic overview of the methods of the sociology of law. Rather, they primarily discuss the adaptation of sociological methods to specific research. The specific methodological problems of research on the relation of subordinated groups to the law are also not addressed in a comprehensive way in these literature sources, but rather only in the context of a single research study.

[32] T.A. van Dijk, *Critical Discourse Analysis*, [in:] *The Handbook of Discourse Analysis*, eds. D. Schiffrin, D. Tannen, H.E. Hamilton, Oxford 2001, pp. 352.

[33] J. Cotterill, *Language and Power in Court: A Linguistic Analysis of the O.J. Simpson Trial*, London 2003.

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Whatever method is chosen, greater methodological awareness and reflection are essential. The choice of method entails several additional consequences that all researchers should be aware of.

Furthermore, when we study oppressed groups, we must always bear in mind that not only do these people experience adverse social circumstances, but that the law also multiplies this power differential. The very recognition of violation of one's rights or, in a broader sense, legally relevant situations requires knowledge that not everyone has access to, and articulating legal claims or effectively participating in legal procedures may present a further significant barrier.

So, if we as researchers are interested in the relationship between oppressed social groups, individuals and the law or legal system, then we should certainly consider this specific situation. This also shifts our methodological considerations towards qualitative tools, as these non-interventional methods can help us identify problems.

In the last part of our paper, we attempted to offer our own methodological suggestions, reviewing the main methods used in research on the relationship of subordinated groups to the law: narrative interviews, legal storytelling, legal ethnography, discourse and content analysis. In addition to presenting these methods, we also tried to present international and Hungarian research that demonstrates the usefulness of these methods in addressing this research problem. At the same time, we do not intend to suggest that other methods cannot be used to understand the relationship of vulnerable groups to the law, but rather to initiate a debate on this important but so far underdeveloped problem in the sociology of law.

REFERENCES

Banakar R., Travers M. (eds.), *Theory and Method in Socio-Legal Research*, Oxford 2005.

Bell D.A., *And We Are Not Saved: The Elusive Quest for Racial Justice*, New York 1987.

Bell D.A., *Gospel Choirs: Psalms of Survival for an Alien Land Called Home*, New York 1996.

Bell D.A., *Silent Covenants: Brown v. Board of Education and the Unfulfilled Hopes for Racial Reform*, Oxford 2004.

Cotterill J., *Language and Power in Court: A Linguistic Analysis of the O.J. Simpson Trial*, London 2003.

Cowan D., Wincott D. (eds.), *Exploring the 'Legal' in Socio-Legal Studies*, London 2016.

Creutzfeldt N., Mason M., McConnachie K. (eds.), *Routledge Handbook of Socio-Legal Theory and Methods*, Abingdon 2020.

Delgado R., *Storytelling for Oppositionists and Others: A Plea for Narrative*, "Michigan Law Review" 1989, vol. 87(8).

Dijk T.A. van, *Critical Discourse Analysis*, [in:] *The Handbook of Discourse Analysis*, eds. D. Schiffrin, D. Tannen, H.E. Hamilton, Oxford 2001.

Engel D.M., Munger F.W., *Rights of Inclusion: Law and Identity in the Life Stories of Americans with Disabilities*, Chicago 2003.

Ewick P., Silbey S., *Narrating Social Structures: Stories of Resistance to Legal Authority*, "American Journal of Sociology" 2003, vol. 108(6). **DOI: https://doi.org/10.1086/378035**

Feenan D. (ed.), *Exploring the 'Socio' of Socio-Legal Studies*, London 2013.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 13/11/2026 08:05:06

Felstiner W.L.F., Abel R.L., Sarat A., *The Emergence and Transformation of Disputes: Naming, Blaming, Claiming…*, "Law & Society Review" 1980, vol. 15(3–4).
DOI: https://doi.org/10.2307/3053505

Fleck Z., *A hatalom korlátozása*, "Magyar Tudomány" 2016, no. 6.

Fleck Z., Kiss V., Tóth F., Neumann L., Kenéz A., Bajnok D., *A jogtudat narratív értelmezése*, Budapest 2017.

Foucault M., *Orders of Discourse*, "Social Science Information" 1971, vol. 10(2).
DOI: https://doi:10.1177/053901847101000201

Galanter M., *Why the "Haves" Come Out Ahead: Speculations on the Limits of Legal Change*, [in:] *Law and Society*, ed. R. Cotterrell, Dartmouth 1994.

Gulya F., Hoffman I., *A nagykorúak cselekvőképességének korlátozása Magyarországon*, Budapest 2024.

Győry Cs., *Jogi etnográfia*, [in:] *Empirikus jogi tanulmányok. Paradigmák, módszertan, alkalmazási területek*, eds. A. Jakab, M. Sebők, Budapest 2020.

Kiss V., *Az élettörténetek kutatása*, [in:] *A jogtudat narratív értelmezése*, Budapest 2017.

