Hear them that way

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Abstract

In May 2020, the UK Prime Minister's chief advisor, Dominic Cummings, gave a press statement to explain his and his family's apparently unlawful movement around the country during the first Covid lockdown. This statement was subsequently examined by the lawyer and journalist David Allen Green. Green argued that Cummings' words could informatively be understood as a witness statement, i.e., as 'lawyered' speech. Green warranted this on the basis that 'the style and the content' of the statement diverged significantly from 'ordinary speech', and he 'demonstrated' that the statement's structure and organisation [served to?] make legal liability difficult to establish. Green's argument rests on the reader/watcher being able to read/hear Cummings' statement *in that way*: as a witness statement. Green's analysis speaks to ethnomethodology's concerns in three ways. First, it reveals something about legal analysis as a professional activity: Green provides instructions on how lawyers hear statements of this sort, and his readers learn to do the work of that hearing themselves. Second, it allows us to reframe Sacks's 'hearer's maxim' as a form of unique adequacy, a means of demonstrating a particular kind of competence. Finally, it provides a novel way of thinking about 'versions' where these are generated as members' problems rather than analysts' choices.

INTRODUCTION

In the early days of the Covid 19 pandemic almost everyone in England[1] had to stay at home, apart from for one hour's outdoor exercise a day, and 'essential' trips for shopping, health care, and so on. When Dominic Cummings, the then-Prime Minister's (henceforth PM) most important advisor, was reported by two newspapers, the *Daily Mirror* and the *Guardian*, to have taken a trip with his wife and child from London to his parents' home in Durham—a five-hour drive—the public reacted furiously. People had, overwhelmingly, followed the rules to the letter, and Cummings' apparent disregard of the guidance became a scandal.

In response to this, Cummings held a press conference on 25th May 2020 in the Rose Garden of 10 Downing Street, the PM's home and office. This was unusual. It is not estab-

1 Regulations were devolved to nations, so the rules in Northern Ireland, Scotland, Wales and England often diverged from one another.

lished practice for government advisors to give such statements,[2] and this one was widely understood to have been made to *justify* rather than to *explain* his conduct. This had been a serious problem for Cummings and the PM, because Cummings' conduct contrasted very unfavourably with that of the general public. Subsequent commentary on, and the public reaction to, the statement ironically contrasted Cummings' 'explanations' of his actions with the public's adherence to the rules, in particular his assertion that he had driven around the North-East to make sure he could see properly prior to driving back to London.[3] There were serious concerns that Cummings' actions would make any subsequent lockdowns harder to enforce. As subsequent waves of the disease appeared, a reluctance to revisit the affair seemed to inflect English Covid policy decisions. The later English responses *were* typically less restrictive than those of the UK's other nations, and the PM was widely criticised for devising policy 'on the hoof', apparently breaking his pledge to 'follow the science'.[4]

Although this commentary was adequate journalism, the structure and organisation of the statement itself was not examined: if you suspect someone is lying to you, you do not examine too closely *how* they are lying but rather focus on the motivation for the lie and the lie's effects. In a remarkable video article in the *Financial Times*,[5] however, the lawyer and commentator David Allen Green (henceforth DAG) argued that, in this case, such a failure to examine structure and organisation meant something important got missed. His examination of the statement revealed something potentially important about it: from a lawyer's perspective it reads as *a witness statement*.[6]

In the course of his exposition, DAG highlights a number of aspects of the statement that are 'unusual', either because they are not the kinds of things people would routinely say or because they are quite at odds with Cummings' normal patterns of speech and writing. These are ethnomethodologically interesting in three ways. Firstly, they reveal something about the professional activities of legal analysis: by showing how a lawyer 'hears' such a statement DAG provides the reader/hearer with the resources required to 'hear it that way' themselves. In this way DAG's exposition provides for a form of unique adequacy: he not only shows how lawyers understand texts, but his account depends for its utility on the

2 https://youtu.be/-mSyZGy8LX8?t=1853.

3 The usually pro-Conservative *Daily Star* led with the front page headline 'It's official folks! COPS: DON'T DRIVE IF YOU'RE BLIND. Shock new advice for Britain's ruling elite' on 27th May, coupled with a cut-out Dominic Cummings mask captioned 'FREE: Do whatever the hell you want and sod everybody else mask'. Jokes and cartoons about 'going to Barnard Castle to get your eyes tested' ran over the course of the next few months.

4 Cummings was sacked in November 2020 for his management style (and/or for referring to the PM's girlfriend as 'Princess Nut Nuts'). Boris Johnson was removed as PM in July 2022 for committing, and attempting to obstruct investigations into, his and others' unlawful behaviour during lockdown and after (and/or because he had become an electoral liability for the Conservative Party).

5 https://www.ft.com/video/e82b5a00-3ad5-4d2c-9703-ff14942aa5b1.

6 https://www.justice.gov.uk/courts/procedure-rules/civil/standard-directions/general/witness-statements.

reader/hearer being able to understand it in that way themselves. A 'professional vision' (Goodwin 1984) is thus embedded in an instructed account.

Secondly, they render visible the connections between the 'hearer's maxim' (Sacks 1972) and unique adequacy (Garfinkel and Wieder 1992). Sacks's injunction to 'hear them that way' when categories that can be part of the same set are used together renders visible something that was previously invisible. Unique adequacy requires the analyst to be competent at the practice being studied, and to show how orderly properties of that practice are generated internally. DAG's analysis shows how these two concepts are opposite sides of the same coin: Garfinkel's later work instantiates and codifies aspects of Sacks's earlier work as programmatic recommendations.

Finally, they provide a way of thinking about the vexed question of 'versions'. While Pollner (1975) and Smith (1978) argue that there are partial reasons for choosing one account over another, Coulter (1975) and Cuff (1993), correctly, point out that these are seldom problems *in practice*. DAG's analysis shows that one can unproblematically maintain an ambivalent attitude towards the veracity of real-world claims. The moment something hinges on those claims, however, a judgement about them *must* be made.

THE MATERIALS

DAG's 'guided tour' of Cummings' statement starts by providing a gloss of what Cummings' account looks like—i.e., a witness statement. It has the style and content of a witness statement. Such statements are drafted by lawyers for the persons they are instructed by. It is a 'ventriloquist's instrument'. In DAG's opinion the statement was drafted by a lawyer or lawyers because it covers all the matters Cummings might have expected to account for if the accusations levelled against him went to court. DAG argues that it is also helpful for people not familiar with witness statements to see what happens 'under the bonnet' and to see what the purpose of such a document is. Being able to read a witness statement is, according to DAG, a valuable skill—and not just for lawyers.

