



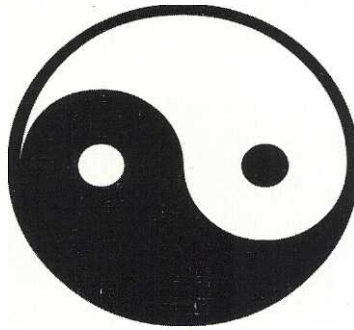
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**The Role of Repetitions and
Reformulations in Court Proceedings**

- A Comparison of Sweden and Bulgaria



by
BILYANA MARTINOVSKI



GOTHENBURG MONOGRAPHS IN LINGUISTICS 18

The Role of Repetitions and Reformulations in Court Proceedings

- A Comparison of Sweden and Bulgaria

by

Bilyana Martinovski

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Abstract

Examination in court is a specific type of verbal activity, in which the interlocutors cooperatively HAVE to establish a correct version of a story. However, by definition, the cooperative aspect is only partially supported by the power structures in a trial. Starting with the description of the activity, the analysis aims to uncover the dynamic relationship between institution and practice, between legal structure and human interaction. By focusing on inherently dialogical features such as repetitions and reformulations and their relation to various other interactive features, e.g. feedback, communicative acts, modality, sentence type, overlap, and pauses, this thesis aims to demonstrate the mechanisms behind the realizations of verbal defense strategies, the expression and projection of doubt, etc. and to formulate ideas and methods concerning the development of integrated qualitative and quantitative discourse analysis.

The perspective is cross-cultural, finding similarities and differences in the realization of functions and structures. The data consist of audio-recorded trials in Sweden and video-recorded trials in Bulgaria; the legal systems in both cultures are considered inquisitorial and based on Roman law.

Four major conclusions are:

1. The activity factor and the associated pre-defined purposes and roles influence the use of repeat sequences and the interaction more profoundly than the language factor.
2. Bulgarian court examinations exhibit greater power distance between the participants than do the Swedish examinations, although in both cultures the examinees behave defensively, independently of the combativeness of the examiners.
3. Integration between qualitative and quantitative analysis is productive and complementary.
4. The main purpose of a court examination is to find the truth but the actual practice of the courts in both Sweden and Bulgaria is to demonstrate and reach recordable consensus on the preferred interpretations of the truth.

Key words: Language and Law, Forensic linguistics, Credibility, Doubt, Discourse analysis, Conversation analysis, Activity analysis, Bulgarian, Swedish, Spoken language interaction, Typology, Style analysis, Repetition, Reformulation, Communicative act.

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Preface

After the Second World War, European humanistic thought started an important shift from metaphysics to ethical dialogism. In literary theory, Bakhtin's dialogical principle was most influential. In philosophy, by formulating the distinction between I-Thou and I-It relations, Martin Buber wrote on the urgency of understanding the mutual responsibilities between interlocutors and towards language. In linguistics, the importance of pragmatics grew, which licensed the development of various forms of discourse analysis. Within Swedish linguistic thought Jens Allwood has made the most significant and productive linguistic operationalization of ethics in communication theory by building on Grice's principles of rationality. Sacks' intuitions on ethics in daily inter-human linguistic action are still to be explored and are certainly not reducible to mere methods of analysis. In this context it is not surprising to note the strong interest in the relation between communication and law since the law and the legal procedure are the emanations of ethical dialogue. I had the luck to learn about linguistics and communication directly from the source. Hereby I express my deepest gratitude to and admiration for my supervisors, Jens Allwood and Joakim Nivre, whose democratic, deeply humanistic, rigorously analytic but also synthetic and elegant thought has been and will be a great inspiration. This thesis is the fruit of a passion, suddenly born in me, for juridical interaction and is the product of four years long study on the topic. I am indebted to:

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Bilyana Martinovski
Göteborg, May, 11th 2001

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Introduction



Purpose of the thesis and its theoretical foundations

Rationality and ethics are deeply interrelated in the process of human interaction. Sociology and philosophy have long concerned themselves with rationality in communication (Grice, 1975, 1989). The ethics of interaction (Buber, 1997) and the problem of our responsibility for language and communication, i.e. our responsibility towards each other as interlocutors, are critical in contemporary humanistic thought. It is through mutual recognition of otherness and not by striving towards sameness that ethics becomes salient (Pinchevski, 2000). It is only natural that linguistics should contribute to this trend. In this context it is interesting to study discursive operations assisting understanding, perception, and management of attitudes. Repetitions and reformulations are some of the means we use to display different levels of mutual recognition.

A basic assumption in this thesis is that human interaction depends on social activities with their inherent roles and on their broader cultural and social attributes. At the same time the participants' communicative behavior influences the institutional features of the settings. The purpose of this thesis is to study the mechanisms of this dynamic, twofold process by focusing on the contexts of repetitions and reformulations in courtroom examinations.

The study combines structural and functional approaches to discourse and qualitative and quantitative methods of analysis. An underlying belief is that radical, contextualized analysis of structures and functions leads to localism, which precludes a vision of the linguistic system, whereas radical decontextualization weakens the specificity and the substantiality of the analysis. By concentrating on repetitions and related phenomena, such as reformulations and paraphrases, one can study their interrelation with context and assign contextually determined functions, which can then be quantitatively studied on a larger scale in relation to other interactive features, such as feedback devices, communicative acts, intonation, overlap, etc. The focus on one type of feature avoids an oversimplification of the functions of this feature. The qualitative analysis is used to build up a theory of the use of repetitions and reformulations in court examinations, which is then tested on a larger quantitative basis. The difficulty in a quantitative analysis is that it demands the assignment of labels to functions, i.e. communicative acts. This approach leads to decontextualization and has been actively criticized (Drew and Heritage, 1992). However, the application of non-traditional quantitative analytical methods (see Chapter 11) that perform an automatic analysis of co-occurrences of linguistic and discursive features, not only within one utterance but also on a sequence level, can hopefully build a bridge between qualitative and quantitative analyses of human interaction.

Why study courtroom interaction?

One of the greatest difficulties in the analysis of human interaction is the complexity of the relation between context and individual utterances. In addition, it is often the case that the speakers' intentions are intentionally hidden, which makes the detection of communicative strategies speculative. The formulation of a theoretical framework describing the context-utterance relation is a necessity and has been the major purpose of a good deal of analysis. However, as pointed out by Wittgenstein (1953) and Malinowski (1922) and by such contemporary scholars as Allwood (1976, 1978a, 1995, see also <http://www.ling.gu.se/~jens/publications/index.html>), Sacks (1992), and Sacks, Schegloff and Jefferson (1974), language is action under particular situation-specific conditions that define the activity in which the communication occurs. Some of the conditions are the goal of the activity, the relations between the participants, procedures for the realization of the activity, etc. (see Chapters 3, 4 and 5 for more details). Thus we may at least partly overcome the difficulties of interpretation mentioned above if we choose to analyze predefined activity in which the final goals of the participants are strongly determined by their mutually identifiable roles. The court examination is a prototypical example of an activity where the intentions of the speakers are functions of their pre-described roles and thus may be uncovered with greater success. For this reason law courts have been identified as a suitable area for discourse analysis.

Legal rules also simplify the analytical discourse work because they explicitly regulate the turn-taking order (Atkinson and Drew, 1979) and the register of communicative acts. Thus one may expect to get more exact and detailed knowledge of the linguistic mechanisms in terms of turn-taking regulation. With regard to the communicative acts we have clearer question-answer confirmation sequences than in casual conversation. This is also true of other activities, such as various forms of interviews, police interrogations, doctor-patient sessions, etc. By studying one activity we also gather material that allows further cross-activity comparisons.

Court examinations are also associated with the expression and management of strong emotions, which influence the discursive behavior. Combined with the more or less clear goals of the participants they may provide the analyst with suitable material for studying the relation between linguistic entities and emotional and cognitive states/processes.

One feature particular to court examinations is that the participants are prepared for it and realize their intentions according to a plan, which is also influenced by the fact that (in the case of the Swedish courts) the court examination is performed before a decision taking body of listeners, that is, judges. Thus it offers material for analyses of partially premeditated talk. Another specific characteristic of the situation is that it is not the trust in those examined that guides the testing processes but rather the established premises, i.e. the beliefs of the examiners and the judges that emerge during the examination are not expected to be based on the intentions of the person being examined (see Chapter 5). These two features of courtroom examinations distinguish them from conditions in casual conversations and thus constitute an interesting subject of analysis.

Courts are conflict-resolving settings and as such are especially interesting if we wish to understand the genesis of conflict including all the acts and sequences associated with it. The analysis of the discursive conditions and management of disagreement, doubts, blame and

defenses may advance our understanding of conflict, which is valuable also because it occurs in many other settings where it is much more difficult to control.

The legal system is the emanation of some of the most profound cultural and social values of a given community. These are expressed not only in the substance of the juridical clauses but also in the procedural organization of the trials, including the distribution and realization of juridical power. There are two kinds of legal systems, adversarial and inquisitorial, each of which distinguishes the legal rights and obligations of the participants in a specific way (see Chapter 3 for more detail). The adversarial law system has been studied more in modern discourse analysis literature than the inquisitorial system (Danet, 1978; Levi, 1991). This thesis includes material from two different inquisitorial systems, the Swedish (see Andeaes, 1968) and the Bulgarian. Despite the fact that they are fundamentally identical they are also different because they act in two different national and linguistic cultures and social systems and because they are practiced in different ways (see Chapter 3 and Chapter 4).

Why study repetitions and reformulations?

Repetitions and reformulations are basic features in local intra-discursive recontextualization processes (Linell, 1998). If we concentrate on them we can study in a local and direct way what kind of discursive events and linguistic/interactive features are involved in the recontextualization. In contrast to reformulations, repetitions are usually considered identical to reprints or copies (Linell, 1998). For this reason it often happens in the literature (see the next chapter for references and discussion) that their function is overgeneralized to that of acknowledgements or similar kinds of cooperative styles and behaviors. However, sometimes even the most exact repetitions involve refocusing and transformation of meanings (Linell, 1998:145). In courtrooms, the recontextualization process becomes evident in several ways, both in the Swedish and Bulgarian settings.

Discursively, the participants represent different professional and competence groups associated with specific linguistics and interactive registers. The legal agents, with their training in legalese, have to get the everyday stories of witnesses in their everyday language format and present their legal interests in a linguistic format that is understandable to the non-professionals. Thus, in order to predispose the witnesses, the professionals shift from one lexical genre to another and the witnesses try to accommodate to the courtroom situation by trying to adapt their language and communication to what they believe to be the communicative characteristics of the activity.

Again discursively, we may witness in many cases a misunderstanding not so much of the wording of the examination questions but of their purpose, which is also a function of the recontextualization of the law in the interrogation activity. That is, those who are being examined have difficulty understanding the activity as such, and knowing or not knowing the legalese is simply a function of this lack of experience and competence. In cases of recidivism we can notice that the witnesses have less trouble interpreting the purpose of the questions in a long-term perspective, that is, their meaning in the legal process. Thus they have better opportunities to make the right inferences and adapt their answers to these inferences.

During the process of the courtroom examination professionals often retrospectively re-access information from the pre-trial examination (when the oral police interrogation is transcribed into a written document) and documentation and use it in acquiring more information from

the witnesses. On the other hand, prospectively, the courtroom examination is the basis for the formulation of a record that can be used again as evidential material. Both processes are basically recontextualizations and the typical verbal way of realizing them is through reformulations, quotations, direct and indirect reports, repetitions and paraphrases. By studying them one can illustrate the exact way this recontextualization is put in motion in the legal context and in accordance with each participant's role and purpose.

The narrative of each witness may be different from that of others in a trial although the objective experience is supposed to be the same in the remote reality. Thus the courtroom examination is an activity of confrontation of versions of reality. In this complicated communicative process both witnesses and examiners withhold some parts of their experiences and promote others according to their particular role and purpose. This is also because the decisive authority rests with the hearer of the trial.

Overview of the thesis

The thesis consists of twelve chapters. I will briefly review them according to the main themes.

Introduction

This section offers an introduction to the general purpose and problem of the thesis, gives an overview of the thesis and suggests the areas to which it aims to contribute.

Theoretical background, Chapters 1, 2, and 3

The study is built on interdisciplinary analysis and therefore demands a description of research areas, such as

general and institutional interaction analysis,
courtroom language and interaction,
specialized studies of repetitions and reformulations,
judicial systems,
cultural and linguistic context.

The approaches to discourse analysis, mainly those relevant to institutional talk, are briefly discussed in Chapter 1 in order to motivate the theoretical standpoints and the methods used in the present study. The field of forensic linguistics is an interdisciplinary one but it contains all studies related to the courtroom interaction theme. Chapter 2 discusses previous studies on repetitions, reformulations and paraphrases in different kinds of activities and linguistic cultures, and with different kinds of methods. The description of the legal systems in Bulgaria and Sweden provides the specific background of the activity subjected to analysis. Special attention is paid also to the expectations based on cultural and language differences between the two data sets and theoretical aspects of the relation between national culture, language and activity.

Corpus and method, Chapters 4, 5, and 6

Here I describe the corpus (Chapter 4) by using the framework of the activity-based communication analysis (see also Chapter 1), the methods (Chapter 6) and the units of analysis. Chapter 5 consists of a theoretical discussion of strategies of identification of functions and is related to the chosen methods.

Functional and structural analysis, Chapters 7, 8, 9, and 10

These four chapters give a qualitative analysis of the functions and the structures of repetitions and reformulations in court-examinations. The first one is devoted to sequence analysis, the second to the analysis of doubt expressions, the third to the development of mitigation theory and the defensive use of repetitions and reformulations, and the fourth chapter studies the functions of repetitions and reformulations on the utterance level.

Quantitative analysis and cross-linguistic comparisons, Chapter 11

The aim of this chapter is to support and enrich the qualitative analysis of repeat sequences by a study of their frequencies and correlation with other features. The first part of the chapter compares the results of analyses of the Bulgarian and the Swedish frequency data related to repetitions/reformulations, communicative acts and modalities. The second part of the analysis uses the Göteborg corpus of verbal activities in Swedish and the measures developed in relation to it. It aims at a better understanding of the cross-activity and cross-linguistic differences and similarities by describing the general interactive stylistic tendencies in the corpora.

Summary and conclusions, Chapter 12

Finally, all conclusions from the empirical analysis are summarized to help formulate perspectives for further studies and to make critical observations regarding this study and the practice of discourse analysis today. The conclusions are organized around the following topics: legal systems, roles and interaction during examinations; theory of repetition; language, culture, and activity.

Chapter 1

Analyses of Institutional Interaction



Introduction

During the past three decades discourse in institutional settings has been studied from many different perspectives using a number of theoretical approaches such as:

- style analysis (Biber, 1988, 1994)
- variation analysis (Labov and Fanshel, 1977)
- conversation analysis (Schegloff, Garfinkel, Sacks, Drew, Heritage)
- speech act theory (Austin, 1962; Grice, 1989; Searle, 1969; Levinson 1983)
- anthropological linguistics (Malinowski, 1923; Goodwin and Duranti, 1992)
- interactional sociolinguistics (Goffman, 1967)
- ethnography of communication (Hymes, 1964, 1972ab, 1974)
- activity-based communication analysis (Allwood, 1976, 1978a, 1995)

Each of these has contributed to the general study of human communication not only by specific empirical studies of institutional and non-institutional interaction but also by offering, testing and developing a variety of conceptual frameworks. Schiffrin (1994) distinguishes between two main groups of approaches to discourse:

- those whose initial assumption is that interaction is structurally organized, the most prominent example being conversation analysis;
- those, who begin with functional analysis and end up incorporating structure into their analysis; this includes all the rest of the theoretical frameworks listed above.

However, this description is dependent on the interpretation of the basic concepts. Thus one may claim with equal confidence that conversation analysis as initiated by Sacks (1992ab) concentrates on specific social actions and then tries to discover recurring structures associated with it. On the other hand speech act theory, for example, may be described as the structural analysis of verbal acts describing the conditions that must be fulfilled for certain act to be classified as one thing or another. The facts that these conditions do not always refer to the sequential context of the acts and that they are semantic in nature does not make them less structural.

Before giving a more concrete description of the theoretical and methodological credos of each of the approaches that have influenced the theoretical standpoints and methodological choices made in the present study, let us first consider the main tendencies in the analysis of social talk.

1.1. General tendencies in interaction analysis

Contemporary studies of discourse may be characterized as:

- developing the dynamic aspects of context
- preferring qualitative to quantitative analysis
- based on empirical analysis
- relying on data from authentic situations
- promoting comparative studies of ordinary and institutional interactions
- concentrating on local realizations of features and strategies

A general tendency in contemporary interaction analysis is the departure from static models of socio-cultural context, i.e. models, that are based on direct inferences inferred from global context assumptions about the functions of interactive features. Context is viewed as a dynamic process rather than a state; utterances are described as context-shaped and context-renewing (Drew & Heritage, 1992:19). Consequently there has been a concentration on the local production and transformation of context instead of its global characterization and a methodological preference for qualitative analysis.

The second fundamental trait is the emphasis on the mutuality in the recognition and understanding of acts in interaction. Thus contemporary discourse analysis is nourished by the original observations of Wittgenstein, Austin and Grice but has abandoned the static and function-generalizing approach of the speech-act theory (except for the computational dialogue models, see Cohen and Perrault, 1979; Cohen and Levesque, 1991). Efforts to create syntax of action or abstract models of the realization of speech acts and sequences of turns (Labov and Fanshel, 1997; Sinclair and Coulthard, 1975) have been strongly criticized on the basis of the perspective on the collaborative construction of context and actions as well as on the rejection of the assumption of the association between fixed social context and formal syntax of actions (Drew & Heritage, 1992:13).

In connection with the development of technology, there has also been a clear shift to analysis of an authentic interaction instead of abstract and invented communicative situations.

1.2. Approaches to interaction elaborated and considered in the study

Since the present work contains analyses of the functions and structures of repetitions and reformulations in court examinations in two different national cultures, the most relevant studies of interaction here are those related to the treatment of communicative acts, structural organization of interaction, global and local context analysis and style analysis. Thus the main approaches to be described and discussed here are conversation analysis, speech act theories and activity-based communication analysis. Conversation analysis, speech act theory and ethnography of communication have been recognized as “especially well suited to the investigation of legal discourse” (Levi & Walker, 1990). However, instead of offering a discussion of the ethnography of communication I will present in a comparative manner a more linguistically oriented approach, namely that of activity-based communication analysis.

1.2.1. Conversation analysis

Having its roots in sociology, conversation analysis (CA) has developed as a very productive theory and methodology of not only interactional situations whose primary function is what Jacobson (1960) called the phatic function but also of all other kinds of interaction. Despite this, it has preserved the belief that it is exactly the casual conversation between peers which is the basic type of interaction in relation to which other discourses may be studied. Thus it has advocated comparative studies of institutional interaction and conversation where the embedded assumption is that deviations from the fluctuating conversational structures, sequences and turn management strategies may be used to distinguish the specific character of the institution in question. Instead of starting from the cultural or social identity of the speakers or the situation or from linguistic variables, CA focuses on the “interactional accomplishment of particular social activities... embodied in specific social actions and sequences of social action” (Drew & Heritage, 1992:17). The evidence-gathering procedures used in this school of interaction can be described as follows (Wootton, 1989):

- investigation of the relations between devices of immediately prior turns which developed the concept of adjacency pairs;
- studies of the co-occurring features within a turn which are related to features in surrounding turns in a sequence and which constitute evidence for the identification of a certain interactive pattern or action;
- the seeking of sequential patterns of interactive devices relying on detailed analysis of immediate context and repetitive sequences;
- function-based analysis of the discriminability of interactive devices;
- search for deviant cases in the use of the device which may be used to characterize certain activities as different from others.

The CA approach is distinguished from others by clearly dispreferring coding based on postulated definitions (called “positivistic” in ‘Talk at work’, 1992: 20) and “premature quantifications” (‘Talk at work’, 1992: 17) because it relies on the basic belief that the actions (meaning basically speech-acts) performed in a conversation depend on their sequential positioning and context, which is viewed as a dynamic and collaboratively structured process. CA’s answer to the question of how institutions should be translated into empirically warranted findings (Schegloff, 1992, in ‘Talk at work’, Ch.3) is that it is only by analytically relevant and empirically grounded demonstration of the participants’ actual interpretations of the actions that one can define the character of these actions. Thus pre-definition of these actions independent on the actual context in which they occur is against the basic credo of CA. In the present study, the sequence-based analysis of verbal actions has been a major source of inspiration and has been applied to the distinction of a number of functions of repetitions/reformulations in court-examinations (see Chapter 7,8, 9, and 10).

1.2.2. Speech act theory

Speech act theory has been criticized for not considering the actual realization of the acts, the multifunctionality of utterances, the acts’ interactive accomplishment, and the dependence of the speech acts’ functions on the specific activity in which they are performed and interpreted. This criticism has led scholars to avoid association with the terminology of the speech act theory and give preference to terms such as **communicative acts** (e.g. Allwood, 1976, 1978a, Allwood *et al.*1992b; Clark 1999), which also include non-verbal acts and emphasize the

point that these acts are “mutually recognized and understood in interaction” (Linell *et al.*, 1992). This is noticeable in the change of the otherwise flourishing terminology. Speech acts are, for instance, called **actions** within the framework of conversation analysis, including also sequentially defined acts that are not considered in the classic theory (Drew & Heritage, 1992; Drew, 1979), and **moves** in computational linguistics approaches (Charniak, 1972, 1985; <http://www.ling.gu.se/~sl/sdime.html>, August 1998).

However, speech act theory gives a theoretical basis for semantic and pragmatic analysis of utterances and the formulation of hypotheses and expectations. Although today we may witness an increasing interest in definitions of speech acts mainly in the area of computational linguistics, where the preferred term for speech acts is ‘moves’, still the richest general description of English speech acts known to me is offered by Searle and Vanderveken (1985). The authors distinguish and describe five types of English illocutionary acts including 100 verbs: assertives, commissives, directives, declaratives and expressives, of which the first group is the largest. The classification criteria they use are:

- illocutionary force
- propositional content
- perlocutionary intention
- preparatory condition
- illocutionary point
- degree of strength of illocutionary point
- degree of success of the act
- verbs denoting only speech acts and/or other acts

An illocutionary act is defined as consisting of an illocutionary force and a propositional content. Perlocutionary intention is a property of some acts but not of all, e.g. a threat has a perlocutionary intention and effect whereas a statement does not. The illocutionary point of an act is the purpose for which it is an act of a given type. Thus the point of accusing is to assert the belief that someone is responsible for a ‘wrong’ state-of-affairs, the point of swearing an oath is to commit to a belief, the point of boasting is to express self-satisfaction. There are however degrees of strength of the illocutionary purpose; swearing has a stronger illocutionary point as a commissive than e.g. an accusation, and praying has a stronger directive illocutionary point than asking. Some verbs denote acts that can be expressed both linguistically and non-linguistically. One can very well protest or urge without linguistic means but the linguistic medium is presupposed in acts of asking or praying.

The authors are conscious of the fact that the illocutionary properties of verbs and acts are strongly dependent on the context in which they occur.

“... we will not get an adequate account of the linguistic competence or of speech acts until we can describe the speaker’s ability to produce and understand utterances (i.e. to perform and understand illocutionary acts) in ordered speech act sequences that constitute arguments, discussions, buying and selling, exchanging letters, making jokes, etc. For terminological convenience we will call these ordered sequences simply conversations.” (Searle and Vanderveken, 1985:11)

Searle and Vanderveken’s classification of speech acts has also been an inspiring source in the interpretation and coding of courtroom interrogations by providing the analysis with hypotheses and expectations. However, it has not been used as a basis for coding of verbal acts because it fails to satisfy the following two observations:

- The activity with its characteristic roles and goals influences the function and the interpretation of the communicative acts (see Chapter 3 and 5).
- The concepts for the different acts may have different semantic fields according to the language in question, which may influence their production and interpretations.

1.2.3. Computational dialogue systems

One of the most rapidly developing branches of computational linguistics today is indeed dialogue analysis. Inspired by action theory, Wittgenstein (1953), Austin (1962) and Searle (1969, 1979) the flourishing models of dialogue structure combine the demands for rigorous formalism and definition of computational programming and communicative act analysis. In the preparation of the coding schemes for communicative acts and repetitions/reformulations I have been assisted by the strategies of description adopted in computational dialogue models I will briefly discuss them here.

Instead of applying the very rich categories of speech acts developed by Searle and Vanderveken (1985) such approaches study simple and non-authentic interactive situation, mainly clear question-answer sequences between two participants (TRAINS, see Allen *et al.*, 1994; Traum, 1994; HCRC Map Task) by defining very few communicative acts. The Map task dialogue structure manual, for instance, employs the following dialogue analysis schema:

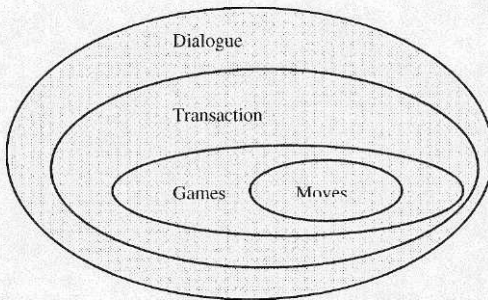


Figure 1: The dialogue structure applied on the Map Task Corpus

Behind each term are already known categories: transactions means sequencing according to topic; conversation games is the name given to adjacency pairs; conversation moves are speech acts or individual communicative acts in Allwood (1976) and Clark (1999). The communicative acts are of two basic types, initiations and responses, and are treated as either the former or the latter, whereas in Allwood each utterance has eliciting and expressive functions and in Clark each utterance is described as both an initiator and a response. The computational models include hierarchies of games, i.e. nesting of games, determined by the goals of the games.

From the conversation analysis point of view, even the mention of the term ‘conversation’ in the computational models is nothing but a wrong application of this concept since conversation is viewed as the least predictable type of interaction and since the kinds of situations studied in computational approaches are designed to be as simple and predictable as possible. However, the purpose of the computational models is not to explain the epistemic and sociolinguistic conditions of actually occurring interactions but to search for formalisms that may be needed for the analysis of dialogues and indirectly to enrich the understanding of interactive mechanisms. At first glance the approaches are radically different and contradictory, but both try to find out, as Sacks put it himself, “how recognizable actions get done and get done recognizably”. Sacks idea was that one should look for evidence proving the co-participants’ and not the analyst’s recognition but, by understanding their recognition, analysts also gain knowledge of the conditions of the recognition. Thus these two approaches may be seen as two different stages in the study of dialogue where conversation and discourse analyses are searching for detailed empirical and theoretical characteristics of interaction and computational models are applying and specifying the knowledge gained by non-formalistic types of dialogue analysis. While this link is almost non-existent today, in the near future it will be inevitable.

1.2.4. Activity-based communication analysis

Inspired by Wittgenstein (1953) and Malinowski (1923), Allwood (e.g. 1976, 1978a, 1995) developed a systematic framework including both structural and contextual criteria in one model. The activity is considered the basic organizing contextual aspect of social reality that influences interaction. This model is called activity-based communication analysis (ABCA) and has the following general structure:

Table 1. Activity-based communication analysis, Allwood (1995)

Parameters							
Influencing				Influenced			
global		local		global		Local	
<i>collective</i>	<i>individual</i>	<i>collective</i>	<i>individual</i>	<i>collective</i>	<i>individual</i>	<i>collective</i>	<i>individual</i>
goals, roles, parties, sequences, artifacts, culture, social institution, activity type, instruments, physical circumstance	physical, mental and social characteristics of the participants	subactivities and their goals, roles, parties, etc.	physical, mental and social characteristics of the participants in the subactivities	general patterns of interaction, e.g., sections, sequencing, turn-taking	use of communicative means, e.g. body movements, phonology, grammar, vocabulary, etc.	sub-activities, e.g. question-answer, sequences	utterances and contributions

Since court examinations are also organized according to the concepts of parties in a case, e.g. the defenders and the offended, as well as the examiners and the examined, I have added the parties as influencing collective factors. The parties are groups of participants that are united by a goal and/or status and thus differentiated from other parties or participants in the same interactive activity (for a detailed account of the application of ABCA to court trials, see Chapter 5).

In a way, similar to the ethnography of communication approach to interaction, Allwood's theory wishes to provide a framework for the analysis of different uses to which speech is put in different activities in different societies. However, whereas Hymes (1972a,b) proposes to describe each activity according to its constraints on setting, participants, ends or goals, acts and sequences, keys and tones, the variety of language employed, norms (of e.g. turntaking) and genre, Allwood's model makes a taxonomic distinction between the non-linguistic aspects of the context (the setting, the participants, the goals) on the one hand and the linguistic aspects of the context on the other. Thus it treats as distinct the sociological and the linguistic parameters. It considers the dynamics of context by offering the possibility of changes in the influencing variables within one and the same activity and by distinguishing between global and local, collective and individual goals. As such, the model is very suitable for analyzing activities such as a courtroom interrogations where the goals of the parties are combative, where the collective and the individual aims may be either cooperative or not and where the global (i.e. the legal system) and the local (here, the trial) aspects of the situation are in a stable at the same time constraining and negotiating relationship.

1.2.5. Style analysis

Interactive reformulations and paraphrases of others speakers' utterances are devices for style shift as well as for interpersonal and legal manipulation. Some of these shifts result in more informal formulations and others in more formal ones. Thus it is relevant to see how contemporary style analysis deals with spoken language interaction and what kinds of styles have been identified and defined general (courtroom speech style dealt is with later).

Unfortunately, most of the studies examining the concept of style have concentrated on written language. To my knowledge there is only one serious attempt at a description and macro analysis of both written and spoken language styles, that of Biber (1988). He investigated 23 major genre categories, such as academic prose, letters, press reportage fiction, conversations, interviews, radio broadcasts, public speeches, etc. (Biber, 1993:334). The studied features are organized in five dimensions, most of which describe different kinds of styles:

- informative vs. involved
- narrative vs. non-narrative
- elaborated vs. situated references
- overt expression of persuasion
- abstract vs. non-abstract style

However, Biber analyzes mostly lexical and grammatical features, not speech-specific features, such as feedback, turn-taking, overlaps, own communication management (OCM, cf. Allwood, 1997), pauses, non-verbal communication parallel to verbal communication, dynamics of the interaction, interruptions, and communicative acts. In this sense, although he is including spoken language material, he is conducting a traditional style analysis, in which he makes very little use of the speech-specific language and communication features. In my view, the style of the spoken language interaction can be seen as constituted by the combination of all of these features. An account of the style of a particular kind of spoken language interaction must include an investigation of the vocabulary and the grammatical structures used, plus all of the above mentioned features including nonverbal communication features.

1.3. Language and law

Bearing in mind the origin of rhetoric, the insight that justice and law to a great extent are functions of language and communicative skills is not a recent one. A large number of studies have been performed in the area of written juridical language. The increase in interest in human communication and spoken language and the rising popularity of pragmatics have also influenced interest in spoken language and communication in courtrooms (Atkinson and Drew, 1979; O'Barr, 1982; Linell *et al.*, 1987, 1991, Linell, 1991; Danet *et al.*, 1976, 1978; Danet 1980, 1985, etc.). Investigations of this type have been based on empirical material of audio-recorded trials. The studies have been conducted by an interdisciplinary body of scholars representing all manner of disciplines: anthropology, political science, psychology, sociology, and linguistics. Historically speaking, the scholarly field of language and law was built in the 1980s after a conference called "Language in the Judicial Process" held in 1985 at Georgetown University. At that time there were less than ten studies in the area. Today we can witness a flourishing field of studies reaching the number of 1350 entries registered in Judith Levi's (Levi, 1991) valuable bibliography. In the first chapter of their influential book with title "The Order in Court" (1979), Atkinson and Drew complained that sociological and anthropological approaches to the procedures of the legal structure are never oriented towards "detailed analysis of court proceedings" (Levi, 1991: 2). Today the situation has changed. The vastly growing sub-field in the past 20 years has been spoken language interaction in real legal settings, that is, in courtrooms. Much less work has been done on investigations of language interaction in other related settings such as lawyer-client, lawyer-lawyer, lawyer-judge etc. The reason is mainly practical, according to my experience (see also Danet, 1978, 1980, 1985).

