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## Ta(l)king class struggle seriously: Appropriation and access to symbolic/cultural capital within the field of law

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### **Ta(I)king class struggle seriously: Appropriation and access to symbolic/cultural capital within the field of law**

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This paper aims to contribute to a class-based understanding of the discursive tensions and struggles in legal practices as they happen every day. Empirically based upon a study of seven Swedish District Court cases (concerning two parties), and theoretically informed by Bourdieu's analysis of class reproduction in terms of the distribution of social, symbolic, economic and cultural capital (Bourdieu, 1983; 1984), we will analyse the ways in which symbolic/cultural capital enables as well as constrains the possibilities for engaging in legal practices.

The seven cases subjected to study in the paper are filed at the Court as 'distribution of marital property', 'custody of children', and 'application for divorce', thus suggesting that they concern family law. We read them differently: as an arena for discursive struggle over the meaning of 'marriage' fought by the two parties to the case and won by none of them. We read the cases as a struggle over symbolic/cultural capital.

Our argument departs from the tenet that the everyday legal practices – such as the court corresponding with the parties to the case, filing of cases at the court, classifying complaints, decisions on the procedure of the case, and judging – are first and foremost discursive practices. That is to say, they are the epitome of the production of what Austin (1962: 6) refers to as performative sentences – or in Searle's (1969) terms speech acts – i.e. statements that perform the action named by the verb. To produce documents and verbal utterances stating the 'The court hereby decide...' is the very act of deciding. Such a statement is not, according to Austin (ibid.), to "describe my doing of what I should be said in so uttering to be doing or to state that I am doing it; it is to do it".

In order to take part in a legal practice then - to operate within, with Bourdieu's terms, the field of law a judge, a lawyer as much as a party to the case need access to the language, the discourse, the interpretative repertoires needed for the production of legitimate and conceivable utterances. In other words, in order to take part in legal practice we need to be discursively skilled. These resources are part of what Bourdieu labels symbolic/cultural capital, i.e. the capacity to use symbols (such as language) in a way that is culturally meaningful. 'Class' is here defined, not in terms of access and appropriation of economic capital or means of production, but as the appropriation of, maintenance of and access to symbolic capital in form of a legally legitimate and functional language. The class problematic in legal studies, in particular concerning class struggle, is thus translated into an issue of discourse. Taking class struggle seriously entails acknowledging the symbolic-discursive aspects of the reproduction of class society.

(This abstract was originally co-authored with P. Svensson)