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Narratives of Truth in Islamic Law: Introduction

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INTRODUCTION

Baudouin Dupret
Barbara Drieskens

This book addresses the issue of legal truth. Such an issue is two folded. On the one hand, there is the legal truth as it is told, produced, transformed and made relevant for legal purposes, from within the legal system and its actual functioning. The ways in which these stories about 'what happened' are told largely depend on and are oriented to, the relevancies and technicalities of the specific context of law practice. On the other hand, legal truth is also what is told 'about the law,' from outside the legal body. These are stories of what people think and say about legal happenings, and they are told in the performance of some other activity than the law, for different practical purposes. In a broader sense, therefore, this book addresses the production of narratives 'in the law' and 'about the law.'

A single reality: one truth?

In legal contexts, parties are striving to impose their own version of events according to their personal intentions and concerns, while the judge is deemed to look for the 'truth' and for the 'correct version.' The pressing question of 'what happened' must be answered in order to ground the decision. From the alternative versions of the same event emerges an authoritative one, produced in the course of the proceedings. Specific to legal contexts, it is the only version of reality lifted to the level of 'truth.' This narrative of truth of any particular case has, moreover, to be presented in such a way that general rules can be applied to it. This is what is commonly called the legal characterization of facts.

From a commonsense point of view, there is only one single reality and discrepant versions of the same event that must be explained by the intervention of some additional factor that made it impossible for one of the parties to correctly account for what happened. In this sense, the legal conception of truth, with its one-dimensional representation of what happened, duplicates the commonsensical one. As a whole, people acknowledge the claims of objectivity of events (cf. Pollner, 1975, 1979, 1987), according to what Searle (1995) would call the existence of an external reality. Indeed, for members, events may have been a variety of things, "but all bore down upon them with an overwhelming objectivity." (Eglin and Hester, 2003: 86)

In a relativistic sense, however, which is the one adopted by post-modern scholars, multiple versions of the same event refer to the plural nature of the world and its perception. Some of them are related to the intentions and personal concerns of witnesses and the different parties, but there seems to be also an intrinsic plurality in any event. As such, this relativistic conception of truth and reality runs against common, legal and scientific senses. In other words, it is not because words are fallible and account partially that reality does not exist and that there can be no truth claim about the world. However, this relativistic conception of truth gains some credibility when, instead of originating from some kind of scholarly overhanging and ironic standpoint, it proceeds from the people's conviction that truth, whatever it can be and wherever it stands, is beyond reach for average humankind. Thus, it means that what is needed is a solution to the puzzling and conflicting

versions that look acceptable to a majority and can be provisionally taken as truthful (cf. Pollner's critique (1974 and 1987) of Becker's version (1963) of the labelling theory).

Legal adjudication is primarily concerned with fact presentation, since its production according to legal and procedural relevancies closely determines the outcome of the whole process. However, the final version of 'what happened' is not necessarily a truthful account of facts; neither does it necessarily aim at the production of such truthful account. Legal narratives of 'what happened' may constitute either a version that is accepted by conflicting parties or a version that satisfies the legal requirements despite factual gaps. For instance, the judge's intimate conviction can be deemed enough in case of doubt or parties to a conciliation process can agree upon some account that allocates responsibility without being much preoccupied by the exactitude of facts. Thus, mutual agreement or plausibility can prevail over the strict correspondence between facts and story. In any case, on the basis of facts as processed and presented in the course of the legal process, there will be one authoritative truth according to which a ruling will be issued.