Not only have the investigated settings been limited; the same holds for the approaches and the geographical distribution of such studies. In fact, most of the work has been done in the USA, Australia, Great Britain, Germany and the Netherlands, and a few in Israel and Italy.

In Bulgaria, the field of pragmatics and discourse analysis is quite undeveloped; no studies of legal language interaction have been conducted at all. In Sweden, Per Linell, Viveka Adelswärd, Karin Aronsson, and Linda Jönsson have contributed greatly to the analysis of courtroom interaction during the past twenty years (Linell *et al.*, 1987, 1991, 1993; Aronsson *et al.*, 1987; Adelswärd *et al.*, 1987, 1988, etc.). They base their research on a material consisting of 40 audio-recorded trials, part of which is also used in this study.

Before going into a further discussion of the topics in this area, we must clarify the term 'forensic linguistics'. In the general field of language and law there is a section in which the purpose of the study is to detect linguistic cues for identifying persons, lies, for evaluating adequacy of testimonies, for identifying speakers, etc. Thus a forensic linguistics study is part of the evidence in a case. The linguist appears as a juridical expert influencing the evidence material presented to the jury. However, according to the method and the study procedure, forensic linguistics uses linguistic approaches, theories, methods, and concepts. Elisabeth Loftus (Loftus, 1979; Loftus and Palmer, 1974) is a primary example of a practicing forensic linguistics expert. She examines, for instance, the power of the words chosen in a question to eyewitnesses. It appears that different expressions or styles of expressions elicit different answers. The question "Did you see the broken headlight" elicits more positive answers than "Did you see a broken headlight?". Estimation of speed appeared also to be dependent on the choice of verb in the leading question. "About how fast were the cars going when they

smashed into each other?" leads to higher estimates of speed than do questions using other verbs such as *collided*, *contacted*, or *hit* (Loftus & Palmer, 1974:118).

Also recently, we could witness that the trial of O. J. Simpson spanned a great deal of style analysis of the verbal and non-verbal behavior of lawyers, jurors, prosecutors and witnesses (cf. *An examination of lead lawyers styles at the OJ Simpson trial*, A P Berber Sardinha, Postgraduate Seminar Series AELSU, University of Liverpool, <http://www.liv.ac.uk/~tony1/forensic.html>, 28 June, 1995).

Thus forensic linguistics is part of the broader field of language and law studies. There is also forensic psychology, forensic psychiatry, forensic sociology, forensic anthropology, etc., which apply a field of inquiry to legal cases. What is excluded from forensic linguistics but included in the broader field is not however very clear. In the introduction to her bibliography, Levi (1991) distinguishes between social science research on language in the judicial process which includes "*analysis of language spoken in legal settings, the language written for legal purposes, as well as laws which are about language*" and forensic linguistics, which includes "*contributions of linguists and other language scientist to the resolution of actual legal cases*". However, there are many works in which no such difference is made: in some cases forensic linguistics is the broad term, in others the opposite and, in yet others, both fields share perspectives. In fact all kinds of analyses of legal language and communication may be used to solve problems of this type in particular cases and consequently the difference may be only in the material to which the linguistic inquiry is applied.

Maley (1994) makes a principal distinction between the law language analysis according to discourse situation, which is also related to the written and spoken language modes:

- legislation - mainly statutes, contracts, etc.
- courtroom discourse - interactive language, ritual courtesies, etc.
- judicial discourse - opinions, obligations, etc.

The juridical process may also be classified according to procedural stages and the language modes associated with them:

- pre-trial processes (police/video, interview, pleadings, lawyer/lawyer, consultations, jury summons)
- trial process (court examinations, jury summons)
- case reports (judge/defendant, judge/other judges)

This approach is motivated by the fact that the written and the spoken legal language are quite different and that all these stages of a juridical process are specific sub-activities in the frame of the general activity of justice production. This is in fact how the research is organized in practice.

The present work is concentrated on the analysis of speech communication in courtrooms, using particular cases as a material, but the explicit aim is not to solve communicative problems in these cases but to study how people orient to disputes in courts, i.e. to investigate the interactive process in this activity in itself. A welcomed result of this analysis however may be its use in the resolution of actual legal cases according to the features, categories,

distinctions and findings in this thesis. Thus, it is a contribution mainly to general research on language and law but also to forensic linguistics.

1.3.1. Previous studies on courtroom interaction

The linguistic studies most relevant to the topic of the present work are those directed towards speech analysis of courtroom communication. As mentioned, this is the most rapidly growing sub-field of legal language research. The studies described here are organized according to their main topics and methods in order to motivate the approach in the present study. The method influences the treatment of the topic (not only the opposite) and the features analyzed. In general, the most studied sub-activity in courtrooms is the mode of interrogation, that is, the form and the content of questions (Adelswärd *et al.*, 1988; Aronsson *et al.*, 1987; Linell *et al.*, 1987; Philips, 1984, 1985) and questioning strategies (Danet *et al.*, 1976; Komter, 1994, 1995; O'Barr, 1982; Atkinson & Drew, 1979) with a main stress on the form of the questions by the legal authority (e.g. Frake, 1980; Tiersma, 1990, etc.) in relation to the general description of the communicative act of questioning. In a few other cases the research object is the interaction between the questions and the answers (e.g. Linell, 1987; Philips, 1984; O'Barr, 1982; Loftus & Palmer, 1974).

It is important to underline the difference in legal procedures in European Continental and Anglo-Saxon jurisdiction. The greater part of the modern spoken legal language studies are based on the latter. Y. Maley's (1994) style analysis of mainly written legal language in the US distinguishes between these two legal systems by qualifying the latter as combative or adversary and the former as cooperative and supportive. Usually the Continental system is called inquisitorial, oriented towards inquiry, in contrast to the trial-as-battle common law where the main purpose is claimed to be the expression of strength. However, this generalization, although partly justified, is still a generalization. There are procedures in the Common Law that are more inquisitorial than adversarial (e.g. The Plea of Charge) and it is simply not the case that Continental law is always cooperative or/and inquisitorial, which will be one of the themes of the present study. Brenda Danet concludes her overview on language in the legal process by asserting that "further thinking on our topic should extend the discussion to a consideration of the relevance of language issues in inquisitorial systems of justice as well" (Danet *et al.*, 1978:14). However, even today, little work has been done in this direction.

Another problem in this respect is that the distinction between two basic courtroom interaction styles is considered as given, i.e. it gives priority to the activity as the main influencing factor, not the national culture in which it takes place. The generalization also spills over into language style analysis. The common law happens to be applied in English speaking countries such as Great Britain, the USA and Australia, but the statute-based law is applied in many different language cultures in Europe. It is however not clear which factor is the strongest and in what way - the activity or the culture - although there is a growing consciousness of the influence of cultural values and behaviors even in this formal activity (see further down in this section). In their introduction, Atkinson & Drew (1979) wisely infer that the formality of the court situation is presumably a product of the desire to avoid everyday communication problems by regulating the communicative process as much as possible. However, if this is so and if there are different everyday behavioral habits in different national cultures, then we may expect that different constraints will be applied. We turn now to a more concrete area of legal practice, namely, the examination procedure.

1.3.2. Questioning as a mode of communication

Questioning, examining, and interrogating are all terms referring to an activity that takes part in many different kinds of settings: classrooms, therapy sessions, tax offices, medical examinations, police interrogations, TV-interviews, etc., and, of course, courtroom examinations. This same activity has different goals depending on the global activity. In the courtroom the questioning or examination is “the process by which individual sets of circumstances are transformed into legal categories” (Danet, 1978:3).

Bearing in mind that the questioning may differ not only according to the setting but also according to the national culture, Maley (1994) is reasonably careful when he calls the styles of examination *dialogue modes* of communication, which may be associated with one or the other system. For example, he distinguishes between the dialogue mode in American cross-examinations (that is, when the defendant of the opposite side cross-examines a witness presented by the opponent) and in examinations of chief witnesses (examining ‘own’ witnesses or ‘own’ clients). Maley finds that the mode of questioning in the first case is much more combative and that there are no questions on intention, interpretation, thought, etc. but mainly questions with a behavioral emphasis. In contrast, the examination in chief is typically more supportive which is partly evident from the content of the questions: on mental states, on intentions, etc. These two dialogue modes or styles result in two different versions of a story, creating a metaphor-like situation, which he calls ‘a legal fiction’ since the deeming aspect enlarges the system of meaning relations and creates flexibility of interpretation. Whether this is a result only of the common law system or not is not clear but it is a proper subject of investigation, keeping in mind the presupposed relation between an activity and a national culture.

A number of findings have been presented with regard to devices used by examiners to manipulate witnesses, whose behavior builds up the coercive style of questioning. The definition of leading questions in American trial manuals (e.g. Mauet, 1988) does not describe clearly special structures of questions which can be leading but asserts that they “suggest to the witness the answer desired by the examiner”. Danet *et al.* (1978: 3) constructed a taxonomy of question forms distinguishing least manipulative and most manipulative question forms. Starting from the most constraining they were:

- i) declaratives, e.g. You shot her.
- ii) interrogative yes/no questions, e.g. Did you shoot her?
- iii) interrogative wh-questions, e.g. Why did you shoot her?
- iv) requests (Fraser, 1976), e.g. Can you tell us what you did?

However, they found that the coercive questions asked during cross-examinations were “not much more effective in controlling witnesses than the non-coercive ones” (Danet, 1978).

Drew *et al.* (1990: 39-64) describes a strategy of rebutting by formulating a contrast or a puzzle based on a collection of incompatible components of the witnesses’ responses which generates inferences discrediting the testimony. However, instead of giving an opportunity to the witness to give an account of reasons for the alleged contradiction, the examiner drops the topic. This kind of rhetoric sequence contributes to the hostile style of the questioning but can also be devices characterizing multi-party interactions, which introduce and emphasize the presence of the secondary addressees, i.e. the judges.

1.3.3. Semantics and information ‘retrieval’ in courtrooms

The styles and lexical choices used in courtrooms are almost never innocent and can and do function as devices that influence and manipulate witnesses. This has been made clear in the research by psychologist Elisabeth Loftus (1974, 1997, 1998ab) in which she demonstrates that even small changes in the wording of questions can modify eyewitnesses’ memories. In one of her experiments a group of people were instructed to watch short films in one of which there was a bicycle. Then half of them got answered a question of the type “Did you see a bicycle?” and the other half a question listed as a leading one “You did see a bicycle, didn’t you?”. 51% of the first group and 74% of the second group answered positively. This result has been and may be interpreted as a serious “evidence supporting the legal system’s restrictions on the use of leading questions” (Tiersma, 1998) but since the answers cited above were actually correct it may also be evidence of the possibility of using such questions for assisting the eyewitnesses’ memory. Loftus 1996 is studying the development of memory in three stages: initial storage, retention of storage and retrieval of stored information. As the above mentioned examples show, the questions asked during the retention and retrieval period influence the original content of the information. In this context, the choice of synonymous expressions whose semantics differs with reference to size, strength, weight, etc. and the definiteness of reference can constrain the information gathering process.

Since witnesses’ memory of certain events is of great importance in trials, these findings point out that not only is the form of the questions of interest; the reformulations and paraphrases occurring in courtroom questioning can be also strategies by which a witnesses’ memory is manipulated. Comparing the narrative with the question-answer style of testimony presentation, Loftus finds that the first tends to be more accurate but less complete and the second one to be less accurate but more complete. Thus Levi (1990:16) concludes that, to avoid misleading recollections, “the most accurate reporting by a witness will be achieved by asking the witness to deliver a narrative-style report first and then to fill in the gaps by means of a series of more specific questions”. This leads us to an interesting problem to be tested: what is the progression of the communicative acts used in courtroom examinations? If we accept that the best way to perform an interrogation is as suggested by Loftus and Levi then this could be a rather strong hypothesis and all deviations will lead us to possible explanations of the events and the strategies used in the courtroom. Let us now turn to the defensive behavior of witnesses during examinations, a topic which will be directly addressed in the present study (see Chapter 9 and 11).

1.3.4. Mitigation strategies

The interrogation format is often related to the expression of communicative acts and strategies of accusation, excuse, defense, etc. In this respect, most of the studies are directed to the analysis of sociological and psychological character focused on the content of behaviors and strategies rather than on linguistic formal analysis. One example of the first kind of studies is the work of Martha Komter (1994, 1995). The content in which she is interested is the types of knowledge used in courtrooms or the strategies of accusation and defense used by different actors in the Dutch legal system. Komter studies judges’ strategies of questioning where the aims are the defendant’s confession and the implications of these questions. Although the questions may have factual content they are often blame-implicative. Similar perspectives and results are found in Adelswärd *et al.*, 1988. The judges offer mitigated versions of accusations which may be more agreeable to the defendants. In this

sense, the mitigated format of the accusations of the judges is aimed at “*mobilizing the cooperation of the defendants and is an expression of the inquisitorial elements of the Dutch trials*” (Komter, 1994: 181). The goal of the judge is to get a confession, while the goal of the defendant is to escape accusations. However, the judges do not seem to be concerned with accusations but with verification or recapitulation of ‘facts’. The defendant must be cooperative as well as defensive, and these two behaviors are often contradictory. They also involve two different styles of communication and argumentation, which are not studied from a linguistic point of view by Komter. In any case, she finds that in the fact-finding procedure the defendants resolve the contradictory aims of their roles by the following strategies:

- i) selective admission and selective memory
- ii) alternative description
- iii) disappearance of agency (no intention, no initiative, accident).

In the same vein, there are different argumentative strategies for facing accusations:

- i) mixed defenses - techniques of neutralization (Jacquemet, 1994) involving
 - denial
 - counter-accusation
 - justification
 - excuse
- ii) passive bystander, that is, there is no initiative, no intentions
- iii) diminished responsibility, (ex.: if drunk then lack of memory) involving
 - descriptions of scenes
 - providing reasons for action (Atkinson and Drew, 1979).

Although her studies are not contrastive Komter states that “conversational mechanisms are crucial resources by which the institutional setting is provoked” and result in strategies of mitigation, avoiding loss of face, etc. The same observation is made earlier by Atkinson & Drew (1979). They compare conversational and interrogation turn-taking strategies and mechanisms, openings of hearings, management of accusations, justifications and excuses in cross-examinations. Although the approach is very tightly bound to the particular court examinations it provides analyses and devices which can be used in the development of a theory of mitigation referred to by Brenda Danet (1980). Like Fraser (1980) the authors find devices and patterns which the witnesses use to minimize the alleged blames, accusations, or pre-accusations or to diminish the seriousness of their own actions or the actions of others as a strategy of defense. The pre-accusation sequences are series of ‘pre-sequence questions’ (Atkinson & Drew, 1979: 141) in which the examiner is ‘innocently’ making statements putting which may imply that there are good reasons to believe that the defendant has done something wrong. The witnesses recognize these pre-accusations which is evident by their use of rebuttals, excuses, justifications, and accounts in an initial position in their utterances which “seek to forestall noticings of failures for which they may be blamed”. This defense strategy is very often realized within the format of repetitions or reformulations, which are not only rebutting but also negotiating meaning and mitigating wrongdoings, as in one of their own examples (Atkinson & Drew, 1979:157):

(ST:84,33F)

- 1. C: How far did you drive the Catholic crowd at that time?
- 2. W: I stopped in Dover Street and nobody **went very far past me and no one went on**

- Divis Street from the Protestant crowd.
3. C: **No-one went very far past you**, you say?
4. W: **No-one got more than a few yards past me**.
5. C: So some people did **go past you**?

This is part of a cross-examination of a senior police officer who was accused of not acting to protect civilians during uprisings in Belfast in 1969. The point in the sequence is that the witness is claiming that at that particular moment he had no reason to expect that anything dangerous was going on around him (i.e. crowds going beyond the police) and for that reason did not act. The analysis focuses on the witnesses' speech but as we can see the utterances are strongly connected and are actually continuous reformulations of each other. The witnesses' answer as early as in line 2 is explicitly selected to construct his answer as a pre-defense to a possible or expected more direct accusation by providing negative forms emphasized with repetition and a very detailed description with respect to the projection of the question in line 1. Thus he uses these forms to display recognition of the previous utterance not simply as an information-seeking question but as a pre-accusation. One may add here that the reformulation or the partial repetitions are also used by both interactants: by the witness - to create credibility and to avoid direct disagreement; and by the counsel - to express doubts as evident from the relation between utterances 3 and 5. These pre-sequence questions are associated by the authors with what they call *pre-invitations* and *pre-request* (Atkinson & Drew, 1979), that is, utterances that are in a prior sequential position to direct invitations and requests. Just as in the above example they can be recognized as such and may get an answer before the actual intended communicative act (or action, as it is called in conversation analysis) is performed. That is, the witnesses are producing minimization of blame component prior to a projected blaming. This strategy is also used for an avoidance of anticipated rejection of defenses and excuses presented after the actual accusation. Thus "replies are designed not only to build, hence forestalling anticipated blamings, but also to avoid producing accounts, explanations and the like post-accusation, that is in a sequential position where their defenses are especially likely to be rejected" (Atkinson & Drew, 1979).

1.3.5. Speech styles in the courtroom

An important aspect of the legal procedure is the attitudes the jury/the judge has to the speech styles of the witnesses. If the above mentioned studies concentrated mainly on the controlling effects of the questioning professionals, O'Barr (1982) describes spoken language styles of witnesses in courtrooms. He distinguishes between the following styles:

- powerful vs. powerless style
- narrative vs. fragmented testimony style
- hypercorrect testimony style vs. formal testimony style
- interruptions and simultaneous speech

The first category is actually a renamed version of R. Lakoff's analysis of women's speech (R. Lakoff, 1975). O'Barr adopts the poorly defined features from Lakoff and identifies women's speech with powerless speech. The features by which he defines this style are:

- use of hedges (qualifiers)
- superpolite forms
- tag questions
- speaking in italics

- use of empty adjectives
- hypercorrect grammar and pronunciation
- lack of sense of humor
- direct quotations
- special lexicon
- question intonation in declarative contexts

The powerful style is defined as opposite to the powerless in the sense that all the above listed features are exchanged with their opposites. There then follows a test based on one testimony by a man and one by a woman using either style, which is evaluated by a sample of law students. This approach, interesting in itself, is problematic. The features given above are quite heterogeneous: some are lexical, some are grammatical, yet others include general psychological assumptions, such as 'lack of humor'.

Furthermore, the narrative and fragmented styles are not defined; there is only an example of what they can be. Because of that it is difficult to understand what O'Barr means by narrative testimony style, but judging from the example this must be uninterrupted speech giving more specified information, describing events in their order. In comparison with O'Barr (1992), Biber (1988) does not define in advance what a narrative style is but 'arrives' at it as a result of his multi-dimensional approach using factor analysis based on the number of features given above. As a result, his narrative style includes past tense verbs, third person pronouns, perfect aspect verbs, public verbs, synthetic negation, and present participial clauses. As these features are not integrated in O'Barr's analysis, the results of the two studies are not very compatible.

The so called *hypercorrect style* as opposed to *formal style* is adopted from W. Labov (Labov, 1972) and applied to grammar, lexicon, and pronunciation, but it is not clear what formal language is. The researchers have used their implicit intuition in reformulating the hypercorrect style to a formal one and then testing the fake juror's impressions of both kinds of testimonies. The fourth 'style' is in fact not a style although it is listed as one. In the context of O'Barr's study it is a dimension or a feature.

One of the style dimensions in O'Barr's studies is perseverance and acquiescence in simultaneous speech where simultaneous speech meant overlapping speech. The experiments showed that the occurrence of overlap was interpreted by the informants (playing the role of the jury) as indicating lack of control and thus suggested that the attorney allowing overlaps is not only less skillful but also less intelligent and less fair to the witness. This of course may be due to many other co-occurring interactive features and may be culturally dependent.

In general, contemporary analysis of discourse style in different settings including courtrooms uses the following approach:

1. statement of the observation that there are pairs of styles, e.g. formal and informal, which are often reinterpreted as expressing coerciveness and solidarity;
2. choosing some discourse features and making hypothesis as to which feature will constitute one or the other style;
3. separate treatment of the features, i.e. not in the way they interact and co-occur.

The problem in such approaches is that the linguistic or pragmatic features are treated as always constituting one type of style and the approaches tend to treat these features

separately, not in their interaction with other features, and to generalize over the functions of features. A similar criticism can be found in Heritage (1986) with regard to the “oh” expression in English.

“Although it has been almost traditional to treat “oh” and related utterances (such as “yes”, “uh huh”, “mm hm”, etc.) as an undifferentiated collection of “back channels” or “signals of continued attention”, the observation presented in this chapter suggests that such treatments seriously underestimate the diversity and complexity of the tasks that these objects are used to accomplish.” (Heritage, 1986: 335)

Despite the fact that Heritage’s approach makes it more difficult to discover a vision of the linguistic system (which feedback is a part of), the same can be said about repetition as a form of feedback. Repetition is not always an expression of acknowledgment. It can for example constitute a blameful mode of interaction. The situation gets even more difficult to work with quantitatively when we turn to communicative acts.

1.3.6. Acts and actions in courts

Speech act theory has been applied to written legal language with regard to statutes and contracts (Schane, 1989; Kurzon, 1985; Tiersma, 1986). Analyses of silence (Tiersma, 1995), threats (Danet *et al.*, 1978), offenses, defamation, perjury, and aspects of commitments have even had an influence on the formulation of legal decisions (Tiersma, 1987; Shuy, 1981). Admissions have been analyzed in their sequential appearance as mutually constructed communicative acts (Linell *et al.*, 1995). Actions during examinations such as pre-accusations, contrast formulations, accounts, justifications, and pre-defenses have been studied within the framework of conversation analysis (Drew, 1979; Drew, 1990).

1.3.7. Courtroom communication in different national cultures

An aspect of court behavior, which leads to references to cultural traditions, is the contrast between legal guilt and moral guilt. Komter (1994, 1995) finds that both judges and defendants are strongly concerned with the second kind of guilt, which urges references to social and cultural values and beliefs. Finding cues to analyze how these two types of inquiries are distinguished and encoded in the communication process is an interesting task especially with regard to cultural values referred to in courtrooms. Thus, in her paper from 1995, Komter distinguishes between three types of knowledge in courtroom communication:

- i) first-hand knowledge of facts (ex. eye-witnesses)
- ii) common-sense knowledge of social structure (ex. concepts of normality)
- iii) strategic knowledge (e.g. confession, as overwhelming evidence).

These findings are based on a content analysis of cases but they do not offer features with the help of which we can identify these strategies and types of knowledge. The observations made may be used in a discourse analytic and linguistic analysis of the communicative process in order to get a more detailed understanding of these general strategies and phenomena. What it is also relevant to point out in Komter’s work, which is less prominent in other studies, is her comment that defendants dramatize innocence in different ways in different cultures.

Komter's analysis introduces an untouched area of legal investigation, namely, cultural differences in courtroom communication. To my knowledge, there is no contrastive study of courtroom behavior in different countries, although there are studies of the behavior of defendants with different cultural backgrounds in one country's courts (Cronheim and Schwartz, 1978; Berk-Seligson, S., 1990), where culture meant national culture and where the main problem is the fate of linguistic minorities in the legal process. In this context, analysis of concepts such as normality, accident, murder, accusation, liability, etc. and their use in different societies and cultures is of particular interest. Laurence Goldman's (1992) paper on the semantics and pragmatics of the concept of accidents in African languages combines semantic, grammatical, and discourse concerns. This study also adds a cultural perspective to the problem. In the theory of liability there have been discussions of the lack of distinction between such concepts as *killing* and *murder* in some African societies, such as the Huli society in New Guinea. The term *absolute liability* applies to legal systems and cultures where intention concepts and concepts of pure accident either do not exist or are not applied in the legal system. The distinction is between happening and action, between emphasis on intention, purpose and generally on state-of-mind and on consequences. Absence of mind establishes the existence of a non-coincidental accident and consequently culpability and liability. Thus pure accident is opposed to action by

- omission
- mistake
- non-coincidence
- negligence
- excuse-offering terms
- volitional acts
- forbearance.

If the system accepts accident then there is a possibility to disconnect the happening and the damage, the cause and the effect, the damage and the culpability, liability.

Pure accidents thus presuppose:

- no intention
- no goal
- no volition
- non-agency
- coincidence
- satisfied norms for prevention of accident.

By burning a house my final goal may be to please the Gods but not to burn the children sleeping inside. Pure accidents (if performed within norm-based limits of carelessness) result in blamelessness. There are different strategies and means one can use to introduce accident and relate it to culpability. In the Huli society this task is accomplished by the following linguistic features:

- reflexivity
- verb character
- cases (ergative NPs for blames)
- modifiers
- modality

- transitivity (happening/action)
- fore/backgrounding NPs (thematization)
- discussions
- contrafactual constructions.

Goldman combines different kinds of linguistic features according to the topic but not the whole communicative activity itself. However, his approach is enlightening because it underlines the importance of studying the interaction of grammatical, semantic, and discursive features in order to find out how meaning is negotiated in communication and how these interactive features influence the activity.

“The reality of accident is being constructed through the very activity of talk about accident.” (p.97)

Thus he finds that “hypothetical reasoning is utilized to construct a definition of **coincidental accident**” (p. 82). This observation is similar to Maley’s concepts of ‘story versions’ and ‘legal fiction’. In the case of the trial-as-battle law where the concept of accident is of extreme importance the two dialogue modes used in examinations of witnesses tend to prefer or disprefer questions triggering hypothetical thinking. In fact, the concept of story versions in itself is based on the idea of hypothesis testing.

That is, argumentative and communicative strategies and characteristics may give supportive evidence for definitions of concepts. A concrete example is the presentations of doubts, where a simple repetition acts as a display of doubt and if the recipient does not offer satisfactory resolution, it is followed by the doubting speaker’s statement of the conflicting material causing the doubt. The concept of doubt includes uncertainty and caution of belief. The uncertainty and caution are indicated by the sequential order of the acts constituting the expression of the doubt. In contrast, disagreements do not occur in the same types of sequences (see Chapter 9 for more detail).

By observing that “... in the construction of a theory of accident no dispreference is observed for guessing, proposing, testing or disputing hypothetical situations.” (p.81) Goldman underlines the importance of investigating in a fine-grained manner the communicative functions (speech acts) of utterance in order to define sub-activities, activities, misunderstandings, conflicts, and meanings of concepts.

“The relevant questions for anthropologists to address then are not whether society x or y has/has not a concept of accident, but what is done with it, by whom, and in what contexts and with what effects.” (p.97)

The last quotation is to be compared with the definition of style as based on choice, context, and speaker (see section 2.2.2.2.) and to Maley’s thinking:

“Linguistically, the configuration of meanings constitutes a discourse type (a register or genre) which is realized in texts by lexicogrammar, textual organization and a structural shape (a ‘generic structure potential’ that is identified with the genre). There is then a relationship between the discourse type and the social situation, which needs explication.”

It is exactly a holistic study of style of communication which both Maley and Goldman recommend as a tool for defining concepts and activities. This type of analysis was originally inspired by Edward Sapir’s call for “*an investigation into living speech*” (Sapir, 1949a: 593) because “*it is only through an analysis of variation that reality and meaning of a norm can be*

established at all" (1949f: 593). This call has resulted in a great amount of investigation of different activities in anthropology. Most interestingly, there is a study of riddle in different national and ethnical cultures conducted by Roberts & Forman (1972). Since the history of justice traces back to riddling in various societies it is curious to relate the presence of a riddling tradition and the interrogation style in a courtroom in a given culture. In fact, a riddle is a kind of a game, but they do not occur in all cultures and they differ in involvement and control. The authors find that riddles are associated with cultural features, such as

- strong responsibility training
- presence of large domestic animals
- high political integration
- oaths
- ordeals
- games of strategy.

Thus it follows that the higher the level of political integration the more likely is the presence of institutionalized interrogation. The more elaborated the jurisdictional hierarchy, the more likely the presence of riddles. In certain societies such as in Tagalog, riddling is associated with teasing, ridicule, and joking. There is a particular riddling tone, which in this case is identical with the teasing tone. However, there are no formal descriptions of what these tones' characteristics are. (In one of the Bulgarian cases analyzed in this thesis there is a clear example of such riddling strategies in the Bulgarian courts. See also Chapter 4)

In most European societies there is a shift of the locus of riddling from courtship and wakes to the setting of schools and courtrooms. These observations are based on sociological comparisons and statistics (Roberts and Forman, 1972) but not on linguistic analyses of communicative strategies in various activities in different national and ethnic cultures. Riddling or the activity of posing and responding to a puzzling question, where the respondent is in an at least empirically subordinate position, is also describable as a game and it is hypothesized that "conflicts induced by social learning in childhood and later (such as those related to obedience, achievement, and responsibility) lead to involvement in expressive models such as games, through which these conflicts are assuaged and as a result of which a process of buffered learning occurs which has enculturative value for the competences required in the culture (such as acquiring the competitive styles of strategy, physical skill, or chance)" (Sutton-Smith, Roberths, and Kozelka, 1963: 15, 28). The evoked interest in the representation of conflict reduces the conflict's complexities to cognitive and emotional comprehensibility; the successes of the riddle respondent give him "increased confidence that he can manage the achievement pressures in full-scale cultural participation". The interrogation-based riddles thus "have the general cultural function that they contribute to the learning and the adjustment of persons who must maintain a high level of achievement motivation if the general cultural norms are to be sustained" (Sutton-Smith, Roberths, and Kozelka, 1963: 15, 28). The court examinations are a modern institutional form of conflict resolution, which involves the solution of puzzling questions. Since we are dealing with two different ethnic cultures that use riddles in different scales (Roberts and Forman, 1972), the differences in the use of various types of questions and responses may be explained by and may explain the enculturation of conflict in the two societies. Thus one of the aims of the present work is to provide bases for future studies on the correlation of the courtroom examination's features and questioning features in other activities in different cultures.

A version of the courtroom situation and display of culturally specific behavior in Europe are M. Jacquemet's studies on different aspects of strategies of interaction dominance in the Italian system of penitenti, which in itself is very special. Jacquemet (1994ab) bases his research on visual observations of court proceedings by making notes on important parts of the procedures. This method is not very promising since it is obviously limited by the interests and cognitive frames of the researcher as well as by the impossibility of checking one's observations, which are not merely observations but impressions. Despite this lack of objectivity this method has been the most useful method in anthropology before the access and development of modern recording techniques. Jacquemet points out some interesting aspects of the dominance game in Italian courts. The choice and shift between T/V-forms appears to be a powerful dominance tool. Since the institutional form in Italy is the V form, it goes unmarked in the court and the introduction of a T-frame becomes marked. It is thus related to metapragmatic awareness and may lead to metapragmatic attacks, which are face-threatening acts (also in Brown and Levinson, 1988). According to Jacquemet all sides in a trial tend to manipulate the sequential organization of talk by resorting to metadiscursive strategies such as

- i) intimidation
- ii) exclusion
- iii) metapragmatic attacks (address forms)

Thus non-reciprocity in address in a T/V-culture like the Italian one is a signal of an activated interactional dominance strategy and emergence of a conflict. Address forms are thus ideological displays. They are also correlated to silence, affective posturing, interactional withdrawal, dramatic communicative shifts, etc.

Interestingly, also related to Komter's common-sense knowledge, Jacquemet observes that metaphorical semantic oddity functions as a strategy for reinforcing a 'one-up' position. The use of proverbs is related to the credibility of the witness:

"the atypicality of the appeal to proverb and the generic descriptive power that it carries can be read as a truth-building strategy ... resorting to the sedimented cultural heritage of a social group". (Jacquemet, 1994a: 306)

The author finds the following feature dependencies: pronominal violation leads to metapragmatic attack (overlapping, metalinguistic directive, final sanctioning), which leads to interactional shock often expressed in affective posturing. The metapragmatic attack (overlapping, metalinguistic directive, final sanctioning) may be followed by a metapragmatic counter and lead to a neutralization of conflict. What is particularly valuable in Jacquemet's studies apart from its cultural approach is the stress on the importance of finding correlation between different communicative features and behaviors, especially the emphasis on the use of metaphorical language and metapragmatic strategies.

