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Legislating at the shopfloor level: Background Knowledge and Relevant Context of Parliamentary Debates

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Abstract : The issue of context has fuelled much debate in the social sciences, stretching from broad conceptions to narrow ones. It is our contention that ethnomethodology's unique adequacy requirement furnishes a sound solution, providing it is tamed with a conception of feasibility. Within parliaments, a distinction must be drawn between the dialogical site of parliamentary debates and their embedment within the broader dialogical network of public debates. On the dialogical site, parliamentary debates are organized in contextually dependent though institutionally constrained ways. Within dialogical networks, parliamentary debates are publicly and explicitly oriented to their social out-of-the-parliamentary-precinct dimension. The contribution first introduces the various ways in which the issue of context is tackled by the social sciences and re-specified by conversation analysis, arguing that a distinction must be drawn between background knowledge and context. Second, it turns to parliamentary contexts and argues that there is no context to hypothesise outside what is publicly available and empirically observable in the course of exchanges constituting and embodying parliamentary activities. Third, drawing from the empirical material of one specific parliamentary debate that took place in Syria on the issue of family and family law, it demonstrates that legislative activities within a Parliament are constrained by the MPs' orientation to audiences, search for legislative relevance, and reference to, and use of, procedural rules.

Keywords: context, ethnomethodology, parliaments, audiences, legislative relevance, procedural rules

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1. Introduction

The issue of context has fuelled much debate in the social sciences in general and in the field of talk-in-action in particular. Schematically, it stretches from those who, on the one side of the spectrum, favour a broad conception (including macro, meso, and micro determinants) to those who, on the other side, stick to a narrow conception (the context being restricted to what is publicly relevant and procedurally consequential for members). In between, there are many intermediate and compromise positions. It is our contention that ethnomethodology's unique adequacy requirement furnishes a sound solution, providing we tame it a little bit with a conception of feasibility. This type of reasonable adequacy requirement can be found in what is known as ethnographic ethnomethodology or ethnomethodological studies of work.

Within parliaments, the relevant context is both emerging and publicly available. A distinction must be drawn between the dialogical site of parliamentary debates and their embedment within the broader dialogical network of public debates, e.g. via the media. On the dialogical site, parliamentary debates are organized in contextually dependent though institutionally constrained ways. Within dialogical networks, parliamentary debates are publicly and explicitly oriented to their social out-of-the-parliamentary-precinct dimension. In other words, parliamentary debates are both contextualizing and contextualized: they make utterances formulated within the room of the parliament parts of a parliamentary debate; they belong to the larger unit of the social and political debate at large, which is explicitly identified as the ongoing debate

by its many participants. While legislating the society, MPs are also legislating within the society; their performance is socially, intertextually and dialogically embedded.

In this contribution, we shall first introduce the various ways in which the issue of context was tackled by the social sciences and re-specified by conversation analysis, arguing that a strong conception of context tends to ignore that it is itself grounded on a tacit background knowledge that must be accounted for. We shall therefore draw a distinction between background knowledge and context and stress that there is no way to describe participants' orientations to the features of the context without being adequately knowledgeable regarding its background. Second, we shall turn to parliamentary contexts and argue that, contrary to mentalistic, historical, or model-oriented theories of parliamentary discourse, there is no context to hypothesise outside what is publicly available and empirically observable in the course of the discursive and non-discursive exchanges constituting and embodying parliamentary activities. Here, we shall describe how parliamentary contexts are constrained by their being dialogical sites, where any action is situated in a way that permits to describe it in its very specificity, and their being embedded within dialogical networks, that is contextualized within a framework of longer sequences and background expectancies. Third, drawing from the empirical material of one specific parliamentary debate that took place in Syria on the issue of family and family law,¹ we shall argue that,

¹ There is no particular reason for choosing the Syrian parliamentary context but the authors' scholarly and linguistic competencies, and their conviction that there is no reason to assume the cultural specificity of any context. This issue is nicely addressed in Moerman's (1987), Liberman's (2004), and Sidnell's (2005) non-ethnocentric studies.

whereas proper background understanding of parliamentary debates cannot be achieved but by meeting the requirement of an adequate *a priori* knowledge of the local features, their proper context is made of the constraints exerted on its participants' public activities. We shall then demonstrate that legislative activities within a Parliament are constrained by the MPs' orientation to audiences, search for legislative relevance, and reference to, and use of, procedural rules.

2. Background knowledge, context and reasonable adequacy requirement

Theories and conceptions of context are many. There is obviously a consensus on the necessity to consider the context as primordial, although there is little agreement on the meaning to give to such an assumption. On the one side of the spectrum, one finds a broad and all-encompassing conception of context that tends to include many layers and determinants. The context is here assimilated to the *social structure*. This attitude is what Pierre Bourdieu calls structuralist constructivism. Obviously, social structures are primordial: agents' subjective representations are grounded on, and interactions constrained by, these objective structures. It is the role of the social scientist to abstract the latter from agents' subjective representations. In other words, the context of action is primarily made of these structural features that constrain the agent's behaviour while escaping his/her consciousness. Anthony Giddens' structuration theory is another example of this all-encompassing, multi-layered conception of context. It aims at explaining the constitution of the social system considered as the formation of regulated models of social relations conceived as reproduced practices. In such social system, agents' daily activities are considered

within a whole that necessarily imposes itself to them: the micro has been re-absorbed by the macro (Corcuff, 1995: 53).