In other words, legal processes are goal oriented and the many parties to any judicial proceeding get oriented to those practical goals such as incriminating properties, moral schemes of interpretation, and backgrounds of normality. Without the law, ordinary actions and judgments are also morally predicated, by which we mean that they assess every event, every story against some background understanding of normality. All members rely on a presumptive background of recurrent events, standard routines, commonplace motives and characterology, which are constantly instantiated, specified, defeated, and challenged (Lynch and Bogen 1996). This can be called the morality of cognition (Heritage 1984). As well, from within the law, legal 'translations' of events into legal texts and commonsense assessments of legal events are achieved through moral (both normative and evaluative) work. Indeed, beside formal legal definitions, law professionals act with regard to categories which are constituted as the normal background of their routine activities. According to Sudnow (1987), the legal characterization of facts functions according to categories whose definition proceeds from the attuning of legal provisions to common situations encountered in daily practice. Henceforth, it can be said that characterization is related to normality. Normality informs every step of legal procedures, every action, person, fact or rule being assessed according to its conformity to background schemes of normality and its possible incongruities vis-à-vis this background (cf. Dupret, this volume).

The authoritative version of the event forms the basis for the judge to evaluate the behaviour of the concerned parties either as legal, according to the norms, or as illegal, transgressing the rules of social order or law. The narrative of a particular case has to be presented in such a way that general rules can be applied to it (cf. Peters, this volume). This construction of 'objective facts' is already anticipated by witnesses, attorneys and other legal actors, who are trying to fit the details in a one-dimensional representation of 'what happened' in favour or against someone. Witnesses are inevitably conscious about the possible implications of their stories.

More than veracity, it might be credibility that is at stake in witnesses' accounts. The comparison between witnesses' utterances, statements, testimonies, expertise, on the one hand, and, on the other, background schemes of interpretation, which refer to the normal understanding of similar situations, closely determines the value attributed to these witnesses' statements. Many studies on witnessing show that credibility works as a substitute to truth, which also means that witnesses' interrogation is open to the many parties' practical work of deconstruction. Story

telling, in general, is also intertwined with methods for establishing moral entitlements and justifications. For instance, by describing the past, it implicates a range of claimable, assertable, and disclaimable rights and responsibilities associated with being a singular person (*ibid.*: 192; cf. Moors, this volume).

Story telling, in the shape of witnessing, remembering, accounting or entertaining, is thoroughly moral, but at the same time, story telling is bound by the practical task at hand. That is, it closely depends on the context in which it takes place, such as legal proceedings, friendly conversation, historiography, etc. Stories told in conversation, for example, are not composed in advance of their telling, but unfold interactionally, intertextually, and dialogically. As Sacks (1989, 1995) puts it, conversational stories make use of narrative conventions that “bind together” characters, setting, events, and the narrator’s experience. Audiences make judgments about the plausibility of what is told on the basis of what perceivedly happens normally in situations of this type, while storytellers anticipate and count on these audiences’ orientation and continuously design and re-design their stories accordingly. This is why and how stories, when they unfold on many years, usually transform and adapt to the changing relations between the parties who were involved and to the environment of their telling (cf. Zomeño, this volume). Sometimes, stories can even develop and transform into important causes of general interest (cf. Schulz, this volume).

Law as a topic of inquiry or as a source for social history?

Given the particular character of 'legal truth,' we must draw a sharp distinction between the law as a topic of inquiry in its own right and legal texts and stories as a resource for social history. When we consider law in its own right, we need to make another distinction between, on the one hand, law as a tool for all further legal practical purposes, that is legal codes, precedent, jurisprudence as they are used by law practitioners in order to perform their activities (e.g. using some precedent as a ground for introducing a petition), and, on the other hand, the description of these legal practices in their manifold dimensions, that is the rendering of the many activities that led to the production of the law (cf. Ghazzal, this volume). Only the description of such practices allows us to better know how truth is practically produced in legal settings.

Legal narratives and case-reports in particular, constitute a one-dimensional version of reality and are to a large extent shaped by the particular context in which they are produced. There are theoretical and methodological issues concerning the role of ethnographers and historians as tellers of stories and the extent to which legal documents can be used as sources for social history (cf. Messick, this volume, and Zomeño, this volume). What is often lost when we take legal texts as a resource is the phenomenon, which should nevertheless stand at the core of any inquiry into law: law in context and in action. In other words, there is a gap in socio-legal literature because of its neglect of the practical dimension of law. Only by considering these sources in their particular contexts and finalities can we understand the various meanings which people give them.