DAG starts by pointing out that he is working on a document that he has made changes to: he has added the date and the location of the statement and put in subheadings to indicate what date is being talked about at each point.[7] As the statement is 'broadly' chronological this does not do any violence to its depiction. The statement starts on 26th March, which 'explains and contextualises what happens the next day': Cummings' wife phones him, explaining why he was seen running out of Downing Street by journalists. DAG points out here that every relevant sentence starts with the person involved—'I', 'she', 'we', 'the Prime Minister'—or the time of day—'that evening', and so on. This is the hallmark of a

7 Witness statements are written rather than spoken legal devices. DAG (personal communication) did not *hear* Cummings' press conference as a witness statement but rather *read* its transcript as one. This has implications for the use of transcriptions in conversation analysis, beyond the remit of this paper. John Rooke and I are currently working on an exposition of these implications. To make the wording of this account less tortuous, 'hear' and 'understand' are used interchangeably, while 'read' retains its distinctive meaning. *For the purposes of this analysis only* nothing hinges on the (mis)use of these words.

document written by a lawyer, a 'Hemingway' style of writing. Normal human beings seldom write like this, DAG argues, but it is good practice in drafting witness statements.

DAG goes on to talk about the next section, which he gave the subheading 'The reasoning for decision'. This, he argues, is because the purpose of this part of the document is to show that Cummings had a *reasonable excuse* for making his trip from London to the North-East of England. Lockdown regulations made it illegal to leave your house for 'non-reasonable reasons. Cummings here 'helpfully' gives *three* 'explanations of why he drove North, numbered 'first', 'second' and 'third'. In a witness statement this is standard practice as, if one reason is 'knocked out', others can be brought to bear. The reasons given are ones that would 'pass muster' if questioned.

Separately, Cummings provides reasons why he had to leave the house. This is 'tentative', and there are 'reasons' why alternative choices could have been made. These support the three elements of the 'reasoning for decision' and thus their (putative) effect of making litigation at least difficult and expensive, even if not impossible. He then goes on to discuss why he did not tell the PM about his trip, a matter DAG describes as 'the dog that did not bark'.[8] Once this section has finished Cummings returns to the narrative. According to DAG, this is worth highlighting because most people would normally mix narrative and exposition in providing an account of their activities.

Cummings claimed he developed Covid symptoms on 28th March, coinciding with his arrival in Durham. The narrative becomes far less detailed at this point, as the key decision—to drive North—has now already been accounted for. On 2nd April there was a journey to a hospital. This explains (or explains away) the previously raised allegations that Cummings and/or his wife were not out of their house and so not maintaining quarantine on that day.

'On the second week' Cummings and his wife and child went for a walk in woods adjoining the cottage where they were staying. 'We had not left the property. We were on private land'. Cummings was spotted by a member of the public at that time, but it is not clear when it actually was. Cummings does not give a date for this event, hence DAG's subheading of 'unknown date' for this part of the narrative.[9]

On 11th April Cummings claims to have still been 'weak and exhausted', but no longer had Covid symptoms. This is a significant date because, under the regulations at the time, around this time Cummings had done the 14 days of self-isolation required under the regula-

8 DAG also used this phrase to describe a rather odd feature of one element in the Brexit saga. The government claimed that it had not acted unlawfully in proroguing (ending a session of) Parliament in August 2019. The issue DAG raised here was that one would expect there to have been a witness statement to support this view, most likely signed by a very senior civil servant. No such statement was presented. Although there are of course other possibilities, this would be an outcome of no senior staffer being willing to sign such a document. The Supreme Court of the United Kingdom ruled that the prorogation was unlawful in September 2019 and the Parliamentary session restarted.

9 It is telling that this outing was, apparently, witnessed by an onlooker who could not say for certain which day it was and that, coincidentally, it is one of—if not—the only event in Cummings' statement with a timing that remains vague.

tions. This is also the day before something relevant happens and also the point at which, if Cummings' account is accurate, the period of *not being allowed to leave the house* ended.

According to DAG, 12th April is a significant date: both Easter Sunday and Cummings' wife's birthday. This was the date of his trip to Barnard Castle. Again, for this section, almost every sentence begins with the person, the time of day, or what they were doing: 'my wife, she, we, we, we, we, I, we, we'. Compared with Cummings' blog posts this is 'more James Joyce or Virginia Woolf' than 'Philip Larkin mixed with Ernest Hemingway'. This section stops with the sentence 'But at no point did we break any social distancing rules'. It fulfils a number of requirements:

1. It explains why someone saw him at Barnard Castle on 12th April.
2. It explains why someone saw him in the woods 'on the second week'.
3. It explains why these things were not in breach of the social distancing rules.
4. Most importantly, it explains why his leaving his father's house was justified on each occasion even though those outings were not for exercise or essential travel.[10]

This is an 'odd' explanation. Cummings claims he drove to Barnard Castle, as if that was something one might do as a matter of course, to check his eyesight. The problem is that, in contrast to Cummings' explanation of his initial journey North, this is unconvincing: the *Highway Code*[11] states you should check your eyesight *before* driving, not drive *to check* your eyesight. A 'convoluted' and 'unconvincing' narrative here seeks to explain why Cummings and his family were witnessed as being there. 'But at no point did we break any social distancing rules'. This is the point, according to DAG, where Cummings would be most legally vulnerable. Cummings' account cannot be independently checked: it relies solely on his word, and no one else's, to be accepted.

On 13th April Cummings and his family returned to London. There is nothing in the statement here that is 'laboured' because returning to your home was not accountable under the regulations at that time. Cummings claims he did not return on 19th April and says that CCTV will demonstrate that this was the case—according to DAG, interesting because this is the first point where CCTV data is invoked. There is a short, likely unremarkable, mention of Cummings' uncle's death. This does not seem to be a major issue in the statement.

Cummings finishes with 'General comments and justification' (according to DAG's subheadings). These take the form 'I believe, I thought, I understand, I know, I thought', and so

10 Throughout 'explains' and 'explains away' can be treated as the same thing. DAG alludes to this: the two 'mean' the same thing, but the former indicates that something has been accounted for while the latter indicates that something has merely been furnished with a plausible explanation. Intention cannot be inferred without further information, so choosing one over the other is concluding 'what really happened' without adequate evidence. I have used 'explains' here, by and large, to make the account more terse—I am agnostic about whether these events were 'really' explained or explained away.