1.4. Summary of findings about the properties of courtroom interaction

Most of the studies of courtroom communication have been conducted on the basis of the adversarial legal system (see Chapter 3). Thus the results of the findings refer to procedures typical for that system. However all these findings can be seen as hypotheses which may also be applied to the inquisitorial procedures.

Examiner

- Frequent use of coercive questions defined as
 - statement formulated questions
 - tag questions
 - Y/N questions,
- avoiding support or concurrence with the witnesses' other-corrections, thereby aiming to throw doubt on the testimony and to get the attention of the listening party;
- contrast-drop-it sequences aiming to cast doubt on the testimony and to get the attention of the listening party.

Defendants and witnesses

The defendants are expected "to avoid expressly addressing issues of blame, responsibility and agency" (Tiersma, 1998: 21). Drew (1990) discusses this topic and finds that the witnesses' behavior during cross-examinations is characterized by the following:

- avoidance of self-repair with reformulations of utterances (Drew, 1990; O'Barr, 1992)
- corrections of versions of events presented in the examiner's utterances which are called "next-turn other-corrections" or corrections of other party's speech" (Drew, 1990:45), which are supposed to demonstrate the disputatious nature of cross-examinations in British courts
- avoidance of direct overt negation of versions prior to other-corrections
- frequent occurrences of utterance formats consisting of confirmation item + corrected version
- occurrences of directly corrected versions
- defenses and excuses typically occurring after actual accusations
- pre-accusation defenses, often realized by reformulations.

The above incomplete list of features of courtroom interaction will be supported by the analysis provided in this study (see Chapters 7, 8, 9, 10, and 11).

Chapter 2

Earlier Studies of Repetitions and Reformulations



Introduction

The history of interactive repeat sequences, that is repetitions/reformulations of other speakers, in the linguistic literature is quite rich. For the purpose of discussing the literature (summarized in Table 2 below) we can distinguish between four main themes:

- linguistic or structural criteria
- social and psychological influencing criteria
- methodological concerns
- repetition in courtrooms

I will go through each of these aspects of research and when necessary relate them to the standpoint taken in the present paper. First, a word on terminology.

2.1. Terminology

Despite the fact that all studies were done in the last three decades the terminology is quite diverse. The definition of a *copy* in Philips (1984) may seem similar to a repetition but it has a broader application. According to Philips, if the question is “Who was with you that evening?”, the answer will be coded as a copy if it has the following and similar forms: “Nobody was with me (that evening).” or “My wife.” or “Nobody”. That is, there is a copy if the syntactic form of the question is repeated/reformulated in the answer and/or if the answer is directly related to the question, not necessarily repeating the question form, which means that the copies are not only repetitions but all relevant responses. The feedback expressions are interesting and important, especially in courtroom interrogations, but they should not be confused with repetitions/reformulations, because they are not repetitions/reformulations and because their functions may be quite different from those of the repetitions/reformulations.

The term ‘repetition’ or ‘repeat’ is most frequently used. I will distinguish between self-repetition and interactive repetition (also called allo-repetition or other repetition). In this thesis the terms ‘repeat’ and ‘repetition’ mean interactive repetition, as depicted in the following figure:

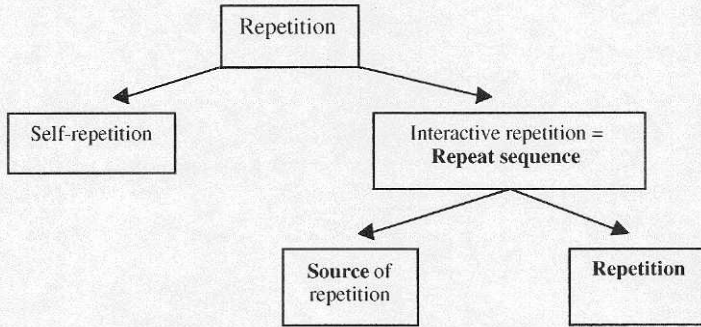


Figure 2. Repeat sequence as source and repetition

The term 'source' will be used to refer to the first part in the repeat pair, i.e. the repeated/reformulated expression. By 'repeat' I mean the repeat sequence, i.e. the source and the repetition/reformulation, and, finally, I will refer to the actual repeating/reformulating utterance by the term 'repetition'.

2.2. Criteria for analysis

The previous analysis of repeat sequences has introduced the following linguistic aspects of these features:

- position in a sequence
- position in the utterance
- form of the repetition
- function of the repeat sequences

I address each below in the same order.

2.2.1. Position

Few studies have analyzed repetitions according to their position in the utterance and/or in a sequence, the prototypical case of the latter being in question-answer pairs. Schegloff (1996) distinguishes between initial, secondary and final position of repetitions, each of which is related to respective functions, such as repair, response of a question, and receiving of a response. The other scholar contributing to this taxonomy is Allwood (1978, 1986; Allwood *et al.*, 1992, 1995), who offered a general structural classification of feedback, where repetitions are one type of feedback. Thus he distinguishes (cf. Allwood, 1995) between single repetitions - repetition units without any additional segments, repetitions in initial position (repetition or reformulation + another feedback unit), in medial position, and in final position (another feedback unit + repetition). However, a few problems that must still be considered. First, it is the position of the repeating part of the pair, which is focused upon in

both studies, not including the position of the source of the repetition. Second, while the position of the repetition in a sequence of turns influences its function, it is still not clear how this sequence position is related to the in-turn position of the repetition or the source of the repetition. In some cases two- or three-turn sequences are not sufficient for establishing the function of the repetition. Third (although cf. Allwood, 1995), as part of a language specific feedback system, repetitions, if not single, are accompanied by other verbal feedback expressions, such as different kinds of simple feedback words. The principles describing the use and the function of those influence the position of the repeat sequences and their function.

2.2.2. Structure

As concerns the form of the repetitions, although there are many different labels and distinctions, one may say that the major structural types are:

- exact repetitions: lexical and grammatical (and prosodic)
- partial repetitions involving:
 - lexical changes, ex.: *partial paraphrase*;
 - grammatical changes, ex.: *tense, person, mood, case*;
 - prosodic changes, ex.: *rising->falling, falling->rising intonation*;
 - speech act changes, ex.: *question->statement, statement->question*;
- paraphrase (i.e. complete lexical change with the same denotation)

There is obviously a scale of transformations and reformations and, in some studies, even a complete paraphrase is called a repetition. All these changes may also occur simultaneously in one and same utterance. Special cases are the rhetorical repetitions, which typically involve at least one transformation (cf. Duminescu, 1996).

2.2.3. Function

If we turn to the function, we can discover a variety of things that, independent of the terminology used by different authors, are of the following main types:

- feedback elicitation (FBE), feedback giving (FBG) and functions related to them
- rhetorical use
- initiation of side-sequence
- contextual linking
- expression of emotional attitudes
- expression of mental attitudes: disbelief/belief, disagreement/agreement etc.
- repair
- taking instructions
- language learning

Since the different analyses of repetition of which I give a short account below have not started from a particular theory and taxonomy of functions in interaction but have had a diversity of different perspectives, such as acquisition patterns, face-work, ways of

instructing, etc., the resulting list of categories of functions is not a strict taxonomy, i.e. the above list does not consist of mutually exclusive categories. For instance, all types of repetitions function as links to a preceding context; receiving instructions is part of the language acquisition process but may also be found in other activities, such as military contexts or doctor-patient interaction, expressions of attitude include rhetorical uses of repetition and display of emotions, repair sequences are kinds of feedback elicitation and feedback giving, etc.

Exceptional in their detail in the analysis of and concentration on the form and function of some repetitions are the studies on Finnish (Sorjonen, 1996) and Romanian (Duminescu, 1996), but they are concerned with some particular kinds of repetitions. However, these two studies seen against the background of the more general approaches to repetitions as a type of feedback point in a direction opposite to the frequency oriented ones, namely, that repetitions have many different forms and a variety of functions which may constitute both cooperative and non-cooperative communication styles.

It is clear that there is a need to systematize the findings and the taxonomies. A repetition may have several of those functions, but there has yet to be an examination of the conditions of the functions in relation to other criteria. To do that, as many of authors have noted, we may not simply look at the structure of the repetitions in the actual interaction; we must also take into consideration other parameters that influence the interaction.

2.3. Influencing criteria

There are four major criteria that may influence the function of the interactive features (or contextualization cues, keys etc.) including repetition:

- culture and language
- activity
- social status
- individual characteristics of interlocutors.

2.3.1. Cross-linguistic trends

Most of the literature in this area is based on English material but an increasing number of studies (partly) on repetitions is also being done in other languages. This fact in itself shows a growing consciousness of the importance of cultural background in the interpretation and analysis of interaction, feedback, and repetition in particular. The repetitions may have one function in one culture and a different one in another culture. Unfortunately the studies on repetitions in, e.g., Mandarin, in comparison with their use in other linguistic cultures have analyzed this feature (e.g. Clancy *et al.*, 1996 and Günthner, 1995) with regard only to frequency of use but not according to differences in position, form, and function (again over-generalizing common functions); consequently it is impossible here to say whether there are such differences. Since repetition is useful in socialization through interactional routines (not least in songs, poetry, chanting, etc.), which is described by Peter and Boggs (1986:81) as a sequence of exchanges that call forth a limited set of responses, it is often mentioned in language acquisition studies. It is part of the most formulaic exchanges in many languages,

such as greetings or in Japanese even in sequences about arrival and departure, such as (see Ohta, 1999)

Ex. 1:	A:	ittekimasu 'I am coming and returning'
	B:	itteirasshai 'go and return'

and in less formulaic sequences, such as the reception of an offer or offering an excuse. Without concentrating on repetition per se, both Ohta (1999) and Clancy (1999) discuss examples of Japanese from the classroom environment and child-mother interaction, respectively, where repetitions function mainly as confirmations, confirmation request, assessments, and “as a query ... can function as a subtle challenge”, especially in negations (Clancy, 1999: 1413). More interestingly, in this study, Clancy analyzes language use in affected situations, and it is in these contexts that repeat sequences become more frequent. Similarly in the Mayan languages, Tojolab'al, Mocho, and Itza, directly reported speech and repetition are used as devices “for dramatic recapitulation, which provides an opportunity for lingering emphatically over a particular incident” (Brody, 1994: 10; see also Brody, 1986). These observations are significant for the present study since agree with the observation that repetitions in courtrooms express different forms of affect.

In Japanese and Mandarin it is the language pattern that triggers repetition, not simply the need of alignment, as claimed by Ohta (1999: 1498). In this respect Bulgarian is similar to Japanese since it is possible to give confirmations, negations, and assessments by using particular expressions, such as ‘yes’, ‘no’, and ‘m’, but it also demands a repetition of main verbs in full responses. Thus one may suggest the following typological distinction:

- primarily ‘yes-no-m’ (Allwood, 1986, 1988b) feedback languages:
 - with VP ellipsis and pro-verb in the answer and in the question, as in English,
ex. Do you see him? - I do.
 - with obligatory theme (anaphorically referring to the whole action described in the question), subject and pro-verb, as in Swedish,
ex. Ser du honom? – Det gör jag.
But ex. Vill du se honom? – Det vill jag.
(‘Do you want to see him?’ – ‘I do.’)
- mixed feedback, i.e. ‘yes-no-m’ and repetition languages:
 - with optional subject in the repetition, e.g. Slavic languages;
 - with both subject and object in the repetition, e.g. Georgian;
- primarily repetition-as-feedback languages, e.g. Chinese.

In this sense Swedish and English are of the first type, while Bulgarian, all Slavic, Romance languages and Japanese are mixed feedback languages. While Swedish and English are pro-form (but not pro-drop) languages, Bulgarian is (a pro-drop but) not a pro-form language. This condition enforces the use of partial repetition in positive or negative answers to yes-no questions in Bulgarian but not in Swedish. Let us consider one example:

Ex. 2.

Question:

English: do you see him?
 Pro-verb-pres.-2ndpers. SUBJ VERB-infinitiv OBJ

Swedish: ser du honom?
 VERB-pres. SUBJ OBJ

Bulgarian: vizjdash li go?
 VERB-pres.-SUBJ interrogative particle (short pronoun) OBJ

Answer:

English: yes / (yes) I do / (yes) I see him
 FBW / SUBJ PRO_VERB-pres.-1st pers./SUBJVERB-pres. OBJ

Swedish: ja / (ja) det gör jag / (ja) jag ser honom
 FBW / THEME PRO_VERB-pres SUBJ / SUBJ VERB-pres. OBJ

Bulgarian: da/ *(da) pravja go / (da) vizjdam go /
 FBW/ *PRO-VERB OBJ/ VERB-pres-1st pers. OBJ/
 Da, az go vizjdam
 FBW SUBJ OBJ VERB-pres.-1st pers.

In all three languages there is a use of a simple feedback word as single or initial or final in confirmation answers as in the above. Bulgarian demands repetition of the main verb if the simple feedback word is to be complemented. Swedish and English allow repetition of the main verb used in the answering position, but such answers are more marked than the pro-form responses. However, the auxiliary verb 'do' is not necessarily part of the question in Swedish as it is in English.

Ex. 3. A: ser du honom?
 'see you him?'
 B: det gör jag. or Ja, jag ser honom.
 'this do I.' or 'Yes, I see him'.

This is the reason why some authors (see Heritage, 1984) have treated such pairs as repetitions, while in Swedish they will be anaphoric operations. Both Swedish and Bulgarian have lost their case system (other Slavic languages and, from the Nordic languages, Icelandic have kept the case system) so the case should not play a strong explanatory role. The Bulgarian verb, however, carries information about the subject of the sentence and aspect, which is probably one of the reasons why it is not a pro-form language. It seems to me that the more semantic and grammatical information is attributed to the verb, the more likely it is that such language will be a repetition language. As mentioned earlier, in this respect, Bulgarian is similar to many languages of other families, such as Japanese and Estonian, but not to Germanic languages. Thus if feedback is a universal category its forms of expression are different according to language. Repetition is a universal feature, which together with certain prosodic modifications is used either as positive feedback or as an expression of negative attitudes, such as disbelief, pre-disagreement, negation, etc. (see Chapter 8). However, due to language pattern differences, we may expect that, in comparison to Bulgarian, in Swedish it will be used less as an expression of agreement/disagreement, confirmation, or answer to yes-no questions. We may also expect that the Bulgarian data will contain more repetitions and less reformulations whereas the Swedish data will contain less

repetitions and more reformulations (see 6.2.1.1.1. for definitions and Chapter 11 for statistical results).

2.3.2. Activity

The following studies on repetition by Quirk & Greenbaum 1972, Schegloff 1996, Tao & Thompson 1991, Günthner 1995, Clancy *et al.* 1996, etc. (see also Section 2.6 below) cover a range of activities and contexts that can be both informal and formal. Mainly, however, they concern 'friendly conversations'. Only two are on courtroom communication, namely Adelswärd, Aronsson & Linell 1988, and Philips 1984. This means that interactive repetitions are a common feature of conversation occurring in all possible verbal activities, although it is desirable to examine how the functions and the structure of the repeat sequences are dependent on the activity.

2.3.3. Social status

Social status has been used as a parameter in few studies, e.g. in Philips (1984) but, since her definition of a copy is not entirely identical to what is commonly called a repetition, we can not draw many conclusions. Ferrara's study (Ferrara, 1994) shows that activity status (therapist-client) may be significant for the function of the repetitions. In Günthner (1995) and Clancy *et al.* (1996), we can read the expectation that it is the lower status interactants who repeat more, although it is not clear where this expectation comes from. Studies on teacher-student sessions may show that language learners use repetitions more than teachers or with different functions (teachers use repetition in the so called follow-up within the IRF (Initiation-Response-Follow-up) sequences already observed by Sinclair and Couthard, in 1975) but a systematic study of this kind is not available. There have been observations on children's use of repetitions (Johnstone, 1987) but the courtroom situation and the therapy session are two activities in which the higher status participant does not repeat more than the other actors. The present study shows that examiners repeat (see Table 69, Chapter 11), but it is not the amount of the repetition in itself that contributes to the power distribution in courts. Rather it is the function of the repeat sequences, i.e. the interplay between repeat sequences and other aspects of the discourse, such as the communicative acts and the modality of the expressions (see Chapters 5, 7, 8, 9, and 11), that show and associate between social status and repeat sequences.

2.4. Methods and findings

Another important conclusion of this overview is that, although there have been attempts to analyze the functional and formal interaction between repeat sequences and other pragmatic features, mainly intonation and speech acts, there is a lack of feature interactive approaches. One attempt in this direction is Allwood's study, and I will pay special attention to it since it reports rich results with regard to the use of repetitions and feedback in general. The author compares how learners of and from different languages use feedback in different activities. Thus it introduces ideas of the use of repetitions in German, English, French, Swedish, Dutch, Turkish, Arabic, Italian, Punjabi, Spanish, and Finnish. The overall impression is that:

1. repetitions are a source of communication for language learners;
2. different languages probably differ in their tendency to use repetitions in interaction;
3. different activities give different priorities to the use of repetitions.

Idea number one above is also supported by Goldberg's (1975: 276-77) observation that repetitions are often used for receiving instructions. By examining the function of repetition in court interrogations we will observe that this particular aspect of the repeat sequences varies according to the activity since in certain conditions it is the interrogator who repeats more than the non-professional participants (cf. Chapter 11.1.3.).

Allwood also finds that:

- the function of **linking** through repetition rather than through deictic, anaphoric means is more prominent in Finnish than in Swedish;
- "use of repetition and the prevalence of eliciting feedback " (Allwood, 1995: 31) is characteristic of Spanish;
- repetitions in English as means of feedback-giving are used less by natives than by learners.

The linking function is mentioned only in Allwood's paper but the present study will confirm and specify this observation not only with regard to links between preceding utterances but also as references to other aspects of the context. Tannen (1989) also illustrates this aspect of repeats with a few examples from casual conversations in English.

As regards the use of repetitions according to activity, the results of Allwood's study are more vague. It indicates however that it is possible that repetitions are used by learners mostly in interviews (in comparison with conversation, scenario, and lecture). One basic conclusion of the study is that repetitions decrease with increased proficiency in the target language and that this decrease is related to the increased use of primary simple feedback units (such as particular feedback expressions, e.g. 'mm', 'yeah', etc.). This suggests that, if we want to find out whether repetitions are characteristic of interrogations in a trial, we may compare their use with the use of primary simple feedback units.

Another study that gives results of interest here is Jefferson's (1981) work, discussed also by Heritage (1986). It describes utterances such as "really?", "oh really?", "oh", and expressions such as "did you?" as news-marks, that is, "objects that specifically treat a prior turn's talk as news for the recipient rather than merely informative" (Heritage, 1996: 340). These news-marks project further talk by the recipient, i.e. elicit feedback, but different news-marks elicit different kinds of feedback. Both authors find that if partial repetitions of the above kind are syntactically produced as queries, subsequent disagreement does not occur. It is important to underscore that, apparently, the function of the repeat sequences is sensitive to the speech act they express as well as to the syntactic and prosodic form of this act. Thus both papers indirectly point to integrated analysis of interactive features.

Günthner (1995) also analyzes Chinese repeat sequences as news-marks:

"The echoes which do not only repeat lexically, parts of the prior turn but also prosodically, duplicate the focused elements and thus the "new" (comment) part of the preceding utterance. With the repetition of the formerly "new" information, it can now be treated as interactively established and part of the common cognitive orientation." (Günthner, 1995: 291)

This strategy of repeating what is considered new information is explained as typical for the Chinese rhetoric facework-strategy called “*di san xia si*” where “through imitative repetition more sequential weight is put on the utterance of the interlocutor and it is thereby reflected as being very important” (Günthner, 1995: 292).

Similar interpretation without reference to concrete Chinese facework-strategy may be given to Jefferson’s findings and to Goldberg’s (1975) receiving instructions-strategies, both studies based on English material. Obviously, although, as Clancy’s *et al.* research shows, Mandarin speakers use more repetitions than American English speakers, some of the functions are common to both language cultures. However, in Günthner, the Chinese speakers seem (judging from the examples in Günthner) to use exact and lexically partial repetitions, not formulations with the query intonation similar to ‘really?’ or ‘did you?’ (cf. Jefferson, 1981; Heritage, 1984), which in our view are not repetitions but anaphoric expressions. One may ask then: what about the other functions, such as expressions of disbelief or disagreement; are they also common to both Chinese and English speakers? Repetition, including Heritage’s concept of pre-repeats and rising intonation in English, is associated with feedback elicitation, clarification requests, and expressions of doubt (although this topic has not been properly studied). Tao & Thompson (1991) describe frequent backchanneling with clustering, (i.e. self-repetition of simple feedback words) and use of continuers such as ‘hm’, ‘m’, ‘aha’, etc. as an ‘American-English communicative habit’, which is distinguished from Mandarin speakers’ feedback behavior who seem to use mainly partial repetition of the final part of the source with ‘final pitch contour’ as feedback-giving. Observing the examples used in both Günthner’s and Tao & Thompson’s studies, I can interpret such non-rising intonation partial repetitions not only as news-marks or assessments but as summarizing, collecting interactive activities, that is beyond the level of pure contact signals and under the level of expressions of attitude.

2.5. Repeat sequences in the courtroom

Less work has concentrated on repeat sequences in the context of courtroom interrogation. Adelswärd, Aronsson, & Linell (1988) use the term *copy*, referring to interactive repeat sequences as a kind of feedback-giving but they do not concentrate on the multiple functions this feature has. The function they give to it is that of acknowledgment, which is also the function of general feedback giving in their study. By assigning this function to interactive repeat sequences, they make the point that an absence of repeat sequences and/or feedback-giving utterances constitutes a more blameful style of courtroom communication (1988: 272). However, as I will show later, the interactive repeat sequences have multiple functions including blaming and expression of coerciveness. In fact, Heritage (1984: 299-344) finds that the so called ‘pro-repeats’ with rising final intonation are used to express ritualized disbelief and even disagreement.

In her paper “The social organization of questions and answers in courtroom discourse” Philips (1984) discusses the social aspects of the types of questions and answers appearing in the procedure of Change of Plea in an Arizona court. In describing the interdependence of utterances she distinguishes one special kind of answer that in some way copies the question. Keeping in mind her special definition of a copy and that her interest is in copies in answers, mainly defendant’s answers, Philips’ findings are that higher status respondents copy less and that yes/no questions are copied more often than WH-questions. The results of the present

study will show the opposite with regard to the dependence of the frequency of repeat sequences on status. This may be due to the fact that Philips's copy is not defined as a repeat sequence and because my analysis will cover not only repetitions in answers but also in questions (repetitions in the judge's, the lawyer's, and the prosecutor's questions and feedback). In addition, the present study shows that the relation between yes-no questions and WH-questions to repetitions is different in Bulgarian trials and Swedish trials (see Chapter 11).

2.6. Summary

Repetition is recognized as a multi-functional feature and it is surprising that it is still treated in style analysis as a one-function feature. However, few of the studies provide an analysis of repeat sequences according to all of the criteria mentioned above, mainly because they are either oriented towards frequency analysis or to exemplification of certain aspects of communication, not of repetition per se. I summarize them in the table below, which organizes them according to the functional terms mentioned in the respective articles and match them to factors such as intonation, position, activity, and the language. This is not a comparison but a summary of the findings I read, i.e. the categories are not necessarily mutually exclusive. The function terms used are very often compatible, and thus acknowledgement, confirmation, response, agreement, etc. may be defined as different acts but may also denote the same act. Few of the authors give definitions of what they mean exactly by each term they use. By position I mean position in the turn and position in a sequence. The conversation analysis school is sensitive to sequential position. However, there is no study that empirically matches e.g. the position in a turn, the intonation, and the function of the repetition. Some of the studies discussed give an account of the intonation of the repetitions (e.g. Heritage, 1984; Clancy, 1999; Jefferson, 1981) and do not, which influences the functions they associate with repeat sequences and explains some of the differences in the analysis. The question mark indicates that there is no information about the factor.

Table 2. Overview of literature on repetition/reformulation

	function	position in sequence	intonation	activity	language	author
feedback giving						
	response	secondary	-	conversation	English	Schegloff 1994
	reception of response, confirmation	third	falling?	conversation	English,	Schegloff 1994
	astonishment, surprise	secondary	rising	conversation	English Finnish	Quirl 1972, Sorjonen 1996
	acknowledgement	-	-	courtroom, conversation	Swedish, English, Spanish, Finnish, Dutch, Turkish, Arabic, Italian, French, German, Punjabi	Adelswärd <i>et al.</i> 1988, Clancy <i>et al.</i> 1996, Allwood 1995
	emphatic agreement			therapist-patient	English (patient)	Ferrara 1994:82
	appreciation			conversation	English, Japanese	Tannen 1989, Clancy <i>et al.</i>

						1996
	involvement				Japanese	Clancy <i>et al.</i> 1996
	politeness, cooperation	-	-	teacher-student	Chinese student	Günthner 1995, Clancy <i>et al.</i> 1996
	backchanneling, no claim for floor	-	-	teacher-student	Chinese Student, conversation	Günthner 1995, Clancy <i>et al.</i> 1996, Tao & Thompson 1991
	disagreement	-	-	conversation	English, Bulgarian	Jefferson 1981a, Martinovsky 1993
	rhetorical exclamation	-	special rising	-	Rumanian	Dumitrescu 1996
	recapitulatory echo-question	-	special rising	-	Rumanian	Dumitrescu 1996
feedback elicitation						
	clarification request, question rejoinder, showing non-understanding	initial	rising	conversation	English, Swedish, Spanish, Finnish, Dutch, Turkish, Arabic, Italian, French, German, Punjabi	Schegloff 1994, 1977, Halliday and Hasan 1976, Allwood 1995
	Indication of dispreferred response to follow	secondary	rising	conversation	Finnish	Sorjonen 1996
	confirmation request	-	rising	conversation	English	Shegloff 1977, Quirk 1972
	elaboration request	-	-	therapist-patient	English therapist	Ferrara 1994:82
	newsmark	-	rising for English	conversation	English, Chinese	Jefferson 1981a, Günthner 1995
	expression of disbelief	pro-repeats	-	conversation	English, Bulgarian	Heritage 1984,
	initiation of side-sequence	embedded	-	conversation	English	Jefferson 1977
	joking, mocking		special	conversation	English, Finnish, Bulgarian	Tannen 1989, Sorjonen 1996

Keeping in mind Allwood's taxonomy of functions (e.g. 1976, 1992, 1995), also adopted by Clark (1989, 1999), we may conclude that repetition is used with all feedback functions: for maintaining contact, displaying perception, expressing epistemic and emotional attitudes. The studies reviewed indicate that repetition as confirmation and backchanneling (which implies no fight for the floor and no intention of opening a side sequence) is most frequently used in Chinese and Japanese and less frequently in the Germanic languages. In contrast, in English and in Swedish, for instance, repetition with rising intonation is quite often used as a side-sequence-opening and expression of various types of attitudes (news, astonishment, surprise, sarcasm, doubt).

With respect to activity, Adelswärd *et al.*'s study suggests that, in the Swedish courts, the preferred function of repetition is what they call acknowledgement, i.e. a display of what the

speaker has perceived as correct information and acceptance. Using psychotherapy sessions, Ferrara (1994) analyzed emphatic agreement and elaboration requests, which are to be expected considering the purpose of the activity, namely an offer of understanding and of a chance to talk about problematic issues.

In general, one may notice an occupation with social issues in the analysis of repeat sequences but less serious consideration of the influence of the grammatical patterns of a specific language on the form and the function of repeat sequences. As part of a language-specific feedback system, repetitions are accompanied by other verbal and non-verbal feedback expressions, such as different kinds of simple feedback words, intonation, gestures, facial expressions, and gaze. Intonation is a rather important feature because, in probably all languages, it distinguishes between different types of communicative acts and sentence types and thus influences the function of the repeat sequences (probably even more in tone-based languages such as Chinese). Non-verbal interactive components contribute to the interpretation of a repetition as an expression of surprise or of agreement, bearing in mind that they may be different in different cultural and activity contexts. Such studies have not yet been done.

2.8. A pilot study

Relying on part of the material employed in the present work, a pilot study was experimentally designed concentrating on the function of the repeat sequences, the reformulations, and the paraphrases in Swedish and Bulgarian courts. The results of that study contributed to this thesis and can be formulated as the following:

- The repeat sequences are often employed for expressions of emotions and epistemic states of mind;
- In the Bulgarian trials, 30.5 % of all utterances were repeated and/or reformulated;
- The Bulgarian judges repeated and reformulated other speakers more than anyone else owing to the sub-activity of dictation, which means that the repetition is not characteristic of the lower status speakers and that the form of the activity influences the exact distribution of the features;
- The percent of all dictating utterances involved reformulations, which often consisted of code-switching to more formal language;
- Most judge's repetitions/reformulations occurred in sequences of simultaneous speech, which points to a correlation between the occurrence of overlap and repeat sequences and that there is a high probability to expect the occurrence of an overlap in association with repeat sequences;
- The speech act repertoire of the witnesses is characterized by lack of objections and questions and a high amount of volunteered information, 67.5 % of which involve repeat sequences. The defendants' repertoire was dominated by utterances expressing motivations, justifications, or excuses and a high degree of objections. The Bulgarian judge's interrogation style is dominated by WH-questions involving a very small amount of statement formulated questions. Thus one may suggest that WH-questions result in an increased number of motivations and volunteered information;
- In both languages, the defendants and the witnesses associated repetitions with the expression of agreement and confirmation and, more specifically, with the formulation of mitigation strategies. Here is an example of partial repetition from Swedish (DC defense

counsel, D – defendant, ST – Swedish trial, ST1 – Swedish trial one, ST1: 102 – Swedish trial one, extract 102, BT – Bulgarian trial):

ST1: 102

1. DC: < va1 e* ä0 hur har de0 gått helt allmänt för dej me0 / me0 SPRITEN > / **de0 har vart0 perioder till och från**
DC: < what is and in general how has it been going with you with / with THE ALCOHOL > / **there have been periods from time to time'**
@ <mood : asking>
2. -> D: **de0 har vart0 till och från**
D: **'it has been from time to time'**
3. DC: jaha
DC: 'alright'

The examiner used repetitions not for an expression of agreement but for expressions of doubt, formulation of questions and a record. The combination of these speech acts and repetition is dependent on the roles and the goals of the speakers.

- In contrast to the WH-questions, a greater amount of y/n questions co-occurred with repetitions, which leads to the conclusion that the y/n questions have more constraining and coherence-creating power;
- Repetitions especially in combination with indirectly reported speech are used for the introduction of a third party in the interrogation;
- In the Swedish transcription it is the plaintiff who most often overlaps and repeat sequences, which, in combination with the realization of the features in the Bulgarian transcriptions, supports the conclusion that it is not only or mainly the status of the speakers that determines the use of the feature but also the legal procedure, the discursive culture, and the language pattern in general;
- One particular difference between the Swedish prosecutor's and defense counsel's and the Bulgarian judge's interrogative strategies is the preference of declarative narrative questions, which trigger confirmation and agreement. This interrogative strategy tests the examined person, prepares a cooperative mode of examination and informs the court of basic background facts. However, since it is the prosecutor who leads the pre-examinations and chooses the evidence to be presented to the court, it is possible that he also chooses what parts of the story should be taken up and emphasized;
- Similar to the results of the Bulgarian data analysis, the witness's speech act register is clearly dominated by expressions of agreement and volunteered information;
- The Swedish prosecutor's use of repetition is reserved for the expression of doubt, which is a common feature in English (Heritage, 1994);
- The declarative questions are associated less with repetition than the WH-questions and are thus seem to function as introducing new information and new topics;
- Comparing the two data sets, we notice that overlap is much more frequent in the Bulgarian than in the Swedish transcriptions, as are repetitions and reformulations. There is a difference in function as well - in the Swedish trials, partial repetitions are used more as doubt expressions than in the Bulgarian trials. The strongest difference between the two interrogative cultures exhibited in the data is that 46.6 % of the Bulgarian y/n-questions are followed by a repeating (partially or fully) response, whereas 2 % of the Swedish y/n questions are followed by the receiver's partial repetition, which is due to a great extent to the respective linguistic patterns (see 2.3.1, 3.4, and Chapter 11). This result is still the subject of testing but one tentative hypothesis is that the Bulgarian judge in general mirrors the interrogated speaker's speech much more than does the Swedish examiner's speech, which may be due to a routine and/or to language pattern;

- Of all coded speech acts, it is volunteered information and agreements that were strongly associated with repeat sequences in the Bulgarian data; in the Swedish data, repeat sequences co-occurred most frequently with objections and negation, but these results are still tentative because of the limited corpus used in the pilot study;
- The negations and the agreements are not part of the interrogator's interactive register which means that interrogation as an activity can not be described as a conversation because only interlocutors of a particular role, the interrogated, give regular feedback.