On the other side of the spectrum of approaches to context, there is a wholly different conception which, instead of considering that it is a structure that constrains and/or permits agents' actions, restricts it to what is *publicly relevant* and *procedurally consequential* for members. According to this conception, an analyst is not free to invoke whatever variables he/she feels appropriate as dimensions of context, but must demonstrate in the events being examined that the participants themselves are organizing their behaviour in terms of the features being described by the analyst (Duranti and Goodwin, 1992: 192). It practically means that, in examining any phenomenon, two questions must be posed in order to know whether something belongs to the context of this phenomenon: (1) whether such categories are relevant to participants; and (2) whether they are procedurally consequential, i.e. participants orient to them in the course of their action (Schegloff, 1987). Thus, when investigating an action and determining its context, the analyst must be careful in grounding the analysis in participants' actual orientations to the performance and understanding of their actions.

This strong conception of the context, although it is very appealing methodologically and epistemologically, raises many questions regarding the extent to which other features deemed by Schegloff external to the participants' situated talk can be included as resources for analysis. Various answers are given, stretching from a principle of mutual affinity between "real time" and unmediated data and other

ethnographic resources to a principle of limited affinity between these two types of empirical material (Maynard, 2003: 64-87). For instance, in his research on talk-in-action in American and Thai contexts, Michael Moerman advocates a *culturally contexted conversation analysis*: “Ethnography must be provided with explicit methods for testing conclusions against uninterrupted and public data. Conversation analysis must aspire to bring us into touch with the lives of strangers and with our own lives; to resonated with culture’s meaning; to acknowledge that talk is placed in a society” (Moerman, 1988: 87). Contrary to Clifford Geertz’s interpretive anthropology, which, in a mentalistic way, posits culture as “an invisible, inaudible, impalpable, single, homogenized, idealized script-like entity that somehow underlies and accounts for the variety actually experienced” (Moerman, 1988: 91), contexted conversation analysis seeks to duly take into account “the sense and resonances of words” and “the social organization that gives them meaning” (Moerman, 1988: 99). As Sidnell (2005: 138) puts it: “What Moerman is arguing for here is greater attention to the situated particulars of talk-in-interaction”.

This critique of the strong conception of the context consists mainly of saying that, in order to be competent participants in an interaction, people must share some common theoretical and practical knowledge about their environment, which has to be known by the analyst in order to make sense of what happens in this setting and what makes people act in a relevant way. However, according to Maynard, although there is a strong impulse to grasp a wider social backdrop to any activity, the precise direction to which this would lead us remains unclear. While espousing Schegloff’s strong

position, Maynard also promotes the notion of *limited affinity* between conversation analysis and ethnography, which takes three possible directions: the ethnographic description of settings and identities of parties; the ethnographic explication of taken-for-granted terms, phrases, or courses of action unfamiliar to the investigator; ethnography as a post-hoc way of explaining the existence of interactional practices (Maynard, 2003: 73).

However, when arguing in favour of a limited affinity between ethnography and conversation analysis, Maynard displaces the issue of relevant context but does not solve it. The difference between what he calls an unclear impulse to grasp a broader social backdrop and his controlled way of using ethnography as a complement to conversation analysis appears not as a difference of nature, but only of degree. According to his standards, it remains utterly difficult to know when and how the investigator is allowed to complement the analytic description of an interaction by the ethnographic assessment of the background necessary for its understanding. While it is true that all-encompassing conceptions of social structures, cultures and contexts escape any control and assume unverifiable features of interaction, it is equally true that conversation analytic conception of context as what is relevant and procedurally consequential for participants is necessarily grounded on tacit background knowledge of the hereabouts of the setting, its members and the resources on which they draw to competently act and make sense of their environment. In other words, while the former have no proper conception of the context, drowning empirical data in non-falsifiable assumptions about mind and culture as surreptitious acting factors, the

latter have a conception of context that avowedly puts it in a self-containing vacuum and implicitly makes it dependent on unacknowledged background understanding. One way out of this conundrum is to *stop conflating the relevant context of an action and the background of its understanding*. In other words, we propose to resolve the vexing question of the context by considering that, although the context is, following Schegloff's strong conception, what is relevant and procedurally consequential for participants, there is no access to the understanding of this emerging context outside the sharing of background knowledge, first, among participants, and second, between participants and analysts. Only such knowledge makes of participants competent members and of investigators, adequate analysts.

Ethnomethodology requires from its practitioners to be competent in the social phenomena they are studying. It is an ideal requirement referred to by Garfinkel as unique adequacy:

(... A) phenomenon of order is only available in the *lived* in-courseness of its local production and natural accountability. (1) In its weak use the unique adequacy requirement of methods is identical with the requirement that for the analyst to recognize, or identify, or follow the development of, or describe phenomena of order in local production of coherent detail the analyst must be *vulgarly* competent to the local production and reflexively natural accountability of the phenomenon of order he is "studying."
(...) (2) In its strong use the unique adequacy requirement of methods is identical with the following corpus-specific finding of EM studies. Available to EM research, the finding is used and administered locally as an instruction: *Just in any actual case* a phenomenon of order already possesses whatever as methods methods could be of [finding it] if [methods for finding it] are at issue. (...)

