

Ethnomethodology and History: Documents and the Production of History

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Introduction

When Harold Garfinkel coined the word ethnomethodology, he drew an analogy with the ‘ethnoscience’ in social anthropology (studies of native language and practice that are likened to, and often compared with, the disciplines of botany, mathematics, musicology, etc.).¹ However, unlike other ethnoscience, ethnomethodology is not focused on a specific subject area, but on ways of doing things and conceptions of doing those things in every imaginable walk of life. In other words, ethnomethodology is the study of practical actions and practical reasoning, and thus far more comprehensive in its scope than any study of ‘lay’ or ‘native’ variants and analogs of modern disciplines. It aims for rigor and systematicity, but it does not use modern scientific (or other academic) understandings of the world as a normative or comparative basis for identifying distinctive properties of untutored, everyday practices and understandings.

When ethnomethodologists turn attention to work credited with scientific standing, they do not perform an underlaborer’s task, but instead aim to examine the routine research practices conducted with materials in real time settings of conduct (Garfinkel, 2002, Ch. 9; Garfinkel et al. 1981; Lynch, 1993).

When directed to methods that have pride of place in the social sciences and humanities – survey analysis, interviewing, documentary interpretation, and so forth – ethnomethodology treats these methods as constitutive phenomena (Garfinkel, 1967: Ch. 1). This does not preclude the practical use of such methods, but it does orient us to questions about how they are tied to the production of orderly results and applications. There is superficial affinity with constructivism in the human sciences, but also some key differences (see Button & Sharrock, 1993).

Despite its broad scope – potentially covering practices of all kinds – ethnomethodology is most developed and best known for studies of contemporaneous activities: directly observed and/or recorded sequences of practical and communicative activities in homes, workplaces, and other settings. The detailed records of moment-to-moment activities yielded by video and audio taping of such activities greatly exceeds the schematic records used or constructed (and often preferred) in almost all other social science investigations. The origin and development of conversation analysis, which developed from and is still associated with ethnomethodology, is strongly indebted to the possibility of repeated playback, transcription and analysis of tape recordings of “naturally occurring” (not contrived for

¹ For accounts of the origins of ethnomethodology, see Garfinkel (1974); Lynch (1993, 3ff.; p. 2007).

experimental purposes) activities (Sacks, 1984).

Although ethnomethodology continues to include a variety of methods and investigative tendencies, the most common type of investigation examines orders of activity that can be documented with relatively brief extracts and collections of extracts from tape-recorded and transcribed sequences of conversational interaction. Given this predominant tendency, ethnomethodological studies might seem to have little to say about history. Conversely, the materials that historians typically use (records, often collected in archives, and oral testimonies about past events) might seem too ‘thin’ to permit analyses of moment-to-moment conduct of the kind produced in ethnomethodology and conversation analysis. Even a tape recording of an event of historical importance, such as a recording of voices during what was later credited with being a significant scientific discovery, presents limited resources for analyzing the “local historicity” of the documented actions in the absence of more direct access to the original scene (Garfinkel et al., 1991). Further, ethnomethodologists and conversation analysts often profess indifference to such momentous events, preferring instead to document a more relentless production of mundane, everyday activities (Schegloff, 1987). It is thus not surprising that there has been very little discussion or use of ethnomethodology among professional historians. Nevertheless, in this article, I will briefly suggest at least one way in which history can be of interest for ethnomethodological investigations. No doubt there are others.

Given the nominal affinity with the ethnosciences, ethnomethodology could perhaps align with the anthropological/historical specialty of ethnohistory, which uses written and oral materials to explore and reconstruct histories of particular indigenous peoples. This subfield has its own association and quarterly journal, and appears to be more established professionally than ethnomethodology ever has been.² However, like the other ethnosciences, its substantive reconstructive aims and methods differ from those of ethnomethodology. Like ethnohistorians, ethnomethodologists have an interest in *people’s histories*, but not in order to represent cultural histories or to reconstruct how such histories relate to an actual past. Instead, the interest is in *how* histories – whether professionally accredited or not – are assembled through concerted, and sometimes contentious, actions. There is some affinity with analyses of narrative and stories, especially the lectures on the subject in Sacks (1992), which delve into the interactionally contingent production and reception of stories. However, of particular interest in this paper are histories for which *what actually happened* is explicitly at stake for the parties to their production and reception. Documents as well as stories have a crucial place in histories; documents are collated, checked against one another, and used to confirm or question stories. Documents themselves can be questioned, found wanting in detail, and subject to contested readings, but they are both raw materials and repositories for history.

² See the website for the American Society for Ethnohistory, available at: <http://www.ethnohistory.org/>

What follows, will start with a well-known landmark in ethnomethodology – Garfinkel’s respecification of Mannheim’s “documentary method of interpretation.” Casually read, Garfinkel’s demonstrations appear to undermine the historiographic utility of Mannheim’s hermeneutic method by showing that it is much too powerful in its relentless construction of narrative coherency; too powerful in projecting sense on to the most unpromising materials to be a reliable arbiter of *what actually happened*. However, rather than settling for a deconstructive approach to historical ‘method’, I will suggest that Garfinkel’s treatment provides a powerful analytical treatment for investigating the substantive production of history.

