

The Duplicity of Testimonial Interviews—Unfolding and Utilising Multiple Temporalisation in Compound Procedures and Projects

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Key words:

duplicity, speech production, speech reception, conversation analysis, discourse analysis, trans-sequential analysis, temporalisation, forensic interrogation, qualitative interviews

Abstract: This article inquires the relevancy of multiple temporalisations for the discourse analysis of testimonial interviews. Step by step and by help of a range of empirical cases, the author widens the analytical scope (from questions, lines of questions, to supported interrogation by help of files and archives). He does so in order to reconstruct the efficient resources and means of forensic and administrative interrogations. The interviews turn out to be most powerful once they establish duplicity, meaning a partial separation of speech-production and speech-reception. Conclusively the author argues for a symmetrical view on scientific (qualitative) interviews and forensic interrogation. The separation of production and reception is widely ignored in qualitative methods.

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1. Introduction

This paper is, at the outset, about how to understand the efficacy of forensic interviews. This understanding, I suggest, is contingent on the temporal expansion of the discourse analytical scope: the procedural "before and after" of the interview under focus. The paper explores, furthermore, the family-likeness of a range of professional interviews: of social scientific, especially narrative or biographical interviews, on the one hand, and of administrative and judicial interrogations, on the other hand. The family-likeness of such diverse professional oral and documentary activities refers to their duplicity. Whether biographical interview or police interrogation, they all create some local transparency and shared understanding while concealing their most powerful effects for the empirical or forensic project under way. [1]

Both the methodological/temporal and the comparative/analytical aspect join issues of micro-power (rarely open coercion) and language use (in institutional

settings).¹ They join on the grounds of discourse analytical concepts that stress the multiple temporalisation of discourse praxis. Here I think of GOFFMAN's (1981) notion of "footing" and his claim that people do not just alternate "frames" but keep "different circles in play".² I state that at least one of these circles is kept enclosed in order to initiate an efficient/successful interview in both the social scientific and the judicial realms. [2]

Consequently, I depart from the common focus in order to reconstruct the efficacy of interviews. The analysis is not simply about the "clever" questions asked, but how the interview is part of a larger apparatus that organises the availability and the usability of utterances in expanded time-space. I.e., I do not interpret the question-answer play in isolation but as episodes of extended investigative processes³. Interview situation and investigative process serve as the dual footing that is vastly kept intransparent from the interviewee. The interview's duplicity involves the interviewee as witness "here and now", while at the same time feeding the wider process with durable discursive facts. [3]

2. From Interviews as Events to Interviews as Events *and* Procedural Episodes

The literature on language and power shows a wide range of critical studies that highlight the cohesive powers used by professional interviewers (e.g. police officers, judges, lawyers, etc.). These cohesive powers make somebody deliver cues against his/her own will. They make somebody talk, betray his/her own interests, and serve the institutional desire for information. The critical studies enumerate a range of discursive asymmetries that facilitate cohesion: the interviewer obtains the right to ask questions; the interviewer is able to provoke, threaten, and implicate; he/she dictates the pace of the query, etc. And more specifically, the interviewer knows how to use these linguistic means of power. The limitation of these discourse analytical studies is that they ascribe cohesion according to the mundane definition of the situations and their power relations. [4]

There is another analytical design that seems—at first sight—closely linked to the studies that identify questions—and the right to ask them—as the major means of power. German scholars, such as the linguist Werner HOLLY (1981), identified a range of powerful mechanisms that are utilised by the interrogators' questions

1 [ELGAARD JENSEN](#)'s and [SCHWARZE](#)'s contributions (in this issue) both show alternative but similar ways of constituting micro-power through the skilled use of language. MOREIRA ([in this issue](#)), for the health discourse, demonstrates the regulative effects of combining different diagnostic temporalities.

2 "For example in a medical research/training facility [...], a paediatrician may find she must continuously switch code, now addressing her youthful patient in 'motherese,' now sustaining a conversation-like exchange with the mother, now turning to the video camera to provide her trainee audience with a running account couched in the register of medical reporting. 'Here one deals with the capacity of different classes of participants to by-stand the current stream of communication whilst 'on hold' for the attention of the pivotal person to reengage them. And one deals with the capacity of a dexterous speaker to jump back and forth, keeping different circles in play" (GOFFMAN, 1981, p.156)

3 The same analytical move towards processes is exercised by MESSMER (2003) in order to analyse the initiation, stabilisation, and resolution of conflicts as processes of differentiation. MESSMER criticises sociology for not elaborating the category of process.