Ethnomethodology is concerned to locate and examine the concerted vulgar uniquely adequate competencies of order production. (Garfinkel, 2002: 175-176)

Garfinkel's *unique adequacy requirement of methods* is a call for a way to approach to social phenomena, not a mere set of methodological instructions to catch them. It differs from traditional ethnographic policies by its injunction to master the practical knowledge of competent members of any activity under study. As Michael Lynch puts it, Garfinkel seems "to have devised a program for 'going native,' disappearing into the field without delivering social scientific accounts of the 'field experience'" (Lynch, 1993: 274). In other words, it is neither about observing people at work and coming back with a narrative glossing their activities, nor about going in to the practices studied in order to come back with a cognitive map or other representation of the culture; it is about acquiring the knowledge associated to any kind of work in order to be able to competently practice it and therefore to adequately describe it. The requirement has to do with "a method for demonstrating what a description says about a practice by enabling readers to see what is said by entering into the phenomenal field of that practice" (Lynch, 1993: 302). It seeks to gain access to the way in which members observe, describe, explain, represent or otherwise engage in practical actions. In Wittgenstein's terms (1963: § 126), it is an urge to reorient away from explanatory models towards a concern with what "lies open to view." To put it in a nutshell, it requires an epistemic attitude, which does not consist of building a new epistemic vantage point from which getting inside the singular essences of every speciality, but is made of a kind of empathic familiarity with a characteristic "form of life" (*id.*: § 19) and its specific "grammars" (*id.*: § 90) that, first, repatriates the objects of social-sciences discoveries into members' seen and practiced routine social phenomena and, second, permits to transform the "seen but

unnoticed” of such routine phenomena into noticeable practices open to ethnomethodological description.

Garfinkel’s unique adequacy requirement furnishes a sound solution, providing we tame it a little bit with a conception of feasibility. It is indeed impracticable to engage in any study of social practices with the aim or precondition to be totally uniquely adequate to the social phenomenon under scrutiny: every practice being singular, it would require to be uniquely adequate to any singular phenomenon one purposes to describe. It would result in a solipsist deadlock since it is only to oneself (and even!) that one can be fully and uniquely adequate. Garfinkel’s requirement should not be understood as a call for self-empathic introspective description. Instead, it can and should be taken as urging the analyst to take seriously the practices it aims to describe, that is, to secure an access to these practices that gets as close as possible to that of an ordinary practitioner.

3. Institutional and parliamentary context and background knowledge

Without proper background knowledge, it is impossible to simply identify these aspects of institutional context which are relevant to participants and procedurally consequential for the ongoing activity. How do we know this setting is a courtroom or a parliament? How do we know this language is English or Arabic? How do we know this action is instructed by the code of judicial procedures or by the parliament’s by-laws? Although this is something which emerges from participants’ orientations and is procedurally consequential in the enfolding course of action, this is at the same time

something that cannot be identified and described by both the practitioner and the analyst without proper background and *a priori* knowledge.

Institutional discourse analysis tried to address this issue. According to Van Dijk, “there is of course no *a priori* limit to the scope and level of what counts as relevant context” (1997: 14, quoted in Miller 2004: 275). In the case of parliamentary debates, “rather than for instance by their topics, style or turn-taking, parliamentary debates are primarily (and rather trivially) defined by the fact that the people engaging in these debates are Members of Parliament (MPs), that the debates take place in the political institution of Parliament, and that the MPs are ‘doing politics’ or ‘doing legislation’ among other contextual features” (Van Dijk, 2004: 339). It leads him to claim that “contexts should not be defined in terms of some kind of social situation in which discourse takes place, but rather as a mental representation, or *model*, constructed by the speech participants *of* or *about* such a situation” (p 349). And to add: “Without a conception of the communicative event as represented by a context model, participants are unable to adequately contribute to ongoing discourse. They would be unable to produce and understand speech acts, would be unable to adapt topics, lexical items, style and rhetoric to the current social event, and they would not even be able to tell what the recipients already know, so that they do not even know what ‘content’ to express in the first place. Indeed, without context models, adequate, contextually sensitive discourse is impossible” (p. 350).

However, as Van Dijk self-avowedly remarks, “we can only guess what contexts (i.e. context models) look like” (p. 351). Actually, one can wonder whether “doing

politics” or “doing legislation” can be understood in terms of the Parliament’s contextual features. Doing politics and doing legislation is an activity, a *practice*, and MPs’ activities can hardly be considered as the context of their activities; rather, in Garfinkelian terms, it is the “just-thisness” of their activities. Instead of considering the just-thisness of MPs’ activities, Van Dijk conflates context and background knowledge, which he further seeks to cognitively modelize. While it is absolutely necessary to meet some adequacy requirement in order to make sense of what happens within Parliaments, it is equally necessary not to assimilate participants’ or members’ background knowledge and competence with the specific context of any occurrence. Moreover, Van Dijk’s approach is deeply mentalistic, displacing the black box from social structures to people’s minds. What people have in mind cannot be caught through analysts’ hypothetical assumptions about what links situations and discourses, but only through participants’ actual actions. The context is not made of mental models floating in some cognitive vacuum and “forcing a particular application on us” (Wittgenstein, 1963: § 140). To the contrary, what people like MPs have in mind takes the shape of practical achievements within contexts where their actions partly embody their background expectations and partly unfold in a contingent way. Only practice tells us about people’s mind (§ 140). In that sense, context models do not shape participants’ contextual relevancies; on the contrary, participants’ orientations situationally and specifically foreground what is relevant for them in the course of their activities. In his context model theory, Van Dijk confounds context, background knowledge and competence: what is a necessary knowledge in order to be an

ordinarily competent MP does not necessarily belongs to the context, that is, to what is made publicly relevant within the course of action.