The Documentary Method

In some of his writings in the late 1980s and early 1990s, Garfinkel used the term “respecification” to signal a re-orientation to the familiar methodological topics of a social science (see, for example, Garfinkel [1991]). These include a roster of basic themes such as meanings, standards, measurements, intelligibility, and many others. These terms are “methodological” in the broader sense often associated with social theory and epistemology rather than analytical technique. I once called these ‘epistopics’ (Lynch, 1993: 280ff.).³ In

this instance, I’ll be re-specifying a couple of key topics – one is history and the other memory.

Much earlier, in chapter three of *Studies in Ethnomethodology* (1967), Garfinkel elucidated one such ‘method’ – the documentary method of interpretation. This method was introduced by Karl Mannheim (1952) in a collection of essays on the sociology of knowledge. Mannheim presented it as an historical method – an instance of the hermeneutic circle through which the historian examines archival documents and discerns coherences – underlying patterns that the fragmentary writings and traces *document*, and which further become intelligible and meaningful in light of the emergent patterns.” Mannheim is respectful of the method, and appears to recommend it for scholars – though he recognizes that it is an account of what scholars already do. Garfinkel takes up this theme – the documentary method of interpretation – in a startling way. First, he observes that the method is ubiquitous. Second, he devises some ‘experiments’ of sorts to elucidate and demonstrate its operation. And, third, he uses the experiments to raise some deep and disturbing questions about the validity of the ‘underlying patterns’ discerned through the use of this method.

Perhaps the most famous of these experiments was one in which students were asked to volunteer for a novel counseling program in which they would ask a series of questions to an unseen counselor, who would relay advice in the form of yes-or-no answers (Garfinkel, 1967: 79ff.). Of course, in line with the classic social psychology experiments of that era, the ‘counselor’ was a fake, and

³ My neologism is a ‘vulgarism’ according to my colleague Peter Dear, because (like the word sociology) it mixes Latin & Greek. Dear (1991) prefers ‘epistemography’, to suggest an ethnographic or historiographic approach to the topics of epistemology.

the answers were selected at random. Nevertheless, most of the students found ways to rationalize their way through the series of answers, though often puzzling aloud over the unexpected answers they were given. Garfinkel noted that the students heard the counselor's yes's and no's as 'answers to questions' and they wove narrative threads that assimilated those answers into a coherent underlying pattern. Lucy Suchman (1987) points out that the reactions to Joseph Weizenbaum's (1976) Eliza program worked with a similar logic; a logic that shifts the locus of 'intelligence' from the artificial counselor to the artful interpretative work of the person consulting the device.

These experiments are far-removed from historical research, but one could easily conclude that Garfinkel demonstrates how any historical account dissolves into a seemingly arbitrary piecing together of fragmentary evidence into a coherent story. Far from being a method that privileges any single account of an historical sequence, the "documentary method" appears to be a method for constructing an endless series of potentially incommensurable stories out of initial documentary materials. It remains an open question as to how closely this lesson applies to reconstructions from the archival materials that historians typically examine, which are usually vastly more extensive, and presumably more congruent, than a random sequence of "yes" and "no" answers.

If we were to stop here, we could raise two puzzling questions about what ethnomethodology might have to do with history. These are familiar questions. The first question is: What

can we believe when reading historical accounts? Garfinkel's account of the documentary method of analysis seems to support a relentless skepticism about established historical narratives, of the sort that became familiar in social studies of science after the mid-1970s.⁴ Mannheim's method might describe how a scholar grows increasingly confident about an emergent underlying pattern, but Garfinkel's confidence trick can lead us to be suspicious about the origins of any history. The second question is: How could anyone *do* ethnomethodological history? How could one ever write about the "big structures", "huge comparisons" and long stretches of history that Charles Tilly (1984) wanted sociologists to address? It would seem that an ethnomethodologist who followed Garfinkel's lead would tend to deconstruct large historical narratives into analyses of how lay and professional historians piece together such stories from fragmentary documents. Such research might be of critical interest to historians, but it might just as easily be viewed as a nagging annoyance, because it would offer no remedy for underdetermination and possible arbitrariness. Worse, Garfinkel's orientation to the documentary method offers no normative basis for distinguishing official histories, politically motivated rewritings of history, and popular

⁴ In an early paper, Woolgar (1976) analyzed different accounts of the discovery of radio pulsars by Anthony Hewish's group at Cambridge, and raised skeptical questions about histories of discovery. Also see Ashmore (1993) for a similar question-raising re-telling of the familiar historical episode in which Blondlot's N-Ray 'discovery' was (supposedly) debunked by Robert Wood.

historical mythologies from scholarly histories. And, in the narrower domain of academic history, it offers no suggestion on how to resolve factual and interpretative disputes among historians.

These are serious questions, and Garfinkel and other ethnomethodologists offer historians no comfort or useful advice on how to develop valid (or, at least, defensible) historical narratives from archival materials. This task is left for historians to work out as best they can. However, I think there is at least one way that ethnomethodologists can address history; a way that differs from literary analysis of historical writing, or a hermeneutic account of how historians write history. To develop this, I shall refer to work that David Bogen and I published more than a decade ago (Lynch & Bogen, 1996; Bogen & Lynch, 1989) about an event that occurred more than two decades ago. This was our study of testimony at the Iran-contra affair, which we used to address the production (and, at least as significantly, the erasure) of history-in-the-making.