(e.g. the *gestalt* has to be finished; a tale has to be concluded; an action has to be reacted upon; a discrepancy has to be cured). However, in contrast to the question-centred studies, Holly describes these mechanisms in terms of duplicity ("*Doppelbödigkeit*"), meaning in terms of double-footing operations.⁴ Questions, for instance, are not primarily about directing the conversational course, choosing themes, or dictating rhythm and speed, but about gaining control over the later available product of the interview: the protocol, transcript, or report. The duplicity evolves exactly here: where (ephemeral) conversational moves trigger (durable) inscriptions. [5]

Duplicity, according to HOLLY, can be reformulated as the discrepancy of production and reception: the interviewer asks as a friend and receives the answer as a foe; he invites open speech and utilises the careless answers (1981, pp.286). Duplicity is not created by means of asking questions only, but by contrastive footings of questions and reception. The ways the answers are motivated differ from the ways they are taken and used.⁵ This divergence is productive: it makes an interviewee deliver meaningful, even telltale information for which, above all, he or she serves as an author or person responsible. The same occurs in the opposite direction: by formulating answers the interviewee may be oriented towards some later reception that is not necessarily covered by the occurring interview. [6]

Duplicity, I state, characterises many (not all) testimonial interviews, whether they take place in the name of law and order (forensic and legal discourses), or in the name of social enlightenment (qualitative, especially "subjectivistic" studies). Duplicity is used, whether the interviewee volunteers or is called on legal grounds. Before I start presenting specific interviews, I briefly define what I refer to as a "testimonial interview". In contrast to opinion polls (based on third-hand knowledge) or job interviews (based on expertise), testimonial interviews are based on some kind of presumed, assigned, or evoked (adjured) witness attribute. Something shall be reported on the grounds of direct experience, first hand knowledge, or eye witnessing. The interviewee, therefore, appears as a witness (of his or her own life, of a crime, or of an incident). This is why testimonial interviews include both truth-claims and methods to relativise or probe the given answers. [7]

4 SCHWARZE ([in this issue](#)) shows another example of this duplicity in everyday conversation: In her study, she shows how different conceptions of time (rather than removal of statements in time) are used to mark disagreement over questions of moral precedence, appropriateness, and generational conflict. Interestingly, the difference in conceptions of time is also used (duplicity) to make the otherwise unspeakable a workable matter of conflict.

5 KONTOPODIS' contribution ([in this issue](#)) shows how the file apparatus in a novel school performs a similar task: The students are invited to make their own contributions to the file by writing reports on their experiences. By becoming part of the file and thus of the discourse on their own formation of a professional identity, these contributions also acquire a quality of duplicity. The way in which the condensed experiences are used later differs from the circumstances they were originally made in. Furthermore, it is only in the combination of different materialities and temporalities that meaning can be ascribed to these experiences.

2.1 Clever line of questions: The star interrogator Perry

The following TV-episode was introduced by LYNCH and BOGEN (1996, pp.123f.) in order to emphasise the art and the promise of interrogation. During the episode, the interviewer reaches exactly his goal: the interviewee (here: the defendant) is cornered; he admits everything; he discloses details that were unknown to the audience. And the defence attorney Perry does all this with "just words". The power of his questions tears down the façade of lies:

Perry: Do I understand that you did not have a day-to-day knowledge of the information accumulated for that report?

Scranton: That's right. (1.5)

Perry: Then it must have been quite a surprise to you when you talked to Lehigh about it.

Scranton: But I never talked to Lehigh about it. Mister Mason. He was dead when we arrived at the laboratory.

Perry: I mean the first time you went to the lab, Doctor. (0.4) Before Mister Drake and I arrived.

Scranton: Well, I *didn't*.

Perry: I think you did, Doctor Scranton. I think you found out how thorough Lehigh had been. I think you found out that your counterspy had even investigated you.

Scranton: *Mister Mason, we know who the spy is. What are you trying ...*

Perry: I think the decedent showed you what he found in files A-100 and A-102. And I think he was ready to report to the board of directors that the very patents you had used to raise your financing for Trion were not yours to *pledge*. (1.8)

Scranton: No. (0.8) They weren't (1.0) But *Trion* was mine. (1.4.) I built it from scratch. He had no reason to tear it down. I didn't ask much of him.