11 The rules for driving in the UK. See https://www.gov.uk/guidance/the-highway-code. This specific rule is a legal requirement, codified in the Road Traffic Act 1988, and available at https://www.legislation.gov.uk/ukpga/1988/52/section/96.

on, and primarily describe Cummings' state of mind. Finally, Cummings has to explain why he did not tell people, who should have known, why he conducted himself in the way he did. There is little of relevance following this.

At this point in a witness statement there would usually be a section stating that the witness 'believes the statement to be true'. The question DAG asks is whether Cummings would state this and sign the document. DAG has no doubt that this statement was drafted by a lawyer—in part because it is massively at variance with Cummings' writing style elsewhere—but a lawyer only has the information she/he has at hand. The person who provided the information is responsible for the veracity of the statement.

This statement made liability maximally difficult to impose on Cummings. When faced with a serious risk of liability Cummings' use of a lawyer to draft his statement *in precisely the terms that would be required to make that liability harder to establish* was a smart move.

So what? Well, there are features of this analysis and its presentation that inform some issues and controversies within ethnomethodology. These have been set out in the first section, above, so do not need to be repeated. They will be discussed in the following three sections.

WHAT PROFESSIONALS HEAR

As has been pointed out for decades professionals 'see' and 'hear' things differently to non-professionals. In many respects that *defines* being a professional. As well as holding the relevant documentation (in the UK a Ph.D. for an academic, a clean Disclosure and Barring Service certificate for someone working with vulnerable people, and so on), professionals must *know what they are doing*. This demotic phrase does not mean they need to 'know' in the cognitive sense, but rather that other professionals must have no concerns about their practice as a condition of them continuing to practice. 'Knowing what you are doing' is not discoverable by looking at a certificate, examining the 'quality' of one's work on the basis of predefined criteria, or checking a website for qualifications. It is about the colleagues you are working with having professional expectations about your work that are, largely, met. Garfinkel used this as part of his definition of a member. In Garfinkel and Sacks (1970) 'member' is glossed as 'a mastery of natural language'. This was the zenith of their collaboration, in which Sacks's interest in everyday language and Garfinkel's concerns with the relationship between the general and the particular most effectively informed one another.

This paper is often only fragmentarily understood, in large part because it is very hard work to get through. It is also difficult because both Garfinkel and Sacks expected their readers to already be familiar with their work: terms defined elsewhere were used freely, and the text's radical conclusion sits uncomfortably in a book about sociological theory. As an 'introduction' to ethnomethodology it is entirely inappropriate. It is telling that its first paragraph outlines how the organisation of natural language shapes the ways social activities are construed.[12] It is important to note that Garfinkel's earlier definitions of 'member', which em-

12 This is about indexicality, not the version of this argument that suggests that vocabulary limits what people can or cannot construe or articulate.

phasised *ability* and *competence*, are absent here. *Mastery* has different connotations: it implies that a threshold has been reached, the change of state from a novice to an adept. Instead of this being something that is recognisable by one's professional peers or a set of things one is 'able to do', membership here is fixed hard to the idea of being able to speak and understand a language.

With this in mind it is worth revisiting some of the 'classic' accounts of professional judgement. In his study of jurors Garfinkel (1967, chapter 4) argued that a member of the public was '95 per cent juror' before he or she even entered Court. Overwhelmingly their deliberations depended on 'what everyone knows' about ordinary social settings. Someone should not be in a park, wearing dark clothes, in the middle of the night. This is not to say there might be *some* reason why they are there but it is to say that getting them to provide that reason would be a reasonable thing to do. This is not something the judge tells the jurors. As competent members they know it already, and both they and the judge take this for granted.

As well as addressing the content of this 95 per cent, ethnomethodologists have (increasingly) shown an interest in the content of the other five per cent—i.e., that knowledge and judgement that is specific to, and embodied in, the activities of particular professional and specialist practices. These include studies of mathematicians (Livingston 1986; Greiffenhagen 2014), people who can 'read' retinal scans (Coopmans and Button 2014), construction workers evaluating risk (Anderson et al. 2022), and so on. The 'studies of work' programme (Garfinkel 1986) was, in many ways, an attempt to generate descriptions of *all sorts* of 'five per cents'—to determine how specialisms are only 'special' for outsiders inasmuch as they rest on skills that are the mundane features of the workplace *for practitioners*.

Central to some of these specialisms is the notion that practitioners can 'see' something that is unavailable to lay persons. This can cause tensions. Accident and emergency [emergency room] nurses, for example, triage patients waiting for treatment so those in most urgent need are seen first. People waiting, however, often orientate to the idea that they are in a queue: once those people who were there when they arrived have been seen it is 'their turn'. Someone who has just come in, who is seen by the A & E nurse as requiring immediate intervention, is 'next in line' for the nurse but 'at the back of the queue' for at least some of the other people waiting. A & E nurses therefore have to manage how potential patients view their actions, as well as prioritising cases in a professional manner (Sbaih 1998): they have to *show* that what they are doing has a rationale and a sense, even if the details of what that consists in may be unclear to a non-professional.

Green's analysis, therefore, can be used to reveal something about the relationship between, and the borders of, 'membership' and unique adequacy. Initially, and as a motivation for writing the analysis of Cummings' statement, DAG *as a lawyer* heard it as a witness statement rather than as a vernacular description of what had happened.[13] This was not a

13 Again, this is not strictly speaking true (see footnote 7 above). Green did not 'hear' the talk as a witness statement at all, but *realised* it was (perhaps) one when reading its transcription. For the sake of concision the terms 'hear' and 'read' are treated as interchangeable throughout, as nothing *for the purposes of this paper* rests on their differences.

conscious choice, the result of a decision to hear it in a certain way, but rather how *any* competent lawyer who deals with witness statements would hear such an account. As Goodwin (1984, 606) argues, somewhat overexcitedly:

> All vision is perspectival and lodged within endogenous communities of practice. An archaeologist and a farmer see quite different phenomena in the same patch of dirt (for example, soil that will support particular kinds of crops versus stains, features, and artifacts that provide evidence for earlier human activity at this spot). An event being seen, a relevant *object of knowledge*, emerges through the interplay between a *domain of scrutiny* (a patch of dirt, the images made available by the King videotape, etc.) and a set of *discursive practices* (dividing the domain of scrutiny by highlighting a figure against a ground, applying specific coding schemes for the constitution and interpretation of relevant events, etc.) being deployed within a *specific activity* (arguing a legal case, mapping a site, planting crops, etc.).