Legal stories in their contexts

Once it is said that the context of legal stories must be given central attention, we have to remain cautious with the mere notion of context. How can we know about the context and what is relevant to it? Must context be taken in its narrow or its large understanding? Or, in other words, what is contextual and what is not? Without going into much detail, we should emphasize the importance

of limiting the context to what can be empirically described as relevant to the people participating into an action and the enfolding of such action. The context is not what can be observed by scholars occupying some kind of overhanging position, such as what Drew and Heritage (1992) call the “bucket theory of context,” but what is displayed and oriented to in a very indirect or implicit way, by the many people engaged within a course of action (Zimmerman, 1998). According to Schegloff (1991: 51; cf. also 1997), it is about “showing from the details of the talk or other conduct in the materials that we are analyzing that those aspects of the scene are what the parties are oriented to.” In that sense, any legal context is made of the many cultural, institutional, substantive and procedural practicalities, relevancies and technicalities that concurred to constraining the specific course of action.

When looking at legal texts, it is precisely the context of their own production that is missing. Legal documents are written for legal purposes and, therefore, they tend to hide the conditions of their own constitution. In other words, legal documents are polished versions that occult the performance that led to their achievement. From an action to an account of that action, from a verbal exchange to a written narrative, from a record to a report and from a report to a ruling, there is a huge transformation which is achieved. This transformation creates a gap between what happened, what is recorded, and what is made into law (cf. Buskens, this volume). Facts of history intertwine with the methods of historiography. Factual information is collected and assembled with an eye to its inclusion or exclusion within a narrative (Lynch and Bogen, 1996: 76; cf. Messick, this volume). It remains, therefore, possible to partly retrieve the steps that led to the formalized and polished account by closely looking at texts as practical achievements whose grammars, patterns, structures and embodied relevancies are immediately accessible. To put it differently, texts display different cultural narratologies, which tell us a lot about the practical conditions of their writing, their retrospective and prospective dimensions, their dialogical constitution, their contested nature and the ways in which some of these narratives pragmatically became dominant.

Putting legal texts back in context, it appears that they are both contextualizing and contextualized. By contextualizing, it means that any dealing with them is necessarily to be put within the constraining frame of their legal, procedural and institutional relevance. By contextualized, it means that each specific legal text is in itself part of a broader textual legal network within which it looks both backward and forward. It looks backward, for instance, to the provisions of the law to which it makes reference or to some previous police or forensic report that provides it with some prejudicial presentation of the facts and the law. It looks forward, for example, to its prospective uses by some appellate judge (cf. Wuerth, this volume). Such a prospective and retrospective feature of legal texts, which is primarily evidenced by their intertextual construction, displays their embedment within a dialogical network of documents responding to, and anticipating, each other.

Beside this dialogical dimension of legal documents, it must also be stressed that they directly reflect the many orientations of the parties to the activity in which they are engaged. With regard to law professionals, texts and documents often manifest the routine nature of their work and the practice through which they perform it; with regard to lay people, the same documents reflect how they negotiate the most beneficial or less detrimental solution for their own personal interests, as well as the blame-implicative nature of legal proceedings, at both a moral and a legal level. Such orientations of the parties are manifested through the use of descriptions and categorizations, the backgrounding and foregrounding of elements of information, or the many left-outs appearing

against the background of proper legal and contextual knowledge. Through the close inspection of the many ways in which parties display their orientations and attitudes toward facts, law and legal characterization, one can get access to the sense of law's practical grammar, that is, the law as it is practically produced, lived and experienced by the many people within some process of law.