Perry: No, not much. (1.4) Only that he compromise his integrity as you'd compromised yours when you founded your company on an out-and-out fraud. (4.0) (Dramatic music begins)

Scranton: He didn't understand. (2.0) He wouldn't listen, he was *rigid*. (0.4) Everything was black and white. (1.5) And when he refused—the money I offered him. (1.6) I picked up the pipe to threaten him. I didn't intend ... (3.0) (Violins rising in background) I hit him. (0.8) I hit him. (0.8) I did. I did. I hit him. I hit him. (Music reaches crescendo) [8]

What is happening here? Perry, the hero-lawyer, gets on his feet and steps to the side of the witness stand. The former colleague of the deceased is called as a witness. So far it is unclear what really happened that night in the laboratories. Perry's line of questioning sets off with marginal aspects and culminates in heavy assertions. The line of questioning makes the witness angry and agitated. Scranton, instead of denying the allegations, passionately justifies what happened and, by doing so, admits the offence. Perry unmasks Scranton vis-à-vis the judge, the jury, and the wider public. In SCHÜTZE's (1978) and HOLLY's (1981) terms, Perry employs both "soft strategies" (using the inherent drive

towards reaction and completion) and "hard strategies" (using discrepancies and involvement). [9]

2.2 Cross-examination and the "Contrast Device"

Perry's interrogation reminds us of some methods that were identified by means of ethnomethodological conversation analysis of court hearings. One prominent example is DREW's (1992) analysis of the defence's cross-examination in rape trials. The principle of orality, argues DREW, produces some powerful strategies of interrogation that work to both convince the jury as the "overhearing audience" and disempower the "hostile" witness, here the alleged "victim" of the rape. The witness, by getting involved in the methodical line of questioning, finds herself in a Scranton-like position:

"The witness's attempts to deflect or challenge what are for her the damaging implications of the attorney's questions, and in turn the attorney's production of the contrasts designed to discredit aspects of the witness's testimony, are all activities which are shaped by their structural environment" (DREW, 1992, p.478). [10]

The witness's defensiveness is provoked by a strong "contrast device" employed by the interrogating attorney. The device makes the most out of the criminal courts' procedural pre-allocation of turns. It upturns the right to ask (first) and the task to convince the overhearing jury into a forceful scheme. The device provides, moreover, an effective response to the witness's (mundane) tactics to avoid damaging contrasts. DREW succeeds by following the sequential unfolding of this judicial strategy and *gestalt*. This unfolding includes the following essential steps: [11]

(1) The question initiates a puzzle or a dilemma: "The puzzle arises from some 'lack of fit' between one fact and the other, some discontinuity for which there should be, or needs to be, an explanation which is nevertheless not given" (DREW, 1992, p.512). Note that, according to DREW, the attorney can construct the puzzle only as contrasts between (at least) two details that have surfaced in the course of the current witness testimony. [12]

(2) The next question shows the puzzle as being "unresolved". Important here is "that the attorney does not subsequently ask what the explanation might be. [...] By not asking the witness for her explanation, he withholds the opportunity to provide an account ..." (ibid, p.513). Listeners are indirectly invited to look out for a solution. [13]

(3) The question includes a resolution for the puzzle in terms of an "unless clause". These clauses serve as "right at hand" explanations that are obviously (deliberately) *not* chosen by the witness. The contrasts are "designed specifically and systematically to imply an 'unless' clause which is damaging to the witness's testimony" (ibid). The implication is straightforward: "Just give in and the puzzle disappears!" [14]

(4) The offered resolution entails "discreditable implications". These implications are not "stated explicitly: it is left to the hearers to recognise what the damaging implications are which arise from the contrast" (ibid). An explicit elucidation of the puzzle would "give the witness the opportunity to challenge or deny them" (ibid). [15]

(5) The implications are emphasised by means of extensive pauses:

"After the completion of each of a contrast, the attorney then delays asking his next question for a pause of 6.5 seconds ... This indicates a close connection between the clustering of pause lengths and the interactional work achieved in the prior question-answer pairs" (ibid, p.514).