Of course not *all* vision has these features. Most people see things the same way if their practical concerns are congruent. A screwdriver is the 'right' screwdriver if it fits the screw one is trying to adjust: the possibility that another might fit more snugly is seldom treated as relevant. Equally, the presence of children playing together is relevant only if they might disturb others' activities or those activities might disturb them: this relevance is occasioned, for example, if the work moves from replacing the fuse in a plug with a screwdriver, to then plugging in and using the chainsaw the plug is attached to. Children move from being background features to things that have to be orientated to: people who should not be around when potentially dangerous activities are taking place. To be sure this is 'perspectival' vision, but it is not something specific to a 'particular' community of practice—it is, rather, one that any competent member should take for granted.

Like Goodwin's account of the Rodney King trial, then, DAG provides us with a description of how professionals, in this case lawyers, hear something as a witness statement. It is not that this is not delivered in English, that it does not describe events, or that it uses terms that non-practitioners could not understand. It is the fact that it is structured in a particular way, and that that structure is not available to non-lawyers without some explanation. The features and organisation of that explanation, however, provide us with a warrant to rethink some elements of the ethnomethodological literature.

There is, however, an important difference between DAG's analysis of Cummings' statement and Goodwin's of the Rodney King trial. In the first case, DAG's analysis is premised on showing that—if seen as a witness statement—several apparently odd aspects of Cummings' account make more sense. The appeal here is to a lay understanding of what 'making an excuse' and 'anticipating objections' look like in practice. Duke's evidence at the King trial, however, serves a different purpose. Instead of showing how something that seems ambiguous can be clarified by revealing its nature, Duke's testimony was directed towards attempting to show that something (the video tape) which *appears* to be one thing—a police beating—is *actually* something else: a meticulous following of police guidelines for subduing and holding potentially violent offenders. The first invites you to see what 'looking this way' opens up and renders transparent; the latter suggests that unless they can understand the

way the police operate the jurors are judgemental dopes. The former invites you to look again and look differently, the latter to doubt the evidence of your own eyes. Goodwin does not endorse the police 'account' but he recognises and shows how it is alternate to the lay description of what was happening in the video. It can be one or the other, but making a choice excludes the alternative. This is an unusual situation as, more often than not, contradictions of this sort are avoided (Sacks 1987) as members' achievements (Pomerantz 1984).

A consideration of professional vision, and how professionals hear, thus opens up two further issues. Firstly, what is the relationship between technical and lay understandings? Secondly, how are apparently incompatible accounts of the same thing reconciled or reconcilable? Both of these are core concerns of ethnomethodological practice.

UNIQUE ADEQUACY: DEFLATING THE BOGEYMAN

In his 1973 paper 'On the Analysability of Stories by Children', Sacks introduced a range of forms of what he called the 'consistency rule'. He uses a short story produced by a young child, 'The baby cried. The mommy picked it up.', as both source and illustrative material. In its weak form this rule states:

> If some population of persons is being categorized, and if a category from some device's collection has been used to categorize a first member of the population, then that category of other categories of the same collection *may* be used to categorize further members of the population (Sacks 1972, 333).

Thus 'the baby' can (but does not have to) suggest that any subsequent characters that appear will be drawn from a shared collection (i.e., one of which 'baby' is a member). This could be 'stages of life', 'members of a family', 'children in this creche', 'patients with the same inexplicable symptoms', and so on. At this stage what collection, if any, the category resides in remains open.

The rule in its weak form has a corollary, however, which Sacks calls the 'hearer's maxim'. This moves the application of meaning firmly to the story's hearer:

> If two or more categories are used to categorize two or more members of some population, and those categories can be heard as categories from the same collection, then: Hear them that way (Sacks 1972, 333).

Thus, once 'the mommy' is deployed, the collection 'members of a family' becomes operative, rendering alternative candidate collections irrelevant. This strengthens the 'consistency rule' insofar as its 'may' has been replaced by an imperative. To 'hear them that way' is both necessary and sufficient to account for meaning. It is necessary because the bare fact that categories *can* be heard as being from the same collection *requires* one to treat them as belonging to that collection. The collection they are members of is not stated explicitly because the listener builds it in to his/her hearing of 'what is being said'. It is sufficient because nothing more is required: the fact of the two categories being from the same collection is warrant

enough for them to be heard that way. Further elaboration or exposition is neither required nor useful.

This maxim, in turn, facilitates the introduction of an extended, variant, form of the consistency rule:

> If some population has been categorized by use of categories from some device whose collection has the 'duplicative organization' property, and a member is presented with a categorized population which *can be heard* as 'coincumbents' of a case of that device's unit, then: Hear it that way (Sacks 1972, 334).

This is specific to those categories that might be glossed as 'teams'. When we talk about, for example, 'the striker' and 'the centre-half' *together* we are not just referring to people playing football but rather to *people on the same team*. We would generally modify the second category if it were to refer to a member of the opposing team (e.g., 'the *opposing* centre-half'). The baby and the mommy are not just members of families but rather members of *the same* family. This stronger version is developed into the maxim that underpins category-bound activities:

> If a category-bound activity is asserted to have been done by a member of some category where, if that category is ambiguous (i.e., is a member of at least two different devices) but where, at least for one of those devices, the asserted activity is category bound to the given category, then hear that *at least* the category from the device to which it is bound is being asserted to hold (Sacks 1972, 337).

Thus, 'picked it up' is heard as an action meant to comfort the baby because that is what mommys do when their babies are distressed. It is not that this is not made explicit, but rather that this *does not need* to be made explicit. Indeed, again, making it 'more' explicit, perhaps, would be to introduce unnecessary and confusing extraneous detail. 'The mommy picked it up in response to this crying in order to comfort it' is grammatically fine, but sounds funny.

Here Sacks is very much dealing with the '95 per cent' of mundane understandings: his example is that a child's story:

> The baby cried. The mommy picked it up.

is heard in a way that its bare grammar alone does not support, as something like:

> The baby cried ~~The~~ **so its** mommy picked it up **to comfort it**.