Kovács É., Vajda J., *Interchanged Identities: The Role of a Jewish School in a Mixed Marriage*, "The History of the Family" 2002, vol. 7(2). **DOI: https://doi.org/10.1016/S1081-602X(02)00094-5**

László J., *A történetek tudománya. Bevezetés a narratív pszichológiába*, Budapest 2005.

Llewellyn K.N., Hoebel A., *The Cheyenne Way: Conflict and Caselaw in Primitive Jurisprudence*, Norman 1941.

MacKinnon C.A., Dworkin A. (eds.), *In Harm's Way: The Pornography Civil Rights Hearings*, Cambridge 1997.

Malinowski B., *Crime and Custom in Savage Society*, London 1926.

Marcus G.E., Fischer, M.M.J., *Az antropológia mint kultúrkritika*, "Lettre" 1995, no. 18.

McConville M., Chui W.H. (eds.), *Research Methods for Law*, Edinburgh 2017.

Posner R.A., *The Skin Trade*, "The New Republic", 13.10.1997.

Rosenthal G., *Reconstruction of Life Stories: Principles of Selection in Generating Stories for Narrative Biographical Interviews*, "The Narrative Studies of Lives" 1993, vol. 1(1).

Sarat A. (ed.), *The Blackwell Companion to Law and Society*, Oxford 2004.

Sarat A., Ewick P. (eds.), *The Handbook of Law and Society*, Oxford 2015.

Schütze F., *Autobiographical Accounts of War Experiences: An Outline for the Analysis of Topically Focused Autobiographical Texts – Using the Example of the "Robert Rasmus" Account in Studs Terkel's Book, "The Good War"*, "Qualitative Sociology Review" 2004, vol. 10(1).
DOI: https://doi.org/10.18778/1733-8077.10.1.10

Vajda J., *A terápiás hatás mint melléktermék*, "Thalassa" 2007, vol. 17(1).

Vajda J., *Ott, akkor – Túléléstörténetek a soából*, Budapest 2020.

Vajda J., Kovács É., *Élettörténet-kutatás a szociológiában. Identitás és narratíva*, [in:] *Forrásvidékek. Tanulmányok Némedi Dénes 60. születésnapjára*, eds. G. Felkai, A.K. Molnár, E. Pál, Budapest 2002.

Vargas A.M., Urinbojev R., *Everyday Forms of Resistance to the Law: An Ethnographic Study of Street Vendors in Bogota*, "Droit et Societé" 2005, vol. 91(3).
DOI: https://doi.org/10.3917/drs.091.0623

Webley L., *The Why and How to of Conducting a Socio-Legal Empirical Research Project*, [in:] *Routledge Handbook of Socio-Legal Theory and Methods*, eds. N. Creutzfeldt, M. Mason, K. McConnachie, Abingdon 2020.

West R., *Authority, Autonomy, and Choice: The Role of Consent in the Moral and Political Visions of Franz Kafka and Richard Posner*, "Harvard Law Review" 1985, vol. 99(2).

Williams P.J., *The Alchemy of Race and Rights: Diary of a Law Professor*, Cambridge 1991.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 13/11/2026 08:05:06

ABSTRAKT

Niniejszy artykuł metodologiczny stanowi refleksję nad problemami badawczymi dotyczącymi relacji między grupami społecznymi poddanymi opresji a systemem prawnym. Punktem wyjścia jest spostrzeżenie, że system prawny nie tyle przeciwdziała opresji, ile ją wzmacnia. Co więcej, im silniejsza jest opresja (wywierana za pośrednictwem struktur społecznych bądź oparta na bezpośrednim sprawowaniu władzy), tym większego znaczenia nabiera stosowanie metod o niskim stopniu ingerencji, w szczególności metod jakościowych. W pierwszej części artykułu skoncentrowano się na dwóch głównych obszarach: (1) ogólnej literaturze poświęconej metodologii badań socjologicznoprawnych oraz (2) rozważaniach nad szczegółowymi metodami socjologicznymi badania prawa i możliwościami ich zastosowania. Rozważania prowadzą do wniosku, że problem poruszony w niniejszym artykule pojawia się jedynie sporadycznie, przeważnie w związku z konkretnymi projektami badawczymi. W literaturze z zakresu socjologii prawa brak zatem zarówno wypracowanych odpowiedzi, jak i pogłębionej dyskusji nad tym problemem metodologicznym. W związku z tym w drugiej części artykułu podjęto próbę stworzenia punktu wyjścia dla takiej debaty. Pokrótce przedstawiono metody, które przy zachowaniu odpowiedniej refleksyjności uznano za przydatne w badaniu relacji między grupami poddanymi opresji a systemem prawnym. Omówiono wywiad narracyjny, narrację prawną (*legal storytelling*), etnografię prawa oraz krytyczną analizę dyskursu, zwięźle charakteryzując te metody i podając konkretne przykłady badań, które potwierdzają ich przydatność do tego celu.

Słowa kluczowe: podporządkowane grupy społeczne; socjologicznoprawne metody badawcze; wywiad narracyjny; etnografia prawa; krytyczna analiza dyskursu; narracja prawna