"Given the multi-party reciprocity of the questions and answers, the pauses are designed to be slots for audience appreciation of what they have just heard" (ibid). [16]

(6) The follow-up question works as a summary: DREW emphasises the power of summary, not in regard to each party's summing ups or pleadings, but in regard to the next round of questioning. "Such shifts in the focus or topic of questioning after the contrast further deprive the witness of the opportunity to come back to the prejudicial point implied in the [last, TS] contrast" (ibid, p.515). The line of questioning provides some extra "control through having rights to summarise 'where we are now'" (ibid). [17]

The full course, once placed vis-à-vis the overhearing jury, provides powerful means challenging the adversarial evidence. Its strength explains why the witness tries to depart so vehemently—and often unsuccessfully—from the summaries given by the lawyer. The contrast device fits the specific stage in front of an overhearing audience; it makes vast use of the preallocated turn-structure; it is appropriate to impress a lay audience; it creates dominance in the attorney-witness relationship⁶. The effects of this powerful device are, moreover, amplified by the rules of evidence, here in particular the high standard of proof "beyond reasonable doubt". Once the witness is trapped by the contrast device, the defence attorney can suggest some "reasonable doubt" in favour of the defendant.⁷ [18]

2.3 The "Truth-Finding Engine": the Iran-Contra hearings

The TV-scene in 2.1 is used in LYNCH and BOGEN's *The Spectacle of History* (1996) in order to explicate the notion of the "truth finding engine". The engine, they state first, generates the (institutional) truth by means of questions. Perry's questions distract and outwit the interviewee. But it is not just about asking questions. Perry's success is not just based on talk and rhetoric. Or, to put it

6 LYNCH and BOGEN (1996) explore the oral resources on the side of the witness. They examine a highly competent and skilled witness (a non-academic "expert witness", so to speak), who knows a range of tricks and manoeuvres to upset the questioner. "I do not remember" appears as well as *the* core method to undermine the creation of a "no escape" dilemma.

7 This constellation is important for legal reforms. The English government identified amongst other features the aggressive cross-examination of the complainants as a reason for the comparably big "justice gap" in rape cases, meaning the discrepancy between the total number of charges and the total number convictions.

differently: what is part of the truth-finding engine? How is it run? What goes into it? [19]

As for the example above: How did Perry know about the files A-100 and A-102? How was this information available in the court hearing? This was precisely the information that shattered the witness's self-control. The questions refer to details that exceed the conversational frame. In other words: Perry mobilises and introduces some extra knowledge that does not originate from the interview. [20]

What is part of the truth-finding capacity in testimonial interviews? The sociological and sociolinguistic literature provides two basic positions to answer this question. [21]

(1) The first position, as displayed in the TV-example, focuses on the question-answer play and especially on the strategic questions asked by the interrogator. For analytical purposes, the questions are conceptualised as strategies in order to explain the often generally presumed efficacy of the interview. This way of examination utilises constraints and points of attack that are inherent both to answering (as a reaction) and to narration (as a closure of *gestalt*). This is where LYNCH and BOGEN's analysis takes off. They portray the way in which interrogations are methodically carried out in the Iran-Contra-Hearings⁸. LYNCH and BOGEN show how the questions take effect: They dictate speech success, imply a "master narrative", suggest solutions (yes/no), raise questions (how was it possible that ...?). They direct towards a logical conclusion (is it not true that ...?) and increase the cost of inconsistencies. Thus, the situation seems to be dominated by the line of questioning which in turn produces a dynamics of answers. The interviewee is left fretting about temporary difficulties and easily loses sight of the result: the case. Under such conditions it is hard to see the wood for the trees, figuratively speaking.⁹ [22]

These difficulties set (the "loser") Scranton apart from (the "winner") Oliver North. LYNCH and BOGEN analyse counter-strategies in light of these mechanisms.¹⁰ Their resolutions read like a formula on how to avoid "careless answers" and how to re-gain "impression control": Mr. North does not answer the questions at hand; he thwarts the series of questions by asking back; he does not subject himself to the binary code of yes/no; he does not allow himself to be tied down to the presented version; rather, he consistently represents a meta-version. One example out of many shows the vulnerability of the interview-strategy:

8 For the basic information on these parliamentary hearings "against the US government", see LYNCH and BOGEN (1996).

9 "A preliminary investigation of the method of interrogation suggests that while exploration of what goes on in such situations is of great interest, it is by no means to be supposed that persons take lightly the reasonableness, consistency, clarity, and so on, of their answers, and may well be more concerned with preserving their claim to consistency than their claim to innocence" (SACKS, 1992, p.122).