Sacks does not simply assert this as being the way *he* hears this story but how *anyone* hears it. Someone who can legitimately claim to hear it differently would undermine Sacks's argument: its veracity depends on its universality.[14]

14 While teaching this a few years ago, one (very smart) student called 'I don't hear it like that' which made me blurt out 'Yes you do'. She admitted that she did, in fact, hear it like everyone else—but was adamant that

In this analysis there are four things going on:

1. Sacks is describing rules that are orientated to when achieving common understandings.
2. These rules are shown to make sense in explicating a short and rather ordinary segment of talk.
3. That explication takes the form of a series of increasingly strong assertions about how things are heard.
4. The reasonableness and veracity of this procedure depends on parties to the explication hearing the story in that way, rather than with reference to some external phenomenon (e.g., shared experience, hidden meaning, ideology, etc.).

This is congruent with DAG's description of Dominic Cummings' statement, albeit for a technical and specialist hearing:

1. DAG is describing the rules that are orientated to when attempting to make a legally watertight statement.
2. Cummings' account is shown to be capable of description in that way.
3. In the course of that description one learns how witness statements are constructed in progressively more detailed ways.
4. The success of that procedure depends on the hearer being able to hear the talk as a witness statement themselves, and thereby potentially hear other segments of talk in the same way.

If we step back from these materials, we are able to see a further commonality to Sacks's and DAG's analyses. They are both uniquely adequate in both the weak and strong senses. Unique adequacy is an approach to analysis that recognises that the orderly properties of activities are part and parcel of those activities, and not things that come from 'outside'. One must interrogate the activities to find their order, not extrapolate from them to a pre-existing theoretical construct of order (or treat them as 'an instance' of such a construct). The corollary of this is that, as well as 'theory', *methods* are intrinsic to the activities being studied.

The unique adequacy requirement of method (henceforth UARM) replaces conventional constructive social research methods with two conditions for adequate description. These are the 'weak' and 'strong' uses of the term.

In its weak form the analyst doing the description must have vulgar competence of the activity being engaged in. This means, for example, that one must be proficient as a mathematician to follow a mathematical proof, competent as a designer to assess the colour saturation of a test printing, and so on. In its full form this means one must be a practitioner to describe a practice.[15]

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there *must* be *someone* that would hear it differently.

In its strong form the UARM requires an acknowledgement that the orderly properties of a phenomenon *possess* or *contain* the methods required for describing it. These are not exogenous to the activity but rather part and parcel of it. Thus, an ethnomethodological description of a mathematical proof is different to a constructive-analytical one. 'Finding' that it is an instance of scientistic ideology, white privilege, gendered knowledge, an intellectual status hierarchy, and so on may be interesting—indeed, may be *true*—but it does not allow one to describe what a mathematical proof is *as a mathematical proof*. To 'find' this one must describe how a mathematician produces that proof in such a way that other mathematicians can recognise it as one, undertaken in the way such a proof should be worked through. The job of the analyst is not to find the relevance of sociological concepts and concerns in what is being analysed, but rather to show how, professionally and practically, that thing is put together as what-it-is-in-the-first-place.

These strictures have caused confusion and consternation among those ethnomethodologists who align themselves with Garfinkel's later project. Its weak form has occasioned disputes concerning what does and does not constitute a member and/or a competent analyst. Should a non-lawyer, for example, be able to attempt to describe lawyerly work? What might they not see or understand that a lawyer would? Furthermore, is lawyerly work a coherent descriptor or does it merely gloss a host of particular kinds of work: barristers versus solicitors, civil versus criminal, regulation versus rights, and so on? Ultimately, does the weak requirement require that the person doing the analysis must also be the person who undertook the activity?[16] Furthermore, what if this fails to generate an explication of the technical understanding it is meant to uncover? Imagine training to be a lawyer, practicing for years, and then finding that the most important elements of the field of law are neither technical nor esoteric: one needs to know more facts, not how to do different things. Returning to Garfinkel's comments about jurors, this is putting a lot of faith in something that may or may not allow one to access and describe the missing five per cent of a professional practice.

The strong form of the UARM is no less controversial. It seems to problematise the very notion of sociological description, substituting an account of how sense and order are produced and recognised *in situ* for the notion of there being disciplinary norms, methodological best practices, and an orientation to comparison and the orderly accumulation of findings. In its ultimate form, the strong requirement demands that the description itself should incorporate the phenomenon being studied. Bjelić and Lynch (1992), for example, provide an account of different ways of theorising prismatic colour by requiring members of their audience to undertake the manipulation of a prism themselves. It is not enough to say (or even show) how this is done: one must do it oneself in order for the description to retain its phenomenological integrity.

DAG's analysis deflates these concepts and helps dissolve the concerns that have attached to them. One does not need to generate a witness statement oneself to recognise one, and one does not need to be a lawyer in order to recognise the law-relevant features of Cum-

15 Hence Garfinkel's insistence that Eric Livingston trained as a mathematician and Stacy Lee Burns trained as a lawyer before they undertook their doctoral research on mathematics and legal practice respectively.

16 See Sormani (2016) for a fascinating approach designed to address this concern.

mings' presentation. DAG implicitly re-introduces the concept of *instruction* as a key element of both membership and the UARM.

To oversimplify somewhat, instruction features in ethnomethodological description at least four, rather neglected, ways. Firstly, in order to satisfy the weak UARM, one must be proficient in the activities being described in order to produce that description. To describe legal practice one must have practised law; to describe a mathematical proof one must be able to 'see' how the mathematical statement it generates is the logical result of the assumptions it rests upon. Here the adequacy of the activity's description rests on the professional *bona fides* of the person doing the description. The professional instruction given to the 'describer' is the foundation of his/her description's veracity.

Secondly, in order to satisfy the strong UARM, one must instruct the recipients of a description of activities how to do those activities themselves. The adequacy of a description is ensured by successfully hearing, seeing, manipulating, finding, etc., the thing the description is a description of. Here the person doing the description needs to already know how to do the activity being undertaken, and its description *takes the form* of getting others to do that activity themselves.[17] The describer instructs the 'audience' how to undertake the practice, and their ability to do so ensures the description's adequacy.