We find the same type of conflation between context and background knowledge in Teresa Carbó's work on the Mexican Parliament: "it is indispensable to understand context in a fittingly complex way along time (... and to show) how analytic work on the present from the point of view of the past avoids the risk of assuming a flat context, since the past is always in a dialectical relationship with a multidimensional present" (Carbó, 2004: 310). Although the mind is replaced by the past, the same assumptions concerning the need for (mental or historical) depth lead to a similar ascription of non-falsifiable features to any singular context. "Also in parliamentary discourse analysis, there seems to be a minimal depth that is required to detect the different forces that support and criss-cross the scene at a given point in time, a perspective which can only be provided by history, but only insofar as those historical circumstances are 'wired' or ingrained into the (micro) analyses" (p. 311). However, once again, there is no heuristic ground for confounding the background and the context, the former being the condition that is required for understanding the latter, as a participant as well as an analyst. It would otherwise make us commit some kind of *God or History fallacy*, which considers that there is an external and all-encompassing point of view that allows understanding what takes place within some specific setting beyond the participants' practical orientations to it. Whereas the historical/theoretical fallacy assumes that the setting is some disordered place on which only external, either historical or theoretical, analysis and reordering can shed rationalizing light, we

consider that there is intrinsic rationality and endogenous order proceeding from the people's orientations to the site and actions in which they participate.

Contrary to mentalistic or historical, rational choice or communicative-action model-oriented theories of parliamentary discourse, we claim that there is no context to hypothesise outside what is publicly available and empirically observable in the course of the discursive (and sometimes non-discursive) exchanges constituting and embodying parliamentary activities. In that sense, models provide only retrospective rationalisations erasing the phenomenal properties of the situations they were deemed to analyse. However, no publicly available context would be understandable without the proper background knowledge allowing the analyst to make sense of what happens within such context as a competent member. It means that even the most restrictive conception of context relies upon competences like language and cultural familiarity. Whereas background knowledge and member's competence are not part of the context, they do constitute *conditions for its intelligibility*. This is well exemplified in Lynch and Bogen's study of the Iran-Contra hearings (Lynch and Bogen, 1996). The close scrutiny of the moment-by-moment enfolding of the "spectacle of history" and the "truth engine" in the production of a master narrative in hearings questioning state policies and individual agency within these policies is made possible by, first, the authors' linguistic competence, second, their knowledge of American politics, and third, their scientific expertise in the fields of commonsense and professional reasoning. However, the context of their analysis, that is, the context which is relevant

for the participants whose actions they focus on, is strictly limited to what is made available on the videotape material on which their work is grounded.

We do not intend to discuss in length the various implications that a proper understanding of the notion of context allows drawing in the ethnomethodological tradition, like ten Have and Psathas' "situated order" (1995), Drew and Heritage's "context shaped and context renewing" (1992), and Pollner's "self-explicating settings". We just mention briefly the main features Drew and Heritage identify as characteristic (but not exclusively) of *talk in institutional contexts*: its orientation to goals pre-defined by their institutional embedment; its shaping by constraints proceeding from this context and its functionality; its organization along inferential frames and procedures specific to such context. These features have important consequences in terms of turn-taking organization, structural organization of the interaction, turn design, lexical choice and interactional asymmetries (Drew and Heritage, 1992). Drew and Heritage add to this list the specific nature of sequential organization of institutional talk.

As Arminen (2005: 42) puts it, "institutional interaction is a site in which the prevailing set of beliefs and mode of organization are made relevant and procedurally consequential for interactants". This site is a *dialogical site*: although parliamentary discourse is made up of monologues addressing related questions, "the nature of the discourse is not monologic but dialogic" (Bayley, 2004: 25). The many activities that take place within one and the same place are largely constrained by this situated embedment. This site is dialogical because speeches and discourse are conceived as

exchanges between authorized participants, i.e. Members of Parliament. Parliamentary debates are partly organized speech exchanges taking place within such a dialogical site, which are regulated by rules that are textually catalogued in the Assembly's by-laws and largely inspired by ordinary practices specific to institutional discourse, argumentative processes, political debates, and other local features.

Parliamentary activities are embedded within a *dialogical network*. Originally, this notion aims at describing how media events, like TV and radio programs, press conferences and newspaper articles work within a network, in the sense that they are interactionally, thematically and argumentatively connected, although this dialogical interconnection is separated in time and space, that is, without the participants' co-presence (Nekvapil and Leudar 2002 ; Leudar, Marsland, Nekvapil 2004). This notion of a dialogical network was extended beyond the sole media to institutional activities, like legal cases, which function within a network articulated around the "file" (Dupret, 2006). Leudar and Nekvapil (forthcoming) also explored dialogical networks that integrated parliamentary debates related to the 9/11 events. However, the authors were not interested in parliamentary debates *per se*, but in the re-taking by other actors and media of the statements parliamentary speakers made at that time, whereas, in still forthcoming studies, we explore in depth the ways doing politics and legislation is achieved in Syrian and Egyptian parliaments and how these dialogical sites articulate with the dialogical network to which they apparently though not necessarily belong (Dupret, Belhadj, Ferrié, forthcoming; Dupret, Klaus, Ferrié, forthcoming).

Related to what we said concerning dialogical networks and to our critique to mentalist approaches, we stress the necessity to consider, not what there is in the mind of speakers that accompanies their uttering something, but what *surrounds* it, what happens before and afterwards that expresses what they mean (Wittgenstein, 1963: § 20). Our understanding of sequential organization of institutional talk cannot be reduced to limited stretches of recorded speeches. Pollner (1979), for instance, shows that numerous explicative transactions take place when the rules of a game one starts playing are more or less ambiguous, open to interpretation and indeterminate. Not taking into account the full sequence of the process would make us run the risk to over-speculate on the off-the-record preliminaries (Bogen, 1999: 108). Action, interaction and discourse must therefore be resituated within their *full sequential context*. To put it in a nutshell, we claim that the context is both contextualizing (any action is situated in a way that permits to describe it in its very specificity) and contextualized, that is, it is integrated within a framework of longer sequences and background expectancies. Paraphrasing Paul Drew (1992) who speaks of an *overhearing audience* to designate the silent public to which parties address themselves beyond their direct verbal exchanges, we speak of an *overreading audience* to designate the reader, hearer or spectator who is absent and to whom speakers address themselves, i.e. an auditor whose interest in the case is differed in time and space.