10 A similar kind of analysis can be found in ATKINSON and DREW (1979). They suggest that a skilled interviewee can anticipate the trajectory of questions and subvert it. The art of asking questions is countered by an art of giving answers.

"Niels: Was the one million Dollars :: (0,4) to cover (0,5) both the transporting of arms from the U.S. (1,0) to Israel and from Israel to Iran, or just one?

North: Well as I said just a moment ago, it was at least the latter (0,4) and may well have by this point in time included both. (0,6) I simply don't recall" (LYNCH & BOGEN, 1996, p.135). [23]

(2) An alternative position may widen our idea of the means and the methods that are to be utilised by an efficient truth-finding engine. The engine may not be run by a clever line of questions only. It may exceed the realm of rhetorics. Not until in Chapters 5 to 7 do LYNCH and BOGEN develop a neo-interactionist position. They introduce notions that de-centre the speech situation and by doing so, they switch to a temporally as well as spatially broadened view. In other words: not everything that turns out to be relevant and prolific emerges from the speech situation.¹¹ [24]

What are the means and methods that are to be utilised by an efficient truth-finding engine? Answers find themselves confronted with an "intertextual field"; what has been said is clustered into factual material and remains accessible as a protocol; the investigators utilise a "documentary method of interrogation". All these concepts point to the frequently underestimated complex of systematic reception. It is characteristic for double-dealing interviews to leave the interviewee in the dark with regards to the reception of the interview. This is done, I argue, by detaching the reception from the immediate interview situation. The alternative position, therefore, involves the ongoing fabrication of duplicity. Moreover, duplicity is not an upshot of "well designed and expressed" questions (only). [25]

2.4 Creating decidability: Review of political asylum applications

But this is not all there is. The engine also contains a lot of pre-established knowledge gained in the course of examination. It allows for specific questions and provides the basis for critical reception. Parts of this reception are all those transformations which make (local, momentary) utterances first available as (constant, analysable) statements. Another type of testimonial interview may serve as an explanation: the asylum hearing (SCHEFFER, 1999, 2002). In these hearings, references to the truth are alternately claimed, but remain precarious. This is true at least from the point of view of the foreign applicant and from that of the decision-maker. [26]

Here, an applicant for political asylum is being interviewed about "his story of exodus". The course of the hearing is similar to that of other testimonial interviews: an invitation to narrate (elicitation) is followed by further inquiries with a condensing purpose (maintenance). In a second main phase, the gained

11 For instance, BRÄCKLEIN suggested that Oliver North disclosed areas of evidence within these hearings because he was granted exemption from criminal punishment. North brought up and remembered details not because of the powerful techniques of interviewing, but in order to circumvent criminal charges. "The inquiry by the congress and the Attorney General must avoid that the witness includes as much as possible in his testimony in order to expand the protection from probable criminal prosecution" (BRÄCKLEIN, 2006, p.181; my translation, TS). Such legal framing shifts the orientations within the examinations drastically.

temporal, spatial, factual, and personal markers are taken up and used for tests of knowledge.¹² In the asylum interview, the functioning of this is as follows: A comment on education enables questions pertaining to the university; the remark "I smoke" invites inquiries on local brands of cigarettes; a claim that someone was a housewife provokes questions on local food prices, etc. Standardised questions are employed: "Where exactly in Mosul did you live? Give the names of some large hotels in Mosul. Furthermore, those of bridges over the River Tigris, mosques, hospitals, main streets. Where is the Al-Baath monument, the university, Mosul Stadium?" (SCHEFFER, 1999, p.170) [27]

The narration of an episode—such as an arrest or a demonstration—leads to requests concerning the episode's exact course, the participants, the place, and so on. Condensing questions are formulated, and thereby the interviewer is staking internal and external markers of truth: "What exactly happened? Where, why, with whom? What did the police say? How did they know that? What did the document that they presented say? What exactly did the passport look like?" [28]