A basic methodological conclusion of the pilot study is that the description of styles and discursive repertoires tends to reach invalid results associating certain features with certain speech style if it is not combined with functional analysis. This means that the stylistic analysis must be preceded by a qualitative study of the exact function of each feature in the corpus, taking into consideration a greater amount of features. For that purpose, a method was used according to which one feature is studied in relation to co-occurring features, which together describe the function and the form of the feature in relation to both global and local determining and determined contexts.

Chapter 3

Cultures, Languages, and Legal Systems



Introduction

There are three major factors influencing the interactions studied here: the national culture of participants, the language they speak (which both influences and reflects the national culture), and the legal cultures in each group. One of the tasks of this thesis is to examine which of these factors influence the interaction between the examiners and the examined with respect to the use of a number of pragmatic and linguistic features such as communicative acts, repetitions, reformulations, paraphrases, etc. This chapter provides a short description of each of the factors and defines expectations for the behavior of the linguistic features.

3.1. The Swedish legal system

The Swedish juridical historian Kjell Modeér starts his book ‘The Swedish Court Culture’ (“Den Svenska Domarkulturen”, 1994) with the account, that since 1619 with the publication of the German jurist Georg am Waldt’s book, ‘Trial Disorder’, the Swedish court culture has been under constant influence from European sources. However it also has own roots, which contributes to the fact that the modern court procedure combines different types of traditions. According to Magnus Eriksson’s law from the Middle Ages, the country was divided into so called ‘landsting’ and ‘lagmansting’ where ‘lawmen’, (“lagmän”) made both juridical and political decisions. The verb ‘döma’ (“to judge”) did not mean to gather information and to express an evidence-based decision but to express only what the law prescribes. The trials were public events and there were two dominant procedural forms, namely oath-based trials (“edgårdsmannaprocesser”) and trials with a panel of lay assessors (“nämndprocesser”). The former was based on the idea of holy oath. In contrast to the contemporary procedure, it was the defendant who was obliged to present evidence for his case, where his own oath (“väljemsåsed”) or the oaths of the witnesses gathered by him was in some cases sufficient (these witnesses should be six, twelve or more). The lay assessors’ panel, which consisted of twelve members (first occasional and later permanent), was obliged to investigate the case through material evidence. The panel proved the case, made a decision and pronounced a sentence (which is done today by the judge pronouncing the sentence). The judge was responsible for the observation of the relevant laws but did not take part in the investigation or the interrogation. After the establishment of the so called inquisitorial system (named so after Pope Innocentius’ III inquisitorial trials), the oath-based trials died out (although the oath is still obligatory today). According to the latter, the judge is no longer a president of the court but actively participates in the truth-finding process, especially in the interrogation of the parties. Thus he often functioned as a prosecutor who, with strong pressure on the

defendant, tried to provoke an admission or confession, which was considered to be complete evidence, 'propatio plena'. The defense counsels did not exist as freely practicing lawyers. At first they were close community members, including family members (this is typical for all ancient legal cultures, including China, Japan, Egypt, Bulgaria etc. (cf. Terziev, 1987), and later were part of the juridical institution. Only at the end of the last century did they started to function as independent lawyers.

Today the Swedish legal system follows the principles of the Roman Law, which is based on statutes, that is, only acts or omissions proscribed in a written law are punishable. There are no cases of 'common law offenses' based on judge-made law, as in the Anglo-Saxon legal system, although in practice precedence is used in the interpretation of laws. Whereas in the Common law system there is a special criminal procedure called the Change of Plea (or plea bargaining), in which a person who is charged with a crime pleads guilty to that crime instead of going through a trial (Philips, 1984), according to the statutory system in Sweden the prosecuting authorities have a legal duty (the 'principle of legality') to prosecute if they find the guilt of the person to law sufficiently established. However, in these cases, according to, for instance, the US legal system, the court will conduct no independent assessment of the guilt but will deal only with the issue of sentencing. Most often there is a plea bargain in such case, for which reason the court merely confirms the agreement between the prosecution and the defendant in respect to the sentence and no review is conducted. In contrast, in Sweden, when a defendant pleads guilty, which happens surprisingly often notwithstanding the fact that a guilty plea has, in contrast to the US, no influence on the severity of the sentence, a Swedish court will not accept the defendant's guilty plea but will conduct an independent investigation to corroborate the defendant's guilt, which investigation may adequately be described as inquisitorial. The prosecutors do not bargain with the defense, i.e. in order to obtain a plea of guilt in return for a reduction of the charge (Andeaes, 1968).

Both systems are based on the idea that there must be a complete institutional separation between the prosecuting and the judging authority in order to avoid the risk of the judge having a vested interest in the conviction, and that the defendant has certain inalienable rights that it is the responsibility of the law to secure vis-a-vis the government.

The Swedish court consists of three to five members, one of which is the presiding judge and the rest are lay assessors who can on some occasions out vote the judge. However, it is the judge who directs the trial, who examines the defendants and the witnesses, who gives the word to the prosecutor and the defense counsel. Thus, the main legal actors are: the judge or the mixed tribunal, the defense counsel, and the prosecutor.

The defense party has access to the information collected by the police and is responsible for disclosing the witnesses. His defense counsel is normally provided on the defendant's own choice at public cost (since the reformations during 18th century under the influence of the French legal procedure, see Modeér, 1977: 261 the assignment and the presence of defense counsels in criminal cases are obligatory).

The defense counsel does not normally make investigation on its own, thus showing a great trust in the police and the prosecution. In contrast a defense lawyer in the US system is a private actor and is much more active, conducting private investigations and using "surprise tactics" (Andeaes, 1968). In this sense a particular difference between the two systems is demonstrated even on this organizational level, not only "on the stage" at a trial. The adversarial system presupposes more active acting from both parties, less trust in police and

prosecution, more fighting strategies. The opposite holds for the Continental approach and attitude. In a sense, the last procedure and practice are more authoritative than the former i.e. it relies more on the authority of the legal institution.

During the trial, the accused has the right, as in the adversarial system, to remain silent, but, in contrast to the latter, the jury may draw inferences from his silence. The hearing of the accused precedes the hearing of the witnesses and other evidence from the prosecution. He is not examined under oath. However, the counsel may examine both the witnesses and the accused for the prosecution and the defense. The Swedish trial is much more informal than the Anglo-Saxon trial. Cross-examination strategies are seldom used, the procedure is less built on questions and answers, since both the witnesses and the accused are supposed to be given the opportunity to give their story before more detailed examination. There is no prohibition of hearsay evidence and evidence from previous convictions as in the American and British rules of evidence. Thus there is no place for unexpected evidence during the trial itself.

From the beginning of the 20th century, the growing care for the weak and the poor resulted in serious political and legal changes. The socialdemocratic idea of 'folkhem' ("people's home") and Axel Hägerström's (1868-1939) 'value nihilism' ("värdenihilism", describing concepts such as 'good', 'bad', 'duty', 'punishment', etc. as meaningless) co-existed but it was the former that had a stronger influence on the juridical practice. The efforts of the Swedish Minister of Justice 1932-1936, Karl Schlyter's (Inger, 1986: 307; Modeér, 1994: 47-48) to 'open the prisons' were successful. Professor Johan Thyrén (1861-1933) created the principles of the sociological reform of the Penal Code, according to which death penalties are not given except during war (since 1921). Mentally impaired offenders are not punished but undergo special non-penal measures and may be subjected to indeterminate sentences. However the efforts to change the punishment-related terminology were not successful (Inger, 1986: 235-250).

Andenaes interprets the differences in the two legal systems and practices as reflections of cultural and social differences. He describes the American sentencing system as lacking "uniformity in sentencing" and giving "very harsh sentences" (Andenaes, 1968: 12). The Swedish sentencing system is thus comparatively uniform and lenient, which is due to the fact that this country has a peaceful society "with small and homogeneous population and less culture conflict than in the United States" (Andenaes, 1968: 13). Another reason is "the wide possibilities for appellate review of sentencing" (1968: 13).

An important feature of Swedish sentencing practice which may also explain its leniency and which is directly related to the behavior of the professionals and the defenders in the courtroom is that the sentence is very dependent on the personality of the offender. "The leniency in the sentencing reflects both social conditions and prevailing community attitudes." Since the level of criminality in Sweden of the period of the recorded trials is low, criminality is considered more as "a nuisance than a menace" and thus attitudes towards the offenders are non-aggressive. The crimes are seen as the results of social and personal difficulties and not as evil acts. Consequently, court procedures are more rational, lenient and uniform. The suspended sentence was established in 1894 and today it is the dominant type of sentence in the Swedish criminal justice. The new Swedish penal code uses the suspended sentence as a suspension of sentence without supervision.

3.2. The Bulgarian legal procedure

The Bulgarian legal system is also influenced by both national and external historical factors. The historical sources indicate that, in the early Middle Ages, at the beginning of the state, legal practice was adversarial, which included presentations by the parties (which could be family members, village members, etc.) but was inquisitorial in the treatment of heavy crimes (Terziev, 1987: 19). In later trials, similar to the Pope's inquisitorial ones the 'knjaz' pronounced sentences immediately without listening to evidence. Bulgarian law has been influenced by the Byzantine Empire, Roman law, the Ottoman Empire's Koran based law and especially by the French legal system and the Soviet legal state. Until the Treaty in San Stefano of 01.07.1878 (when Bulgaria was divided into three parts) the chief types of courts were small, one-man courts and the Turkish 'sheriads' (although the Koran could not be applied to non-believers, and thus there were special institutions for the Bulgarian population). A law constituting the rights of the defense counsels has existed since 1883 (Terziev, 1987: 36-37).

In contrast to the system in Sweden, the socialistic Bulgarian legal system has no complete institutional separation between the prosecuting and the judging authority, which is also expressed in the features of the court examinations:

- the prosecutor is not a part in the case, s/he is an official representative of the legal authority; the prosecution evokes investigation and trial;
- the judge, not the prosecutor, conducts the trial interrogations, which means that the procedure strictly follows inquisitorial procedural law;
- the defendants have no access to police records and pre-examination records;
- in some few cases, the defendant may not have a lawyer
 - if the defendant has no lawyer, s/he is interrogated by the judge. The prosecution reads the charges at the beginning of the process and then expresses an opinion or adds other questions if desired at the end of the judge's interrogation;
 - if the defendant has a lawyer he is invited by the judge to put his or her own questions to the defendant, the witness or the plaintiff after the judge has finished his interrogation;
- judges have access to the case material and usually study it before taking it up in court but they do not take part in the collection of evidence;
- trials are typed in written form;
- since the political post-socialistic changes that started in 1989, the number of crimes has risen significantly and the types of crimes have changed in nature to become much more violent;
- there is a death penalty but also a moratorium, which means that death sentences are interpreted as lifetime imprisonment sentences.

3.3. What communicative consequences can we expect as a result of the differences and similarities of the legal procedures?

The procedures of courtroom examinations, being routinely structured and pre-defined, set up a number of expectations as to how the discourse will be conducted. The legal systems and the beliefs they are built on also put forward goals and constrain activity. Swedish procedural law is a peculiar combination of inquisitorial and adversarial elements. It is not completely inquisitorial because there are sides representing the plaintiff (by plaintiff I mean the complainant in civil cases or the victim in criminal cases) and the defendant that can conduct cross examinations and examinations in chief (or 'huvudförhör', "main examination", as it is called in Sweden). The judge regulates the examinations, although does not participate but, since there is no jury as in the adversarial system, he or she is also a main part of the verdict-giving court. In the courtroom, the prosecutor represents one of the sides but, before the court examinations, has an objective and decisive role: he or she receives the complaints, makes preliminary investigations, gathers evidence for and against the plaintiff's theory, conducts the pre-examinations, and chooses the evidence to be presented to the judge in the court. Thus, the prosecutor has a double role of objective collector of evidence and of a side in the court. At the same time, Swedish law is not based on precedent, as is Anglo-Saxon law, which is the base for an adversarial legal system, but on statutes, characteristic of inquisitorial law.

The Bulgarian legal procedure is clearly inquisitorial, and has been chosen to be in order to avoid the battle-like trials that are interpreted to seek truth in a non-objective way (Stalev, 1966). The prosecutor has the evidence-collecting responsibility but s/he does not represent parties in the court. The judge performs the examinations, but the defense attorneys may also ask questions. Similar to the Swedish system, there are courts consisting of a presiding judge and non-professional court members (so called advisers) who may, but most often do not, put any questions.

In both systems the main purpose of the prosecutors is to be objective and the main goal of the court examination activity is to get a correct and complete version of the course of events. This means that examinations should not be coercive, from which follow other hypotheses such as:

- If the inquisitorial system is less coercive then there should not be significant differences between the examination of own witnesses (so called examination-in-chief) and the examination of the opponents' witnesses (so called cross-examination) in Swedish and Bulgarian trials.
- If the position of the prosecutor in Swedish trials and the judge in Bulgarian trials is objective then
 - there should not be a significant difference between the Swedish prosecutors' questioning strategies and the Bulgarian judges' strategies;
 - there should not be a significant difference between the prosecutors' strategies of questioning defendants, plaintiffs and witnesses from both sides;
 - "contrast-drop-it" (i.e. sequences in which the examiner takes up a puzzling issue and drops it without giving opportunity to the examined party to respond, see Chapter 8) sequences described by Drew (1990) should not occur in either the Bulgarian or the Swedish examinations.

- If the purpose of the examination is to get a complete and correct version of the story then
 - the witnesses should be allowed to give accounts, excuses, justifications;
 - witnesses should be allowed to change their testimony;
 - witnesses should feel free to change their mind after confirmation requests.

- If blame sequences, such as “contrast-drop-it”, occur in own witness’ examinations, then
 - these kind of sequences do not always function as features leading to a hostile, coercive and disputatious kind of the examination, since the examination of own witnesses and clients is not supposed to be hostile (i.e. such sequences may have other more co-operative functions, e.g. reminding the listening court of insufficient evidence for conviction of the examined),
 - these sequences will be devices used for contrastive purposes and thus can not define a style or strategy but are dependent on the global context and the activity goals,
 - if they do not occur in own witness examinations, then they do characterize disputatious activities and styles,
 - if there is no significant difference between occurrences of “contrast-drop-it” in examination of own witnesses or the opposition’s witnesses, then it is still the case that it can describe neither hostile (see Drew, 1990) nor non-hostile discourse.
 - if these occurrences are completely negligible in both examination types, then this fact is one of the factors that may imply that the Swedish and the Bulgarian legal procedures are non-coercive.

- If objectivity is the main goal of the examinations, then only the defense counsel should exhibit strategies, such as
 - pushing interpretations
 - implanting evidence
 - implanting inferences
 - explicitly or implicitly addressing the judge
 - rhetoric pauses, contrasts
 - coercive questions
 - avoidance of comment on witnesses’ other-corrections, etc.

- If the legal systems are designed to be less coercive, then, keeping in mind studies on leading questions (e.g. Danet *et al.*, 1978; Tiersma, 1999), we may expect much fewer kinds of questions that are found to be most manipulative, such as:
 - declaratives, e.g. You shot her.
 - interrogative yes/no questions, e.g. Did you shoot her?
 - tag questions, e.g. You shot her, didn’t you?

We may expect more of the less manipulative question formulations and questions giving an opportunity to give accounts, reasons and narratives:

- interrogative WH-questions, e.g. You admitted earlier that you shot her, why did you do it?
- ‘requests’ (Fraser, 1976), e.g. Can you tell us what you did?

In Bulgarian and Swedish courts, witnesses, but not plaintiffs nor defendants, are obliged to swear an oath, which means that they are explicitly reminded to tell the truth. However, it also means that there is a stronger expectation for them to state the truth than for the defendants and the plaintiffs, who are expected to support their own claims and avoid contradicting them or giving testimonies against themselves. Thus it is of interest to note whether the interrogation modes are different according to these institutional expectations of the truthfulness of testimonies.

Defendants are expected “to avoid expressly addressing issues of blame, responsibility and agency” (Tiersma, 1998: 21). Drew (1990) discusses this topic and finds that witnesses’ behavior during cross-examinations is characterized by the following (see also Chapter 1.4.):

- avoidance of self-repair with reformulations of utterances (Drew, 1990; O’Barr, 1982);
- corrections of versions of events presented in the examiner’s utterances which he calls “next-turn other-corrections or corrections of other party’s speech” (Drew, 1990: 45) which are supposed to demonstrate the disputatious nature of cross-examinations in British courts;
- avoidance of direct overt negation of versions prior to other-corrections.

The examiner’s tendency to avoid supporting or concurring the witnesses’ other-corrections and to use contrast-drop-it sequences throws doubt on the witness’ testimony. Thus we may expect that examiners will tend not to repeat or reformulate witnesses’ other-corrections.

Because Bulgarian judges formulate a report during the examinations by dictating to a typist, one may expect a great amount of dictating repetitions and reformulations. Since the record is an official document, the judge is expected to reformulate the witnesses’ testimony choosing more formal types of expressions. Such reformulation sequences will not occur in the Swedish material but, since the testimonies are not recorded and not performed by the judge, we may expect that the examiners will use repetition and reformulations in order to support the judges’ memory of the particular pieces of verbal evidence and to emphasize particular points important to their theory of the case (Mauet, 1988).

3.4. Culture, language and activity

The activity is the constant factor of analysis in the present study, the culture and the language being different. The underlying assumption is that some features may be expected to vary owing to cultural differences and other features may not vary due to the common activity. An activity is defined as a specific course of events occurring in a specific setting, with specific rules of conduct, roles, and goals. The concept of culture has many aspects but what is in focus here is the dynamically related sets of historically, ethnically, politically, linguistically, and geographically determined features shared between a given group of people. Politically, Bulgaria and Sweden are different but they are also similar in the sense that Sweden is a capitalistic social-democratic country with a pro-socialistic government and Bulgaria is a post-socialistic country. The choice of legal system and, more specifically, of procedural law is a glaring manifestation of ideology. Both countries have adopted Roman law and the inquisitorial legal system, but modern Swedish procedural law has an adversarial questioning format. However, the motivation behind these choices is the basic belief that they fit egalitarian societies and encourage a more objective and truth-oriented jurisdiction. Judging from the juridical literature, it seems that the inquisitorial procedure is considered in Sweden

to be less democratic, offering possibilities for domination and too strong a control by the judge. The socialistic Bulgarian sources, on the other hand, considered the inquisitorial procedure as the most adequate form of expression of the strong socialistic state and to hinder corruption among lawyers.

So, besides the historical and political factors behind the decision to adopt an inquisitorial role of the judge, it is also a product of distrust in the community of lawyers (see Terziev, 1987). An interesting feature is that, in both legal cultures, it is considered positive if the pleadings are presented in objective, clear, and plain language without an extended use of rhetoric (Inger, 1986; Terziev, 1987) and, in fact, in both countries, there are no publications of the court speeches of prominent lawyers, as there are for instance in Russia and France. There are even fewer chances to do so since both countries have an established procedure for the presentation of the pleading speeches in written form, which is then read aloud in the court.

During socialism and as a result of the tendency towards social equality the Bulgarian aristocracy, including the monarchy, fled the country. However, this tendency established a new type of hierarchy based on position in the Communist party, which influenced people's verbal behavior and was also expressed in e.g. the naming practices: expressions such as Miss and Mister were exchanged for 'drugarka' and 'drugar' ('comrade', 'friend'). The emancipation process exchanged the custom of kissing hands to shaking hands but never led to a change in grammar since Bulgarian continues to distinguish between three sexual and human gender categories (masculinum, femininum and utrum) applied to nouns and pronouns. In modern Swedish, however, the grammatical categories of femininum and masculinum are not applied to nouns but only to personal pronouns (Norén, forthcoming). Socialistic enthusiasm did not lead to nullification of the T/V modes of formulation (established also in the spoken language in the latter part of the 19th century, cf., Rusinov, 1984: 181). Bulgarian is still a T/V language in which the formal V form is used in formal situations with unknown, elderly people or people of higher position. In Sweden, egalitarianism (among other factors) has also influenced the reference forms and titles are less often used. The history of the T/V forms is like a reading on symptoms of social change. The T form was employed in formal and informal situations in the 1970s, the period represented by the Swedish court data used here, as a reaction to the negative meaning in the V form, which was earlier used to address people of lower status (cf. Mårtensson, 1986b; Allwood, 1988b). However, as will be observed later these forms are used in a special way in courts (see Chapter 11). Today the V form has become established as a polite form of address by younger people of older people (cf. Norrby, 1997). Thus the Swedish and the Bulgarian V forms now have a similar use since they are associated less with status than with respect.

As a major cultural component, the language influences the communicative patterns in an independent way as well. In the following sections I will give a brief description of some linguistic characteristics of both languages and of some relevant studies of their spoken modes.

3.4.1. Bulgarian language and interaction analysis

Bulgarian is a Slavic language with a typical non-fixed word order, conjugations according to person and gender, temporal system including aorist, and morphological expression of aspect. Thus Bulgarian is more a synthetic than an analytic language in comparison with Swedish. A special feature of relevance is the so called evidence aspect. Some past tense forms carry this

aspect and the information that the event referred to has been perceptually or cognitively experienced (Fiteva, 1998) by the speaker, where other forms imply that the speaker has not witnessed the event in question. Thus, if I say, “toj go **udari** po ramoto” (literally ‘he hit him on the arm’) it follows that I have witnessed the hitting, but if I say “toj go **udaril** po ramoto” (literally ‘he hit him on the arm’) it means that I have not seen the act myself, but most probably I have heard about it from someone else, i.e. these kind of expressions function often as indirect reported speech. Bulgarian but not Swedish uses a specific interrogative particle ‘li’ especially in the formulation of yes/no-questions. Swedish relies on the syntactic structure of the sentence and normally uses inverted word order in questions. Both languages have also specific for questions interrogative or asking intonation which is characterized as rising (see also 11.1).

Discourse analysis of Bulgarian is a less developed field of linguistics. Recently, however, a few studies have been published such as one analysis of Bulgarian non-verbal communication in TV programs and another of advertisement language (Ilieva-Baltova *et al.*, 1997). Style analysis of lexical choices in the vernacular are available, but none refer to interactive features such as overlap, repetitions/reformulations, feedback, etc. Unique is also the frequency dictionary of spoken Bulgarian published by Zvetanka Nikolova in 1987. This consists of 100 000 words collected between 1975-1979 in all possible everyday situations, such as in buses, trams, neighbors’ talk in gardens, etc. Nikolova finds that (my translation):

“As a special characteristic of spoken Bulgarian should be mentioned the high frequency of particles. Besides the negative ‘NE’ (“no”), the affirmative ‘YES’ (“yes”) and the interrogative ‘LI’ and ‘NALI’ (B.M. similar to “isn’t it”) already in the first hundred of the most used words are found the particles ‘BE’, ‘DE’ and ‘A’.”

Nikolova calls feedback-giving and elicitation expressions ‘particles’ and thus introduces them as parts of speech. She distinguishes between interrogative particles, such as ‘li’, affirmative particles, such as ‘da’ (“yes”) and ‘ne’ (“no”) and particles, where she includes other feedback expressions. However, in this last category are included also word types such as ‘dazje’ (“even”) and ‘nito’ (“not even”) which are not feedback words in comparison to the others. She also distinguishes between interjections and particles but all the expressions listed as interjections have feedback-giving or eliciting function. Thus in calculating the frequency of particles Nikolova does not give a proper picture of the frequency of feedback in Bulgarian. Besides the frequency dictionary includes only word-tokens not collocations, where we find other feedback expressions. When I cross-linguistically compare the frequency of parts of speech in Swedish and Bulgarian in Table 78 I do not exactly follow Nikolova’s categorization but I have excluded expressions, which are not feedback expressions although I do keep the distinction between interjections and particles. The category feedback in Bulgarian courts is coded using a list of expressions listed in Appendix C, which includes some of Nikolova’s particles and interjections. Some of these expressions occur in the court data some of them, mainly expression counted usually as interjections, do not. Feedback in Bulgarian is a field open for future research. Bulgarian uses also the single ‘tz’ tongue-clicking sound for expression of negative feedback and multiple reduplication of the same sound for expression of negative surprise or of prohibition. As mentioned earlier, Bulgarian is a pro-drop language and not a pro-form language. This is a linguistic factor, which may contribute to the extended use of repetition in confirmations and negations, i.e. in the second part of adjacency pairs involving yes-no questions. Thus feedback in Bulgarian is given by special words and sounds as well as by repetition (see 2.3.1.). Courtroom interaction has not been studied.

3.4.2. Swedish language and interaction analysis

Swedish is a Germanic language without tense conjugation according to person and gender. It has a pre-fixed word order and obligatory subject position. The spoken language is characterized by pro-forms (expressions in answering position such as “ja, det gör det” (literally ‘yes, it does that’) and various forms of special feedback expression, the most specific of which is the inhalation sound carrying the meaning of a positive feedback. Allwood (1988b) describes Swedish as an ‘yes-no-m’ feedback language and thus we may expect that witnesses’ corrections of an examiner’s versions of events will often be realized in direct corrections through reformulations followed by confirmation feedback. However, since Swedish seems to disprefer but allow partial repetition of a question in the confirming/negating answer, we may also expect that such answers will be marked in some way (see Chapters 7, 8, 9, and 11).

3.4.2.1. Analysis of courtroom interaction in Sweden

A team working at Linköping University consisting of Per Linell, Linda Jönsson, Lotta Alemyr, Viveka Adelswärd, and Karin Aronsson has conducted series of analysis based on 40 audio recorded court trials in medium-sized Swedish towns from 1983 to 1994. They found that professional participants in trials accommodate to defendants by using less technical and complex language whereas the defendants accommodate to the formality of the situation by using “more unmarked conversational language” (Jönsson, 1988: 12). The professionals dominate the interaction space by control of the topic, lexical choice, and control of the floor. Trials resulting in minor penalties appeared to have less asymmetrical turn-taking structure and thus to be more conversation-like than “those resulting in severe penalties” (Jönsson, 1988: 13 and 1988: 47-80). Of special interest for the present work are the sequences of distrust mentioned in Jönsson’s study on police interrogations (1988). They appear to be “composed of a request for confirmation of the information and a more or less explicit hint of disbelief” (1988: 15), and their purpose is to save the face of the interrogated and to imply that the policeman is already informed about the course of events, although it is not clear how well informed. Another interesting feature is the ‘piloting’ of answers, which means that the examiner asks questions, the answers to which he already has a clear attitude and preference, and must express them while not threatening the face of the examined. Jönsson finds that the new information presented by the suspect is dropped-out more often by the interrogating policeman, while volunteered or expanded answers related to the previous question are not as often dropped-out. The study also analyzes the transformation of the police interrogation to a report, which results in significant linguistic and perspective changes, topic preferences, and mood alternations. (In Bulgarian trials, as already mentioned, the report is constructed by the judge simultaneously with the examinations and thus, by studying the reformulations that occur, one may examine the relation between what is said and chosen for the report and how a spoken mode is transferred to a written mode in Bulgarian.) One may conclude that face-saving strategies are common in Swedish legal contexts, and it will be interesting to compare these features with those in Bulgarian trials, on which there are no previous studies on which to build.

Chapter 4

Description of the Corpus



Introduction

Before describing the authentic data I will analyze the activity according to the roles, the obligations, the responsibilities, and the competence of the interactants since the description of the general court situation influences the understanding of the structure of the concrete cases.

4.1. Activity-based communication analysis of trials

Each trial has a specific aim, which is dependent on the type of crime or offence. However, a typical feature of institutional discourse is the existence of a basic framework within which all types of activities, roles, and purposes can be included. In order to be able to make predictions on the behavior of the participants and the realization of the studied features, we need a description of the trial as an activity. Furthermore, since we are dealing with two types of trial and examination practices, we would need to identify the exact differences and similarities between them. One must keep in mind that this description is general, i.e. there are many specific elements in it that can vary according to the type of conflict and crime, type of court and procedure, and type of legal culture.

4.1.1. Obligations, competence and goals

As mentioned in Chapter 1, the activity-based communication analysis (Allwood, 1976, 1978a, 1995) is a suitable framework for the description of trials. It discriminates between two different types of criteria for the analysis of discourse features: parameters of the communicative behavior and action and parameters of the activity, which are not part of the communicative behavior and action. The latter parameters are regarded as influencing the former while the former are seen as reflexively influenced by past and ongoing communication. This chapter is devoted to the description of the influencing social and legal factors. Instead of describing each case or trial according to these parameters I will give a general picture of a trial with its inherent goals and roles. Each participant in a trial has specific and conditioned by the law obligations and rights but they also have different levels of competence. The obligations and the rights directly influence some of the communicative parameters of the activity, that is, in interaction, for instance, they regulate the turn-taking in the courtroom, the types of speech acts performed, even the physical positions in the courtroom. The competence requirements are connected with legally determined obligations and rights. The examiner (prosecutor or judge) is obliged to know in detail the evidence

material, the defense counsel has the right to know it, and the judge is generally not supposed to know anything specific about the case before the presentation in the courtroom. A very important aspect of the examinations is the double-checking of the witness' testimony in relation to previously given evidence by the same person or other witnesses. This presupposes that the examiner is acquainted with these testimonies and that the witness is not aware of the level of knowledge the examiner has and that neither is the deciding party acquainted with this information. The competence of the witness is the only criterion for choosing and calling witnesses. They are sources of decisive but not completely reliable information, and that is why there is a specific sub-activity, namely the swearing of the oath. On the other hand, the fact that most of the witnesses are not legally competent influences their own feeling of inferiority, the professional's lexical choices, the occurring register-switches, etc. Experienced witnesses or defendants have greater legal competence and knowledge of the activity as such, which influences their interactive behavior (Adelswärd *et al.*, 1987a).

Global activity: *trial.*

Main purpose of the activity: *making a decision on a conflict according to the law of relevant jurisdiction.*

Procedures and subactivities:

1. *pre-trial procedures, e.g., pre-examinations outside the courtroom, exchange of physical evidence, etc.;*
2. *examination of evidence in the courtroom: examination of the parties;*
3. *reaching a decision and issuing the judgment;*

Table 3. General description of roles in a trial (brackets give the short names of the respective speakers)

roles	competence	obligations	rights
prosecutor (P)	legally trained professional	<i>leading the pre-examinations;</i> takes decision to prosecute; presenting the charges; presenting the evidence; examination of witnesses and sides	choice of evidential material
court as whole	legally trained professionals	examining the evidence; leading the trial; making a decision	interrupting the trial; examining the witnesses
presiding judge (J)	legally trained professional	leading the trial; examining the evidence; making a decision	interrupting the trial; examining the witnesses
members of the court (MC)	legally trained professionals or experienced members of the society	examining the evidence; making a decision	interrupting the trial; examining the witnesses
defense counsel (DC)	legally trained professional	defending the defendant; examining the evidence; pleading; loyalty to law	participating in the pre-examinations
defendant (D)	usually non-professionals	participating in the trial; providing true evidence;	procuring a lawyer; remaining silent;
plaintiff (P)	usually non-professionals	participating in the trial; providing true evidence;	procuring a lawyer; remaining silent;
witnesses (W)	usually non-professionals	participating in the examination part of the trial; providing true evidence;	procuring a lawyer; remaining silent;
<i>clerk (optional) (C)</i>	<i>usually non-professionals</i>	<i>typing down the presentation of the evidence</i>	<i>may converse with the judge during trial.</i>
audience (A)	varying	to be silent	to enter and to leave

The parts in italics in the above table indicate that this particular aspect of the trial procedure varies even in the data used. The typing clerk is present only in the Bulgarian trials, and the prosecutor does not lead the pre-examinations in Bulgaria (see Chapter 3). Apart from the fact that the participants have different well defined roles, the table shows that we have participants who are legally trained and familiar with the procedures and others who are not, that is, they are novices in this activity. In a sense, this last type of participants is learning how to behave and understand the activity by participating in it. The results of Allwood's (1995) study on feedback learning by adult language learners mentioned above may be generalized to activity learning and, in that case, we may expect the examined to use more repetitions/reformulations than the examiners.