Organizational Records and Prospective Histories

Before going into our study, let me return briefly to Garfinkel's 1967 book – in this case to chapter six, which has the endearing title of “Good organizational reasons for ‘bad’ clinic records.” This chapter reflected on a sociological study in which Garfinkel participated. The original study aimed to develop a systematic empirical account of patient pathways through a medical clinic, using clinic records as primary sources of data. These records were files the nursing staff compiled for individual patients treated by the clinic. Garfinkel's research

assistants analyzed the dossiers and coded their contents in order to trace the set of processes and decisions that defined a patient's ‘case’ from point of entry to final disposition. Rather than giving a straightforward report of results, however, Garfinkel uses this study as an occasion for turning attention to problems that arose for the researchers: file folders were incomplete, the information recorded in them was not standardized or systematic, and key information of interest to the researchers was missing. It is well known to sociologists that official organizational records have dubious value for sociological research, because such records can systematically disguise as much as they reveal. Rather than simply making the best of such records, trying to supplement them with other sources of data, or abandoning the study because the records were worthless, Garfinkel turned attention to the “good organizational reasons” for their incompleteness. These reasons had to do with the nursing staff members' orientations to records as documents that could be used in the future to constrain their discretion and assess the adequacy of their actions. In a preliminary remark about the matter, Garfinkel observes:

That the investigator “does” a report is thereby made a matter for public record for the use of only partially identified other persons. . . . Not only for investigators, but on all sides there is the relevance of “What was really found out for-all-practical-purposes?” which consists unavoidably of how much can you find out, how much can you disclose, how much can you gloss, how much can you conceal, how much can you hold as none of the business of some important persons, investigators included. (Garfinkel, 1967, p. 16)

This remark nicely complements what Garfinkel says about the documentary method of interpretation. Indeed, it could be said that the clinic study was a specific attempt to perform the documentary method; initially, with the naïve aim of deriving an organized pattern from a body of documents, and then as a troubled instance that made that method perspicuous as a constitutive phenomenon. Rather than simply illustrating the interpretative flexibility of retrospection, his reflections about clinic records suggest that such flexibility was *anticipated* and to some extent *prospectively managed* when the records were written and assembled in patient files. This was not simply a way of talking about the hermeneutic circle, because it involved complex, organizationally distributed, temporally articulated, interactions among various (sometimes unknown) parties. For the sociologists investigating them, the raw data (the clinic files) were themselves anticipatory social productions, but just how they were produced was only partly, and perhaps deceptively, revealed by those data.

Garfinkel's treatment of the documentary method transforms the historian's problem into a substantive, constitutive phenomenon. The documentary method is retroactive – starting with documents and working backwards in time to constitute a narrative. His remarks on “good organizational reasons for bad clinic records” complements that treatment by suggesting that clinic records examined by his research assistants were proactively designed as a local archive that anticipated and attempted to constrain unknown possible readings,

including their own readings. For Garfinkel, the fact that the historian or sociologist faces a daunting task when trying to use documentary collections to reconstruct systematic and coherent temporal or organizational patterns, becomes less interesting than the constitutive *work* of assembling documentary materials into coherent historical accounts. This work is not just a matter of interpreting documentary accounts furnished by an archive – it is a matter of producing documents, withholding details, and collecting them into files before any investigator gets hold of them.

Plausible Deniability

David Bogen and I focused on the Iran-Contra hearings because of certain perspicuous aspects of that event. Like millions of others in the late 1980s, we spent many hours watching the nationally televised joint House-Senate investigation unfold. At the time, the emergent scandal was explicitly likened to the Watergate affair of the prior decade, and it seemed possible that it would result in thoroughly discrediting the Reagan administration. We also noticed recurrent features of the interrogation of key witnesses such as Oliver North and John Poindexter, both of whom were civilian employees in the National Security Council who apparently had been heavily involved in the transactions that were under investigation⁵:

⁵ North was a Marine Lieutenant Colonel at the time, and famously appeared during the hearings in full dress uniform bedecked with medals. However, in his role in the National Security Council he was appointed as a civilian employee.

- The investigation was massively focused on evidential documents, and evidently hampered by the admitted fact that many documents (including some that may have been crucial for the investigation) had been shredded.⁶ Others may still have existed, but were featured in an ongoing battle over their disclosure.
- The missing documents were believed to be crucial for “getting to the bottom” of an emerging scandal.
- A term that was popularized during the hearings – “plausible deniability” – referred to a strategy through which a witness would produce or selectively erase elements of a paper trail in order to enhance “interpretive flexibility” in testimony during adversary investigations. Plausible deniability meant that a witness could fend off accusations in an actual or potential investigation by denying, professing not to recall, or giving an alternative reading to, a culpable version of what the document indicated. If one assumes that this strategy was in operation (and North explicitly admitted that it was, in general, albeit not in incriminating particulars), then the

investigators may maintain a conviction that wrongdoing occurred, but be unable to pursue legal or other formal sanctions because the evidence is insufficient. And, (as we have seen on many occasions) the subject of investigation not only takes comfort in having ‘gotten away’ with something; he can accuse the accusers of a politically motivated witch-hunt. One ends up with uncertainty, political division, etc., about the factual evidence – and also suspicions about whether the uncertainty is a nefarious production.