The interviewer constructs a minimal participation of borderline situations and a minimal membership of cultural ways of life. These constructions allow inferences on a minimal knowledge that is compulsory to take part in or to be part of such socialities. By the way, the interviewee is not confronted with "hard reproaches" in every single case. Interestingly, precisely those confrontations based on "forced communication" decrease the degree of duplicity. The results of the tests are commonly not discernable until the final notice; i.e. they are in effect transferred out of the situation and are subsequently presented, based on the interview protocol. Is this situation not similar to that of interviews in the social sciences? Is not here also the reception detached from the interview (made available as text)? This detachment and separation of speech-production and speech-reception is what I refer to with the notion of duplicity. [29]

Asylum hearings go beyond the interview situation in other regards. We encounter an even further increasing duplicity: (a) the interview is concurrently spoken and conducted as a written protocol; (b) the pointed inquiries are directed towards the individual decision-maker's capability to decide; c) the interviewer matches protocol and resolution alone in his bureau often weeks after the interview. Both aspects (text and critique) point to an informational and disciplinary infrastructure of the interview. Only as a written and authorised protocol, and not in the form of embodied speech, can the asylum story lead to a legally binding decision. [30]

2.5 Repetition and difference: Crossing pre-trial and trial

Cutting across the interview situation is a commonplace task for criminologists and lawyers. E.g., GEERDS (1976, pp.9) talks about "investigative and

¹² The official course of the biographic interview corresponds to this: the invitation to narrate is followed by secondary questions; the taking-up of specific markers might be followed by confronting the interviewee with incongruities.

confirming interrogations".¹³ What does this refer to? The single interrogation does not stand alone, but is meaningful only in a series of questionings. In connection with my research, I speak of procedural events, which are linked, are based on each other, and reach into each other (SCHEFFER, 2007). The link is provided by "practices of reading and writing" (SCHEFFER, 2006), e.g. those of the barrister in Crown Court. [31]

The status of a procedural situation can be recognised based on the technique of questioning. For instance, in Crown Court hearings there are no open invitations to narrate; rather, closed, directing questions are dominant. The barristers attempt to demonstrate by means of friendly and hostile questions what is to be said for one's own case and what is to be said against the adversary's case. Invitations to narrate, on the other hand, can be found in documents (investigative protocols), which consolidate answers into entire narratives—similar to the asylum hearings. Interview phases are distributed across the entire process. The internal side of the interview (as an episode of discourse formation) is not the social situation, but the procedure. [32]

There is another conspicuous special feature. In court, there are several different transformations of statements: Those that were made available as testimony by way of the protocol, and those that are uttered "ritually" in the witness box and are immediately recognised as statements. Both types enter the "field of presence" (FOUCAULT, 1972), which allows for disparate statements to be set side by side.¹⁴ The barrister's reading and highlighting of the letter sets off this integration of statements (SCHEFFER, 2006): [33]

Here, in the case of a pub brawl and the corresponding notes:

(S1) "That lad there has just been giving me shit; tripped over my foot; I did nothing to provoke ..."

(S2) "a male stood just *~getting up~* on the inside of the door; his hand pulled back behind his body *~X~*; a male stood in front of him; to which the male then went to grab the aggrieved friend; (one friend said) 'I've got him! ' *~X~*"

(S5) "'I was getting stamped on, the bouncers were grinning so I bottled him because they were coming after me again". This was recorded in my pocket notebook which he signed accordingly.

(S6) "... came up to me, punched me, I fell on the floor, and; 'I was getting stamped on, the bouncers were grinning so I bottled him'; he ended up punching me; I turned round as I was getting up and just seen him and smacked him *~ didn't realise ~*"

(S7) "I saw a young looking male run from my left to my right in front of me; lifting the bottle with his right hand before bringing it down on the right side of the man's head" [34]

13 See a. HOLLY: "With regards to the independence of the single steps in interrogations, a basic distinction has to be made: Between very first interviews, which are mostly concerned with the accumulation of non-isolated pieces of information (although even here there will be some degree of pre-existing insight), and those interviews where the interrogator already has a more clearly established idea of the facts and is driving for something specific ..." (1981, p.285; my translation).