There are numerous items of background knowledge that are necessary in order to identify and to make sense of participants' orientations and procedural

consequentialities within the course of parliamentary activities. This is the case with the provisions of the Parliament's by-laws, the various parliamentary commissions' reports, MPs' individual partisanship, etc. The lack of knowledge of these items makes it impossible to catch their contextual relevance. In other words, contextual relevance is conditional upon institutional competence or adequacy.

4. Context as constraint

The legislating process takes place on a dialogical site, i.e. the parliamentary precinct, and is embedded in a dialogical network made of e.g. the many government and media agencies that put the subject on the agenda and are already engaged in direct or indirect arguments with regard to it. In that sense, the Parliament, while it is legislating the society (which is the implicit addressee of its work and which the assembly is deemed to represent), is also legislating within the society through a dialogically and intertextually embedded performance. In the enfolding course of such performance, members orient to the relevant features of the context. Of course, there is a background knowledge (necessary for the understanding of the way the Parliament functions and its members orient to the context of their performance), which is made of both the participants' and the analysts' familiarity with the characteristic *form of parliamentary life* and the specific *grammar* of e.g. legislating activities.

As for the context, drawing from excerpts of a parliamentary debate that took place in Syria on the 19th of October, 2003, on the issue of family law, we can now demonstrate that, and how, it is made of the constraints that surround them and

directly contribute to their shaping: (1) the orientation to material and virtual audiences; (2) the alignment on political and legislative relevancies; (3) and the reference to institutional and procedural requirements. Throughout the debate on the elevation of the age of custody of children, these constraining contextual features to which participants orient are manifested, made explicit, and used for all practical legislative purposes, that is, a the shopfloor-level accomplishment of crafting the law.

4.1. Orienting to audiences

In their respective speech turns, speakers address audiences. The latter can be material (the people present in the precinct) or virtual (the public in the broad sense). Discourse analysis sought to draw a typology of participants in parliamentary debates. In this perspective, a first distinction was made between participants and non-participants. Within the category “participants”, we find the speaker, the direct addressees of his discourse and all those who participate in the debate but are not immediate addressees of this specific speech turn. The other people fall in the category “non-participants”. These are the persons openly co-present but external to the debate (the bystanders) or those who listen without the speaker being conscious of it (the eavesdroppers), with many intermediate categories (Ilie, 2003: 46). This typology, coherent as it may seem, is nevertheless problematic in many ways, since it does not proceed from the endogenous expression of everyone’s status, but from the exogenous ascription of identity by an external observer. It presumes of everybody’s activity independent of people’s *empirical and endogenous orientation* to its relevance, mixing formal categories (MPs, secretaries, press correspondents, public)

and commonsense considerations (those who hear without being seen, prying eyes, eavesdroppers). However, everybody's status is an emerging property, a status that is claimed, ascribed and oriented to within the course of the debate, independent of any a priori categorization. Hence, the speaker is the object of an explicit speech-turn allocation by the President (“[Our] colleague... has the floor”), while the President himself vouches for his status through many moves, like speech-turn self-allocation, but is also confirmed publicly by the respect manifested to his position of speech-turn allocating party and by the address terms used by the speakers (“Mister President – Esteemed colleagues”). Such is also the case with the secretary, who is asked to intervene in his quality and who publicly exhibits his status through his accomplishing the action he was required to perform:

Excerpt 1, 19 October 2003

The President –

5 [...] canceled the required delays. This is why we will undertake the study of the draft law

6 and the report. I request that the secretary read the Commission's report out loud.

7 **Mister President of the People's Assembly**

8 The Commission for Constitutional and Legislative affairs held its session at 11:00...

It is the explicit orientations of the participants to the interaction that make everybody's statuses, functions and roles emerge, as well as they are constitutive of the audiences they address. The audience is no more made of the set of people hearing and participating from the overhanging and putative point of view of an all-knowing analyst, but of the *addressees* of the people engaged in that course of action (e.g. the Assembly, its President, the colleagues, the Commission, the Commission's President,

the MPs nominally designated) and/or the people claiming for themselves such status in the same course of action (e.g. the Assembly's President, MPs on their own behalf, the Commission's President in his quality, the Commission's reporter in his quality). The many audiences are in turn manifesting themselves or designated, including virtual audiences (i.e. absent from the precinct), be it the public to which the television and the press make debates accessible or instances to which the MP is accountable for his election or designation and therefore accountable for his parliamentary activity (e.g. constituency, political authorities, partisan leadership). In the debate under scrutiny, such political instance does not appear explicitly, contrary to another debate at the People's Assembly concerning the creation of the Syrian Organization for Family Affairs, during which it was frequently referred to the President of the Republic, as it appears from the following excerpt:

Excerpt 2, 14 December 2003

Mr Muhammad Najâtî –

99 The national conference on women and education in Damascus convened in Damascus
100 under Mr. President's enlightened aegis (*ri`âya `aqliyya*) All this is situated in
101 line with the modernization and development led by His Excellency,
102 the president of the republic, President Bashar al-Asad, who's, in this
103 pursuing the path of the eternal leader, Hafiz al-Asad, who said : A stable family is the
104 cornerstone of the social construction.