- Many of the strategies in Iran-contra were evidently, sometimes explicitly, designed by reference to Watergate. In addition to the verbal and thematic analogies between ‘Watergate’ and ‘Iran-gate’, there was the praxiological negative analogy of how to avoid another Watergate.
- In the late 1980s and early 1990s, when Bogen and I were working on this project, we found some interesting parallels between themes that were prominent in literary theory (especially in connection with deconstruction), and mundane accomplishments implicated by testimony at the hearings. Mundane variants of Foucault’s (1977) question ‘What is an author?’ appeared at many points in questioning, as investigators attempted to elicit from witnesses testimony about specific, unsigned draft records. But, whereas our academic colleagues who were enthralled with literary theory emphasized

⁶ The passive voice is indicative here. North acknowledged that he shredded and ordered the shredding of thousands of documents in his possession, but he was not so forthright about whether he (or anybody in particular) shredded specific documents that were of particular interest to the investigators for assigning responsibility for transgressions to specific government agents.

the essential undecidability of authorship, textual form, textual meaning, and so forth, parties to the Iran-contra hearings treated these matters as momentary problems subject to possible solution. Even North and his colleagues, who deftly parried one after another interrogative effort to 'get to the bottom' of the scandal, did so by reference to the known and unknown features of *what actually happened*.

A kind of 'applied deconstruction' or pragmatic constructionism seemed to be at work to create and exploit gaps in the records, prospectively and retrospectively furnishing space and cover for deniable actions. A remarkably explicit account along these lines was given by Alan Clark, one of the ministers in the Thatcher administration whose actions were investigated in a British inquiry headed by the Right Honourable Sir Richard Scott (1996) on another covert arms trade (one involving missile parts sold to Iraq by British corporations, with apparent complicity by the government). Clark gave remarkable testimony about a set of written guidelines that prohibited government officials from sanctioning arms sales from UK manufacturers to either participant in the Iran-Iraq war:

They were high sounding, combining, it seemed, both moral and practical considerations, and yet imprecise enough to be overridden in exceptional circumstances. . . . [They] were an extremely useful adjunct to foreign policy offering a form of words elusive of definition. . . . I would argue they illustrate the – and this is the kind of thing you could say about them – the

constructive tension between positivism and ambiguity, a doctoral thesis of Professor Ayer. . . . The whole of guideline (iii) is magnificent – 'We should not in the future sanction any new orders which, in our view, would significantly enhance the capability of either side to prolong or exacerbate the conflict.' It is a brilliant piece of drafting, because it is far from being restrictive. It is open to argument in respect of practically every one of its elements. I regarded the guidelines as being so imprecise and so obviously drafted with the objective of flexibility in either direction – elasticity, shall I say – as to make them fair game. (Clark, quoted in Norton-Taylor, 1995, pp. 42–3; also see Lynch, 1999, p. 69ff.)

In both the Scott inquiry and the Iran-contra hearings, such documentary constructions provided material support for the often-remarked-upon inability of key officials to recall events and actions when interrogated about them. During his testimony at the latter hearings, Lt. Col. Oliver North, a key witness who had acknowledged his central role in the affair, made relentless use of the following phrases:

"I don't recall;"
"I don't recall at all;"
"I can't recall a specific date;"
"I guess- and I don't remember;"
"I don't have a specific recall of that at this time point;"
"I don't think so, I mean you may refresh my memory;"

In our study, we became interested in the logical role of these avowals of non-recall in testimony. The following sequence, in which North is questioned by House Majority Counsel John Nields, expresses this point very clearly:

Morning Session, 7 July 1986 (Joint Hearings, 1988: 23)

Nields: Sir, do you remember the question?

North: My memory has been shredded. If you would be so kind as to repeat the question.

Nields: You've testified that you shredded documents shortly after you heard from Director Casey that Furmark had said monies had been used from the Iranian arms sales for the benefit of the contras.

North: That is correct.

Nields: My question to you is--did you or did you not shred documents that reflected Presidential approval of the diversion?

North: I have absolutely no recollection of destroying any document which gave me an indication that the President had seen the document or that the President had specifically approved. I assumed that the three transactions which I supervised or managed or coordinated—whatever word you're comfortable with, and I can accept all three—were approved by the President. I never recall seeing a single document which gave me a clear indication that the President had specifically approved this action.

Much has been written on this subject of memory and history, often under the rubric of collective memory. In the context of our study, we developed a particular line on memory, that differed from a psychological (or cognitive) orientation as well as from a sociological orientation of the sort that would treat collective memory to be a public, material, organization of what a culture uses to commemorate its history.

We were more interested in production issues – specifically, in the contested production of historical facts in testimony. Iconic instances of such production were moments when a committee interrogator would produce an exhibit and use it to leverage testimony from a witness. The interrogator and witness would not treat the record as a text with a completely open-texture of meaning, instead, they would treat it (in relation to other evidence) as determinate in some respects and open in others. The adversary struggle was over just how open or closed a document was; over what it established or did not establish; what could be plausibly said about its meaning or import.