The goals of the activity, of all and each of the participants, can be illustrated in the following way:

Table 4. General description of the role dependent goals in a trial

goals	collective	individual
all participants	providing the basis for a decision; serving the law	
the court (the presiding judge and other members of the court)	applying the law; reaching a verdict	appear intelligent, competent, unbiased and wise
the accusing party	winning the case	
the defending party	winning the case or getting a less severe sentence	appear intelligent, competent and credible
prosecutor	applying the law	winning the case; applying the law; appear intelligent, competent, unbiased and wise
defense counsel	applying the law	winning the case; applying the law; defending the client, appear intelligent, competent and credible
defendant	making a decision	defense; saving face; winning the case or getting a less severe sentence; appear credible
plaintiff	making a decision	accusation; saving face; winning the case; appear credible
witnesses	serving the law	assisting the court; presenting relevant for the party evidence; appear credible
<i>clerk</i>	<i>accurate typing</i>	<i>accurate typing</i>
audience	getting information	getting information; entertainment

Independently of the specific legal system, the above description shows that a trial is an activity consisting of conflicting goals and clearly structured obligations and rights of the participants. What is also obvious is that we have not only individual participants but also parties with conflicting roles and goals. That is, if the goal of the accusing party is to apply the accusations, the goal of the defense, both the counsel and the defendant, is to avoid or to mitigate the sentence. This structure of goals is the precondition for the expectation that the conflicting parties will use different communicative strategies in order to reach their particular goals, which has resulted in a number of studies of the combativeness, the cooperation, and the coerciveness of speech styles in the courtroom. The differences in status and power are also very clear and therefore inviting of studies of communicative power distribution and expression. In this particular study of the feedback feature of repetition, we will observe among other things who is repeating/reformulating more according to the legal status of the speaker.

4.1.2. The organization of a hearing

The activity of 'hearing' is part of the examination-of-the-evidence procedure. The order and the content of the actions of the participants in this activity depend on the actual legal system, on the specificity of the procedural law, and on the type of the case. A general format of this activity in Swedish cases of petty crimes may be described in the following list of typical subactivities:

I. Introduction of the issues:

1. the prosecution reads the issues
2. the defense counsel gives information about the position of the defense on each issue

II. Detailed introduction of issues which are confronted by the defendant

1. the prosecutor reads the issue
2. the judge asks for the defendants position
3. *the defendant's answer in cases in which the defendant does not directly reject the prosecutor's version*
4. *in cases opposed by the defendant, the hearing procedure starts*

III. Hearing

1. First examination of the plaintiff by the prosecution
 - Introduction by the judge, invitation of the witness and of the examining party
 - Hearing
 - The examiner thanks the judge
2. Examination of the plaintiff by the defense counsel
 - Invitation of the examining party
 - Hearing
 - The examiner returns the right to speak to the judge
 - The judge invites further questions
 - Answer of the party that examined first
 - The judge announces the end of the examination of the plaintiff
3. Formal issues handled by the judge
 - Address, payments, etc.
4. Examination of the defendant by the prosecutor
 - The judge invites the defendant to present his version
 - The defendant gives his version
 - The judge invites the prosecutor
 - Hearing
 - The prosecutor thanks the judge
5. Examination of the defendant by the defense counsel
 - The judge invites the defense counsel to speak
 - Hearing
 - The defense counsel returns the word to the judge
6. The witness is making the oath
 - Invitation of the witness to speak by the judge
 - Formal issues
 - Instructions of the witness

- The witness takes the oath
- Further instructions
- 7. Examination of the witness by the prosecutor
 - Introduction by the judge and invitation of the examiner
 - Hearing
 - The prosecutor leaves the floor
- 8. Examination of the witness by the defense counsel
 - Invitation by the judge
 - Hearing
 - The defense counsel leaves the floor
- 9. *Second examination of the witness by the prosecutor*
 - *Request to speak and hearing*
 - *The prosecutor leaves the floor (optional)*
- 10. Formal issues handled by the judge
- 11. Further examinations of the defendant by the prosecutor on other initially presented issues
- 12. Personal history of the defendant - judge, defense party
 - Answering a questionnaire
 - Character examination
- 13. Formal issues handled by the judge
- 14. Concluding argument of the prosecutor
 - Invitation
 - Pleading
 - Ending
- 15. Concluding argument of the defense counsel
 - Invitation
 - Pleading
 - Ending
- 16. Presentation of the verdict

There are some aspects in which the Bulgarian procedure is different from the Swedish. In the collected data the prosecutor does not present the issues. The judge is informed about the state of affairs by reading written documents and asking the plaintiff's or the defendant's attorney about their position in the case. Thus the long initial monologue by the prosecutor in the beginning of a hearing is omitted.

Mainly, the judge conducts the examination itself. The attorneys from both sides ask for permission to get the right to examine the witness but there are no particular sequences in which they do that, they may start their own examination, interrupt it and then return with new questions. It may happen that inserted examination sequences of this kind are initiated without asking the permission of the main judge. They may end with the interruption of the judge or by an official returning of the right to speak to the main examiner.

The only formal part of the hearing is the initial one, when the judge identifies the witness and his/her relations to any of the parties in the trial. The personal history of the defendant is a section of the Bulgarian trials that is not related to the examination. Only in psychiatric cases is there such a sequence. The formal issues handled by the judge at the end of the examination in the Swedish data, in which he establishes, i.e. the compensation of the witnesses, etc. are normally not dealt with in the courtroom by the judges.

The concluding sequence is identical in both legal procedures but in most cases in the Bulgarian courtroom it is the judge who presents the conclusions.

Witnesses do not swear an oath but are instructed to tell the truth and warned that doing so may have legal consequences. The instruction and oath swearing correspond to instruction and warning without any expectation of even a ritual feedback from the witness.

Thus the general structure of a hearing in Bulgarian courts consist of the following list of subactivities:

I. Opening

The judge identifies the case and the witnesses by formal questioning
Formulation of a record.

II. The hearing

1. The judge asks the parties about their position in relation to the accusations, i.e. whether these are supported by the plaintiff or admitted by the defendant. The judge also formulates a record.
2. The judge summons the witnesses, formulating a record.
3. The witness is instructed (not the defendant or the plaintiff)
4. The judge examines the witness (formulating a record).
5. The attorneys representing the parties have the right to interrupt and put own questions by:
 - asking for permission/directly inserting their questions
 - examining the witness/defendant/plaintiff
 - thanking the judge and returning the right to speak/interrupted by the judge
6. *The judge invites further questions. (optional)*
7. The judge thanks the witness.

III. Conclusions

1. By the plaintiff's attorney
2. By the defense counsel
3. By the judge

IV. Reading of the sentence by the judge

There are procedures in which the parties are not present but only represented by lawyers. This kind of procedure is different in many ways from a hearing. It is structured as follows:

I. Opening

1. The judge identifies the case and the representatives of the parties and formulates a record.

II. The parties present their views by formulating a record (partly by dictating to the judge who dictates the typist).

1. The judge asks for the position of the plaintiff's representative.
2. The parties start their presentations by dictating to the judge.
3. The judge asks for clarifications.

II. Conclusion by the judge

4.1.3. Trials as multi-participant activities

The previous section described the activity of a trial. It applies to a great extent to the examination embedded into it, which is part of the procedure of examination of evidence. These two are in turn embedded in the larger context of a legal process which has different stages, one of which is the trial.

Since the study concerns the whole hearing (i.e. all the subactivities listed above) we also need a working definition of this activity.

Working definition:

A courtroom examination is an activity bound to the courtroom setting in which there are three major parties: the interrogator (judge, prosecutor or defense counselor), the examined (the defendant, the plaintiff, the witness) and a third party (the listeners, it may be the judges, the prosecutor or the defense but also the audience), and in which the professional parties gather factual and legal information from both conflicting sides on which a final settlement of the conflict in question is based.

One can see in this description that, apart from a great number of participants, we also have constellations of participants organized into parties with common goals. In fact, there is a special legal term in Swedish, English, and Bulgarian referring to the main two conflicting parties: English - parties, Swedish – “sidor” (literally, ‘sides’), Bulgarian – ‘strani’ (literally, ‘sides’). Thus the trial and the examination are multi-participant, interactive situations (Schegloff, 1995: 40, who uses the term ‘multi-party conversation’). Since the legal concept of a party is not identical to the conversational concept of a party as in Schegloff’s definition, I will use this term only in its legal meaning and use other terms such as group or multi-participant to refer to Schegloff’s concept of a party. This is important because it means that we can:

- distinguish between ‘primary addressee’, ‘secondary addressee’, and ‘listener’ (cf. Goffman, 1981);
- give an account of how different utterances may have different illocutionary forces for different interactive groups;
- explain certain aspects of the participant’s extra-linguistic and non-verbal behavior;
- give an account of how utterances relate to immediate and broader contexts;
- analyze the role of the non-speaking party or recipient;
- give an account of turn-taking events at which the ‘hearing’ or the non-addressed interactive group interrupts the speaker. This is not simple interruption as in a conversation between two participants but an intrusion (Kerbat-Orecchioni, 1997: 6). (This phenomenon will not be discussed here.)

That is, the multi-participant conversation introduces a different type of pragmatic situation and different types of pragmatic features in comparison with two-participant conversations. This characteristic feature of the court examination, where many of the utterances are directed to the non-speaking recipient, was identified (but not structurally analyzed) by Drew (1985: 137) in the Anglo-Saxon court.

4.1.4. A general model of the situation

Before applying the distinctions to a trial and following Kerbat-Orecchioni (1997), let us give a more abstract and structured picture of the four-participant situation. The communicative

role (cf. Allwood, 1978a) is the role the participant has in the conversation, not in the activity. The activity role is the legal role of the participant or the party. The communicative roles are those of speakers, addressees, and listeners. The activity roles in trials are the parties' legal roles: defense, prosecution, court, witnesses, and audience. The speaker (both the examiner and the examined) may address other parties or participants than the addressee. It is rather difficult but interesting to detect in the utterances how they address the addressee and/or the listener that is how the particular context of the setting influences the concrete contributions and the communicative style in general. The primary addressee is the examiner or the examined and the secondary addressee is the other party or the court. Since the listener may also be addressed, there are even more possibilities where the speaker addresses both the addressees and the listeners.

A multi-participant situation is similar but much more complicated. What is important to note is that this model immediately gives us the possibility to analyze the utterances as designed not only to address, or to presuppose the presence of the addressees but also of the listeners.

4.1.5. Applying the model to the data

Each party in a court consists normally of more than one participant. In some phases, the parties are merely represented, although not during actual courtroom examinations. For example, during the prosecutor's examination of the plaintiff, the court is one group, which consists of three participants, the presiding judge, who is also the spokesman, and the two members of the court. It is not this multi-personal group that is supposed to be addressed by the examined or the examining parties, but the prosecutor, the defense, or the examined. If we consider the organization of the legal roles as well as the spatial setting itself we get an ideal structure of a four-participant interaction situation in a courtroom examination that looks like this:

Activity Role

<u>defense</u>	<u>prosecution</u>	<u>court</u>	<u>audience</u>
lawyer, defendant.	prosecutor, plaintiff.	presiding judge 1st member of court, 2nd member of court.	

It is reasonable to include the audience because in many cases its presence does influence the style of language, forms of questions and even the testimony. For instance, in one of the Bulgarian cases, there is sequence in which the examined defendant is about to utter a curse, interrupts herself, is encouraged to continue by the expert, refuses to utter the curse because of the presence of the audience, but then utters it anyway after looking back at who is present. In this sense, we may have either a three-participant or a four-participant situation where the sides are parties consisting of more than one participant. The legal structure itself encourages the use of the party concept because every side in a trial has a specific role with specific obligations and rights. During an examination we have three parties plus the audience, all of whom have different legal roles and status, even inside the parties, and whose communicative roles may change during the activity itself. Let us examine the possibilities (DC - defense counselor, PI - plaintiff, J - court, judge, P - prosecution, W - witness, D - defendant, A - audience) where the audience is silently present but never (normally) participates:

Table 5. When the examined persons are the speakers

Speaker	Primary A	Secondary A	Listener
Pl ->	P	J	(DC, D, A)
Pl ->	DC	J	(P, Pl, A)
D ->	P	J	(DC, Pl, A)
D ->	DC	J	(P, Pl, A)
W ->	P	J	(D, DC, Pl, A)
W ->	DC	J	(P, DC, Pl, A)

In these six situations the examined person (the defendant, the witness, or the plaintiff) is the speaker. The roles may be reversed and then the speaker will be the examiner. This list becomes long and complicated if we add the possibilities where the speaker addresses not only the entitled addressee but also some or all of the listeners. The above table gives the most common situation in which it is the presiding judge or the court which is the secondary addressee. If this were an everyday situation, such as a large family dinner it would be out of control. Indeed, the rule based communicative situation with clear roles, obligations, and rights in a courtroom is needed to avoid the pragmatic chaos which is otherwise predictable.

The Swedish data can be applied directly to the general model but since in the Bulgarian courts the record is formulated during the examinations by the judge, who also leads them, the situation gains a special structure. Keeping in mind the two concrete cases analyzed here we get the following:

Table 6. Constellation of the communicative roles in two Bulgarian courtroom examinations

Speaker	Primary A	Secondary A	Listener
J ->	D	Record, Pl	(PR, DC, rest of court (rc))
J ->	W	Record	(P, Pl, record, rc)
J ->	Record	D	(P, DC, record, rc)
J ->	Record	W	(P, DC, record, rc)
DC ->	D	J	(P, Pl, record, rc)
D ->	J	DC	(P, Pl, record, rc)
D ->	J	Pl	(P, record, rc)
W ->	J	Record	(P, rc)

By putting the listeners representing different parties in brackets I have given them the status of an audience, but one must be conscious of the otherwise not permitted possibility of intrusion, that is, a situation in which the listening party or the secondary addressee interrupts the examination. What the above list shows is a situation in which the utterances of the defense counsel and the prosecutor, that is, their questions, feedback, and non-verbal behavior, are constructed in such a way that they address not only the examined person but also the deciding legal authority, the judge, and the members of the court. I will refer to this possibility later when I present the analysis of the different repetitions/reformulations' functions and forms.

In one of the Bulgarian cases, an expert, a doctor, is present, participates in the examination and thus influences the defendant's behavior on the stand. In the second case, two witnesses are examined and I have no information as to whether or not the plaintiff is present. The record indicates one more rather abstract 'non-speaking recipient' which influences the judge's, the defendant's, and the witness' linguistic and even factual information choices. For instance, on some occasions, always before making an admission or confession, a defendant asked the judge not to put 'this' in the record. As described above and as it will become more

obvious below, the judge also directly addresses the record during the dictation, and this is done primarily by the use of repetitions/reformulations.

4.2. Description of the corpus

The preparation of the corpus for analysis consists of two stages: transcription and coding. The coding strategies are described in Chapter 6. Based on the general activity-based communication analysis in section 4.1., this section describes the concrete trials and the corpus.

4.2.1. Overall description of the corpus

The corpus consist of two parts:

- Bulgarian courtroom interaction - examinations and pleadings
- Swedish courtroom interaction - examinations and pleadings

Table 7. Overall description of the corpus

set of corpus	number of trials	number of words	types of trials	participants	recording type
Swedish	6	~34 000	petty crimes: traffic cases, fraud, minor violence cases	judges, prosecutors, witnesses, defendants, plaintiffs	audio recording
Bulgarian	5	~16 000	civil cases, petty crimes: traffic cases, fraud, minor violence cases	judges, prosecutors, expert witnesses, witnesses, defendants, plaintiffs	video recording
total	11	~50 000			

The approximation of the size of the two parts of the corpus was based on the number of trials and number of words, not on the temporal length of the trial proceedings. The main objective was to study dialogue parts of the proceedings, not monologues, which means that the greater part of the corpus used consists of examinations of witnesses. Gender and age were not controlled factors; there is a mixed representation of both. One important factor for the analysis was the role of the examined persons as witnesses, as defendants, and as plaintiffs. The number of words in each category had to be approximated. The Bulgarian corpus is based on video recordings and the Swedish corpus on audio recordings. A detailed description of the whole corpus is given in section 4.2.4.

4.2.2. Methods of collection

Bearing in mind the difficulties in collecting naturally occurring data from trial procedures, the contemporary analysis of trials has progressed a great deal since it becomes possible to gather even audio data. In the USA, recordings of trials have been allowed even for media

purposes. The situation is more complicated in Europe. Sweden forbids video-recording of trials for any purposes, and audio recording is allowed in special cases and only with the agreement of all parties involved. There are no TV programs based on real trials as in the US. Bulgaria has no specific law about the matter; both video and audio recordings are possible, especially for media purposes, with the agreement of the professional participants and the legal authorities. In France it is forbidden to make any kind of recordings in courtrooms. In Italy the situation has gradually changed over the last 2 decades. When Marco Jacquemet conducted his first studies of the Italian so called 'pentiti' trials (1994a,b) he used personal notes. Today Stefania Ziccolella has gathered a large material of Italian video recorded trials collected both directly from courtrooms and in TV programs reviewing Mafia cases. In Spain, after the changes in the procedural law applied in practice from 1996, scholars from the International Institute for the Sociology of Law, in Oñati, the Basque country, collect video material from all kinds of legal procedures, including examinations in court and consultations with clients and between attorneys.

The present study is based on an ethnographic method of collecting two types of material. The audio recordings of the Swedish trials are made by a team at Linköping University led by Per Linell. I did the video recordings of Bulgarian trials at the Sofia Town Court (which is the largest court in Bulgaria) in a few occasions in 1995 and 1996. The first step was to investigate whether video recordings were possible from a technical point of view and how they should best be performed. Unfortunately, because of the scheduling system in the Bulgarian court system, it was impossible to know in advance when a trial would be held and where. In this case we did not have a great deal of choice as to the kinds of trials and court procedures. The overall aim was to get different kinds of court procedures with different participants. The realistic aim was to get as many recordings as possible in order to be able to choose the most relevant ones and the ones with the best technical quality. As a result I will use only a part of the whole corpus. Since an important aspect of face-to-face spoken language communication is the reaction of the addressees and other participants to the speaker's contribution, it was important to simultaneously view all main participants. Thus in cases in which this was impossible with one camera because of the acoustics and/or because of the distance between the participants we used two cameras. The recordings were later synchronized and overlapped in such a way that we could have a clear view of all main interacting parties. The video recordings were made with an Hi8 camera and then copied onto VHS tapes and audio tapes.

4.2.3. Transcription standards

The transcription also includes coding but its major aim is the segmentation of the basic units of analysis. The coding procedure identifies the categories to be analyzed and in our case presupposes the application of especially prepared coding schemes. The transcription standard (Hashemi-Sofkova & Nivre, 2000) developed at the Department of Linguistics, Gothenburg University used in this study includes the following parameters and features: sections (or topics), participants, incomplete words, intonation - rising, falling, continuing, emphatic stress, lengthening, pauses - short, gap, undetermined, overlap, and comments on particular aspects of the interaction event. The transcriptions consist of two parts. The header contains information about the name of the transcription, the transcriber, the checker, the titles of the sections if any, and any other relevant descriptive information about the transcription as a whole. The body contains the transcription and besides the line of the actual talk there are also: comment line, where information about, e.g. the mood or the pronunciation of the

utterance is encoded; the section lines are used to distinguish between different subactivities if any; the time lines give information about the time the talk began and ended. The transcriptions of the Swedish data follow a Modified Standard Orthography (MSO) (Hashemi - Sofkova & Nivre, 2000) without use of capitalization, punctuation, or digits. There is no standard orthography for the Bulgarian data, I have transliterated freely. MSO is specially developed for Swedish in order to avoid ambiguity in meaning and sound by assigning numbers to different types of typical identical pronunciations, but only to the level of disambiguation found in the written language. For instance, both 'ja' ('yes') and 'jag' ('I') are pronounced as 'ja', and the former is transcribed as 'ja0' and the latter as 'ja1'. The whole transcription standard may be found on <http://www.ling.gu.se/~SLSA>; below follows a short description of the body of the transcription with examples:

ST1: 36

\$PI: < MEN den här aktuella kvällen eftermidda kvällen då hade du druckit < spr+ >2 >1 /

PI: '< BUT that particular evening afternoon the evening then you had you drunk alcoh+ >/'

@ <mood : asking>

@ <cutoff: sprit, 'alcohol'>

\$D: < (ja0) öl ja1 går mest på öl (xxx) >

D: '< (yes) beer i mostly drink beer (xxx) >'

@ <quiet>

The speaker is indicated by a dollar sign (\$), colon after the speaker initial, and space. The following signs are applied to the word segments:

'	- glottal stop in a word
()	- uncertain interpretation
(xxx)	- untranscribable speech or event
+	- incomplete word (interruption, within-word pause)
UPPER	- emphatic or contrastive stress
:	- lengthening
/	- a short pause
///	- long pause = gap
//	- indeterminate pause
[N <i>speech</i>]N	- overlapped speech square brackets and number at start and end

Under the text of the utterance and surrounded by brackets < > follow the content of the comment on specific aspects of the way the utterance was made, for instance the intonation, the tone of voice, the gesture, or other event. The start of the comment is indicated by an 'at' sign, @. The start and the end of a section or a transcription are indicated by a paragraph sign, §.

4.2.4. Data from the recorded trials

Following the activity based analysis in 4.1, each transcription was divided into sections consisting of different subactivities. Since the Swedish and the Bulgarian trials differ in structure and order of procedure I will describe them first separately and then comparatively. Starting with the Swedish corpus, there are 7 recurring subactivities, which constitute 7 different types of sections. The following table gives the number of occurrences of each section in their order of appearance. One particular sequence (also occurring in the Bulgarian

corpus) is the request for admission (in the sense of admission of crime), which always appears at the beginning of the examination of defendants and is performed only by the judge.

Table 8. Sections of proceedings in the Swedish data - 6 trials

N	section	occurrences
1	formal issues	14
2	introduction	8
3	request for admission	2
4	swearing the oath	3
5	hearings	29
6	personal history	5
7	conclusions	10

These sections are chosen because they are the basic interactively recognizable subactivities in a Swedish hearing, i.e. they are also a summary of the relevant subsections' titles in the concrete description of the actual trials in Tables S and B later in Appendix A. They are explicitly announced by the judge. However, there are occasions of request for an admission that are not especially distinguished from the rest of the sections but are nonetheless describable as admissions. There are also identifiable subsections such as urgent messages or announcements of sentence, but these are not used in the statistical analysis because they are too few or not dialogical.

The hearings can be analyzed according to the role of the person examiner and the examined (see the abbreviations of the speakers' titles in Table 4 above). In the recorded trials we will study here the members of the court, the clerk, and the audience are not verbally active and thus the descriptions below include only the main actors (namely prosecutors (P), judges (J), defense counsels (DC), defendants (D), witnesses (W), and plaintiffs (PI)) and the main explicitly signaled subsections in the activity (see Table 11 below). The expected competence, obligations and rights of these interactants are normally the same as described in Table 4 but there are some digressions. In one of the Swedish cases the judge allows the defendant to examine a witness, which is not part of his competence or obligations. In one of the Bulgarian cases, the attorneys argue with each other, which is not part of their rights prescribed by law. Such situations are not the norm and they do not change the hearing as subjected to analysis activity. The data we have support comparative analysis using the configurations described in Table 9, where the numbers denote the occurrences of sequences where the participants interact with each other. These sequences are of different lengths but are usually longer than 10 turns.

Table 9. Number of sections in which the Swedish participants interact with each other (P.S. Swedish prosecutor)

hearings	D	PI	W
P.S.	7	3	5
DC	4	2	1
J	5	0	0
D	-	1	1

There are 7 occasions on which a prosecutor examines a defendant, 3 occasions on which he examines a plaintiff (see also Chapter 3), etc. There is one occasion where the defendant himself was also given the opportunity to put questions both to the plaintiff and the witness and had no legal representative. The judges do not normally hear the plaintiffs and the witnesses but may ask questions on formal issues.

The hearings have a particular order prescribed by law but the description below follows the actual order in the Swedish courtroom data. This order is followed depending on the stage in the overall trial and according to the presence or absence of some of the parties. Thus, if the plaintiff is not present, the first to be examined is the defendant. The judge does not normally examine the parties in the Swedish courts but directs the hearing. In cases in which he does examine a party, he has priority over the other legal representatives present.

Order of hearings

- | | |
|--------------------|--------------|
| 1. Judge | 1. Plaintiff |
| 2. Prosecutor | 2. Defendant |
| 3. Defense counsel | 3. Witnesses |

The second in the order of subactivity in a courtroom session is the introduction of the prosecutor in which he presents the available blaming facts and evidence, which means that he presents a story supporting the prosecution. It may happen that the defense counsel gives an introductory speech but it may also happen that the defendant or the plaintiffs are given a chance to retell their own story in their own words before they are examined. This does not occur in the Bulgarian data.

Order of introductions

1. Prosecutor
2. Defense counsel or plaintiff or defendant

Only the witnesses are asked to swear an oath to give truthful evidence. This is done by the judge before the prosecution's examination.

Order of swearing the oath

1. Witnesses

There is order in which the final part of a hearing is presented. Again the prosecutor has priority over the party of the defense. If the defendant has no defense counsel he is given the opportunity to plead his own case.

Order of conclusions

1. Prosecutor
2. Defense counsel or defendant

In the Bulgarian corpus, the number, types and order of sections are different from those in the Swedish material. Formalities are discussed only at the beginning of the hearing. Since there are two cases (of a total of 6) in which the parties are not directly present (or present and silent) but are only represented there are no examinations but a very specific activity of presentation of positions and evidence that is conducted by the legal representatives and the judge (see also Table B in Appendix A.1). Since there is no initial presentation by the plaintiff's party, the judges check the position of the party and start the trial by asking whether the plaintiff's party supports the accusations, and this might increase the number of repetitions. This sequence occurs before the presentations and after the opening. The request for admission occurs at the beginning of the examination of the defendants. In addition to other common sections and activities in the Bulgarian data we find another peculiar subactivity in which the judge and the attorneys argue with each other.

Table 10. Sections in the Bulgarian court proceedings - 5 cases

N	section	occurrences
1	formalia = opening	5
2	personal history	1
3	position/admission	3/2
4	presentation	3
5	truth instruction	2
6	hearings	8
7	conclusions	2
	judge is arguing with prosecutor	2
	attorneys are arguing	2
	pronouncement of the sentence	2

The hearing and formal issues section occur in each case studied, while the rest of the sections occur only in some depending on the type of the examined person and the type of the case (see also Tables B and S in Appendix A). Since the hearings are conducted by the judge, the corresponding and comparative element in the Swedish data are the occasions in which the prosecutor is examining. Although we have only two occasions, they are of sufficient length. Similar to the Swedish legal system, the prosecutor ('prokuror') in the Bulgarian legal system is an independent instance who starts the trial and is a representative of the state. However, in the Bulgarian legal system, he does not examine in the court as he does in the Swedish court if he does not wish to or if he is not asked by the judge. In general, one may say that the legal representatives have a much less active examining role because the major examining figure is the judge. If the judge finds that he needs some further information he may invite the parties to put questions (see also Chapter 3). The table below describes which speaker interacts with whom and how many times during the hearing sections.

Table 11. Sections of proceedings in the Bulgarian data - 5 cases (P.B. = Bulgarian prosecutor)

hearings	D	PI	W
P.B.	1	0	0
DC	0	0	1
J	2	1	3

There are three subsections in different cases in which a judge is examining a witness, one subsection (i.e. one case) in which a judge is examining a plaintiff, two subsections in two different cases of examinations of defendants, etc. The order within the hearing and between the hearings is identical to the order in the Swedish trials with only one difference - in our data it is the defendant who is examined first and not the plaintiff, although this is simply the order in the particular case and is not a principle order (see Table S in the Appendix A.2).

Order of hearings

- | | |
|--------------------|--------------|
| 1. Judge | 1. Defendant |
| 2. Prosecutor | 2. Plaintiff |
| 3. Defense counsel | 3. Witnesses |

The order of the presentation (since there are no introductions by the prosecutors) and of the conclusions is identical to the Swedish court's order. The judge formulates conclusions in cases in which the parties do not do it, that is, in their stead.

Order of presentations

1. Prosecutor

2. Defense counsel

Order of conclusions

1. Judge
2. Prosecutor
3. Defense counsel

One particular difference between the activities in the two countries is that, in Bulgarian courts, witnesses do not swear oaths, but are instructed to tell the truth and warned against sanctions. Only the witnesses follow this procedure, and the point in the trial at which the instructions are given is identical in both parts of the corpus. Again, the judge is the instructor.

Order of instructions to give true testimony

1. Witnesses

In the following table we can compare the order and the types of sections in both parts of the corpus. The labels of the sections are identical in order to facilitate section-based comparative analysis, but the difference in the behavior of the prosecutors and judges in Bulgarian and Swedish courts is kept in mind (see also Chapter 3).

Table 12. Comparative representation of the default activity sections across the corpora

Swedish sections	Bulgarian sections
Formalia	Formalia
	Personal history of the defendant
Introduction	Presentation
Request for admission	Request for position/ admission
The judge hears the defendant	The judge hears the defendant
The prosecutor hears the defendant	The prosecutor hears the defendant
The counsel for the defense hears the defendant	The counsel for the defense hears the defendant
The judge hears the plaintiff	The judge hears the plaintiff
The prosecutor hears the plaintiff	The prosecutor hears the plaintiff
The counsel for the defense hears the plaintiff	The counsel for the defense hears the plaintiff
The witness takes the oath	Instruction for truth
The judge hears the witness	The judge hears the witness
The prosecutor hears the witness	The prosecutor hears the witness
The counsel for the defense hears the witness (The defendant hears the witness)	The counsel for the defense hears the witness
Conclusion by the prosecutor	Conclusion by the judge
Conclusion by the counsel for the defense (Conclusion by the defendant)	Conclusion by the prosecutor Conclusion by the counsel for the defense
Pronouncement of the sentence	Pronouncement of the sentence

This is the general structure of the trial data. As already shown in the previous tables (tables 9-12), this order is not always kept and some of the sections are optional depending on the nature of the trial and the roles of the participants present. Appendix A gives a detailed description of each concrete case according to the type of the speaker involved, the type of

case and the sections that actually occur. In general, both the Swedish and the Bulgarian cases concern petty crimes, including traffic cases. There are no pronouncements of sentences in the Swedish data because they are either not recorded and/or because the court breaks and presents its decision later or on another occasion (which is not part of the recorded data). There are two pronouncements of sentence in the Bulgarian data but, in the rest of the cases, the decision is not given after the examination because there are new appointments for presentation of evidence. They also include two cases involving psychiatric care of the defendant. In one of these cases the defendant is present and examined but this examination also contains psychological tests; in the other cases, the defendant is not present. One particular problem with the cross-linguistic comparison of the communicative behavior of the speakers according to their role is that we have fewer instances of hearings in the Bulgarian part than in the Swedish one (see Table 11 and 12). However, the length of the examinations is comparable. This means that it is difficult to make a distinction between individual and activity-based styles of communication, i.e. the Bulgarian data are less suitable for generalizations of this kind. There is one difference between the language corpora, which influences the data, namely, the channel of the recording. This is discussed in the next section.