The orientation toward a virtual audience, although it is not frequent in our debate, takes two forms. It is either the invocation of "society" in its broad sense:

Excerpt 3, 19 October 2003

Mr Faysal Kulthûm –

274 Mister President – Esteemed colleagues.

275 It is only logical that I sum up for you the debates that took place within this Commission

279 [...]The debate was manifestly free. We arrived at

280 the [conclusion] that the project presented by the government was not compatible with

281 what is required for social and family life, although the government’s

282 project appeared, in the general discussion, to be clearly compatible with other legislation

283 with regard to the son’s criminal liability [...]

Otherwise, it can take the form of an invocation of “democracy” (implying therefore the prominence of the majority and the respect for minority opinions):

Excerpt 4, 19 October 2003

Mr Muhî al-Dîn Habbûsh –

259 Mister President – Esteemed colleagues.

260 We are pro-democracy, event though we closed the debate on an

261 important subject, which has repercussions on all society. I would like [...]

In close association with their orientation to these audiences, speakers mobilize multiple argumentative and categorization devices. Following Jon Elster (2005: 59), we observe a distinction between argumentation (formulation of statements pretending to their validity) and negotiation (formulation of menaces and promises pretending to their credibility). Subsequently, we discern a *strategic usage of argumentation*, that is, the formulation in an argumentative way of stakes specific to negotiation and partisan and personal interests. In this debate, MPs act, in front of a multiple audience and according to parliamentary rules, for all practical purposes; they “perform” their

quality of elected people, of legislating people, of people charged with the role of debating public good, of politician, or even of people acting for their own interests.

A complete examination of the grammar of this specific parliamentary debate would further document how discursive performances on this site are closely constrained by their embedment within a dialogical network made of MPs' retakes of themes and issues formerly raised in or outside the parliamentary precinct and of the direct, co-present, overhearing, and virtual audiences to which they orient and address themselves when taking the floor.

4.2. Looking for political and legislative relevance

We now seek to describe the form speech turns can take and how argumentative repertoires and discursive strategies are closely intertwined.

Excerpt 5, 19 October 2003

Mrs Wa'd Khaddâm –

54 Mister President – Esteemed colleagues (*al-sâda al-zumalâ*).

55 Custody is among the rights of the child, and was legislated in their interests. This is the

56 fundamental principle established by jurisprudence (*fiqh*) and law. Interpretation is made

57 in favor of the [child] in custody in all fields. Because children's education

58 is not the same in modern societies as [it was] in older societies, and because it

59 imposes a change in those societies' infrastructures, we are requested that the duration

60 of custody be prolonged. [...]

68 This is why we consider that the proposed amendment safeguards these interests and I ask that

69 the judge be [granted] the power to determine the child's best interests on a

70 case-by-case basis.

71 There is also the question of an increase in alimony payments for each child, and a guaranteed
72 residence for each [child] held in custody. [...]
76 This question has been resolved in Tunisia, Algeria, Egypt, Iraq, Yemen, and Kuwait.
77 For all these [reasons], I am in favor of the draft law and its speedy promulgation.
78 Thank you.

When taking the floor, Wa'd Khaddâm obviously appears as a woman. It is manifested physically as well as through gender indexing, when the Assembly's President allocates the turn by mentioning her forename ("Wa'd") and feminizing the address term "colleague" (*zamila*). This categorization opens the door, logically though not necessarily, to the use of a *membership categorization device* organized around the "child". The latter is presented with interests and rights (her needs in terms of breeding, education, maintenance, custody) that must be protected. The speaker's reasoning proceeds from the following syllogism: (a) the child's interest is to be guarded according to her specific needs; (b) in a modern society, the child needs to be guarded longer by her mother; (c) Syrian law protects the child's interest in a modern society through the extension of her custody by her mother. The idea of modernity plays a pivotal role in this syllogism. The reasoning works on an implicit according to which education in a modern society imposes to entrust the child to her mother for a longer period of time. In other words, the membership categorization device working here is a device linking the child to her mother for the needs of education the length of which augments with the society's modernity.

It is the same reasoning that is followed by Ghâlib `Anîz, except (but this difference is highly implicative) that it is the father who is presented as the aptest to prepare the child to confront the difficulties of modern life:

Excerpt 6, 19 October 2003

Mr Ghâlib `Anîz –

205 Mister President – Ladies and gentlemen, esteemed colleagues (*al-zamilât wa'l-zumalâ'*),
206 God granted women tremendous qualities and merits and raised her to a
207 prominent place in society. Good results and success can only happen with the agreement of both
208 parents, the mother and the father.
209 Women constitute half of society, men the other half. A proverb says: 'Man
210 is a shield and the woman is a garden.' Who could deprive women of their rights?
211 She is the artisan of men, she is the mother, the sister, the wife. Without her, they cannot
212 prosper. The Prophet – God's blessings and peace upon him! – said: "Women are men's
213 companions. Woman is this who is loving and affectionate; she is the basis and
214 the solid ground of families' success, development and well-being."
215 Woman's happiness reflects positively on family's happiness.
216 But their ardent affection and tremendous fondness make women incapable – I don't say
217 always but most often – of controlling young boys when they reach their teen years, as well as girls
218 when they get older. [...]
222 The age established by the proposal, after extensive study, may be the most adequate and
223 the closest to reason, to all opinions, to their directions and their aims. I am in favour of the
224 Commission's amendment, but I [wish] that this extension be such that no room be left to
225 judicial dispute and antagonism, that the extension the Commission has proposed be optional
226 and be decided in camera, so that neither of the two spouses will be forced to present a
227 petition and drag it on. [...]