To put it in a nutshell, events' accounts are largely shaped by the context of their production. Although this is explicitly the case in legal contexts, where it is considered as rather normal that parties, witnesses and prosecutions or defence representatives orient their narratives according to their personal interests and stakes, this is equally true in ordinary situations, where issues of truth, identity, knowledge and worldview are radically context-dependent (cf. Moerman, 1974, 1987; Antaki & Widdicombe, 1998). This is a reason why stories about what happened within courtrooms are often so distant from real-time accounts of what took place in this environment: participants, orientations, relevancies, procedures, purposes, motives, ascriptions are necessarily context-dependent and cannot therefore be translated and inferred from one context to another (cf. Drieskens, this volume).

What Happened: Legal Truth in Muslim Societies

The different chapters in this book dealing with 'stories in law' focus on the multiple ways in which texts (whether oral, written, or a combination of both) are produced. Some texts are highly complex, such as 'translations' from oral to written forms. Attention is paid to the impact of those involved in the production of particular texts, such as scribes, judges, and professional witnesses, as well as the ways in which these legal specialists allow for or exclude particular voices. In this regard, it is important not only to trace the training trajectories of text producers and their positioning in the legal system, but also to understand how the public at large turns to them in order to 'translate' their cases in terms that make sense within the legal system. Amalia Zomeño addresses these phenomena through a discussion of the process of fatwa-giving, whereas Brinkley Messick, Rudolph Peters and Nathalie Bernard-Maugiron focus on the production of court records and legal judgments. Baudouin Dupret gives an ethnographer's report of how the records of the police and the public prosecutor come into being in the present-day in Egypt. Emad Adly analyzes the letter written to Imam al-Shafa'i as requests for retribution, formulated as *shakwas* (complaints). Annelie Moors and Léon Buskens look at the ways in which marriage contracts were written down in Palestine and Morocco, respectively. Ghazzal and Wuerth show that the "fabric of the law" is not in the rules of law per se, but in the outcome of the complex schemes of documentation that make each legal case a concrete social reality.

Turning from the producers of texts to their readers and audiences, one central question focuses on the intended publics of these texts. Whereas some documents are only meant to be consulted in specific circumstances by a highly restricted number of people, other texts are intended for a general public, and this is especially the case in 'stories about law.' This calls for an investigation of how particular publics are addressed and how narrators calculate the possible uses and effects of their texts. Subsequently, the question is raised of how differently positioned publics interpret particular texts. Barbara Drieskens analyzes the way contemporary Egyptian newspapers report about healers who deal with djinns and how the public reacts to these stories. Dorothea Schulz focuses on the production of radio reports on domestic violence in urban Mali. Lynn Welchman reflects on her role as an observer in the courts of Tunis to report on human right issues.

This volume is divided into four parts. Part One examines aspects of the treatment of legal truth throughout Islamic history. Part Two focuses on stories from without the law, when people speak about law-related issues outside the framework of legal institutions. Part Three deals with the law as it is unfolded and perceived both internally and externally. Finally, Part Four concentrates on the legal truth as it is produced within the legal contexts.

Part One of this book looks at legal truth in various contexts of Middle-Eastern history. In Chapter One, Zomeño examines legal opinions (fatwa). In a fatwa, both questions and answers were considered legal precedent and compiled as such, so that the social and legal stories were transformed into pieces of jurisprudence. Fatwas are literary constructions. The stories told to muftis are narratives of what happened at some point in the society of a certain place. They also have some textual history that makes them change with the dynamics of Islamic jurisprudence and the compilation process. However, these narratives were especially meant to last throughout time in their original form: they seek to establish the “official” version of particular events. Zomeño’s contribution raises a number of questions related to this volume: how stories transform into pieces of jurisprudence; how there are distinctive layers to the production of legal truth; how legal documents do or do not constitute reliable sources for telling the truth about past history; how cases are textual adaptations constrained by both legal relevance and procedural correctness.