Documents are, of course, 'memories' of a sort – memoranda, mnemonics, notes, and minutes. In a legal, or quasi-legal context, however, they have an interesting relation to testimony. There are times when documents (records, photographs) are treated as privileged – a witness can be put in a tight spot if, first, he denies having attended an event and then is shown a manifest or a photograph that documents that he was there. Often, the vagaries of memory provide a way to reconcile an initial claim with a contradictory record ('okay, so I must have been there'), though it sometimes is possible to question the record. Although it is complicated, in the history of Anglo-American jurisprudence, eyewitness testimony often enjoyed privileged status over written documents, which were treated as hearsay testimony, or in the case of photographs as evidence requiring testimony to confirm what it shows (Golan, 2004).

Interrogations at Iran-contra often had an interesting dynamic: records were incomplete, and known to be incomplete, and witnesses were asked, not only to confirm what available records 'said', but also to acknowledge what other records might be available, or what destroyed records *might* have said. In one instance, in which North again is being questioned by Nields, note the way Nields asserts what North in fact did. The Committee's counsel apparently had in hand documents with which to leverage North's assent to a series of actions and communications. We called this the documentary method of interrogation (Lynch & Bogen, 1996, ch. 7).

Morning Session, 7 July 1986

Nields: . . .and the other thing that you did was to involve officials at the C.I.A.

(3.8)

North: I think we did use communications support from the C.I.A., that's correct.=

Nields: =Well you in fact uh- uh, you contacted uh Mister Clarridge didn't you?

(1.6)

North: I ge- yes I did.

Nields: And in fact you, uh went out to the C.I.A. and spent uh virtually all the day Saturday there.

(1.6)

North: What was that date?

(3.2)

Nields: I believe it's the twenty-third.

(Nields): °November eighty-five,°

(6.0)

Nields: ((throat clear)) You might want to check exhibit forty-six.

(26.0)

North: °(let's see, that's the twenty-third,)°

(3.5)

North: That is correct. ((throat clear))

Nields: You spent most of the day on the twenty-third at the C.I.A.

North: Yes.

Nields: And that was Mist- with Mister Clarridge.

(2.4)

North: Um, I'm sure that it was with Mister Clarridge, perhaps others, but he certainly did clear me in, because his signature's right there.

Nields: And uh, indeed you returned to the C.I.A. the following day.

North: On Sundee? (I'll) take your word for it.

((North looks through notebook))

North: I did.

(Lynch & Bogen transcript; also see Joint Hearings, 1988: 13-14)

North calibrates what he recalls to the documentation that Nields' questions reveal that he apparently has at hand. But North also does little more than confirm the documented details: he reads autobiographical elements from the documentary record (dates, locations, signatures), and while he doesn't dispute them, he also comes forth with no further recollections. Although North allows himself to be implicated in those details, he does so in a dissociated way. The details do not prompt his recollections; he reads them as though they applied to a hypothetical person who happened to be himself.

Televised hearings also accentuate what we might call (with apologies to Frances Yates [1966]) a "theater of memory". This differs from the idea that the layout of the theater provides an organizational matrix for an orator's recollections; it has to do with how an orator like North is put on stage, asked to recall specific details from the past, and closely examined for any indications that his recollections are false, misleading, or incomplete. Moreover, such

examination is done in the context of what ‘anyone knows’ about the conjunction of recollections with the events in question. What ‘anyone knows’ is not a stable repository of knowledge, but an emergent and fallible orientation to questions such as: Would the details he is asked to recall have been significant enough at the time that he should recall them now? Would this speaker have a clear motive for ‘forgetting’ what he is asked to recall? How much license for vagueness, correctable discrepancy, or withholding secrets should we allow this speaker? In North’s case, the theater of memory included the visual spectacle of his self-righteous bearing, accentuated by military garb and manner, expressed through pauses, poses, and gestures.

A Few Remarks about Memory

- Memories (individual testimony about what the witness saw, remembers, recalls, witnessed) do not simply build histories. Written records were used to establish the detailed frames for confirming and elaborating upon recollections. A simple ‘yes’ yielded to the account provided by the interrogator’s reading of documentary evidence.
- Failures to recall created problems for interrogation – a systematic alternative to ‘yes’ or ‘no’; in a legal context – the ‘practical unavailability of the witness’.
- Recollections and failures of recollection were subject to assessments of plausibility. Such assessments were made and highlighted as part of interrogative sequences.
- Recollection (‘memories’) were often expressed grammatically with conditional, counterfactual formulations of what the witness ‘would have done’ under the described circumstances. In other words, the emergent stories developed through the interrogation provided resources for witness and interrogator, and their audience, to reconstruct what the witness would have done under the circumstances.
- Some conditional formulations of what the witness ‘would have done’ were presented as moral claims; that is, they portrayed the witness as a person who, under the described circumstances would have acted in a way that was justifiable. Neither the record in question nor the testimony it was used to elicit provided a concrete description of what the witness actually did or remembers doing. Instead, the witness conveys what might be called a ‘personal ideal type’. But this ‘idealized’ person was not presented as an *imagined* action, but rather as an actual action the person *would have done* under the circumstances.
- Recollections and non-recollections often were doubted and contested by interrogators and commentators, but often without concrete counter-evidence. Again, this points to highly specific plausibility judgments.