Thirdly, separate to Garfinkel's usage, it is possible for persons who have the 'weak' UARM to describe to the analyst how it works and how their activities make good professional sense. Sacks's work with the police included them providing him with descriptions of how they distinguish between cars that have been abandoned and cars that are still owned but might look abandoned to the untrained eye (Sacks 1992, 385; Garfinkel and Wieder 1992, 184–87). Here the professional who fulfils the weak UARM explains to the analyst how a practice is undertaken, and the latter in turn can then describe that to a wider audience. Instruction is not, here, in a professional training but rather in something as an 'instance' of how that professional work is carried out. The analyst's expertise is parasitic on that of the expert but the veracity of the former's sociological description rests on the latter's technical capacities as a professional.

Finally, there are instances in which no particular expertise or technical knowledge is required at all. Sacks's analysis of 'The baby cried' above would be a perspicuous example of this kind of work. At no point does instruction take place overtly until Sacks starts to introduce his rules and maxims. The child does not instruct the person collecting stories, that person does not instruct their readers, and crucially Sacks does not instruct his students. What is instructed is the mechanisms by which these non-instructed, mundane understandings operate. No technical knowledge is imparted or required and—unless they can be shown to be wrong—Sacks's terms of reference are simply shorthand ways of describing things that are done unreflectively. Here the analyst's description is premised on the idea that *anyone* will understand this in the same way and that can be a legitimate basis for ensuring the description's veracity. A member is a 'mastery of natural language', for mundane and general purposes, and *that* mastery can be examined and described as Sacks penetratingly demonstrated.

17 Of course, that does not preclude the description from being written up, published, reviewed and argued about.

These provide us with a four-part typology of ethnomethodological descriptions, ranging from 'someone with technical accreditation describing a technical activity by instructing others on how to do it' to 'someone who shares a mundane understanding of the world with everyone else using some material to reveal how that understanding works'. Rather than unique adequacy being a shibboleth, something which is hard to achieve and is a condition of 'good' ethnomethodological practice, we can see it as something much more situated in its use. If the activity being described is technical, specialised or esoteric then clearly both the weak and strong forms have a place. If, however, it is a mundane activity or understanding shared membership of the culture it takes place in provides the same required knowledge.

It is here that DAG's analysis is maximally informative. It fulfils the weak UARM insofar as DAG is a professional lawyer. It satisfies the strong UARM in that the method by which one can understand Cummings' speech as a witness statement is found in the speech rather than in anything external to it.[18] Crucially, the veracity of DAG's analysis rests on both his professional understanding of Cummings' statement *and on his readers/viewers/listeners being able to understand it in the same way*. It is uniquely adequate in every respect, and does not appear to be tortured with the concerns UARM has given others.

This is because DAG has *no interest in sociology, and so is not orientating to sociological criteria for description*. As a perspicuous example of the UARM, his account goes beyond both Sacks's concern with mundane understandings *and* his use of professional vision to show how determinations and distinctions are made in practice. He shares with Sacks, however, an analytic mentality (Schenkein 1978) which takes seriously the idea that abstract or general epistemological and methodological problems are not to be taken seriously unless they are actually making your work unnecessarily hard to do. It also allows us to foreground two underemphasised aspects of Garfinkel's later work. Firstly, it is overwhelmingly directed to providing a means by which the technical 'five per cent' of social activities can be scrutinised, described and made available to a lay public—with utter indifference to what that might imply for sociology in particular and constructive analysis more broadly. Secondly, it rests on, and develops conceptual and methodological themes in, Sacks's early work in a much closer way than is typically recognised.

It is not a misrepresentation to say that Garfinkel's comments on the UARM are far more closely aligned to Sacks's remarks on methodology (collected by Gail Jefferson in Sacks 1984) and practical methods (e.g., Sacks 1992, 26–31) than is often acknowledged. A starting point for thinking through these connections might be to consider the extent to which the UARM 'translates' Sacks's approach to facilitate the study of the 'five per cent' of understandings that are genuinely technical or specialised. (Mis)reading Garfinkel's later comments on 'methods' as responses, appreciations, extensions and criticisms of Sacks's early work gives us a powerful insight into their genesis and logic, and allows us to discover again the radical nature of Sacks's approach and Garfinkel's fidelity to his enormous contributions in his later work.

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18 Methodologically, the indifference toward whether Cummings is explaining his actions or explaining them away is central here.

Sacks's injunction that everyone must understand something the same way for it to be a candidate for analysis (so differences of opinion, controversies, claims about the nature of society, scientific findings, and so on, are not engaged with *except as produced and meaningful language*), and Garfinkel's injunction that one needs to know how a scene operates in its technical details (to provide a description of what that detail, that 'expertise', that *membership*, consists in) are not just congruent with one another. Viewed this way they are the same thing.

VERSIONS

These observations lead us to the final area in which DAG's analysis of Cummings' statement is illuminating. This is the relationship between, on the one hand, different 'versions' of events and, on the other, professional versus lay judgements.

The literature on versions is frustrating, and has become stuck. Within the ethnomethodological tradition, it revolves around two key papers: Melvin Pollner's 'The Very Coinage of Your Brain' and Dorothy E. Smith's 'K is Mentally Ill'.[19] The issue both raise is epistemological in appearance but methodological in practice: how can we best understand situations in which members disagree fundamentally about what is going on, no compromise position between their understandings is acceptable to either, and the situation cannot be resolved by empirical means? If 'the facts' are what is being contested, how can an analyst capture a description of the setting—given what it is comprised of is itself the matter being disputed?

Pollner's (1975) analysis comes from a vignette in Rokeach's (1964) *Three Christs of Ypsilanti*. In this famous study, Rokeach brought three men who shared the delusion that they were Christ together. They were relocated to the same hospital, and placed in group therapy together. Rokeach's description of the shifting dynamics between the three, and the eventual equilibrium they found collectively in their delusions, was both a fascinating account and also a crucial and neglected resource in the development of the anti-psychiatry movement.[20] Pollner is particularly interested in a short vignette. One of the patients claims that he can make an object levitate through the power of his mind alone. The psychiatrist asks him to demonstrate, which he does. Nothing—as far as the psychiatrist is concerned—happens. When challenged with this, the patient explains that the psychiatrist has failed to see something that *did* occur (a table levitating), because he was unable to experience 'cosmic reality'. Pollner's position is that—given *we* cannot 'see cosmic reality' either—our belief in the psychiatrist's account rather than the patient's has no empirical foundation: if sensory experience is what is at issue, we cannot have recourse to sensory experience as a foundation for our

19 In the British context, where Wittgenstein's later work and ordinary language philosophy were key resources earlier than elsewhere, Winch's (1964) critique of Evans-Pritchard's (1933; 1934; 1936; 1937) analyses of witchcraft is an earlier iteration of a related controversy.