In Chapter Two, Peters analyzes the records of the case of a young boy who was beaten in school by his teachers. By comparing the various depositions and the subsequent judicial decisions, he argues that during the course of the investigation of this case and in the process of sentencing, the different versions of the facts are transformed into an authoritative account containing almost exclusively the legally relevant elements and presenting a logical and plausible narrative. The richness of often contradictory details found in the statements of the parties and witnesses makes way for a coherent account shorn of its irrelevant or troublesome details. Peters shows in this contribution how to read the structure of a judge’s sentence, with its backgrounding and foregrounding of aspects of the case according to their relevance with regard to the law.

In Chapter Three, Messick analyzes the records of Yemeni shari‘a courts. These records are relatively verbatim in that they quote testimony and also reproduce the responses made by the parties during the litigation. Some of these responses involve the restatement of that party's narrative and an attack on that of the other side, mainly through criticism of the opponent's evidence. How may the structure of such legal narratives be analyzed, and what are the implications of such analyses for the use of legal narratives in the writing of social history? In technical terms, what do the patterns of its legal narratives tell us about the character of a particular shari‘a court? Messick’s approach centres on the genre features of such legal narratives and on their dialogic nature, that is, how they develop in response to the opposing sides' case. His contribution raises the question of how to use the people’s stories in order to make social history. He emphasizes the variety of narratologies among human societies, but also stresses the importance of looking at the legal structure of the sources. This shows that legal records are polished outcomes of legal practices.

Part Two of this volume is made up of three chapters dealing with narratives about the law. Moors, in Chapter Four analyzes marriage contracts. Marriage contracts are different from most of the other legal texts discussed in this volume, as they do not involve the settlement of a conflict. Yet, similar to these other texts, dower registrations cannot be assumed to reflect ‘what happened’

in terms of a true account of what was given and received. This is the more so in the case of a ‘token dower,’ where there is a complete disjuncture between the sum registered and the gifts provided. Still, these contracts present us with a specific format of registering a prompt dower that the parties concerned agree about. At the same time, women’s stories indicate that such token dower registrations are not a unified practice and that women in different positions employ different material and symbolic logics when they acquiesce in, consent to, or actively attempt to bring about a token dower registration. The author shows that there is an obvious gap between the different versions of ‘what happened.’ Contracts are written for all legal practical purposes and therefore never go beyond what is relevant to them.

In Chapter Five, Schultz examines a debate spurred in 1998, after a case of domestic violence had been broadcast on a local radio station in Mali’s capital Bamako. It argues that the ways in which various actors and political interest groups framed this instance of a family altercation as a legal story and as an issue of public controversy shed the light on how issues of social reform are currently debated in Mali. The chapter details how the broadcasting of the story on local radio constituted a turning point in the framing of the episode as a legal case, and concludes that Malian media institutions presently play a critical role in the formulation of legal truth outside the formal juridical domain because they help construct a legal case through a series of publicly told stories. The political biography of the episode not only reveals the close link between particular definitions of propriety, public order, and the establishment of legal truth, but also shows that proponents of different political positions take women’s moral disposition as an indicator of the moral state of society, and as a means to address on what notions of the common good the political community should be based. In this chapter, Schultz shows how much the language of the law is attractive outside its institutional framework. She documents the process through which one of the existing narratives becomes the dominant one. By doing so, she empirically illustrates how ordinary cases can transform into causes of general and public interest.

In Chapter Six, Adly relates the story of sheikh ‘Amr who, in 1994, started a 100 km-journey from Mahallat Rawh, in the governorate of Gharbiyya, in order to leave, on Imam al-Shafi‘i’s tomb in Cairo, a 17-line letter accounting for his affair with a woman, his sin, and the lady’s laxity of conduct. Such epistolary confession raises the question of how people address a saint who died more than twelve centuries ago and ask for his intercession in mundane disputes; how they can express the injustice from which they claim to suffer and how they try to rally the saint to their own truth and cause; how they formulate their claim and how they organize their stories. In his rather well formulated narrative, sheikh ‘Amr pleads responsible but not guilty; for this purpose, he uses all possible means, ranging from appropriate words to consecrated formulations, valorisation process, generalisations, fact re-construction, legal formalism, and indictment formula. Adly’s contribution constitutes an illustration of what people expect from the law, which includes their background understanding of it. It also demonstrates how describing people and actions is a way to infer rights and duties and to ascribe responsibilities.