4.2.5. Audio vs. video material

The video recorded material is richer in comparison with the audio recorded material because of the access to the non-verbal aspects of the communication. Since this study uses audio recorded data from Swedish courts and video recorded data from Bulgarian courts, there are constraints on the comparability of the materials. These constraints appeared to influence not only the non-verbal data but also the verbal aspects of it. To check the reliability of the transcriptions we conducted a small experiment. One transcriber worked with audio tapes recorded from the video tapes in Bulgarian and another transcriber worked directly with the video tapes. In comparing the two transcriptions we found that the matching of word identification and identification of intonation was not significantly different but that the transcription based on the video material had 300% more overlap labels than the transcription based on the audio material. Even though the imperfect quality of the sound may have contributed to this discrepancy, this difference is very significant. It means that:

- audio materials lack not only information on non-verbal aspects of the interaction but also on verbal contributions;
- the transcriber of video recorded data uses the phonological quality of the utterances, the movement of the lips of the speakers and the movement of the listeners (including also other contextual cues) and it is this fact that explains the discrepancy between the overlap judgements mentioned above;
- audio and video recorded materials are not directly comparable even if one uses only the audio data from the video material.

For all these reasons, in order to avoid unreliable and invalid comparisons, we copied the Bulgarian video material on audio tapes and used those in the process of preparing the comparative data, i.e. for transcription and for coding. However, this procedure causes problems of validity. At least in the case of the overlaps, it is clear that the Bulgarian conversations include much more overlap than transcribed on the basis of the audio material, i.e. we do not use the real occurrences of this feature (and probably of others) and thus do not describe the reality of the interaction but only a limited version of it. As it is, the only thing we can do about it is simply to be aware of it.

4.2.6. Coding tools - desiderata

Before continuing with the description of the coding entities I will discuss and evaluate the idea of automatic coding tools, which may considerably facilitate this troublesome activity. The coding process is a very important part of the preparation of the data, which also involves interpretation of the material. To get as reliable data for analysis as possible and to work successfully with large corpora, scholars need adequate coding tools. The present study has tried different coding tools, one of which is a coding tool developed at Gothenburg University, Department of Linguistics, called TRACTOR (www.ling.gu.se/~sl/tractor.html, last modified Oct. 22, 1997). It has influenced the organization of the corpus and the coding strategies described in Chapter 6. Since the coding is based on a taxonomy of concepts, a coding schema is also a system consisting of more than one taxonomies and is used for the application of coding entities. The translation of taxonomy (a theory) to a coding schema is not a trivial task. It presupposes implication rules of inherited categories.

Taxonomies can be *single-valued* and *multi-valued*, where multi-valued taxonomies mean that the coding entity CAN be classified, i.e. not MUST be classified, as belonging to more than one category. Thus coding schemes may also be single-valued and multi-valued. Some aspects of the linguistic features, e.g. the position of a repetitions/reformulation in an utterance can be described with a single value schema but others such as the communicative acts can be described as multi-functional and thus demand a multi-valued schema. We consequently need a tool that can allow us to define properties of speech as single and multi-functional and as single- and multi-valued.

The process of coding is not a mechanical one. It may be necessary to change the schemes and thus the coding tool should allow easy modification of schemes and identification of the already inserted codes. Since one and the same utterance may be coded according to multiple criteria and since the coded features are contextually interrelated the coding tool must be able to give a view of all and some of the preceding codes.

An important aspect of linguistic features is that some of them are properties and others are relations. In this thesis we deal primarily with relational interactive features such as repetitions, reformulations, and paraphrases, where each feature consists of two parts in two different speakers' turns, e.g. a source and a repetition. If we want to study the relationship between the two parts and thus describe the operation of repeating/reformulating we need to be able to label them as related and to describe them separately in order to study the possible changes in them. Thus a coding tool must support the distinction between relations and properties (in speech).

A coding is valid if the theory on which it is based is valid. A coding is reliable if most people agree on the application of the codes. The more hierarchical the coding schema, the higher the possibility for a high reliability score. If we have to choose between two codes, e.g. excuse and justification, but can not make a clear judgment for a certain utterance then we will avoid a discrepancy of judgments if we have the option of a hierarchically higher alternative which subsumes both alternatives; we could define the communicative act of an account as including both excuses and justifications. Thus we may gain higher reliability of coding. Consequently a further requirement for a coding tool is to allow hierarchical organization of codes. A tool should also include a mode for direct application of tests such as the Kappa test on the coding performed by it.

The multimodality of spoken language interaction is becoming more and more accessible. A coding tool should allow for the labeling of non-verbal phenomena in correspondence with the parallel transcription.

The ultimate goal of the coding activity is the analysis of the elaborated data. Thus a coding tool should present the codes in such a way that they can easily be statistically analyzed. A component for analysis of codes is a desirable requirement for a coding tool.

Phenomena specific to spoken language are continuous and discontinuous moves and thus the coding tool should allow coding of two utterances in two different turns as one move. We may now summarize the requirements on an automatic coding tool in relation to their fulfillment by the utilized tool TRACTOR:

Table 13. Evaluation of the coding tool TRACTOR

DESIDERATA	TRACTOR
• distinguish between single valued and multi-valued schemes	yes
• distinguish between properties and relations	yes
• support reliability	indirectly
• support automatic analysis	indirectly
• support multimodal communication analysis	no
• allow maximal and minimal (hierarchical) schemes	yes
• allow easy alternation of schemes	yes
• allow coding of discontinuous moves	yes
• supports the coding process by visualizing it	no
• be perspicuous	partly
• be simple	rather
• is platform independent	no

The next two chapters discuss the adopted categorization and the coding strategies.

Chapter 5

Multifunctionality



Introduction

This chapter discusses theoretical issues such as criteria for the identification of communicative intentions and strategies and the multifunctionality of communicative acts. Thus it addresses the following questions:

- Can we identify intentions and strategies?
- What kinds of functions can be found?
- How can multifunctionality be analyzed and operationalized?

In relation to these topics, a theoretical basis is presented for the analysis of functions of features. This is integrated into the sequential and the co-occurrence analyses (see 6.3.) and consists of basic and additional functions.

5.1. Identifying intentions and strategies

In the next few chapters I will be busy analyzing the interdependency between function and expression. In doing so I will often identify new functions of the same expressive features in different discourse environments. As claimed above the functions of a feature are considered to be constituted by the intentions of the speakers and the recognition of the addressees (it will be demonstrated more concretely in Chapters 7, 8, 9, and 10). However, as Heritage, 1991: 311-332, points out, the identification of these aspects of a function is not a trivial or clear process, neither for the analyst nor for the participants themselves. His criticism shared by most CA practitioners concerns the concept of intention as related to the notion of strategy. Since in the following analyses I will be explicitly or implicitly using these concepts it is appropriate to make clear what is meant by them. Let's start with intentions and see what is specific about them in the courtroom context.

If we are describing a prototypical cooperative interactive situation between rational, conscious agents we may consider Grice's definition of intentional meaning:

A means x iff A intends B

1. to react R
2. to recognize that A intends B to react R
3. to think A intends the fulfillment of 1 to be based on the fulfillment of 2.

That is, referring back to the handshaking example, A means that he wants to take a leave if A intends B to believe that A wants to take a leave and A intends B to think that A intends B to believe that A wants to take a leave. The belief that A wants to take a leave should at least in part be based on the recognition of A's intention.

Courtroom examinations however are most often preceded by pre-trial interrogations conducted by other or the same examiners and by other processes of collecting objective evidence prior to the trial. For that reason many of the question-answer sequences are reminiscent of the examples of M-intention given by Grice 1989:106:

Classroom examination:

Q: when was the battle of Waterloo

A: 1815

Confession:

Mother: it's no good denying it: you broke the window, didn't you?

Child: yes, I did.

Reminding:

Q: let me see, what was the name of the girl?

A: Rose.

In all these cases "Both speaker and hearer are supposed already to believe that p. The intended effect seems to be that A (and perhaps also U) should have "the facts" in mind... While U [child, A above] intends for A [mother, Q above] to think that R, he does not expect (and so intend) A to reach a belief that R on the basis of U's intention that s/he should reach it. The premises, not the trust in U, are supposed to do the work." Grice 1989:107. Thus, if a prosecutor asks the plaintiff (the so called, examination-in-chief) for a confirmation on a given piece of evidence or asks a question on certain aspects of the events, by answering, the plaintiff can hardly be expected to intend that the prosecutor should reach a belief on the basis of the plaintiff's intention that he should reach it. In contrast to the classroom examination here the examiner does not 'know' the facts and believes that the examinee knows them (in the cases of witness examinations they may or may not have direct access to the true events). He has to check the examinee's knowledge for two basic reasons:

- to demonstrate the correctness of his defense or accusatory conviction in front of the court;
- to get legally affirmed documentation of testimonies.

Still, since many of the examinees have been already examinee or prepared by the examiners representing the respective parties, we may have interactive situations similar to the classroom exam. We also have the reminding situations and the confession situations. Again, because of the pre-examinations, many of the examiner's questions, especially at the beginning of the court examinations, function as reminders. Since the judges are introduced to the concrete events first in the courtroom what functions as a reminder for the examiner and the examinee is a presentation of a new pieces of information for the judges. The reminders are not simply reminders because they are also directed by the main goal of the activity, which is confirming the evidence. A question-answer sequence may then simultaneously have four different functions:

- as a reminder to the examiner and the examinee because it has already come upon previous occasions;

- as a test question because the examinee may change his testimony, which indicates that he is not giving reliable evidence and/or that he is lying;
- as presentation of new information to the judges;
- as a formulation of legal documentation, which might be re-addressed e.g. during appeals.

Unlike the confession example, in courts one seldom hears a direct accusation but may get sequences of devices expressing and eliciting the same convictions as in Grice's example, i.e. the main emphasis is on proving the evidence not simply on eliciting it.

In any case, the ultimate characteristics of the courtroom examination situation are identical to what Grice concludes that it is not the trust in the examinee that leads the testing processes but the established premises. Hence we have a specific situation where the intentions of the examinee are not expected to be the basis of the reached by the examiner/judges believes and where all participants in the situation are (perhaps to a different degree) conscious of this condition. In the Anglo-Saxon legal system one of the main instructions to the jury, which is also one of the most difficult for fulfillment and explication conditions, is expressed by the notion 'beyond reasonable doubt'. This formulation in itself implies lack of trust in the examinees' testimonies and the consequent testing character of the activity. Thus uncovering the possible hidden intentions behind the examinees' utterances is a major issue in examinations.

Since all the key participants in this activity are usually prepared for it (of course, the professionals are more prepared than the others), that is, they have beforehand considered the correspondence between their individual goals and the ways they may be achieved, we may expect that both the examiners and the examinees have different intentions that they try to realize in a more or less planned manner. Here we arrive at the concept, considered by Heritage as a problematic tool for analysis of interaction, namely, strategy. In the context of the above reasoning, strategy may be defined as a rational agent's plan for the realization of intentions which is a result of various choices and judgements and which is guided by a predefined goal. Keeping in mind different analytic traditions, Heritage distinguishes between cognitive and conscious strategies. The terms are oddly chosen because the concept of strategy presupposes consciousness and because the concept of cognitive does not necessarily refer to unconsciousness or non-consciousness - it is indeed difficult to imagine a non-cognitive strategy. However, in order to keep the reference, clear I will continue to use this terminology for the time being. Cognitive strategies are said to be those that do not demand a conscious tracking of every small action leading to the achievement of an overall goal, such as the movements of the arms in hammering a nail. Conscious strategies on the other hand do not simply fit behavior but guide it towards a goal. In this sense, Grice's implicatures are conscious strategic linguistic actions: the use of the statement "it is cold here" for to express the request "close the window" is also a strategic move because the recognition of the intention relies on the conventionalization of the move. Similarly, the so called pre-sequences, such as the question "What are you doing tonight?" preceding an eventual invitation, "tend to be interpreted as strategic" (Heritage 1991: 316) in the sense of conscious strategy. However, in 'real life' interaction, neither intentions nor strategies are accessible in a reliable way because

- it is "... strikingly difficult ... to determine the point at which such an "intention" was formed and thereby to determine its range or scope." p.328;
- "invisibility is often a specific feature of the design and the "success" of a strategic procedure" p.327;

- not all interactive features can be considered realizations of conscious strategies.

The first point is indisputably true. Heritage aims to address the third point with one example, the English feedback expression ‘oh’:

“... there is no conscious vernacular knowledge that “oh” is a resource for showing that one has been “informed” and, correspondingly, there can be no conscious intention to utter “oh” to show that one has been informed by what a previous speaker has just said.” p. 325.

One has to observe though that, as regards the utterance of this expression, we are not concerned with a strategy but with an intention. “oh” could be part of a strategy. Consider the following situation:

boy B wants to invite girl A to the movies and starts to approach her by taking her pen

A: this is my pen.
 B: which pen?
 A: the one you are holding.
 B: oh, this pen. I didn’t know that it was yours. I’m sorry. By the way what are you doing tonight?

Here we may observe a correspondence between the above example and Searle’s famous “Kennst du das Land, wo die Zitronen blühen” example. There we have a German speaking American soldier in front of the Italians during the Second World War. The American officer is trying to implant evidence that he is a German soldier in front of the Italian troops in order to be released by them. In this situation we may, with a great degree of confidence, claim that this utterance is a product and an element of a conscious strategy. In the above situation, with the same degree of confidence, we may claim that the utterance of “oh” for the expression of an indication of understanding of A’s verbal act after a repair is also an implanting of evidence act (the evidence being that B is not conscious of the fact that the pen belongs to A), i.e. a result and an element of a conscious strategy the final goal of which is to invite A to the movies. If it is possible to imagine a situation in which “oh” is employed for the realization of such strategies then it is possible to claim that there is “conscious vernacular knowledge” that “oh” is a resource for showing that one has been “informed” and, correspondingly, “that there can be “conscious intention to utter ‘oh’ to show that one has been informed by what a previous speaker has just said.” Admittedly, though, if we did not know what the final goal of B is and had access to only a part of the conversation, up to the apology, then it would be rather hopeless to assign any strategic power to the “oh”. It is also possible to have access to a complete conversation and to other extralinguistic information and still be unable to identify where the strategy if any was put into motion or be able ‘beyond reasonable doubt’ to assign a correct intention to an utterance, both as speakers and as analysts.

As regards the second difficulty, the intentional invisibility of intentions (which is to a great extent applicable both to Searle’s and to the boy-girl example), we may at least partly overcome it, as well as the other two difficulties, if we choose to analyze predefined activity where the final goals of the participants are strongly determined by their roles.

“It is only in institutional settings where the participants have mutually identifiable social roles and socially sanctioned goals – law courts are perhaps the paradigmatic example (Levinson, 1979; Atkinson & Drew, 1979, pp.105-178) – that intentional strategies can be ascribed to the participants with substantial confidence.” Heritage, 1991: 327-328.

However, one may also say that in these kinds of activities many of the actions are ritualized and as such may be described as “based on layer upon layer of unconsciously learned and mobilized capacities” Heritage 1991: 326, and thus should be described as cognitive rather than as necessarily conscious actions. For instance, a defense lawyer may have thought through a particular defense strategy, which predefines both the content of his/her questions and the order of their stepwise presentation. This means that he must have also hypothesized the possible answers to the various questions and have alternative plans for reaching his goal, that is, the alternatives may even be hierarchically ordered conscious strategies. This overall strategic behavior consists however of even smaller actions. The question is whether or not these smaller actions are also consciously strategic. Since we are concerned in this study with repetitions and reformulations it is appropriate to consider them as part of the set of the smaller actions. Are they products of conscious or cognitive strategies, that is, are they a means for the realization of intentions? The standpoint taken in this study is that this question can be answered by concrete empirical analysis and that it is possible that they may sometimes be consciously strategic and in other cases less so. Let us for the sake of the argument briefly observe the following example (which is discussed in the following sections):

ST1: 77

1. DC: hm hm // < de0 tror du / att du / kommer ihåg >
 DC: 'hm hm //< this you believe/ that you/ remember >
 @ <mood : asking>
2. W: < de0 VET ja1 de0 vet ja1 säkert > /
 W: '< this I KNOW yes this I know certainly > /'
 @ <mood : very sure>
3. DC: **ja0 ja0 de0 ingen < ann+ > / de0 kom inte < laka leander > ihåg**
 < men du e0 säker på de0 här >
 DC: 'yes yes it is <nobo+ >else/this did'n <laka leander> remember <but you are sure of this here>
 @ <cutoff : annan>
 @ <cutoff : 'another'>
 @ <name>
 @ <mood : asking>
4. W: jaa de0 e0 ja1
 W: 'yess I am'
5. DC: ja0
 DC: 'yes'
6. W: men sen1 e1 ja1 vet inte
 W: 'but later eh I don't know'
7. -> DC: < men sen1 så0 kan vet du inte VA1 som hände > /
 DC: <but later so can don't you know WHAT happened > /
 @ <mood : asking>

What we see above is that the defense counsel repeats twice the opposition's witnesses' utterances, in which there are elements of uncertainty (line 1) and lack of memory (line 7). Even if we were not aware of the final pleading speech, we may conclude by observing the defense counsel's verbal actions that 'lack of memory' is an argumentation line in his defense strategy. We may do that by studying his arguments as well as by studying his repetitions and their neighbor environments. Since we also have access to the final pleading speech of the defense counsel we may check and find that one of his defense strategies is to demonstrate to the court that the actors in the events in focus representing the plaintiff's case do not have clear memory of the situation and thus their testimonies can not be considered as reliable evidence. If it is possible that we can successfully infer his defense line by observing one

feature and its sequential environment then we may also conclude that he is using this feature as a tool for realizing his strategy. If we can also find other occasions in which repetitions as the one on line 1 are followed by references to non-supportive circumstances, as is the case on line 3, we may also conclude that these repetitions are pre-sequences similar to the what-are-you-doing-tonight pre-invitation sequences mentioned earlier. Thus we may consider this type of reformulation as intended and consciously strategic. Since they systematically realize a strategy it may be claimed that they are a function of this strategy or that they function as e.g. pre-doubts, that is, they are intended to precede more explicit expressions of doubt (the repetition on line 1) or are intended to function as emphases of the ‘lack of memory’ defense line, where the goal is to imprint on the memory and the impressions of the judges.

There are repetitions that are not components of an overall strategy.

- | | | |
|----|-----|----------------------------------|
| 1. | DC: | på sjuhundra kroner |
| | DC: | ‘for seven hundred crowns’ |
| 2. | D: | ja0 NIOHUNDRA kroner |
| | D: | ‘yes NINE HUNDRED crowns’ |
| 3. | DC: | NIOHUNDRA kroner |
| | DC: | ‘ NINE HUNDRED crowns’ |
| 4. | D: | ja0 |
| | D: | ‘yes’ |

There is no identifiable strategy behind the utterance on line 3. It is a display of received information and, judging from the response on line 4, it is recognized as a request for confirmation, that is, that part of its intention is to be responded to by a confirmation or correction. It is followed neither by further discussion on the matter nor by objections, nor by references to contradictory information. Whether its intentions are cognitive, i.e. “... based on layer upon layer of unconsciously learned and mobilized capacities” or conscious seems irrelevant to the identification of its function, which is derivable not only from the intention of the speaker but also from the recognition of the hearer. One may argue that the distinction between cognitive and conscious strategies or intentions is misplaced. If every linguistic sign is a symbol, that is, a sign the meaning of which is built on a conventional relation between the signifier and the signified, then every linguistic sign is a product and a realization of a convention. If the conscious act of agreement between rational agents on a certain matter contributes to the establishment of a convention then every linguistic sign could be a conscious act. It is then another question if different levels of verbal communication have different degrees of salience. At that point we reach the problem of what consciousness is and here the discussion should be ended, because it is not the purpose of this study to answer that question. In any case, the questions raised above are important and should act as call for caution in the analysis because they may ascribe intentions and strategies that are beyond the demonstrated understanding of the interlocutors, and thus can result in invalid or fictive inferences and conclusions about the character of human communication.

The basic questions to be answered in our analysis of discourse are:

- How do actions become recognized?
- How do recognizable actions get done?
- Are there reproducible methods for accomplishing recognizable actions?

All these questions may be addressed both to the participants in the activity and to the analyst. To recognize something means, in general terms, to identify the similarity between an image of something with that which we observe. Thus, as analysts observing an activity or a

discourse, we already have expectations of certain types. In the process of observation we identify certain parts of the discourse as x or y. The question is then what kind of features we use in this process of recognition. If we are able to answer that question we will also be able to answer the second question. The problem is how to know that what we recognized as x or y is really x or y. If we are able to isolate certain contexts or constellations of features, to observe their reproducibility, and compare the actions we recognized as x and y with the actions identified in the other places of the discourse, we may check the functions of the features we isolated. Thus we may also create a correctness of the belief that we have recognized x or y.

The alternative is to define the action explicitly and then try to find evidence in the text/discourse that can support the definition of the action. The problem in this approach is that the assumptions we have made in the definition can always be used as an explanation of our observations. For example, we know that the role of the speaker is a witness, we have described the obligations and the rights related to this role and whatever the witnesses do can be explained by their roles, although there may be other explanations that are not exhausted in a study of their role. Such an approach may prevent preclude us from seeing how the actual practice of a given activity influences and changes the activity described by default and its inherent purposes and roles.

5.2. Multifunctionality

Interactive repetitions and reformulations are dialogical and sequential by definition; their analysis necessarily involves at least two different utterances by at least two different speakers. Each of the elements in the pair (or triple, etc.) constitutes part of the co-text of the other and involves the relation between the speakers. Interactive actions repetitions/reformulations are discursive operations. Thus their analysis involves:

- the structure of the utterance itself - both the source and the repetition/reformulation (falling under Allwood's influenced parameter, see also Chapter 1)
- the communicative act/s expressed in the utterance - both in the source and in the repetition/reformulation (falling under Allwood's influenced parameter)
- the actions in the preceding turns (falling under Allwood's influencing parameter)
- the response or the following utterances (falling under Allwood's influenced parameter).

The structure of the repetition/reformulation is influenced by and influences the contextual parameters, it contributes to the characterization of the different functions of the studied feature. These parameters may be divided into two subtypes: co-textual and contextual. The co-textual parameters include features of the immediate co-text (within an utterance and a sequence), i.e. the criteria listed above. The sociocultural context refers to the activity, the roles and (often multiple) purposes of the speakers, the concrete situation, i.e. the influencing global and local collective parameters (see 1.2.4.). Thus since repetitions/reformulations are sequential by nature and if sequences consist of utterances (or contributions, e.g. Clark's *et al.* 1989; Clark, 1999; Allwood *et al.*, 1990) which contain one or more communicative acts then repeat sequences by definition involve the realization of multiple functions.

The significance of the sequential position for the function of features derives from three main characteristics of discourse which were the basis of criticism of the classical speech-act theory (Allwood, 1978a,b; Levinson 1981; Linell *et al.*, 1992; Markova, 1990a), namely:

- the multifunctionality of utterances
- the dependence of collective accomplishment
- the intrinsic relation between an act and its context.

Multifunctionality means that an utterance may have more than one function dependent not only on the intentions (which may be multifunctional as well) of the speaker and on the way it is received by the addressee as well as other contextual features. In cases where we have a primary and a secondary addressee or audience the utterance may have different functions for the different types of addressees.

The idea that the function of an utterance is not solely a relation of the speaker's intention but that it is a joint work (joint action, in Clark 1999) between the interactants, i.e. a result of mutually recognized and constituted actions, has the greatest influence on contemporary theoretical and practical work with discourse and spoken language. Allwood (1976, 1978, 1980) and Clark *et al.* (1989) introduce two frameworks that involve multifunctionality and distinguish between different types of functions. In Allwood, each communicative act has three main functions, the expressive, the evocative and the obligative functions (see also Chapter 6). In addition, for instance, the eliciting and giving of feedback involves four functions: signaling contact, perception, understanding, and/or attitudes. Although these functions are not hierarchically ordered, one or the other can have priority in different contexts and they may co-exist, but there is a default ordering where the display/signal of contact is the most basic and the various kinds of attitudinal reactions by default presuppose contact, perception and understanding. In a model by Clark & Schaefer (1989), one of the participants' basic goals is to satisfy the so called grounding criterion, which says that the contributor (the authors' term) and the partners mutually believe that the partners have understood what the contributor meant to a criterion sufficient for current purposes. In order to do that they must repair trouble but also avoid trouble, by establishing positive understanding. Thus they develop a pair-model in which each contribution consists of two functional parts: the presentation part and the acceptance part, which together build up the mutual ground of inter-human communication. (The concept of contribution is often ambiguous in Clark, 1989 and 1999 since it may refer to the contribution as a joint act of signaling and recognition and to the contribution as an individual participatory act, or a presentation act.) Thus a joint act is not completed before it is signaled and recognized by both interlocutors as successful. The "internal quality of the utterances" (Clark, 1999: 241) takes care of the success of the joint project for collateral communication and distinguishes between primary and secondary presentation. The primary presentation or the communicative act contains all the rest of the functional aspects of the utterance apart from what he calls evidence for understanding (or the secondary presentation). Thus Allwood's basic feedback functions (expression and evocation of contact, perception and understanding, see also Figure 3) correspond roughly to Clark's evidence for understanding in each utterance (for a more complete understanding of Clark's and Allwood's models, see Allwood *et al.*, 1992b and Clark, 1999, respectively). Thus in both authors' models expression and evocation are constantly co-present functions of each utterance, i.e. utterances involve multifunctionality.

In conversation analysis, the concept of adjacency pairs was developed (also present in Allwood's and Clark's models, the expressive/evocative function and the presentation/acceptance phase, respectively) in which the first part is an initiation and the second a completion. There it is the second part in the pair that identifies what kind of action the first part is because the act that it is, is supposed to be identical to the act it is understood

to be (in cases of uncertain and incorrect perception or understanding we get repair sequences). Furthermore it is supposed to be unproblematic to use the form of the second utterance to determine how the first utterance was understood (see Wootton, 1989). Thus in this model the second part of the pair is used as a constraint on the multifunctional potential of the first part. However this solution relies on the understatement of the speaker's intentions and/or the overestimation of the clarity of the listener's understanding and/or response.

In search of the minimal format of interaction, Markova (1990b) argues that it does not consist of two parts but of minimum of three steps of communicative act construction (also Sinclair & Coulthard, 1975). Thus it is not enough for an admission to be recognized as such in order for it to be an admission, i.e. there must be a third signal from the admitting speaker which acknowledges the recipient's understanding of the first action as an admission. In this way one can check and avoid misunderstandings of intentions. Linell *et al.* (1993) support the approach by describing an admission as constructed of the act of admission prefaced by a question eliciting admission or denial of guilt, followed by an act recognizing the admission as such. Allwood 1976 argues that the minimal format may vary from two to four or more utterances although there is always a special relation between two adjacent utterances. In Chapter 7 below I will address these issues and claim that the identification of functions of features depends on the activity and the character of the function by showing that there are basic or most typical sequence formats as well as truncated and expanded formats.

5.3. Functional potential

With regard to the function of sequential features such as repetitions/reformulations we may need a hierarchical model of functional potential. Besides the function of giving and/or eliciting feedback the repetitions/reformulations have other functions, such as the expression of different types of attitudes. Let us compare the following two examples:

ST1: 16

- | | | |
|-------|-----|--|
| 1. | P: | jaha // < när du blev omkull knuffad på gatan fick du möjligen
nån spark > |
| | P: | 'alright // <when you were shoved down on the street you may have gotten a
kick as well >'
@ <mood : asking> |
| 2. | Pl: | de0 kommer ja1 inte ihåg nu |
| | Pl: | 'this I don't remember now' |
| 3. -> | P: | < de0 kommer du inte ihåg nu > |
| | P: | '< this you don't remember now >'
@ <mood : asking> |
| 4. | Pl: | näe |
| | Pl: | 'noo' |

Hypothetical example:

- | | | |
|----|----|-----------------------------|
| 1. | A: | what is your phone number ? |
| 2. | B: | 556677 |
| 3. | A: | 556677 ? |
| 4. | B: | right |

Structurally the sequences are identical. Functionally they are both identical and different. In both examples the reformulation/repetition functions as a request for confirmation and feedback-giving. In the trial extract however we have additional aspects of the function or

additional functions, which depend on the character of the activity and the ultimate evidence for what is the immediate context following but also of what precedes the repetition/reformulation-pair. Thus we may say that other-initiated repetitions (or prosodic reformulations if we consider the change of the declarative intonations in the repeater) and deictic reformulations have two basic functions: confirmation/clarification or request for confirmation/clarification. Repetitions as confirmations/requests for confirmation may be used to establish positive understanding in Clark's sense but they may also function as trouble indicators. Each utterance in a dialogue has both an eliciting and an expressive functional aspect (as in Allwood, 1995; Clark, 1999), but in certain contexts one or the other is in focus.

There are additional context- and activity-specific functions which elicit or express different types of attitudes. The motivation behind 3.A above is to give and receive confirmation in order to avoid trouble. We may say that the repetitions in the trial example above have the same motivation and this claim will be true independently of context. This **basic discursive function** however does not necessarily exhaust the functions of an expression nor is it identical with the most important and influential functions of the utterances in the local context. If we add a fifth line to our hypothetical example:

1. A: what is your phone number ?
2. B: 556677
3. A: 556677 ?
4. B: right
5. A: to Marie you said 566677

We may notice that 3.A is not simply a feedback elicitor but a preface expression of a puzzling fact and possibly some kind of suspicion or surprise. In order to understand these **additional functions** of an utterance we must have access to the preceding and succeeding co-texts as well as understand the activity as such. In fact one may say that each type of utterance or feature in a discourse has **functional potential**. For example, repetitions/reformulations have the potential to be used for the expression of attitudes such as agreement, doubt, irony, irritation, surprise, etc. Not all of these attitudes can be expressed simultaneously but, in certain environments, we can recognize the realization of one or another attitude or intention for the expression of attitude. The distinction between basic and additional functions confirms the idea of the multifunctionality of utterances and also specifies a hierarchy in which some functions may be basic, or constant, and others can be varying or additional.

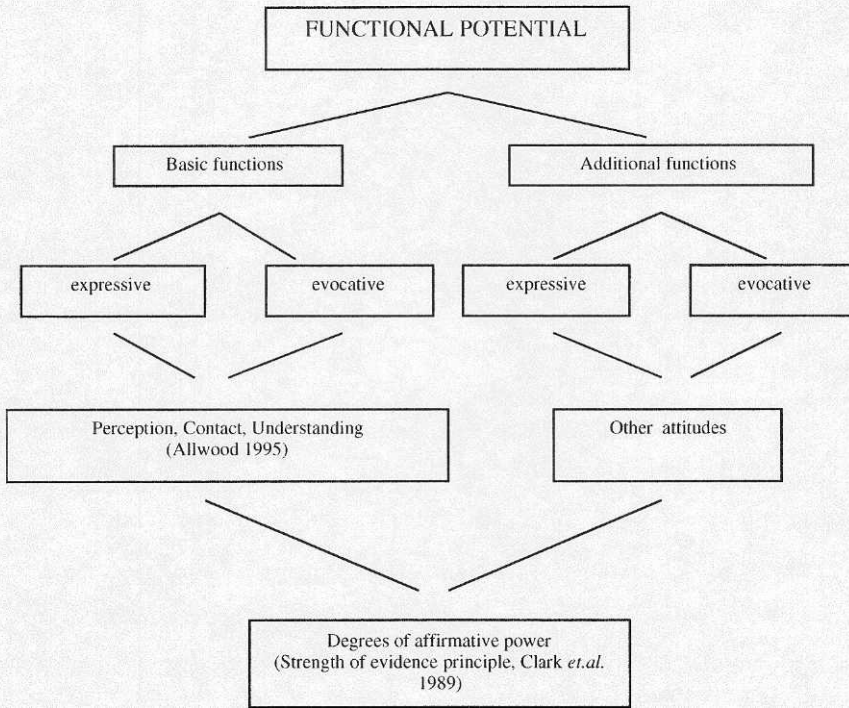


Figure 3. Functional potential and degrees of affirmative power of utterances

Thus the expressive and evocative functions in this framework are normally present, largely independent of context, i.e. they are a default element in the definition of an utterance. The secondary functions are those that depend on the concrete context, such as expression of different types of attitudes. As mentioned earlier, the multifunctionality of utterances is due also to the presence of secondary addressees in multi-participant situations.