Here, we observe a specific configuration of the debate, i.e. its functioning in a mode of *solidarity without consensus*: solidarity on its basic terms (modernity, law, child's interest); dissensus on the consequences to draw (mother's rights vs. father's rights). In a way, we are watching a competition on the mastering of the definition of the elements of a membership categorization device. This is the family device, with its collection of elements (parents, children), some of which are paired (father-mother, children-parents, brother/sister-brother/sister). Activities are bound to this device's categorizations: to marry, to divorce, to live together, to educate, to guard, to breed, etc. The relationships between the many paired elements and the activities which are bound to the device and its elements constitute the object of the competition, but this is not a conflict of categorization but a conflict of apportioning the rights and duties bound to the device's elements. We see how commonsense categorizations unfold in a cleaved way, on the ground of the same components and belonging mechanisms, always pretending to the normality/naturalness of the relationship configurations they establish. When looking for legislative relevance, MPs are engaged in two symmetrical types of conflicts: *conflicts of categorizations* (e.g. the characterization as "father", "dad", or "head of family"); *conflicts of apportionment*, where it is not the belonging to a category in which the argument originates, but the determination of normal/natural rights and duties which are bound to it (e.g. the father is "responsible", the mother is "loving").

Meaning is no mental state, but a practice embedded within characteristic forms of life. MPs' production of political and legislative relevance belongs to those practices

of meaning that surround the activity of doing politics and crafting the law within the parliamentary precinct. Relevance does not take place privately; rather, it is a performance that unfolds publicly within the language-games to which MPs are used and in tune with what is considered retrospectively and prospectively meaningful. Parliamentary debates take their shape, at least partly, from the constraints that the grammar of relevance exert on the ways in which MPs accomplish their function.

4.3. Procedural rules as constraints and resources

MPs frequently orient to the Parliament's by-laws as the set of provisions organizing and regulating debates and voting. We shall observe it at two levels: first, the performance of the function of President of the People's Assembly; and second, the use of procedural roles as a creative and opening device.

The President exerts prerogatives which are textually formulated in the provisions of the Parliament's by-laws. If we present in a synoptic manner the two segments of the pair constitutive of the (parliamentary debate), that is, the [provisions of the by-laws] on the one hand and the <implementation of the provisions of the by-laws> on the other, we observe how the phenomenon of the parliamentary debate proceeds from what Livingston (1995) and Garfinkel (2002) call "instructed action". Through a synoptic table, we can see how a set of instructions "can be read alternatively so that the reading provides for a phenomenon in two constituent segments of a pair: (a) the first-segment-of-a-pair that consists of a collection of instructions; and (b) the work, just in any actual case of following which somehow turns the first segment into a description of the pair" (Garfinkel, 2002: 105-106). This pair can be designated as an

“instructed action”. The (parliamentary debate), as a practice endowed with phenomenological properties, must be read, in this case and in every singular case, as a pair whose two segments, the [provisions of the by-laws] and the <implementation of the provisions> are irremediably linked:

Table 1

Through this table, we can assess the instructed character of the President’s action. We see to what extent it takes place in a course of action constrained and normed by the by-laws, although it does not mean in any way that it is completely determined by its provisions, as in lines 461-465 where the President interrupts the speaker despite the express stipulation to the contrary in Article 43-C. In other words, the by-laws function as a guide for action, even when not explicitly invoked. The President’s action and the whole debate take place within a procedural and sequential context whose relevance is made explicit by the participants’ orientations to it. The action is constrained and the context is contextualized (see above), since it is embedded within a broad referential and procedural device that pre-exists it and influences its configuration. But this action is also instructing and the context is contextualizing. It means that every new move within the debate actualizes it, makes it a new instance of the type “parliamentary debate”, and contextualizes any action taking place in its further course. Moreover, any development, as the second segment of the pair ([rule]-<practice of the rule>), will in turn instruct further practices that will lean on the recurring feature of this way of doing to produce and reproduce the procedurally

correct use of the by-laws. Normed by the by-laws and past practices, the debate becomes normative with regard to its future practices.

Far from being a mere norm strictly determining action, the by-laws are used as a resource and a means to intervene in the course of the debate. As an argument of order, legitimate and legal, it works as a room for manoeuvre within which participants can penetrate so as to accomplish the task their mandate assigns to them and which they intend to perform, that is, “acting-as-an-MP”. Among the many resources the by-laws offer, the closing rule looks prominent in the Syrian debate under scrutiny. This technique permits to cut short the general discussion and to directly proceed to the discussion provision by provision. It presents the practical advantage to orient the debate in a direction favourable to the majority. In normal times, in the Syrian parliamentary system, it represents a most efficient weapon in the hands of the regime, since the latter always possesses an overwhelming majority in the Assembly. However, in situations where political belongings are less determining and where other types of membership, like gender and religious affiliation, step forward, the closing rule creates the possibility to call into consideration alternative proposals.

Excerpt 7, 19 October 2003

The President –

590 [Dear] colleagues, there is a second proposal to close the debate. Those who agree with this
591 proposal [show] it by raising their hands – hands are raised – majority in favour of the proposal.
592 [Dear] colleagues, the by-laws stipulate that we put [to the vote] the provision as
593 amended by the Commission. If it fails to secure a majority, we’ll put [to the vote] the

594 other proposals. Those who agree with the provision as presented in the Commission's
595 report show [it] by raising their hands – hands are raised – minority. [Our]
596 colleague Muhammad Habash has the floor.
597 Mr Muhammad Habash – Mister President – Esteemed colleagues.
598 I want to ask a question: Custom prescribes, as I understand from my colleagues, that we
599 proceed to the vote on the provision as proposed by the Commission. If it fails, we return
600 to the provision as proposed by the Government. If it fails, we return to the
601 MPs' proposals. I have presented a written proposal. Thank you.