Part Three of this volume is made of contributions which try to capture law as it is seen from both sides of the mirror. Buskens, in Chapter Seven, examines documents and their roles in legal practice of the Muslim West. Professional witnesses, known in Morocco as ‘*udul*, compose their documents according to models which are often collected in formularies. Legal documents contain highly formalized reports about events which might have legal consequences. Buskens studies the way in which professional witnesses construct a document by looking closely at a wedding

ceremony which took place in Rabat, Morocco in 1989. He compares the events which he witnessed himself as an ethnographer to the written text of the marriage deed. The peculiarities of the legal document can be understood by looking at the formal procedures prescribed by the law and by the models available to the *'udul* in books known as formularies. According to Buskens the practices of the professional witnesses can be understood by considering them as a kind of "cultural brokers" who mediate between the cultural understandings of ordinary people living their daily lives and the formal requirements of the law. The legal rules framing the events stem from state law, as well as Islamic law and local practices. The professional witnesses are involved in a process of translating notions taken from everyday life into legally valid language. Buskens' chapter shows how lawyers work bearing in mind the potential conflicts arising from the texts to the writing of which they contribute. In other words, he shows how they operate in reference to both legal provisions and social norms. By doing so, they produce documents that are retrospective and prospective at the same time.

In Chapter Eight, Drieskens looks at differences and similarities between stories about healers and djinns in the different settings of the court, the press and the neighbourhood talk. Each narration presupposes and reflects other versions in other settings and every story about djinns forms in one way or another, the basis for a judgment. This judgment can be a verdict about the guilt or innocence of the protagonists; it is often the moral evaluation of their behaviour, but it involves also the audience's appraisal of the story and of the moral positioning and credibility of the storyteller. In her contribution, Drieskens examines the specific mechanism through which stories trigger further and conflicting accounts of events. She also shows how stories orient to their virtual public and anticipate their audience. It means that stories are always prospectively oriented to further judgements about their reliability, coherence, documented character, etc.

In Chapter Nine, Welchman looks at narrations of 'what happened' in a set of 'political trials' in Tunisia in the 1990s, examining not only the construction in court of 'what happened' as a basis for a ruling in a particular case, but also 'what happened' on a particular day in court. If, in the institutional context of state law, the judge's story constitutes the accepted truth that forms the basis for the judgement, in the context of the sort of trials under examination here the contention is not resolved by the judicial outcome; there is no agreement on the story of 'what happened.' The history of such trials in Tunisia locates the courtroom as an established site of contention between the 'authorised version' of the trial and the truth, as advanced by the prosecution and recorded by the judge, and the alternative version of the story put by defendants and their advocates and supporters. The latter may add to the 'meta-narrative' of the overall trial the short stories of dramas in court provoked by particular proceedings. The international trial observer (specifically, those mandated by non-governmental organisations) plays a key role in the public telling of an alternative narrative of what happened on the different levels. In its turn, the construction of this 'external' and 'observation' narrative is framed by purpose and intent, and is articulated within particular constraints of form. Welchman's chapter is an account of what can be said about the production of legal truth when conducting a proper ethnography. At the same time, it raises the issue of the observer's impact on such production. It clearly shows how truth in legal contexts is framed by textual provisions and procedural constraints, but also by counter-narratives, while it also demonstrates how this functioning can be documented and influenced by just attending the trial.