As indicated in Figure 3 above the functional potential may be expressed not only in the types of functions but in the degree of functional potential, which could be e.g. the degree of affirmative power. For instance, a simple feedback word as a response to a yes-no question may have a weaker effect than a repetition. Let us look at the next example.

ST1: 19

1. P: [11 jaha]11 < så0 du peka2 ut0 den person som [12 polisen tog]12 om hand / den person som polisen tog om hand /VA3 de0 samme man som hade knuffat omkull dej >
 P: ' alright < so you point out the person that the police took / WAS it the same man that had pushed you down >'
 @ <mood : asking>
2. Pl: [12 ja0]12 ja0
 Pl: ' [12 'yes']12 yes'
3. P: < och viftat me0 kniven mot dej >
 P: '<and waved the knife towards you>'

- @ <mood : asking>
4. Pl: ja0
 Pl: 'yes '
5. P: < de0 e0 du säker på >
 P: '<this you are sure of>'
- @ <mood : asking>
6. -> Pl: ja0 de0 e0 ja1 säker på
 Pl: 'yes this I am sure of '

Here the prosecutor is questioning the plaintiff, asking him to identify the agent of the alleged crime. Despite the plaintiff's unambiguous answers formulated as simple feedback words on lines 2, 3 and 5, the prosecutor still initiates an epistemic certainty sequence, of which the above extract is a typical example. These kinds of sequences question the certainty of the examinee and are followed by a slight reformulation (line 7) of the question. It realizes the positive confirmation of certainty and is an iconic device illustrating the certainty. It is added to an initial feedback word, which is experienced as an insufficient answer to degree-of-certainty or epistemic questions as the above one. Thus the repetition amplifies the certainty. The need of such an amplifier is projected from the whole sequence preceding the reformulation, not only the direct question. The examinee has already confirmed his own testimony on the matter and now is explicitly asked to repeat it, to modify it or to withdraw it. The escalation of the confirmation forms justifies the last amplifier - the first confirmation is realized as a back-channel. We then we have two one-word feedback items and last, a feedback item and almost complete repetition, which indicate a recognized need for explicitness and non-ambiguity, which is caused by doubt. So, in such epistemic certainty sequences, we can observe the ways those who are interacting deal with doubts where doubts expressed in a trial imply that a given testimony is not truthful or acceptable, that the speaker is insincere, that the examinee is not credible, etc., all of which jeopardize the purpose of the case and may be experienced as attacks against the case story offered. Thus we may say that there is a hierarchy of features realizing the function of feedback-giving. The hierarchy suggested by the above example, starting from the lowest to the highest **degree of affirmative power** is:

- Single simple feedback word in overlap or a back channel
- Single simple feedback word in a separate utterance
- Initial simple feedback word followed by almost full repetition.

A similar idea is described by Clark & Schaefer, 1989. They propose the strength of evidence principle (which is formulated on a more general and weaker basis in Clark 1999 as the Principle of Joint Closure and Projected Evidence) by the help of which recursion of feedback giving and elicitation is avoided.

“Strength of evidence principle: The participants expect that, if evidence e0 is needed for accepting presentation u0, and e1 for accepting the presentation of e0, then e1 will be weaker than e0.” Clark & Schaefer, 1989, pp. 268.

An important part of the formulation of this principle is that it describes the participants' expectation, which means that the speakers are supposed to have cognitive frameworks related to adequate communicative manners in different social situations and activities. Similarly Allwood *et al.* (1992) discuss different degrees of strength of affirmation but this is centered more on the affirmative potential of an expression and not on its dialogical effect, which admittedly is established only empirically and depends on many contextual factors. The strength of evidence principle is related to the principle of the least collaborative effort, i.e.

the more effort is put into the presentation phase the less effort is needed in the acceptance phase. On the basis of the principled assumptions Clark 1999 suggests the following scale of types of 'positive evidence' of understanding (which is the main function of his metacommunicative track 2, Clark, 1999: 241) where the last two are more valid than the first two (in Clark & Schaefer, 1989, the first one is the weakest and the last is the strongest evidence of understanding):

- Assertion of understanding – simple feedback words and expressions, e.g. "hm"
- Presupposition of understanding – in uptake, in next contribution
- Symptoms of understanding – spontaneous reactions, e.g. blushing
- Display of understanding – e.g. direct answer
- Exemplification of understanding – repetition, reformulation, etc.

Even in this model the repetitions are described as a stronger evidence of understanding. When it functions as feedback giving, which could be confrontation of disbelief (ST1: 19), the formulation of a repetition/reformulation of the question in the answer presents the strongest evidence that there is perception, understanding and reaction, and thus the answer has the greatest chance of achieving closure. Even when it functions as an expression of unresolved doubt as in ST1: 16 it is the strongest confirmation-eliciting device.

Since the expression and the evocation are constant functions of each utterance one may distinguish between feedback-giving and answering. An answer is a response to a question. A feedback-giver does not necessarily provide answer to a stated question, and that is why the following situation exemplifies a misunderstanding:

A: How many times did you meet?
 B: yes.

Obviously B has contact with A and probably B has perceived A's utterance; he might also have understood that A elicits his reaction but he probably has not understood that this is a question and/or what the question is about. Thus when I describe the coding categories in Chapter 6, I will distinguish between non-answer-giving expressions and answer-giving feedback expressions.

5.4. Theoretical framework of functional and structural categories

All segments in the corpus are coded according to structure and function. The structural categories consist of grammatical features (see 6.2.). The functions of the segments consist of the communicative acts and the modality of the utterances (see 5.4.3. and 5.4.4.). Since these last categories are rather complicated and interrelated I find it necessary to motivate the selected strategy of categorization by discussing these relations. Let us first define the basic function coded in the transcriptions.

Communicative act

A communicative act C is a property of an utterance α , if it is recognized by the speaker, hearer, and/or analyst, to have a particular communicative function, F, where α may include more than one C.

The coding of function is done manually by coders, who read descriptions of acts and then apply their understanding to the text. This process involves subjective interpretations, often resulting in assigning multiple functions to one the same utterance and in very complicated

codes. One way to avoid that is to develop more interactive coding tools as discussed in Chapter 4. Another way to avoid hazardous interpretations, localism and stipulative definitions but gain generalizability is to design categories that analytically distinguish between different aspects of the utterance's function. This is the intention behind the categorization strategies adopted here.

5.4.1. Model of communicative acts

The idea to be developed in the following sections is that the communicative acts that actually occur are composed of the characteristics of the modality of the utterance including the sentence type, the immediate sequence context, the intentions of the speaker, the background beliefs of the interlocutors and the global and local culture and activity context. The qualification of one utterance may be described in the following way:

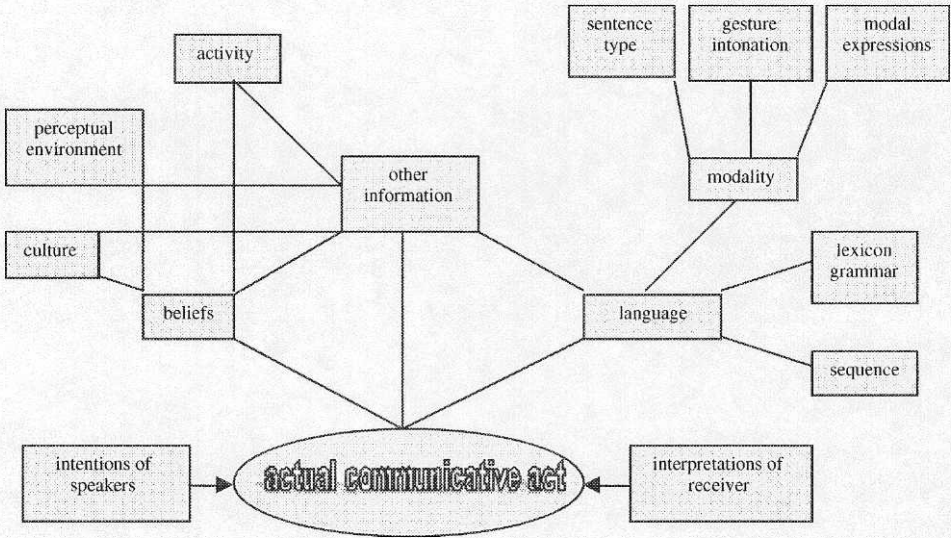


Figure 4. The actual communicative act in its contexts

The communicative act is communicative because it is a product of the speakers' and the receivers' communicative work, i.e. it is a product of the intentions of the speaker, the interpretation of the receiver(s) and the various types of contexts, which also influence the intentions and the interpretations. The contexts include the language, the culture, the perceptual environment and the activity, which influence the communication through the beliefs of those who are interactants and as objective phenomena. The linguistic content involves the lexicon and the grammar of the utterance, including the modality, and is influenced by the sequential context of the utterance. The modality may be expressed by the structure of the sentence and other modal expressions as well as by intonation and gesture.

The actually occurring instantiation of a communicative act is in turn influenced by all these factors in a unique and local way. That is why one and same utterance may constitute different acts in different contexts. The communicative acts may be labeled with existing act verbs and act substantives, but they may not be exhausted by the concepts included in these lexicalized labels. Thus in the practice of conversation analysis there are a number of acts or actions that have specific non-lexicalized labels. Some verbal (they can also be occasioned non-verbally or non-linguistically) types of communicative acts are strongly affected by the immediate co-text and thus their definition necessarily includes information about their position in a sequence. Examples of these are acts occurring regularly in a responsive position, such as confirmations, refusals, denials, etc. Other acts such as greetings and thanks may be both in initiating and in a response position. Each utterance has to be coded according to sentence type, a limited number of communicative acts and modality (modal expressions). By studying the co-occurrences of these codes one can expect to get a suggestion of more specific, actual communicative acts. In the following sections I will first establish the functional expectations based on the specific activity and then discuss the relations between sentence type, modal expressions and communicative act and clarify the suggested strategy of categorization. Finally, I will describe the selected functions and codes.

5.4.2. Expectations based on the activity type

Since we are dealing with a specific activity we will have to define and categorize communicative acts characteristic of this activity. Competence, commitment and pre-fixed order are the three most characteristic features of courtroom examinations as interactive situations. The level of competence is in focus in various ways. Apart from the fact that each legal representative is usually specialized in his/her legal role, which also includes specialization of competences, there are particular demands for each participant's quality of knowledge:

- there are legally sanctioned modalities such as hearsay
- the various types of witnesses are supposed to swear an oath to tell the truth and nothing but the truth and not share speculative or uncertain information
- there are demands on the relevancy of the answers and the questions, including restrictions on the degrees of volunteered information constraining the witness to say not more than necessary or not more than it is asked for
- there are specialized terms describing the competence areas of some witnesses, which motivate their presence in the courtroom and influence the contents of the examination
- there are witnesses representing each party in the trial who should be able to throw shed on some aspects of relevance to the trial but whose testimony is admittedly oriented to defend one of the parties: they are chosen according to and because of their particular knowledge and attitude
- there are eye witnesses who hold the strongest legal evidence, which is their first-hand sense-based experience and knowledge of the event in question
- at last there are expert witnesses who are chosen only because of their competence in a certain area: their testimony does not present first-hand evidence but sheds light on the quality of particular evidence.

In short, the information presented in courts by witnesses should not be:

- second hand
- unprovoked
- false
- irrelevant
- outside the competence area of the particular witness.

Thus, the whole organization of a trial with all its participants is dependent on the concept of competence and objectivity. The main purpose is avoidance of subjective interpretation of events or unproved information. In fact, the examination constraints or principles are identical to Grice's maxims. The Cooperative Principle consisting of the famous four basic maxims matches with the principles of legal cooperation during examinations, which has attracted many scholars to Gricean analysis of legal interaction. The maxim of **Quality** - *do not say what you believe to be false and do not say that for which you lack adequate evidence* - almost literally quotes the oath in courts. The maxim of **Quantity** - *make your contribution as informative as is required for the current purpose of the exchange and do not make your contribution more informative than is required* - is exactly what each lawyer and judge advises each witness. This is also expressed also by the pre-fixed question-answer order, where the witnesses are not suppose to digress from the question; if they do they are immediately sanctioned by the examiner or their irrelevance may jeopardize their credibility or damage the purpose of their case. The maxim of **Relation** - *be relevant* - is applied to both witnesses and examiners. Thus even if a question may seem irrelevant it must be trusted to be found relevant in a certain respect; however, if the processing of relevance can be helped by modal expressions and qualifications this is not preferred in court examinations due to the first two restrictions or maxims. The maxim of **Manner** - *avoid obscurity and ambiguity, be brief and orderly* - applies as well to witnesses and examiners - the witnesses' testimony would not otherwise be accepted and the examiners' questions would be understood or, worse, may be misunderstood and may not provide the sought or adequate information, which is the purpose of the examination.

Related to the concept of competence and to the question-answer order are also the concepts of obligation and commitment. Everything uttered in the court commits speakers to their utterances to the extent that they may be held responsible for them before the law. Witnesses are also obliged to answer each question and to give the information they are asked for according to the maxims. All these constraints and principles make the examination a specific type of activity, which may be expected to be different both from everyday phatic conversations and from other types of interview such as verbal activities such as doctor-patient interactions, scientific or TV interviews, psychoanalysis sessions, examinations in school, etc.

Now, because of the importance of these three aspects of communication (obligation, commitment and fixed order), one may expect that:

- since the order is pre-fixed and bound to the question-answer format then many different kinds of communicative acts will be performed within this format; thus it is reasonable to distinguish between the sentence type and the expressed communicative act
- the speakers in court examinations will be careful and conscious of the modality qualifying their utterances
- there will be different attitudes to utterances expressing certain and uncertain, probable or possible, inferred, experienced or heard-of kinds of information

- keeping in mind the constraints of the oath the witnesses themselves will be eager to qualify their testimonies according to their attitude towards the information shared
- each communicative act is engaged in a sequence where the individual acts are related to each other according to preference and expectation. These sequences will be studied in Chapters 7, 8, and 9.

Consequently, it is adequate to describe the functions of each utterance according to sentence type, modality, and communicative act expressed. The classification schemas of functions used for the coding of the corpus are based on theoretical assumptions, which will be described in the following sections.

5.4.3. Modality and sentence type

There is an association of properties between modalities and sentence types, and this is the reason behind the fact that sentence types have been traditionally treated as moods. Palmer’s (1986) classification is the following:

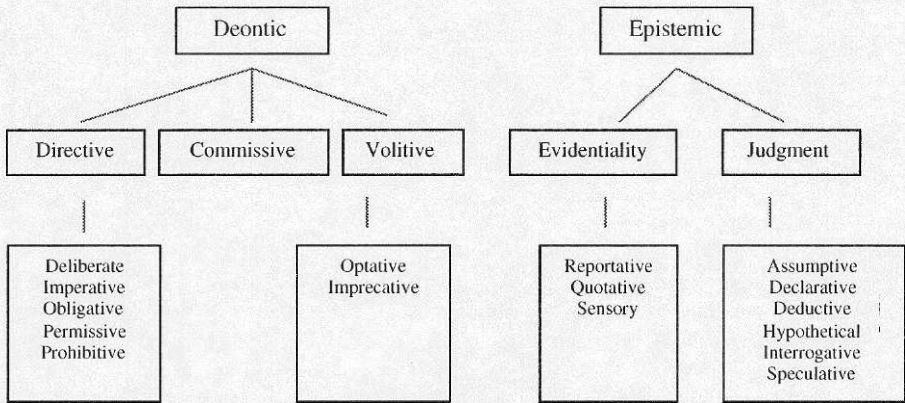


Figure 5. Classification of modality, F. R. Palmer (1986)

Linguistic modality is described as the grammaticalization and/or lexicalization of indications of the speakers’ attitude to the content of the proposition, to the hearer or to the world. Deontic modality refers to the degree to which something is obligatory or necessary due to social norms, and epistemic refers to the degree to which something is known. The epistemic modality is a modality of propositions while the deontic modality is of events (Palmer, 1979). The judgment modality indicates the degree of reliability of the information while the evidential informs about the speaker’s perception and evidence regarding the shared information. Without going into detail in the complicated nature of this category, we may simply observe that what we called sentence types are included in the taxonomy as expressing one or another modality. Von Wright’s (1951: 1-2) original taxonomy of logical modalities (in contrast to later works where he also uses boulemaic (i.e. volitive) modality) is the following (reproduced also in Palmer, 1979: 2):

Table 14. Von Wright's taxonomy of modes in modal logic

alethic	epistemic	deontic	existential	dynamic
necessary	verified	obligatory	universal	ability
possible		permitted	existing	disposition
contingent	undecided	indifferent		
impossible	falsified	forbidden	empty	

If we apply the modal properties of each mode to the sentence types we can note that they can not easily be placed in Von Wright's scheme. The meaning of declarative sentence types (being typically the syntactical format of assertives) as epistemic category can be verified, unverified, or falsified. Interrogatives, expressing various types of questions, can also be seen as an epistemic, but one can not say that they can be verified, unverified, or falsified. Imperatives are deontic, thus they can give rise to obligations, permissions, or prohibitions, but are less likely to express indifference. Exclamations may express any attitude; they are epistemic and/or deontic, which can not be verified, unverified, or falsified, and are not obligatory, permitted, forbidding, or indifferent. The sentence types can not be adequately described using this taxonomy. Not even F.R. Palmer's scheme is entirely adequate. The criteria for distinguishing between different types of linguistic modalities may be described as (this is my summary of F.R. Palmer's categories in Figure 5 above):

- degree of confidence/knowledge (epistemic judgment modality)
- assessment to evidence (epistemic evidentiality)
- degree of requirement or desire (deontic directive and volitive modality)
- degree of commitment to realization (deontic commissive modality).

The declarative sentence type is usually associated with assertions or statements and not with commands, etc., but it does have a deontic aspect because of the general tendency of all utterances in face-to-face interaction to be associated with an obligation or a requirement for response (cf. Allwood, 1976). A declarative can express various degrees of confidence but it also commits the speaker to the proposition in different ways, indicated by e.g. modal expressions. Interrogatives are classified in the epistemic category because they usually display a low or superior (in e.g. teacher-student situations) level of knowledge. However, one may be equally justified to describe them as deontic because they express a higher degree of requirement or need or a desire for response, which may be their most dominant characteristics in some activities, such as teacher-student examination. In addition, they commit the speaker to a desire for information and in some cases to a low level of knowledge (according to the sincerity condition). Imperatives on the other hand are less successfully described as indicating degree of knowledge although they do express a high degree of confidence in the requirement of a response (verbal or non-verbal). They typically do not give any indication about what the evidence or the reason or what the source of knowledge of the speaker is for requiring the particular action but they do express commitment to a desire or a motive. In this sense, the sentence types, being the primary formats of communicative functions, express different types of modality; exclamations, declaratives but mainly interrogatives are 'multi-modal', in the sense that they have a deontic, epistemic, alethic, and volitive character. In the next section (and partly in Chapter 6) I will describe how these observations have been intergrated in some scholars' theories of utterance function and how they are related to the court examination activity.

5.4.4. Sentence types and communicative act

The idea of relating sentence types and speech acts is not new:

“Grammarians on the Western Classical tradition have recognized a degree of coincidence between clause type and illocutionary force since at least the time of Apollonius Dyscolus (100 AD, cf. Householder, 1981:12f and probably since 300 BC (cf. Diogenes Laetius “Life of Zeno” VII, 65-68). “ (Allan K., “Moods, Clause types, and Speech Acts”, in Asher & Simpson, *The Encyclopedia of Language and Linguistics*, Vol. 5, 1994: 2540-2542.)

It has also been investigated in 35 languages in Sadock and Zwicky (1985). However there is a disagreement in the grammatical literature as to whether the category of mood should be associated with the sentence type. Lyons (1977) points out the mismatch in the description of sentence types and moods (in the sense of verb form). His analysis may be summarized as in the following scheme:

Table 15. Relation between mood, sentence type and speech act in Lyons (1977: 725-786).

sentence type	mood	speech act	illocutionary act
declarative	indicative	statement	assertion
interrogative	interrogative	question	question
imperative	imperative	command	mands

The sentence type, the mood, the speech act and the illocutionary act match each other's subcategories. I interpret the utterance as the bearer of all four types of functions. The problem with clause types as moods is that, whereas in English and other European languages declarative and interrogative are sentence types, imperative is both a sentence type and a verb mood and that both interrogatives and declaratives are indicative in verb mood.

F. R. Palmer 1986 describes interrogatives, imperatives and declaratives as moods expressing different kinds of modalities. According to his taxonomy, the imperatives have deontic, directive modality and the interrogatives and the declaratives have epistemic, judgment modality. However, as discussed earlier, their modal character is a blend of these modalities and depends on the activity context.

With regard to the languages analyzed here I will adopt the view that mood is a morphological category defining a verb and the sentence type is a syntactic category. The mood of the verb may in some languages indicate the sentence type. (By analogy, the tense of the verb may be associated with the mood of the verb. However, in most Indo-European languages, mood is a category distinct from tense grammatical category.) As already described in the previous section the study includes four types of sentences: declarative, interrogative, imperative, and exclamative.

The declaratives in Swedish are characterized by a specific word order and in Bulgarian by word order, verb mood and absence of interrogative particles. The imperatives are expressed in both languages by the imperative verb mood, word order and intonation, typically expressed in present and addressing a referent in second person. The exclamatives may share word order with interrogatives, in which case they are distinguished by intonation. The interrogative sentences in both languages have an inverted word order, where in Bulgarian there is an additional interrogative post-verb particle ‘li’ (ex: ‘jade li?’, “did-you-eat PART?”), which can also be used in declarative and exclamative sentences, although then it is

not post-verbal. The so called tag-questions are analyzed as interrogatives with a feedback-eliciting function.

The sentence type may be analyzed within the framework of speech act theory as having a primary illocutionary force indicating primary preparatory conditions and illocutionary intentions (cf. Allan, 1986). An inferential process from the primary illocutionary force of the clause and additional contextual and intonation information leads the hearer to identification of the illocutionary point of an utterance. (cf. Searle, 1969). Similar inference may relate Allwood's (1976, 1978a, 1986, 1992b, 1995) theory of utterance functions and sentence types. According to this theory each utterance has three basic functions:

- expressive function - the intention of the speaker
- evocative function - the intended evocative effect of the utterance
- obligative function - the obligation of the interlocutors to respond and the commitments of the speakers.

The last function may be identified as a general and basic preparatory condition and is particularly suitable for the description of court examinations where as already pointed out, each participant is obliged to respond in a relevant way and one that is even determined by law. The evocative function may be associated with the intended perlocutionary effect. All these functions are characteristic of each utterance. That is, and as pointed out earlier in 5.4.3., each of the four sentence types have default expressive, evocative and obligative aspects, e.g. it is not the case that statements do not have evocative or obligative function in contrast with questions.

If each utterance has these three main functional aspects then these can be applied to each communicative act and to the sentence type. An important condition is the orientation of the act to the hearer. However, instead of defining different categories for one or the other case, one may include in each description of an act the way in which it defines the speaker's and the hearer's relation to that act. The sentence type-related functions may be described as follows (e.g. Allwood, 1978a, 1994, 1995):

declarative

expressive function: belief

evocative function: sharing of information, belief in hearer

obligative function: speaker - commitment to the expressed belief,
 hearer – obligation to evaluation of contact, perception, understanding , and
 content (i.e. sharing the belief).

interrogative

expressive function: need/desire to be provided with information

evocative function: getting information

obligative function: speaker - commitment to the expressed need/desire,
 hearer – obligation to evaluate ability and willingness to give an
 answer.

imperative

expressive function: desire for action

evocative function: performance of action

obligative function: speaker - commitment to the expressed need/desire,

hearer - obligation to evaluate ability and willingness to carry out action.

exclamative

expressive function: need/desire for attendance

evocative function: attendance

obligative function: speaker - commitment to the expressed need/desire,

hearer – obligation to evaluate contact, perception and understanding.

These functions are very general. They are the 'shell', the default format in which more specific communicative intentions are formulated. Some acts, e.g. invitations, may be formulated as declarative, as interrogative or as imperative sentences. The communicative act question may be formulated not only as an interrogative but also as a declarative and even as an exclamative. Thus one way of creating nuances of meaning is the formulation of different acts in different formats. The characteristics of the sentence types are 'inherited' in each particular utterance-functional description. The juxtaposition of the sentence type and all other contextual factors discussed earlier leads to the inference of actual communicative acts. An argument for the cognitive salience and basic character of the functions associated with the sentence types is the fact that such sentence types exist in most languages, surely in all Indo-European languages. The syntactic expression of these functions is a result of their grammaticalization. Thus derived from the sentence types, we get four basic communicative acts which share the default functional descriptions of sentence types (see also Allwood, 1994), namely statement (from declarative), question (from interrogative), request (from imperative), exclamation (from exclamative) the semantic description of which constitutes other derived and more specific communicative acts. Some utterances (e.g. 'Yes.') are not describable as sentences and consequently can not be given a sentence type label with its associated functions. However they can still get a communicative act label because they are still communicative acts.

The importance of the sentence type in the identification of the function of a communicative act, especially in formal activities such as court examinations, is constrained by the activity roles of the participants. Since the defendant has to obey the judge, the judge's utterances have a strong obligative element and may be treated as commands, even if they are not formulated as imperatives.

Ex. 4:

'Would you like to come forward and take the stand?'

This is an interrogative sentence but because it is pronounced by the judge the communicative act is not simply a question but also an order. The interrogative format weakens the display of the prescription of action and the desire for obedience. Thus the above utterance may also be described as a kind of invitation. The hearing is normally not a pleasant experience for the defendant but the association of an invitation (which typically allows alternative responses) with the activity role requirement minimizes the authoritative or threatening character of the activity. The same communicative act could be formulated as:

Ex. 5:

'The witness may take the stand.'

This is a declarative sentence but in the court examination context and uttered by the judge it is also an order. The modal verb 'may' which, similar to the interrogative format above,

seemingly offers to the recipient greater freedom in evaluation and consideration of action contributes to the nature of the communicative act and characterizes it as permission. Thus modal expressions of this type have an essential influence on the character of the communicative acts. The next section discusses these relations.

5.4.5. Modality and communicative acts

“It is assumed here that clause-type is the formal representation of those aspects of the modal system relevant to a theory of speech acts whereas modal auxiliaries and adverbs are the forms for other parts of the modality system in a language.” (Asher & Simpson, *The Encyclopedia of Language and Linguistics*, 1994, pp.2541)

Despite this assumption in the encyclopedia’s description one may wonder: is it really the case that the modal auxiliaries and adverbs and particles have no connection to the speech acts? Observe the following examples:

Ex. 6:

1. Hon pratar med honom där ute.
'She is talking with him outside.'
2. Hon pratar, tror jag, med honom där ute.
'She is talking, I believe, with him outside.'
3. Jag tror att hon pratar med honom där ute.
'I believe that she is talking with him outside.'
4. Hon pratar nog med honom.
'She is talking most probably with him.'
5. De träffades väl.
'They met, I believe.'

All the sentences are declarative. The first is a statement and the rest are also statements but of rather different types, expressing uncertainty, modifying the information as an opinion or as a subjective impression. Thus the modality does influence the quality and the type of the communicative act. Searle and Vanderveken (1985) distinguish on a type level between assertions, opinions, hypotheses, guesses, etc. The difference between those particular kinds of speech acts is mainly in the epistemic modality although it is not necessary that this modality is expressed with modal auxiliaries or adverbs, i.e. it could be due to the context as well. The point is that the expressed modality does change the speech act. In the above examples it is the semantics of the modal verbs, which has the greatest importance for the epistemic quality of the utterance and the characterization of the communicative act. Thus in the process of characterizing an utterance by a coding schema besides information from the sentence type and the communicative act we can add the characteristics of the eventual modal expressions. A number of combinations of codes of communicative acts and code of sentence types will be created, some of which will be possible, others impossible, third frequent, etc. For instance, we could try to see what kind of act we may get if we combine imperative and request. The result will be a command (ex. "kom hit på en gång", 'come here immediately'). But if we combine imperative, request and particle expressing uncertainty, subjectivity, or opinion we can get pragmatically almost impossible utterances such as "kom nog hit!" ('come here probably') or "kom hit på en gång, tycker jag!" ('come here immediately, I think'). We may combine the code-defining evidentiality and get different specialized e.g. assertive communicative acts:

statement + strong belief = assertion,
statement + speculative modality = guess,

statement + inference = inferential statement,
 statement + sensory + strong belief = assertion of witnessed event, etc.

The main criteria used by Searle & Vanderveken (1985: 51-62) in the description of the English speech act verbs are:

commitment to realization of action (commissives),
 requirement for realization of action (directives),
 speaker's attitude to content of proposition (expressives),
 existence of institution, special roles (declaratives),
 sharing information (assertives).

There are additional criteria distinguishing between acts but not between types, such as hearer-speaker oriented (ex. command-confirmation), newly or repeatedly expressed propositions (ex. inform-remind), success verbs or neutral to success of act verbs (ex. deny-rebut), etc.

The criteria for the distinction between modalities were:

degree of confidence/knowledge (epistemic judgment modality),
 assessment to evidence (epistemic evidentiality),
 degree of requirement or desire (deontic directive and volitive modality),
 degree of commitment to realization (deontic commissive modality).

The criteria for identification of commissives and directives are identical to those of the deontically modal expressions. It is the epistemic modality, which is not used as a criterion for identification of speech acts. However, in the context of courtroom examinations, as already mentioned, the epistemic quality of the utterances is of decisive importance. Thus it is reasonable to incorporate it in the taxonomy of acts in this activity. The epistemics of an utterance is traditionally described by distinction between the source of evidence or knowledge and the degree of certainty. These two aspects may be expressed separately in a given language but they are also interdependent. The degree of confidence is related to the assessment of evidence and may implicitly express evidentiality. Since the expression of confidence or of knowledge or of requirement is a matter of degree we may adopt a distinction between levels for each of them and exemplify with typical modal verbs:

Table 16. Criteria for scale based distinction of modalities

degree	high	lower
criteria		
confidence	'know'	'think'
requirement	'must'	'can'
commitment	'know'	'think'

Except by degrees the epistemic modality of Swedish utterances can be evaluated by studying occurrences of modal expressions such as 'väl' and 'nog', which typically (but not always) express a lower degree of certainty and commitment, as well as 'ju', which can be used to express certainty and self-evidence (cf. Aijmer, 1977, 1996). Furthermore, co-occurrences of specific modal verbs and adverbs are matched with the sentence form and other functional characteristics of the utterance.

5.4.6. Communicative acts which are specific to the legal context

Keeping in mind the main purpose of a trial and of a courtroom examination we need to define a range of other communicative acts which are directly related to the activity and the roles of the participants. On the way to defining the most typical communicative acts used in courtrooms we may distinguish between the following basic legally relevant properties of the communicative acts:

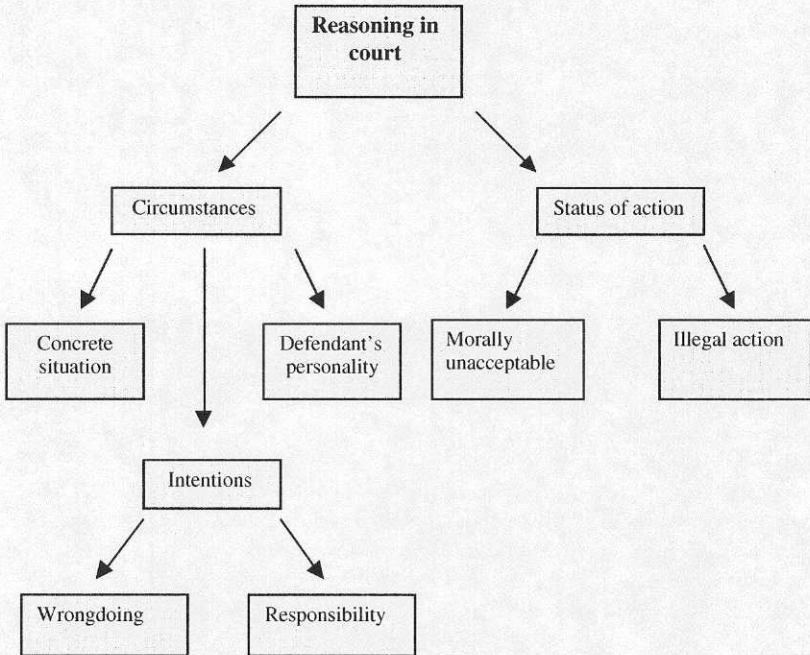


Figure 6. Legally relevant properties of the communicative acts

The reasoning during court examination concerns three main issues, which are directly related to the defendant's or witnesses' mitigation strategies (see Chapter 9), namely the circumstances during the events of interest, including the intentions of the actors and the status of the problematic action. The law of evidence distinguishes between two types of evidence given by witnesses: evidence based on the speaker's own reasoning and evidence based on description of a situation. The actor's reasoning may include description of a situation or motivations of personal character. The reconstruction aims to describe a situation without necessarily and explicitly referring to the motivations or the reasoning of the actor.