20 It is likely Hofstadter (1964) would have been familiar with this work, as well as Lemert's (1962) 'Paranoia and the Dynamics of Exclusion' through his friendship with C. Wright Mills. Hofstadter's article, 'The Paranoid Style in American Politics' remains stubbornly relevant.

position. We side with the psychiatrist rather than the patient because we are partisans in a 'politics of experience', a majoritarian ontology that brooks no opposition.

In Smith's (1978) paper a related, but more modest, end is pursued. 'Angela', one of Smith's students asked to provide an account of someone 'becoming mentally ill' tells the story of 'K', a former housemate and friend. Angela's account leads from K being an innocuous house-share possibility to her starting treatment for a serious mental illness. K's activities are presented as one thing after another which end with *even* Angela recognising that she must have something the matter with her. The account is more than plausible: it reads as a 'factual account', an objective narrative of what 'really' happened in the shared house. Smith's position is different: she is interested in the 'factual account' as a *constructed* narrative, one with has particular narrative features that support its apparent facticity. By rearranging the elements of Angela's account, Smith provides the reader with an equally-plausible alternative, one in which K's odd behaviour is her *response* to being ostracised and talked down to—and one in which her apparently symptomatic sayings and doings are readily understandable as commentaries on her situation. K's friends, in short, are bitches, and her apparently bizarre behaviour makes perfect sense as her attempts to articulate her predicament and provide ironic commentary on her 'friends' behaviour.

These two accounts, \emph{inter alia}, have generated a huge amount of controversy and criticism, much of it warranted (see, especially, Coulter 1975 and Cuff 1993). These criticisms include (but not exhaustively) four elements. Firstly, both Pollner and Smith use analytic privilege to generate their accounts: in the real world taking a patient's claims over those of a psychiatrist, or reordering a statement to show it contains internal contradictions once reordered, would be bizarre things to do. We do not treat them as crazy because they have the trappings of analytical legitimacy (in which This Sort of Thing is acceptable) rather than because we would support such claims in the mundane everyday world (in which things have consequences).

Secondly, these are exceptional and extreme cases. Pollner's patient has already been institutionalised for his delusions; Smith's K ends up accepting the need for support to help her mental health. In the overwhelming majority of real-life differences of opinion such polarisation does not occur.[21]

Thirdly, both Pollner and Smith treat the fact that something *can* be heard in a certain way as a warrant for hearing it like that. The question they avoid is what warrant there might

21 Here it might be worth considering the possibility that paranoid delusions and conspiracy theories do not rest on scepticism about 'mainstream' narratives but rather on beliefs that *must not under any circumstances* be challenged. Advancing the argument that, for example, the Covid vaccine may do more harm than good is not an unreasonable position to take. Arguing that it is the means by which Bill Gates can insert computerised tracking/controlling devices into people strays into less helpful terrain. If we decide, however, that the first position must be defended *at all costs*, even if that means adopting other—contradictory, bizarre or clearly unhinged—positions that are much harder to defend, the second position becomes less implausible. Layer upon layer of protection for the original doubt become increasingly improbable and convoluted—and often end with an acceptance of the conspiracy classics: anti-Semitism and the notion of a hidden cabal. As, then, with all such 'scepticism', slack-jawed credulousness is as much cause as effect.

be for such a hearing. Is it something members would like to be able to do, something that they are unable to do, something that they cannot imagine doing, and so on. A 'fuller' account would address what members do when they hear such things—and both analysts recognise that members do not approach such materials critically or sceptically. If a mad person says a mad thing, it is because of his/her madness. If someone talks about a friend's odd behaviour leading them to realise she has mental health problems, then that is what happened. These may be fallacious, mere assumptions, but the reason they are not found is that they seldom occur in the wild in the ways Pollner and Smith suggest. In effect, their arguments are little more than 'things are sometimes not what they seem'.

Finally, Pollner and Smith's accounts have no practical utility. Pollner does not suggest that the patient should be released from hospital to train others in the perception of cosmic reality. Smith does not suggest that she is obliged to contact K's family or doctor to tell them that they have made a terrible mistake. They do not make such suggestions because they know perfectly well that their accounts are *analysts' accounts*. They are *sociologists'* ways of looking, not the ways members could or do look.

As with Cuff's (1993) two empirical analyses, DAG's account of Cummings' statement provides a little more clarity on how ethnomethodologists might address disputed or contradictory understandings of 'the same' phenomena. Self-evidently DAG is offering an alternative way of hearing what Cummings words mean, and this alternative is, in some respects, a more esoteric one. It is not, and cannot be, *entirely* compatible with the 'naïve' hearing of Cummings' statement as a response to the press. If Cummings is presenting a witness statement he is not *also* making an honest, demotic presentation of what really happened (and which the press misrepresented). Equally, if his account was not 'lawyered' it is difficult to understand how it had the structural features of a witness statement *by accident*. One must choose between the two: if one is asking the question 'what is going on here?' one cannot be agnostic about which is correct.

This, however, overlooks some features of DAG's analysis that are relevant to the debate about versions. These are important insofar as they clarify the differences between the Pollner–Smith position and the Coulter–Cuff alternative. Firstly, DAG's account is *not* based on analytic privilege, even though its form might suggest it is. He is not positing what a sociologist or some other academic might posit as possible, but rather stating how he *as a lawyer* understood Cummings' statement. He generalises to suggest that other lawyers might have understood this the same way,[22] and underwrites his account by showing readers/listeners how to do such hearings themselves.

In the same way a medic might 'see' what is wrong with someone in ways that non-medics cannot, lawyers might 'hear' that something was produced by one of their professional colleagues in ways that non-lawyers are unable to. The veracity of such versions depends on their being checked—by another doctor, by another lawyer, by teaching people in general how to recognise such things themselves. If analytical privilege means anything, then, it is connected with the practice of not checking, not allowing checking, and treating doubts about the analysis as being politically or ideologically motivated. Neither Pollner nor Smith

22 This was confirmed by the professional responses to DAG's initial summary report on Twitter.

provide convincing ways in which their versions can be tested, although neither go as far as Shapin and Schaffer (1985, 344) in arguing that the patient and (Smith's version of) K respectively are *right* and the psychiatrist and Angela are *wrong*.