Part Four of this volume concentrates on legal truth as it is produced within legal contexts. In Chapter Ten, Bernard-Maugiron makes use of a 2002 decision of the Egyptian Supreme Constitutional Court (SCC) as a starting point for examining the reconstruction by courts of both facts and laws. The “khul‘ law,” which was adopted by the People’s Assembly in 2000, was challenged for unconstitutionality before the SCC by a husband whose wife had asked for a khul‘ divorce. Through its analysis of the constitutionality of that legal provision, the SCC reconstructed different dimensions of what happened in the case itself; in its past decisions; in the elaboration process of the khul‘ law before the two houses of the Parliament and chose its own version of the famous *hadith* that the khul‘ law relies on. The chapter shows how courts undertake a retrospective formalisation of law and facts in order to meet the needs of procedural correctness and legal pertinence. Bernard-Maugiron’s chapter illustrates how the judge proceeds in order to give facts and statutory provisions a story that can be legally dealt with. It shows that courts are also looking at precedents as former legal narratives on related issues. Moreover, it demonstrates how the writing of legal legacy can influence the drafting of laws and the production of rulings.

Abuse and mistreatment of citizens have been a regular feature in the Egyptian police precincts. The scope of these phenomena is impossible to determine, with contradicting data from non-governmental and governmental organizations. In Chapter Eleven, Wuerth deals with legal and judicial (re-)constructions of police brutality and torture during the late 1990s. She does not dwell on ‘what really happened’ in a particular case, but on the strategies and means – socio-legal and medico-legal – by which judicial institutions, governmental and non-governmental organizations, and individuals debate and construct police action. The competing legal and political ‘truths’ about police abuse and its prosecution are laid out in their current political context. Socio-legal police strategies are examined for their importance for judicial (re-)constructions of police abuse. Lastly, she discusses the role of medico-legal knowledge in prosecutions of policemen, and argues that the systemic relationship between law and medicine is predetermined by the legal system. Wuerth’s chapter shows how narratives concerning offences and offenders follow scripts which produce decontextualized accounts of facts. It also examines the relationships between law and science and demonstrates that the factual authority of science is often counterbalanced by its tendency to produce inconclusive reports, thus leaving to the judge the possibility to choose from among different possible hypotheses the one that best suits his purposes.

In Chapter Twelve, Dupret conducts a praxiological study of a trial that was primarily concerned with the judicial definition of morality. Be it homosexuality, prostitution or mental health, it is possible to observe and describe in a detailed manner the work of the different parties who are engaged before the courts in cases related to morality. In such a situation, morality is constitutive of a specific domain, insofar as people orient to it as such; that is, as a particular object with which certain human activities, like religion, ethics, morals, philosophy and law, are concerned. The so-called Queen Boat affair serves as a case study. The author conducts a (membership) category analysis of the investigations conducted by the Public Prosecution and of other texts produced by the many professional agencies involved in the procedure. It allows him to observe the emerging modalities of categories, as well as their inferential properties. In different chapters of this volume, authors show how the authoritative version of ‘what happened’ is produced in the course of the judicial process, the final version of the facts forming the basis for a judgement grounded on legal rules. Dupret’s contribution illustrates, through the analysis of a concrete example, how also the moral categories within the rules and the interpretation and application of legal rules are not floating entities but belong to the interactions that produced them.

Chapter Thirteen (Ghazzal) is a textual analysis of a single criminal case from the province of Idlib in the north of Syria during the 1990s. There are numerous methodological benefits for understanding a legal system through a careful analysis of individual civil and criminal cases. To begin, the rules of law that presumably constitute the essence of civil and criminal codes, and which are commonly perceived as the 'theory' from which 'practice' is derived, do not in themselves dictate what happens throughout the complex proceedings of a case. To understand what happened in a single case, it is compulsory to primarily follow the actors' documentation of the events from their own standpoints, which will eventually lead to a full reconstruction of the case from the actors' various viewpoints. Consequently, the "fabric of the law" is not in the rules of law per se, but an outcome of the complex schemes of documentation that make each legal case a concrete social reality.

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