Politics

Iran-contra was, of course, a political event, though with its quasi-judicial

structure and the bi-partisan makeup of the committee, it also expressed an aim to 'rise above politics'. In popularized discourse to be 'political' is to be partisan, interested, biased. Even if one is cynical about legal practitioners' professions of neutrality, those very professions orient to public expectations of neutrality. The design of hearings expresses a delicate balancing of advantage to the majority party, and equivalence between the parties. There is a slightly asymmetric structure, with the majority party having a slightly more dominant role.

Popular legacies of congressional investigations such as Watergate exhibit a tension between treating them as legitimate exercises that rise above partisan politics, versus dismissing them as 'merely' partisan efforts to damage political opponents (Schudson, 1992). When an investigation is unfolding, such legacies can be called into play. For the party prosecuting the investigation, the key is to dramatize non-partisan "higher" legal-rational purpose, whereas for the party resisting investigation the aim is to collapse the hearings into 'politics'. The latter is similar to a defendant's aim in a criminal trial to be found not guilty because of insufficient evidence. Unlike the Watergate hearings, where the dissenting faction became ever-more-embattled as the hearings wore on, a substantial minority of the Iran-contra committee held its ground and the committee eventually published a report that included a minority report that largely dismissed the committee's effort as political theater (Inouye & Hamilton, 1987). Official history was divided along party lines. The opponents of the investigation were an integral and resilient part of the

investigation, and they expressed their opposition, not only after the fact in their minority report, but also during the hearings by taking every opportunity to show that it was nothing more than a political event. Unlike Watergate, opponents in Iran-contra succeeded in diffusing, and even erasing, history, and since then they have effectively rewritten the history of the Reagan administration.

Conclusion

What I have presented provides one way to address history ethnomethodologically – it is not comprehensive, and certainly not exhaustive. And, it does not disarm the complaint that ethnomethodology has limited value for historical investigations. Historians tend to distrust investigations of recent or contemporary events, especially the sorts of politically charged events that preoccupy journalists. Although some historians draw from ethnomethodology, and I believe there is an affinity between historians' and ethnomethodologists' respect for documentary detail and concern to recover local, contextual orientations expressed in and through documents, what I have discussed in this paper is not meant to be methodological advice for professional historians. Instead, I am suggesting ethnomethodology encourages an orientation to the practical and interactional production, reading, and establishment of documentary details; an orientation that might be of thematic as well as practical interest to historians.

I think this has distinctive relevance for a 'history of the present', as it addresses

how present-day political actors (and others) lay down historical tracks (or attempt to cover such tracks) in a prospective-retrospective fashion. This is not simply an effort to delve into phenomenological time-consciousness: the history in question is material, and materialized. Nor is it an attempt to recover the raw data of history. The picture we get is not a simple conspiracy of interested actors manipulating the materials of history, because none of 'history's actors' has complete control, and they are often at odds with one another. I wouldn't want to suggest that history always, or even often, is an intentional production; sometimes it just happens. But there are times when agents caught up in local historicity grasp, and express, the possibility that what they are doing has relevance for what Graham Button once called "big time".⁷ Their efforts to piece together, erase, or put a spin on history themselves make up a rich subject matter for sociological study.

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⁷ Unpublished paper, presented at The Eighth International Ethno/CA Institute, Boston University Conference Center, N. Andover, MA (27-30 August).

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Discussion

Mathieu Marion

In *Sense and Sensibilia* Austin picks up an example which was used by people like Ayer to argue for phenomenology, saying a straight stick, when in the water looks bent, so there is an illusion because the real stick is not bent. But you see something that's bent; therefore you see only your sense data, not the real thing. The idea being that there is this extra step - if you are fooled once, you're fooled all the time. [...] The other point follows from the Foucault that I learned in the universities in France in the seventies. The political picture you presented is of people covering their tracks; the truth is in the evidence for the real things that these guys tried to cover up by shredding [...].

What Foucault was against was that there is such a thing called the truth that can be uncovered, because the concept of truth was bourgeois and even the whole idea of legal process was. In 1972 Foucault had an argument with the Maoists about what to do after we win the revolution: Shall we try the bourgeois traitors or should we shoot them straightaway? And Foucault argued that we should shoot them straightaway, because if we try them then you have to engage in legalistic reasoning and that's the end of the revolution, the revolution is here to get rid of legalistic reasoning!⁸

Phil Hutchinson

Picking up on that, there is a famous debate with Chomsky where Foucault is arguing that revolution is about the proletariat achieving power and against the thought that it is about achieving justice. Chomsky is trying to argue that it's about trying to bring about a higher state of justice, and Foucault argues no, it's just about the proletariat gaining power.

Mike Lynch

I don't know how that implicates the position that we took.⁹ The sceptical reading of Garfinkel – the popular reading – is that documentary method could lead to this horror that no historical account can be trusted. This is not where Garfinkel goes with it and yet, as Harvey Sacks pointed out, there are always uses for these paradoxes, there's use for scepticism. And it's like reading

⁸ See James Miller, 1993, *The Passion of Michel Foucault*, Cambridge, MA: Harvard University Press, p. 204.