The President –

602 [Dear] colleague, what you say is correct. We put [to the vote] the provision as
603 presented by the Commission and it did not secure a majority. Now, we will carry on as you
604 mentioned.

There are many other procedural rules which are used by MPs to intervene within the debate. It belongs to what we have called the orientation toward procedural correctness (Dupret, 2006). Indeed, many of these interventions proceed from the care for the expression of the accomplishment of the parliamentary duty according to the rules of the art. It manifests the MP's understanding of their function vis-à-vis the material audience of their colleagues or the virtual audience of their constituencies. However, in our debate, this care for the form is omni-relevant, so much that one can wonder whether this orientation to procedural correctness does not also reflect a kind of quibbling overbidding aiming at asserting an oppositional perspective from within a unanimity-type system. In a way, it consists of menacing the whole engine of paralysis on the ground of its own functioning rules, not with the aim to challenge the rules themselves, but because they constitute the last possible resort when the

substance of the debate and its outcome are largely prejudged. The orientation to procedural correctness does not only correspond, in such a case, to the care for the normal and normed accomplishment of the task of “acting as an MP”, but also becomes a means of action within, and on, the ordinary parliamentary process.

Excerpt 8, 19 October 2003

Mr Khidr al-Nâ`im –

695 Mister President, esteemed colleagues.

696 I`ve a question concerning the number of [MPs] registered as present

697 at the beginning of the session. If the number of those who agree is

698 less than half the total, the proposal can` t be considered to have passed. That is

699 why I ask that the number of [MPs] registered as present at the beginning

700 of the session. Thank you.

The President –

701 [Our] colleague Ghâlib `Unayz has the floor.

Mr Khidr al-Nâ`im –

702 Mister President, esteemed colleagues.

703 According to the by-laws, when an agreement is reached on a draft

704 law or on a provision, it is necessary that the number of [members]

705 present be evaluated and that voters in favour correspond to

706 half plus one to reach the majority. Any vote contradicting this is

707 considered as a breach to the by-laws and will expose us to

708 problems in future. I request that we verify that text and be

709 informed in a clear and complete way, so that we do not expose

710 ourselves to legal problems with regard to the by-laws and the

711 constitutional character of this law when it is promulgated in the

712 future. Thank you.

The President –

713 [Our] colleague `Âdil Jâmûs has the floor.

Mr `Âdil Jâmûs –

714 Mister President, esteemed colleagues.

715 The session is deemed regular when half the total number of the

716 members plus one, that is 126 members, [is reached]. [This means] that

717 87 members were counted out of 126, not on 250. Thank you.

The President –

718 [Dear] colleague Ahmad, I asked are there were comments on the draft

719 law, not that the minister be interrogated. For that reason, I hope that

720 you will postpone your commentary. [Dear] colleague Khidr, the

721 number of members agreeing is 87 and the number of members

722 disagreeing is 75. Nobody opposes but you. And, [dear] colleague

723 `Âdil et [dear] colleague Ghâlib, each of you is presenting a different

724 opinion without any objection. [Our] colleague Khidr

725 al-Nâ`im has the floor. [...]

Texts are part of the procedural context of legislative activities. While they do not represent an actual account of the many steps that lead to their use, they form the constraining horizon to which the many parties orient within the course of their legal and judicial activities. In other words, texts provide the parties with the frame within which they move and according to which they embed their action. They also serve as prospective guidebooks or milestones for action. To put it in a nutshell, by-laws and procedural provisions appear as a powerful means the MPs have at their disposal, a means that can be used to frame actions as well as to open a room for manoeuvre and

contest, what Jon Elster calls a circuitous use of resources established by the political system itself (Elster 2005: 60).

Rules do not force a particular use on the people who resort to them, in the course of their procedurally framed or their purposefully procedural action. It is on the contrary the use they have of these rules that show what MPs mean by them. The connection between the rule and its application is grounded in the practice of using the rule. Actually, the rule is nothing but the practice of the rule in the many ways of its formulation, obeying, implementation, dodging, contesting, application, etc., that is, the many grammars of the rule which correspond to the characteristic form of life of parliamentary activities.

5. Conclusion

This article addressed the issue of context within parliamentary debates. Contrary to cognitivist/mentalist, rational choice and communicational model-oriented theories of parliamentary discourse, we claimed that there is no context to hypothesise outside what is publicly available and empirically observable in the course of the discursive (and sometimes non-discursive) exchanges constituting and embodying the legislating process. In that sense, models provide only retrospective rationalisations erasing the phenomenological properties of the situations they were deemed to analyse. However, no publicly available context would be understandable without the proper background knowledge allowing the analyst to make sense as a competent member of what happens within such context. It means that even the most restrictive conception of context relies upon competences like language and cultural familiarity. Nevertheless,

background knowledge and member's competence are not part of the context, but only conditions for its intelligibility.

The background knowledge necessary for the understanding of the way the Parliament functions and its members orient to the context of their performance is made of both the participants' and the analysts' familiarity with the characteristic form of parliamentary life and its specific language-games. As for the context of parliamentary debates, the detailed study of the practical grammar of one specific case showed, firstly, how discursive performance on this site is closely constrained by its embedment within a dialogical network made of members' retakes of themes and issues external to the parliamentary precinct and orientation to the many audiences they address. Secondly, it also showed that debates are constrained by the search for political and legislative relevance, the production of which is a performance that unfolds publicly within the language-games to which MPs are used, according to what is retrospectively and prospectively meaningful. Thirdly, it made it possible to observe how MPs' discursive performance is constrained by the procedural rules organizing the parliamentary activity, the meaning of which is showed by the use MPs have of them. In sum, it appeared that the relevant context of this parliamentary debate was equivalent to the constraints surrounding it.

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