14 This point is elaborated in SCHEFFER (2007).

I claim that the "field of presence" is unfolded by the barrister's conjectures. He confronts the statements made by various witnesses, as well as the earlier and later statements by the same witness.¹⁵ With this confrontation, the barrister creates a shared space, a singular universe. The acute questioning utilises this standardisation and levelling. The list of modules serves as a repository for questioning and as the foundation for the direction of the interview (SCHEFFER, 2006). The lists of modules integrate pre-trial and trial, what has been read and what has been heard, documents and utterances. The modules translate, make available, and juxtapose the more or less distant "temporal objects" (KOZIN [in this issue](#)). This way, they mark points of departure for refutation.¹⁶ [35]

Here, another aspect of the duplicity of testimonial interviews can be shown. What is initially labelled as an interest in the truth, serves "only" the finding and assessing of facts. In other words: In the quiet, the "truth-finding engine" is made into a "fact-finding engine". The reasons for this are the pressure on the court to decide and the relatively straightforward handling of facts (compared to truth claims). It cannot be decided what really happened, but it is possible to decide that the testimony of one witness does not agree with that of another, or that an earlier statement does not concur with a later one. Thus the barrister's closing speech:

"There are a number of features of his evidence, members of the jury, which do not seem to fit in with the evidence of Mr Po because he seems to describe an attack from behind with no physical contact prior to that. Even Mr Po accepts that there was. Then there is the evidence of the doorman. The first thing he said he saw was Mr Wu with a bottle, held by the neck with the body of the bottle below the neck. Perhaps an unusual way to hold a bottle if you are going to use it as a weapon, but that is what he described. He said there had been no other incidents at all—he was adamant about that—in the club. So what the commotion was which must have been behind him as well because he was heading from the DJ's stand, we simply do not know. He describes two or three steps taken before the blow is delivered which does not seem to fit in with the evidence of Mr Po himself. He does not see the putting the hand on the shoulder, does not see anything happen prior to that. He seems to insist that it could not have done or he would have seen it. We know that something did happen, we know there was some exchange of words and we know that there was the hand put on the shoulder on Mr Po's account—view. But he apparently has not seen that. More surprisingly still he suggests that Mr Po was walking towards the dance floor, whereas Mr Odd had him walking towards the toilets. You will remember the toilets

15 Traditionally, the synchronic (rather than the diachronic) collecting of facts is highlighted: "In Principle there is but one mode of searching out the truth ... Be the dispute what it may; see every thing that is to be seen; hear every body who is likely to know any thing about the matter; hear every body, but most attentively of all, and first of all, those who are likely to know most about it, the parties" (BENTHAM, 1827, p.735).

16 The creative use of performing contrasts also figures prominently in ELGAARD JENSEN's study ([in this issue](#)): his manager performs the contrast between "old" forms of labour and his concept to persuade an audience of a certain truth. The main strategy to do this is—similar to the barrister's way of convincing the jury—by combining rhetorical and material resources. However, while the manager seems to establish "the future" through these contrasts, the barrister actually uses discrepancies (open court versus archive/protocol) to trick the witness and thus establish "the past".

and the dance floor are effectively at opposite ends of the bar" (Official court transcript). [36]

3. Conclusions

In its course, this paper expanded the scope of the interview-analysis in a stepwise fashion. It expanded the scope to a point where duplicity became visible as the core mechanism of forensic or judicial interviews. In this view, interviews are no longer just conversational events or verbal endeavours. The interviewers' questions are no longer juxtaposed just with the interviewees' answers. In the course of this paper, the focus of analysis shifted from the strategic lines of questions towards the means that inform their formulation and the techniques that translate, juxtapose, and evaluate the responses. Duplicity marks the temporal and spatial separation of speech-production and speech-reception. This separation is vital to understand the interviewer's (synchronic and diachronic) activities. While he is engaged in the conversation, the competent interviewer arranges the legally binding representation and anticipates its likely reception. [37]

Interviews are procedural events with a certain history and an orientation towards a certain future. They are embedded in an infrastructure of knowing and contribute to a production of facts and decisions. Hence, testimonial interviews cannot be grasped without putting them in line with the earlier and later procedural events and with the means (documents, files, archives) that connect and inform these events. Ultimately, testimonial interviews draw on the displacement of statements in the course of procedural time. This displacement turns local excuses into unpleasant admissions, marginal aspects into core features, and details into evidence. The most effective tool of testimonial interviewing is the repetition that not only gathers discursive facts, but also turns them into valid norms and criteria. [38]