⁹ Mike Lynch & David Bogen, 1996, *Spectacle of History: Speech, Text and Memory at the Iran-Contra Hearings*, Durham, NC: Duke University Press.

Foucault. It seems as though some of the actors in the current regime in the United States read Foucault and use him to create a boat with no bottom; they're-enacting a world that has no bottom, that the juridical orientation would insist upon.¹⁰ They are of course acting very selectively but the famous quote is where journalist Ron Suskind is interviewing some White House aide who says [to paraphrase] "you're from the reality-based community where, history's actors bring about, the reality that you guys wanna document".¹¹ In some ways that's a very sophisticated view of things, the juridical structures that grind these investigations to a halt are finding difficulty in working with that view, and so, it may be that the inadequacies of the juridical machinery are being exhibited by a very different political faction than Foucault anticipated.

Phil Hutchinson

What about the relevance of Goffman's comments on memory and theatricality?

¹⁰ See, e.g. Bruno Latour, 2004, 'Why has critique run out of steam? From matters of fact to matters of concern', *Critical Inquiry* 30(2), 224-248.

¹¹ The full quote from Ron Suskind (2004) 'Faith, certainty and the presidency of George W. Bush', *New York Times Magazine* (17 October):

"The aide said that guys like me were "in what we call the reality-based community," which he defined as people who "believe that solutions emerge from your judicious study of discernible reality." ... "That's not the way the world really works anymore," he continued. "We're an empire now, and when we act, we create our own reality. And while you're studying that reality—judiciously, as you will—we'll act again, creating other new realities, which you can study too, and that's how things will sort out. We're history's actors...and you, all of you, will be left to just study what we do."

Mike Lynch

I can't think of anything in Goffman that addresses directly memory or its theatricality. We didn't really engage with the video in a detailed or sophisticated way, but one of the things that comes up, let me just put it very crudely, is that if there is a question about whether a witness is sincerely recalling something or not, the witness will sometimes insist upon his or her sincerity with repeated and forceful assertions, such as "I really mean it!" This kind of upgrading and the repetition, dramatized through both verbal and gestural expressions, can be a way of working the boundaries of plausibility. There might be something in Goffman about that. But I would address it in relation to some of the struggles interrogators go through when trying to get recollections and admissions from a witness. And the interrogator's dramatising implausibility, while the witness dramatises, repeats, and insists upon truthfulness, would be part of that game.

Dave Francis

Memory is an accountable phenomenon, and what you provided is a lovely, but a quite specialised example of that. Memory is routinely treated as an accountable phenomenon. For instance, a domestic example "What do you mean you don't remember? I only told you yesterday!" One thing that strikes me is that nobody has really done much work on this.

Mike Lynch

I know, but there are bits. Jeff Coulter has done some work, and Harvey Sacks

has made a few remarks along those lines in his *Lectures on Conversation*.¹² Ekman's 1985 book on lying has a bit on that in that logically and morally speaking, there are certain things you can't fail to recall.¹³ And then in terms of membership there are certain things you can't fail to recall. For instance, if you're a doctor, you can't profess not to recall previous visits by a patient – it's your responsibility to have it on record, whether or not you remember it. So there are sorts of requirements for information and for how you would yield that information that people sometimes will work around and so forth, but it's part of routines.

Dave Francis

So its not only that you can't claim to have forgotten but if you do claim to have forgotten then what does that tell me about how you live?

Mike Lynch

Yes, that's true – and not just because it might reveal a 'cognitive deficit' if you profess not to recall something you're expected to make available: memory is bound up with moral implications and responsibilities.

Dave Francis

I was thinking of the domestic example I just gave you, the domestic excuse - "I told you before". If you claim to have forgotten, you end up having a big row with your wife.

Mike Lynch

Yes. Paul Drew analysed a transcript of a rape case and Jeff Coulter has talked about the logic of not recalling in this.¹⁴ Not recalling that you've met someone, implicates the past event, so it does not only deny that you remember, it's not just saying "I forgot", but it can also implicitly deny the existence of the event that you were asked to testify about.

David Francis

Thinking about discussions between Dorothy Smith and Ted Cuff about versions and going back to Harvey Sacks. You take the whole of archaeology and examine a few hours or a few days in Rome and examine the practices, any account of the ethnomethodology of history is just another attempt to examine the ordinary practices.

Mike Lynch

Yeah, although in this kind of interrogative situation, there is at least an ostensible orientation to truth as an accountable category, what you can get out of it. And so I don't think truth, as such, is a perspicuous topic; rather, there is the topic of how the interlocutors trade upon the salience of truth, quite meticulously.

Wes Sharrock

Of course it's very important to realize that looking for the use of the word 'truth' doesn't necessary tell you whether a concept of truth is in

¹² Jeff Coulter, 1985, 'Two concepts of the mental'. In K. J. Gergen & K. E. Davis (eds.), *The Social Construction of the Person*, New York: Springer-Verlag, pp. 129-144.

¹³ Paul Ekman, 1985, *Telling Lies: Clues to Deceit in the Marketplace, Politics, and Marriage*, New York: Norton.