Secondly, the relationship between the two hearings in DAG's account is neither exceptional nor extreme in its content, but potentially *very* important in its likely practical outcomes. Someone having delusions of being able to do things that are not possible is exceptional and extreme. Someone ganging up on a housemate to the point that they exhibit behaviours that a professional would regard as symptoms of a mental illness is exceptional and extreme. Here the questions are far more mundane: is Cummings lying or telling the truth,[23] is his account enough to satisfy the press and public, and does his account spike the possibility of legal action being taken against him? These are all relatively mundane features for a political statement where the potential legal and reputational consequences of saying a particular thing are typically thought through before it is said. The issue here, then, is not 'what happened' or 'what is happening now' but rather *what will be the likely consequences of different courses of actions at this time*. The competence or sanity of the speaker is not at issue, but his credibility is—a far more common phenomenon, from which we might learn much.

Thirdly, the warrant for hearing a statement in a particular way is different in DAG's account than in Pollner's or Smith's. Pollner and Smith both have a 'what if' foundation to their arguments. What if the patient really can see cosmic reality? What if Angela is manipulating and excluding K through her interpretations and actions? This is not to say such interpretations are necessarily wrong, or could not possibly be wrong, but rather that there needs to be something above and beyond what is there to allow us to take these as candidate alternative understandings and not hypothetical possibilities. Just as series 10 of *Dallas* was unsatisfying because it was premised on the entire preceding series having just been a character's dream, Pollner and Smith's accounts are unsatisfying because they are premised on things *that could be invoked anywhere for anything*. Someone could be the last and only sane person in an insane world, or someone's narrative about a friend could be gaslighting of the worst kind, but these 'explanations' can be invoked in any situation. If Pollner's patient really does see cosmic reality, how can we know that his version of cosmic reality is the real one? What if another's, contradictory, cosmic reality is the *real* one, and the patient's merely a delusion. And what if Angela is being played by K? What if K is deliberately faking symptoms of mental illness in order to get out of a toxic household? If these seem unlikely or facetious explanations what distinguishes them from the explanations Pollner and Smith offer? What criteria can be invoked to determine when an analyst's account has 'gone too far'?

The answer can be found in the material DAG uses to defend the legitimacy of his argument. His 'data' are presented in full, and are available for anyone to scrutinise. His argument is not just based on an assertion that a lawyer would understand something in a particular way, but on the fact that elements of Cummings' statement would lead any competent lawyer to understand it in *this* particular way. Furthermore, the 'methodology' underlying that hearing is described as part and parcel of presenting it. Nothing extraneous is used, and

23 Much later, Cummings admitted much of this statement was false, but argued that he could not tell the truth at the time for security reasons.

no leaps of faith are required. Indeed, DAG goes to great pains to show that he is absolutely not making a judgement on the veracity of Cummings' explanation—whether he is 'explaining' or '*explaining away*' his actions is irrelevant—but to show that the specific structure and organisation of that explanation leads one to a more sceptical position if you hear it like a lawyer. The success or failure of DAG's account does not rest on his powers of persuasion, but on his ability to successfully instruct the hearer/reader/viewer in how to understand things like a lawyer.[24]

Finally, DAG's analysis is practically consequential. If he is correct then, in the guise of a press statement, Cummings has (perhaps successfully) closed down several lines of legal attack that could otherwise be threats. He has done this in plain sight, without any artifice, and without the assembled press and watching public realising it. This *is* consequential: Cummings was not prosecuted for breaking the law and no civil action was taken against him, possibly in some part because his statement 'worked'. The question of whether or not Cummings is telling the truth is rightly irrelevant, and is superseded by the question of whether his account explains his actions or explains them away. Furthermore, once the notion of truth is suspended, the second question reveals interesting features of its own. Instead of this being 'about' what Cummings did it becomes about *itself*: the statement is the topic, the phenomenon, not whether or not it matches up to events that cannot be verified.[25]

The analysis of the statement here provides a perspicuous example of many of the features of 'versions' Pollner and Smith identify but, as with Cuff's (1993) analysis, we can identify features of the events that are no less interesting or troubling than their epistemological and ontological features. Rather than respecifying versions, we can *de*specify them.

CONCLUSION

This is a lot to work with, and at times deliberately stretches DAG's analysis beyond what it can reasonably be held to illustrate. Nevertheless, it opens up three interesting possibilities.

The first is that the relationships between expert knowledge, adequate description and recipients' understanding are worth revisiting. There is something of the uniquely adequate in DAG's account, and something of the early Sacks too. Thinking through the conceptual relationships between these is an important next project for ethnomethodology.

Secondly, the permeability of the barrier between expert and lay knowledge seems to have been understated. DAG instructs us how to hear Cummings' statement as a lawyer would,

24 I am grateful to one of the reviewers who correctly pointed out that DAG is not teaching any arcane or technical skills but rather *reminding* us how we hear 'an explanatory account' or 'an excuse'. This is lawyerly work, but it is something we *could* do in other situations if it were not inappropriate except in particular contexts.

25 In this sense it was a success. Durham police were presented with a 225-page file arguing that Cummings' statement perverted the course of justice. The file included witness statements stating Cummings was in the North-East at a time he claimed to have been in London. The police rejected the file and took no action, most likely because they had insufficient confidence they might secure a conviction.

and we are able to do this successfully. The thing being examined is also an exemplar of things of that sort more broadly. This raises an empirical question: once one can hear and speak as lawyers do, what lawyerly skills, if any, remain to be learnt? Of course, there are many facts and doctrines that one must know, but these are *drawn on* in the course of legal argument. Schegloff's repeated injunction that we must see how much an analysis of talk gets us and then see if there are things left over, rather than start with the assumption that talk cannot be 'all there is' (e.g., Schegloff 1992) is pertinent here. What *specifically* makes a member of a community a member, someone competent enough to be left to get on with their work, for one group or another?

Finally, if we strip away our desire to find out the truth about events we really cannot know about with certainty, what can we learn about law, persuasion, and the definition of the situation from this vignette, and how can that provide the grounds for further studies? This question is the strand that runs through Lynch's work (Bjelić and Lynch 1992; Garfinkel 2022; Garfinkel, Lynch, and Livingston 1981; Lynch 1985; 1993; 1997; 2007; Lynch and Bogen 1996; Lynch et al. 2008; Lynch, Livingston, and Garfinkel 1983) I find most suggestive and challenging, and it is one that (I think) he has uniquely and consistently worried like a terrier flushing out a rabbit warren.

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