The methodological necessity for expanding the analytical scope goes along with the natives' need to overlook the procedural past and the various implications of any response. The weight and the consequences of contributions do not surface right here and right now.¹⁷ This is another tricky aspect of duplicity: one does not know how answers are received. In order to account for this duplicity, the interviewee has to leave behind the very moments of interviewing. He has to produce answers in the light of the case and its coming transformations. As one lawyer put it during my fieldwork in an English law firm:

"It is always helpful to the defences, or any defences that the client gives a version of events to police when he's charged and interviewed on tape that he basically sticks with throughout the case. If he says something in interview and then changes it when he comes to see us a week later, or when he goes to Crown Court two months later, the inconsistency is no great. Consistency is good" (interview with solicitor). [39]

17 Similarly, MOREIRA's contribution ([in this issue](#)) shows how in health discourse actions are displaced in the course of (biographical rather than procedural) time: By formulating illness or disease as a risk, an individual's actions enter the "biological archive", but the definite consequences of or the degree of risk inherent in the their actions remain uncertain to actors

The repetitive character of interrogation puts a different emphasis on the interrogators' capacities. Instead of just asking clever questions within the interview, the interrogator has to draw on the facts that were gathered before and to anticipate upcoming events that allow the expansion of the repetitive chain. The interrogation, thus, draws less on the hero-interrogator, but on an organised and strategic play of repetition and difference in which the interrogator can utilise a range of tactics. This requires a different way of understanding interrogation and the methods to carry them out. The understanding of how they are (made) possible needs to include those materials that are (made) available to the parties in court in the course of the pre-trial and trial; and how this availability turns itself into a matter of adversarial contest. [40]

I want to conclude this examination by relating the aforesaid to some qualitative interview methods that are of high relevancy to the construction of "empirical data" and "evidence" within the social sciences. I enlist some relations between the narrative interview and any forensic interrogation. The list questions the "uncritical" stance of qualitative research towards their disciplinary means of power. The list tries to leave the critical stance "against forensics" and turn it against seemingly harmless sociological methods: [41]

In analogy to other testimonial interviews, the biographical interview unfolds its effects only in the research process. The biographical interview (and the same is true for narrative interviews) is not only based on a series of open questions and specific further inquiries, but also on a special mode of transformation and on a spatio-temporal division of survey and reception. Does this mix establish its duplicity? I think it does. In the absence of this duplicity, there would be no interview as text; without it, the ascription of relevance and meaning behind the speaker's back would not be possible. [42]

This is no moral judgement. I have simply described its mode of operation in analogy to that of forensic interviews. The interviewees, by way of "excuse", are warned, informed, and, most importantly, in no way personally threatened. This established harmlessness does not stand opposed to the duplicity of biographic interview, but favours it. It is this duplicity that allows writing "about someone". My concern here is not to judge the social scientific perspective, but rather to establish its symmetry. [43]

What I have outlined is a "trans-sequential analysis" (SCHEFFER, 2005): It is not only the interview situation itself, but also the concurrently conducted case and legal process that give relevancy to utterances. Under the conditions of duplicity, control of this process typically slips from the interviewees (but not from Oliver North and his clever attorney). Is interpretative subjectivism sustainable under these conditions? Are "biographic statements" still unambiguously ascribable to one author? Or is the transcribed "self-narration" (the biography) rather a text with multiple authorships? [44]

And what about the relation of testimonial interviews to the truth? Regarding the interview machineries, truth generally plays the role of a stimulant: How did it

really happen? What exactly happened? Interestingly, testimonial interviews can be differentiated according to the time when they depart from their orientation on the truth and recur to facts instead. Based upon the facts, further inquiries are made; continuations, contrasts, and judgements are all made on the basis of facts. Generally, the motif of settlement is dominant: According to the factual situation, a case is made manageable and settled in order to proceed to the next case immediately. This last point is another characteristic of testimonial interviews: They are routine and part of mass production. They process, transform, and configure a plethora of empirical cases. [45]

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Citation

Scheffer, Thomas (2007). The Duplicity of Testimonial Interviews—Unfolding and Utilising Multiple Temporalisation in Compound Procedures and Projects [45 paragraphs]. *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, 8(1), Art. 15, <http://nbn-resolving.de/urn:nbn:de:0114-fqs0701159>.