¹⁴ Paul Drew, 1992, 'Contested evidence in courtroom cross-examination: The case of a trial for rape', in P. Drew & J. Heritage (eds.), *Talk at Work: Interaction in Institutional Settings*, Cambridge: Cambridge University Press, pp. 470-520.

operation. And you would have to give up a lot more than the words 'true', or 'false', to give up the use of the concept of truth. And so these sorts of fantasies of abolishing the truth are really only about the degree to which things are not true, are false, are a misrepresentation. And of course the whole discourse on the 'crisis of representation' isn't of 'there's nothing there to be represented'; the whole thing is 'it is not being represented really in itself.' And I mean that's what you have to get rid of - the idea of 'things in themselves'. The idea that ordinary discourse featuring truth, and practices of finding things to be correct, justified and the rest, have nothing to do with an underlying concept of something in itself. If we give that up we haven't gained anything we haven't lost anything.

Phil Hutchinson

I don't know in terms of Foucault, maybe you can clarify I mean even in Derrida this is a standard move; he does begin with a metaphysical account of truth, and then demonstrates how we can never achieve that, therefore, no truth. It is the same with the concept of the gift, the idea of the gift. The pure idea of the gift is nothing like the way that people use the word gift in their transactions, that sort of thing, the 'pure gift' is unachievable therefore, for Derrida, there is no such thing as a gift.

Mike Lynch

Yes, there are ways in which the ordinary dialogical usage is sophisticated in relation to what we spin out when we talk about these themes in abstraction. In the circumstances of an interrogation, this whole domain of "I don't recall" becomes about a question of, 'Is he lying or not?'. With respect to lying one thing

the Iran-contra witnesses did is to deploy this intricate vocabulary of the middle ground between telling the truth and lying. One term that was used a lot was 'dissembling'; other terms such as dissimulation and 'plausible deniability' suggest attention to what would be revealed as opposed to how much would be concealed. It became more of a gradient of possibility rather than a binary; and certainly not one with an excluded middle -

Phil Hutchinson

- what you can get away with!

Mike Lynch

Part of the domain or resource that North used in his responses is that he is dealing with security issues, so that he's not going to reveal everything to the Congress, because, of course, it's public testimony and they've already vetted what can be revealed or not in the public tribunal; to paraphrase, he can say: "I don't have to tell you everything, because we've got enemies listening in," and that becomes ironic when the interrogator follows up: "Well, you think Congress is the enemy? You can't tell Congress this stuff?" And so, this happens in lots of ways with claims to Executive Privilege, state secrets and that kind of thing. But then again the tie-in between these things on the ground and philosophical treatments of truth is pretty remote: truth is evidently used as a concept, but not in any meaningful way with reference to philosophical discussions of it.

Phil Hutchinson: But can you demonstrate the deceit?

Mike Lynch

You often don't know whether it is. You see, the thing about plausible deniability is the *plausibility* of it. One of the things that Coulter (1985, see fn12) points out about non-recall is that it is an evasion strategy, but it does more than evade, and so to determine if evasion or deception are involved requires a judgement we all make but evasion is only one possibility. I mean, the fact that we know that we routinely fail to recall things and some people recall more than other people recall itself becomes a resource when we are faced with questions about what to reveal to this person, what do we need to talk about, and so forth. All of this is available, so that to say that a witness is being deceptive is one possible outcome – a determination that these resources make difficult to arrive at.

Ivan Leudar

There was a fair bit of research done in psychology on plausible denial some time ago. It claimed to show that people do not deny just anything but things that others might plausibly believe. So if you deny having a memory, this implies a presupposition of an ordinary member to the contrary.

Mike Lynch

Of course plausible deniability also refers to setting things up and that was the interesting thing. North admitted to setting up (as well as erasing) the documentary base, so that he and his colleagues would have the latitude to deny plausibly what they had been doing. Professional criminals do this all the time with alibis and that sort of thing.

Ivan Leudar

Talking about the work ethnomethodologists have done on memory is interesting; but how much work, if they did any, did they do on doing history? Say, by comparison to all the work you did on natural science, say genetics.

Mike Lynch

I can't think of anything.

Ivan Leudar

So why not?

Mike Lynch

It's one of those things. Claude Rosental recently published a book on logicians' work.¹⁵ In an ironic way, when he went to MIT he tried to find some logicians to follow around, like laboratory scientists. Laboratory scientists have these lively places where they talk to each other, you know they've got machines. What do logicians do? Well they work in an office, sometimes communicate with other logicians. Historians bury themselves in archives, there aren't too many co-authored historical works, it's interactionally not particularly rich, but that doesn't mean that you couldn't do an analysis of doing history.

Ivan Leudar

So you think that as an ethnomethodologist you couldn't use those same methods to study say re-enactment of something?

Mike Lynch

Yes, the kinds of things I would find interesting are not necessarily the

¹⁵ Claude Rosental (2008) *Weaving Self-Evidence: A Sociology of Logic* (Princeton, NJ: Princeton University Press).

professional historians' work, but the work that goes into producing an archive. I mean the stories about Harold Garfinkel's own archive are a book in themselves, the battles over his materials. Robert Merton's archive would be another story that would be interesting if you can get people to reveal the shenanigans, you know what you put in it and what you keep out of it. That's the kind of work that interests me.