The establishment of intentions is of great importance in the continental law and influences the final verdict. It consists mainly of the actor's attitude to the wrongness of his action and his attitude to the responsibility he is ready to accept. Thus many of the issues addressed during courtroom interrogations examine the intentions of the accused actor. At the same

time, all communicative acts include the property of intentionality in their semantics. The attitude to wrongdoing is a more specific parameter for legally relevant communicative acts. It is possible that one had the intention to perform an act but did not realize that it is a wrongdoing. There is also a distinction between the attitude to wrongdoing, the intention and the acceptance or non-acceptance of responsibility for an action. One may have had a consciousness of doing something wrong, in one or another sense, but still deny responsibility for that action. However, it is not rational to believe that one has had the intention to perform a pre-planned action and also deny responsibility for it.

The action may be evaluated by both the actor and the evaluators as morally unacceptable. Since morality may vary from person to person whereas laws do not it may be considered as morally unacceptable but not as illegal, or as punishable by law but not immoral, or it may be both. The applied criteria of morality depend on social and cultural properties of the global context as well as on the personal qualities of the evaluators. In many cases it is the aim of the professionals to establish the legal relevance of an action but the defendants or the witnesses are oriented to the moral aspects of the action. While this is neither surprising nor legally unacceptable the opposite case is more problematic, namely when the jurists are concerned with the moral aspects of the actions of the perpetrator(s) and not only or simply with the legally relevant issues. In such cases the examinee may feel offended and protest (I discuss some of these cases in Chapter 9).

There are three communicative acts that are addressed by the Swedish and the Bulgarian law: lying in court, called perjury, threat and defamation (although the exact definitions of the acts are different, see Chapter 3). The first is defined by the law as the giving of untrue evidence or withholding true evidence, the second as intentional expression of desire to cause displeasure for another person, and the third as delivery, mainly in public, of dispreferred and untrue information about another person. The most relevant for the interrogation activity is perjury. The law dealing with perjury is in itself a semantic analysis of the concept. Threats during court examinations are rare but they do occur, e.g. in examinations of Mafia members in Italian courts there have been cases in which the defendants have made Mafia-style threats to the judges, to the witnesses or to the attorneys. However, these types of threats are implicit and are not addressed by the law (yet) although recognized by the members of the Italian community. Since the defamation is defined as intentional delivery of untrue information if it is presented in the courtroom it is considered as a perjury.

The rest of the activity-specific communicative acts are not addressed by the law but play an important role in the interrogations. Keeping in mind the contradictory aims of the parties in a trial where one of the parties is the defense and the other is in a blaming position they can be organized into two basic groups, communicative acts in blaming (or in more general terms, challenging) strategies and in defensive strategies.

Table 17. Communicative acts of blaming

communicative act	ascription of fault		ascription of responsibility		based on evidence	punished by law
	implicit	explicit	implicit	explicit		
accuse		+		+	+	+/-
allege	+		+		-	+/-
complain		+		+	+	+/-
blame	+	+	+	+	+/-	+/-

The four criteria I have used for the distinction between different acts are:

- Ascription of fault
- Ascription of responsibility
- Demand of evidence
- Punishable by law or not

The first two categories are separate since one may ascribe fault to somebody for a wrongdoing but not necessarily hold him responsible for it if one is conscious that the perpetrator is e.g. not in full control of his behavior (e.g. in case of mental illnesses, drug addiction, etc.). The categories of wrongdoing and responsibility may have implicit or explicit form. Using Table 17 above, an act of accusation, complaint or blame can be defined as explicit ascription of fault and responsibility in contrast to allegation, which is implicit in nature. Blame is in this respect a more general term for ascription of fault since it can be both explicit and implicit. The allegation does not need to be based on existing evidence whereas accusations and complaints in the legal context presuppose the existence of evidence for the ascription of fault. Each of those acts may or may not address a fault punishable by law since this depends on the character of the legal system, which means that, similar to the others, they may be both technical and non-technical concepts. The concept of blame is described as the most general one since it may be realized according to any of the distinctive semantic features. The defensive acts presuppose a blaming context although it is often the case that it is impossible to detect blaming acts defined as above and still observe defensive behavior. In this thesis I will concentrate especially on the acts of defense (see Chapter 9). The distinctive semantic criteria for the description of communicative acts of defense are:

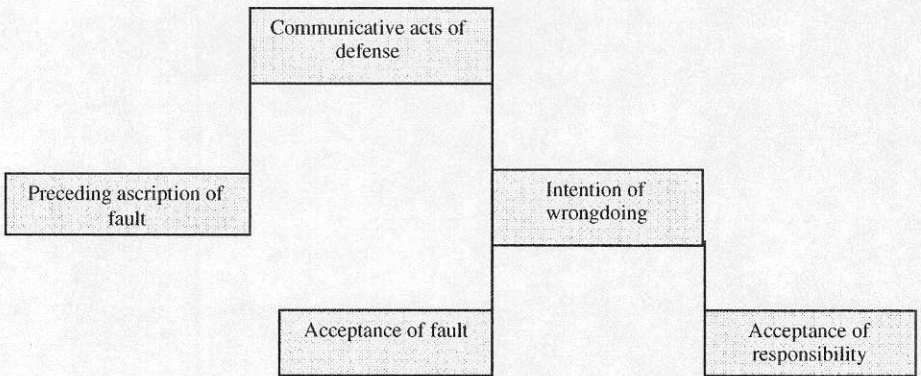


Figure 7. Semantic criteria for the description of communicative acts of defense

As pointed out earlier, the defendant may accept that he/she has done something wrong but deny responsibility for it by different kinds of explanations (e.g. delirious state of mind, provocation, lack of knowledge of important circumstances, etc.). He/she may accept responsibility for a certain action but deny its wrongness and again offer different types of explanations (e.g. provocation, other jurisdictions where such actions are not considered to be wrong, etc.)

There are three terms that may describe such defensive explanations: justifications, excuses, and accounts. I will use the categories in the above figure to delineate differences in the legally relevant meaning of these terms. The categories in the following table are neither mutually exclusive nor exhaustive but they are used as guiding descriptions of the specified acts in the context of the court examinations.

Table 18. Communicative acts of defense

communicative act	intention for wrongdoing	acceptance of fault	acceptance of responsibility	preceding ascription of fault
justification	+/-	-	+	+
excuse	+/-	+	- (or minimization)	+
account	+/-	+/-	+/-	+/-

The description in the above table analyzes justifications as acts which presuppose acceptance of responsibility but not of fault. Excuses, on the other hand, are defined as defensive acts, which presuppose acceptance of fault but not of responsibility. Thus this description stipulates that by saying that I was hypnotized or drunk I do not present a justification of but an excuse for my wrong actions. Accounts are defined as a more general concept, which may include both acceptance of fault and responsibility or only responsibility or only fault. Thus justifications and excuses are describable as kinds of accounts; accounts and circumstantial descriptions offered in a testimony are analyzed as accounts and/or narratives.

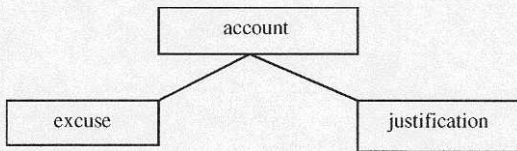


Figure 8. Categorization of defensive communicative acts

Besides the specific to the legal context aspects of communicative acts there are general properties shared by all acts. As already mentioned, each act has both an expressive and evocative aspect, which can have different strength in dependence of the semantics of the verbs and of the context. Besides these two aspects the communicative acts may define a special co-text, where only certain types of acts may occur and may be followed by other types of acts. In general each utterance may possibly be followed by any other kind of act but besides the semantics there are also cultural and social conditions that determine what acts may be expected to precede or succeed a given communicative act. As pointed out in Linell *et al.* (1995), Markova (1990b), Drew (1998), the sequences of acts themselves constitute the given communicative act by identifying it as one or another. Some utterances, such as the above, may be in initiative position, i.e. initiating a sequence, a new topic, and others are inherently 'replicative', that is, they presuppose preceding initiation. This aspect of the realization of acts is the topic of the next section.

5.4.7. Initiations and responses

A sequence in talk may be analyzed as consisting of initiating and responsive communicative acts (e.g. Linell and Gustavsson, 1987). In Allwood's (e.g. 1976) framework (as well as in Clark, 1999; see also 5.2.) each act has an evocative and an expressive function. Thus each act may potentially be initiating or responsive. However, some acts are typically sequence-initiating, others are typically responsive. The latter are not called final since the sequences may consist of more than two turns. A basic but not necessarily focused function of responsive acts (the third column in the next table) is feedback-giving as a response to acts whose basic function is feedback elicitation (see Figure 3.). The typically responsive acts are of special interest since they will be used for the formulation of a mitigation theory presented in Chapter 9. Let us look at some pairs which occur often in the corpora. Notice that these sequences are examples, i.e. there could be a number of other pairs of communicative acts that could be described as initiations and responses; they represent the courtroom context and do not approach a general account of responsive acts; besides the feedback function they focused on other additional functions.

Table 19. Pairs of general and legal communicative acts

sequence content	initiation of sequence	consecutive part in a sequence
POSITIVE RESPONSE	offer invite ask suggest state	accept agree confirm admit acknowledge
NEGATIVE RESPONSE		reject refuse rebut disconfirm deny
BLAME / DEFENSE	accuse allege complain object	justify excuse account

These are examples, i.e. there may be a number of other pairs of communicative acts that could be described as initiations and responses. The lexical description of the verb 'to accept', for instance, is linked in the sequence context to an invitation or an offer rather than to an inquiry or an order. In more general terms, the position of the speech act in a sequence is part of its semantic-pragmatic content. If we for the sake of the argument adopt the concept of 'adjacency pairs' and divide them according to their semantic polarity we may approach a definition of each of those acts based on their sequential position. Furthermore, one initiating act can have a number of responses that are influenced by the previous discourse and influence the following acts and sequences thus building a chain of related acts. For instance, if there is an offer and it is refused we may expect a different type of follow-up than if it is accepted, e.g. a refusal may result in a request for justification or command or warning or threat by the offering party. An acceptance would seldom yield a justification or a threat and, if it did, it would demand a very special situation in order to still be considered as a motivated and rational behavior. There are certainly many ways to respond to an initiating act. In the table below I have chosen pairs that are relevant for the analysis (see Chapter 7, 8, 9, 10) and that occur more frequently in the corpus (see Chapter 11).

Table 20. Positive, negative and neutral adjacency pairs

ADJACENCY PAIR - PART 1	ADJACENCY PAIR - PART 2		
POSITIVE	POSITIVE	NEGATIVE	NEUTRAL
thanks	thanks	e.g. insult	
greeting	greeting	e.g. insult	
invitation	acceptance	rejection	hesitation, change of topic
offer	acceptance	refusal	hesitation, change of topic
request	acceptance granting confirmation	rejection refusal disconfirmation	hesitation, change of topic
summons	acknowledgment	e.g. insult	hesitation
accusation	justification excuse apology	denial, counter- complaint	change of topic
condition	acceptance agreement	refusal	hesitation, change of topic
advice	promise acceptance evaluation		change of topic
objection	granting	rejection	change of topic
allegation	justification	rebuttal	change of topic

However, some of the acts and the terms denoting them are too complex and involve implicit realization (see Drew, 1985 on, e.g. rebuttals), which can be accounted for only in a deeper context-bound analysis taking into account constraining norms. Consequently, we need to analyze the acts not only according to position in a sequence but also according to their complexity and specificity, and we need to choose some denominators that are most useful for the purpose of the study. Since many of the lexical items are polysemic it is not adequate to base the analysis of acts on the verbal descriptions of those acts in the specific language, not least because we are dealing with two different languages. The descriptions of the acts have to be as specific as possible, related to a sequence and empirically justified.

Chapter 6

Method



Introduction

The present study approaches the function and context of repeat sequences in two ways: by qualitative sequence analysis and quantitative co-occurrence analysis. Based on the theoretical considerations in Chapter 5 this chapter describes the coding schemas and the methods of analysis.

6.1. Oppositions of methods

In the process of designing the present study, methods had to be chosen and a standpoint had to be taken based on the evaluation of the methods' relevance for the purpose of studying natural human interaction. How are the below oppositions of methods defined?

- Quantitative vs. qualitative
- Structural vs. functional
- Inductive vs. deductive
- Objective vs. subjective

Quantitative analysis of discourse refers to studies based on frequencies of occurrences of various discursive features. These features must first be identified. The identification may be based on inductive observations or on a theory of the function of the features. If the preliminary way of identification is a study of the occurrences of non-pre-defined features, then the aim is not the testing of a theory but the building of hypotheses for the formulation of a theory. If there is an underlying theory it may consist of statements based on observations that must to be supported by the quantitative analysis on the basis of frequency of occurrences. The theory may also consist of the intuitions of the student of language, which are based on his/her being a native speaker and communicator. It may be based on the intuitions of the speakers who participate in the studied discourses (Clarke *et al.*, 1984). The identification and categorization of features may also be based on structural considerations independent of their recognition by the speakers (Duncan and Fiske, 1977). This latter method aims at objectivity; it requires maximally explicit rules for recognition of units and features. The former method uses subjective recognition judgments and relies on the assumption that if there are rules for the realization of certain features they are shared by speakers of a given community and will be utilized by them independently if they are consciously realized or not. Let us look at the following example:

- Ex. 7: A: Why don't you see John when you're in London?
 B: That's a good idea, I definitely will.

The first utterance may be understood as a suggestion or as a piece of advice or as a request for a promise. Since the intention of the speaker is not observable, the concrete function of this utterance in the actual conversation can be determined by the way it is understood by the recipient or by giving an explicit rule of the structural and contextual properties of the utterance (including assumptions about the expected intentions of the speaker), which will define it as suggestion, advice or request for a promise. Conversation analysis relies on the sequential positioning and the recipient's judgments of an utterance in the establishment of its discursive meaning. Classic speech act theory explicitly defines the rules according to which one can distinguish between different acts. In this process however it relies inevitably also on native speakers' intuitions and less on systematic observations. It sets up its categories using inductive reasoning (i.e. Searle and Vanderveken, 1985) but, once the rules are defined, the identification of the features according to these rules is a deductive process. Conversation analysis uses both intuition and observation because it believes that the contexts define uniquely the functions of the utterances or the features. Thus it mostly avoids referring to rules (although there are e.g. turn-taking rules) and prefers to talk about strategies and devices.

Schiffirin (1994: 353-361) distinguishes between structural and functional approaches to discourse. The structural method is characterized by the process of analysis in which one identifies types of structures, describes them and then eventually makes inferences about the functions associated with them. The functional analysis on the other hand is supposed to concentrate on functions, which it eventually associates with different forms and structures. This distinction implies that structure and function can be studied independently of one another. However, rather than describing structure or form as equivalent to independence of substance, as in Saussure (1916), I will follow the view that language is a semiotic system where the linguistic sign is a reciprocal relation between the expression plane and the content plane (Hjelmslev, 1969). From this point of view, structure and function are not separable elements; they are interrelated sides of the sign, not different types of signs. Thus when I speak of repetition as a feature I mean feature as the effect of specified operation or relations (see 5.4), i.e. feature as a sign which is a product of the relation between expression (or structure) and content (or substance or function). Changes in the structure plane result in changes in the function plane and the reverse due to a number of contextual factors. This means that it is not meaningful to speak of functional and structural approaches, because each analysis of linguistic signs involves both sides of the sign. Rather, one may speak of different types of focus of analytic interest depending upon, for instance, what knowledge of which is lacking.

It is not necessarily the case that all these methods are mutually exclusive or that their combination will lead to unmotivated methodological eclecticism. The quantitative analysis, especially in the case of spoken language corpora, the history of the collection of which is not that long, presupposes qualitative analysis which identifies the studied features and observes tendencies and dependencies on various contextual factors discovering a trend but not necessarily resulting in classifications and extensions of the findings to wider populations. The succeeding quantitative analysis may concentrate on proving the findings and discovering correlations and probable dependencies in the realizations of features, which can be captured only on a frequency basis. Both the qualitative and the quantitative analysis may result in formulation of a theory or may test a theory. In the case of discourse features the pre-definition of categories preceding the quantitative study is a necessity although it might not be

impossible to perform such a study by empirically extracting categories using frequency data, as pointed out by McEnery & Wilson (1996: 86). However, in the case of analysis of spoken language interaction, the problem is that it is mainly relations between features that are studied and in this way defined. Simple counting of linguistic phenomena would not do because most of the features are not simply lexical items and because it would not help us elaborate on the system of language interaction. Discursive features are inherently dependent on context, interpretations and theories. All processes involved in the preparation of the spoken language corpus are based on interpretation. In contrast to written texts there are sounds, behaviors and expressions that can not be classified according to traditional grammars. Phenomena such as communicative acts are notoriously difficult to define. That is why many quantitative approaches have failed in one or another way (Taylor & Cameron, 1987) and that is why most of the studies on communicative acts or speech acts are qualitative in character.

Today it is more than clear that human interaction involves an enormous amount of more or less distinguishable features. The pragmatic perspective on language has succeeded in adding to the pure grammatical and semantic categories a considerable layer of new principles of description and new categories. If there is a chorus of e.g. 100 features distinguishing one interactive situation and we study only ten of them, how holistic and valid is our description? How do we know that these features are those that have greatest influence? On the other hand, if we structurally distinguish one specific feature and based on few inductive observations or authority claims associate it with one function and then do the same with other features included in our quantitative study then our findings will describe the realization of the features but we would not know whether this description or constellation of features is a valid illustration of the processes in the interactive situation because it may happen that the features we are studying have several functions that may not necessarily be compatible. In our case, repetitions/reformulations may function not only as agreements but also as expressions of doubt or irony. Thus we cannot count all occurrences of repetitions/reformulations as occurrences of agreements and then define a speaker's collaborative behavior on the basis of this overgeneralization. One must first study in greater detail, that is, qualitatively, what the functions of each feature could be in different contexts and then approach the matter quantitatively, i.e. one needs knowledge about the functions and structures of each feature used before designing any studies or making conclusions about the styles or the strategies characterizing the interaction in question. One could be interested in one function or content, for instance, durative and by qualitative analysis isolate different forms, which in one particular language express this function (e.g. the progressive *-ing* form in English). One could also focus on one type of structure or form and observe its realization by studying frequencies and then apply a functional analysis based on the quantitative observations. For instance, one may define that all English words that end in *-ing* are verbs and then test that statistically, then look more closely at the findings and conclude that in some contexts they are not verbs. This would be meaningful if one has no idea that *-ing* forms may belong to different parts of speech and thus have different syntactic functions.

The strength of the quantitative linguistic analysis lies in the possibility of covering larger amounts of data and resulting in generalized views of relations between different kinds of categories. The bad thing about it is that in most cases it is used as a top-down approach; the studied categories get stipulative definitions and the categories may become either too general or too few. Of course, its adequacy depends on the character of the studied phenomena but, as already mentioned, discursive features are seldom identifiable only on a structural basis. The

qualitative approach is less dependent on stipulations and it is also closer to the analyzed material, but it can deal with fewer expressions and sometimes is too narrow.

In the present work, I will combine these two methods. The qualitative part using conversation analysis will be applied to sequence patterns involving repetitions and reformulations. A quantitative analysis involving co-occurrence of repeat sequences, functional and structural properties such as communicative acts, topic types, grammatical features, overlap, pauses, self-repairs, feedback expressions aims for a clearer picture of the structures of repetitions/reformulations and their function in the discourse. The aim of both analyses is to investigate the relationship between the linguistic features studied and the social activity-based context. The general idea behind the intention to use both types of analysis is the perceived need for a deeper and more detailed view of the data as well as for avoiding exaggerated narrowness or overgeneralizations. The identification of communicative acts in relation to repetitions and reformulations will be based on a theory that assigns properties to the acts, which means that they will be treated by a top-down approach. A deeper analysis will be offered to defense strategies involving repeat sequences. However, all forms of coding, independently of how close they are to a particular text, are motivated on the basis of observations, intuitions, references to authorities or deduction of already accepted statements. In general the qualitative and the quantitative approaches are compatible; the first one provides categories to the second one and the second one tests the observations of the deeper analysis. These tests in turn may give new directions for qualitative analysis.

6.2. Coding categories and schemas

On the basis of a preceding pilot study on part of the corpus (see 2.7.) and of the reasoning in the preceding chapter, coding schemas were prepared that describe the structures and functions of repeat sequences, including feedback expressions, communicative acts, polarity, own communication features, topic, length, and sentence structure. The Swedish material was transcribed and coded by native Swedish speakers and the Bulgarian material was transcribed and coded by native Bulgarian speakers. The codes are divided into structural and functional categories, where the latter consist of a selection of communicative acts whereas the former of other kinds of linguistic features of interest. In this section I will define first the basic units used in the study and then describe and discuss the structural and functional categories.

6.2.1. Structural categorization

The general process of identifying features of analysis employed in the present study consists of three stages: segmentation, categorization, and sequential analysis. The segmentation determines the discrete entities on the basis of which further classification of units is to be conducted. The categorization involves classification of the basic units into different types. This process is usually the most problematic one; it involves reference to theories and pre-defined taxonomies of categories. The last stage is the categorization of the corpus into larger units such as sequences. However the identification of sequences must be based on preceding sequential analysis, and this is the topic of Chapters 7, 8, 9 and 10. The basic coding unit used is the utterance, i.e. a vocal verbal action.

Definition: Utterance

An utterance α by a speaker A is a stretch of speech, bound by the non-overlapping speech of another speaker.

Definition: Turn

A turn α of a speaker A is a stretch of speech, which is bound by the overlapping speech of another speaker and is an expression of the speaker's right to speak. Thus if e.g. two utterances overlap completely with each other they are not turns. If one is shorter and completely overlapped by the other one then the completely overlapped one is not counted as a turn.

In order to study the relation between repeat sequences and other grammatical, semantic and pragmatic aspects of the speech one needs to formulate coding schemas, which then will be used in the statistical co-occurrence analysis (see Chapter 11). Each utterance in both corpora is coded according to communicative acts, modality, the polarity and the structure of a sentence; repeat sequences are also coded according to the rest of the grammatical categories in the table below.

Table 21. Coding categories

Features applied to repeat sequences	Features applied to the whole corpus
Sentence type	Communicative act
Polarity	Sentence type
Length	Modal expressions

The location of the repetition's/reformulation's **position in an utterance** is done automatically, i.e. it was not coded manually. There can be four different categories of position: initial, medial, final and single. The last one is not a proper position - it refers to utterances in which the whole segment consists of a repetition or of a reformulation.

The description of the coded categories starts with the grammatical aspects of the basic units, i.e. the repeat utterances, and ends with categorization according to communicative acts.

6.2.1.1. Categorization of repetitions and reformulations

The main classification entities are interactive repetitions and reformulations.

6.2.1.1.1. Definitions***Interactive Repetition (IR)***

A segment of speech Y in an utterance β by speaker B is an interactive repetition if it is fully identical to a segment of speech X in an utterance α of speaker A where α precedes β , where Y and X are not completely overlapping, and where the criteria of identity consist of a combination of lexicon, syntax, and mood (but not necessarily intonation).

Interactive reformulation

A segment of speech Y in an utterance β by speaker B is an interactive reformulation if it is partially identical to a segment of speech X in an utterance α of speaker A where α precedes β , where Y and X are not completely overlapping, and where the criteria of identity consist of a combination of lexicon, syntax, and mood (but not necessary intonation).

Interactive Repeat Sequences

A segment of speech Y in an utterance β by speaker B and a segment of speech X in an utterance α by speaker A are an interactive repeat sequence if Y is an interactive repetition or reformulation of X.

Simultaneous speech

If segment Y by speaker A and segment X by speaker B overlap completely then Y and X are an instance of simultaneous speech.

Only very basic changes of intonation such as falling and interrogative intonation are transcribed and thus such criteria have not been used in the definition of repetitions/reformulations. This means that a segment may be coded as repetition even if there is a change in intonation. The relation between intonation, repeat sequences and sentence type was however studied (see Chapter 11).

6.2.1.1.2. Degrees of partiality of the repeat sequences

In the context of court examinations, where the question-answer sequences are a pre-specified format of communication, a very frequent case of repetitions/reformulations are those occurring in answers. What kind of answer is chosen and by whom during examinations? Court examinations are expected to be precise and explicit in choice of expressions and references. Repetitions/reformulations in the witness' answer can function as cohesion, credibility, certainty markers, etc. (see Chapter 9) and thus contribute to the explicitness. When choosing the form of the answer after a question the speaker has several alternatives:

1) to answer without repeating anything from the question:

Ex. 8: A: did you see him
 B: yes

2) to almost fully repeat the form of the question in the answer:

Ex. 9: A: do you see him
 B: I see him in the car

3) to exactly repeat the question and then provide an answer:

Ex. 10: A: did you see him
 B: did you see him I already told you that I was not there

4) to reformulate anaphorically the question in the answer

Ex. 11: A: såg du honom
 A: 'did you see him'
 B: ja, det gjorde jag
 B: 'yes, I did'

5) to give an answer which refers to the question only inferentially (with or without partial repetition):

Ex. 12: A: did you see him
 B: I had no glasses at that time
 or
 B: seeing and recognizing are two different things

The last example 12 is a so called evasive answer and usually does not involve repetition/reformulation. Example 8 involves no repetition/reformulation and is coded as a special category called short answer (see 6.2.1.2.1.). Example 11 contains a typical for Swedish anaphoric reformulation, which is also coded as a special kind of category, namely copying answers (see 6.2.1.1.3. and 6.2.1.2.1.).

Repetitions are considered to be sequences such as this in example 10 as well as:

Ex. 13: A1: <I saw him in the car>
 <source>
 B2: <I saw him in the car>
 <repetition>

The **reformulations** in a repeat sequence may be caused by the fact that the segments are repeated or they may be deictic shifts of e.g. time, person, etc. Thus it is a result of a change of expression in the repeating utterance of the repeated utterance or part of utterance. An example of the most typical reformulation-repeat is the following:

Ex. 14: A1: <I do not know>
 <source>
 B2: <you do not know>
 <reformulation: 1st person>

These types of repeat sequences involve **deictic shift of person**. There may be **deictic shift of tense**:

Ex. 15: A1: så <du träffade honom framför affären>
 <source>
 B2: <jag skulle träffa honom framför affären>
 <reformulation: future in the past>

The grammatical category person is used to refer to changes according to that category in the second part of the repeat sequence. It is only that part which is coded. The values considered relevant for the study are: 1st person, 2nd person, T/V forms and impersonal forms. In Swedish there is no distinction between T/V forms but in Bulgarian the V form is unmarked in formal situations and between strangers. The testimonies of the witnesses are usually presented in the first person and eventual repetitions/reformulations of their utterance may or may not change the value of the category. These changes may be significant to the function of the repeat sequence. The tense in the repeat sequences may change with the operation of repetition. The present is treated as default, the past and the future tense are coded only in the second part of the repeat sequence. These two categories are coded within the repeating utterance only if there is a change in person or tense.

The most common change in reformulations is the **pronominalization** (see also 6.2.1.1.3.):

Ex. 16: A1: <what did **Nilson** say >about the trip
 <source>
 B2: <what did **he** say >
 <reformulation: pronominalization>
 or
 A1: what <did **Nilson** say about the trip>
 <source>
 B2: <**he** said about the trip >that
 <reformulation: pronominalization>

- or
- A1: what <did **Nilson** say > about the trip
<source>
- B2: <**he** said> that
<reformulation: pronominalization>

Topicalizations are operations of reformulation changing the word order:

- Ex. 17: A1: what <did Nilson say **about the trip**>
<source>
- B2: <**about the trip** he said> that
<reformulation: topicalization>

The original utterance may change according to **passive and active form**. This change is coded within the repeat sequence only if it occurs:

- Ex. 18: A1: <**I told him** to close the door >
<source>
- B2: <**he was told** to close the door >
<reformulation: passive>

- Ex. 19: A1: and then <**he got hit** on the head >
<source>
- B2: so <**you hit him** on the head >
<reformulation: active>

If there is a reformulation of word order of any other kind or if it can not be classified according to the above given categories it is coded as <**reformulation: word order**> without further specification of the exact type of a change.

The next two types of modification of the original utterance **involve insertion or elimination** of text.

- Ex. 20: A1: <han hade en hatt>
'<he did-have a hat>'
<source>
- B2: <han hade **nog** en hatt> **ja**
'<he had **probably** a hat> **yes**'
<reformulation:added>
- Ex. 21: A1: <did you hit **your mother and your father**>
<source>
- B2: <**my mother and my father**>
<reformulation: ellipsis and personal deixis>

Repeat sequences that involve the addition of more than two words are not considered as repetitions but as reformulations.

6.2.1.1.3. Language sensitivity

As already indicated the identification of repeat sequences is language-sensitive (see also 2.3.1.).

Ex. 22

Swedish	English	Bulgarian
A1: det var intressant	A1: this was interesting	A1: tova beshe interesno
B2: det blåste mycket	B2: it was blowing	B2: duha she mnogo

(The words in **bold** are the objects of description.) The first word in the Swedish example, the help verb in the English example and the temporal suffix in the initial verb in the Bulgarian example are all formally repeated but this is due to the conditions in the respective grammar not only to the speaker's choice of expression. In Swedish there is pronominalization with the pronoun 'det' ("it", "this" or "there"):

- Ex. 23:
- A1: <såg du **hur det regnade igår**>
'<did-see you how it rained yesterday> '
<source>
- B2: ja <**det** såg jag>
'yes <that saw I>
<reformulation: pronominalization>
- or
- B2: ja < **det gjorde** jag>
'yes <that did I>
<reformulation: pronominalization and pro-verb>

Bulgarian (which is a pro-drop language) does not exhibit the same type of pronominalization:

- Ex. 24:
- A1: <vidja> li kak valja
'<did-you-see> INTERROGATIVE PARTICLE how it rained'
<source>
- B2: da <**vidjah**>
'yes <I-saw>
<reformulation: suffix>

However, it is possible to pronominalize NP phrases:

- Ex. 25:
- A1: <vidja li vcherashnija koncert>
'<did-you-see> INTERROGATIVE PARTICLE the-yesterdays concert'
<source>
- B1: da <**vidjah go**>
'yes <I-saw it>
<reformulation: pronominalization>

The short post-positioned pronoun 'go' refers anaphorically to the 'vcherashnija koncert' in analogy to the way 'det' refers back to the phrase 'hur det regnade igår' in Swedish. However, Swedish may modify a more specific verb to a more general verb in the response, as in ex. 12 above: 'såg' -> 'gjorde' ("saw -> "did"), which is not possible in Bulgarian where the verb should either be repeated, exchanged for a synonym, or elliptic. Such anaphoric constructions can be found as assessment or as answers to yes-no questions. They are paid special attention (see 6.2.1.2.1.).

Differences can also be found in answers to WH questions.

Ex. 26

Swedish	English	Bulgarian
A1: var såg du honom	A1: where did you see him	A1: kade go vidja
B2: jag såg honom i bilen	B2: I saw him in the car	B2: vidjah go v kolata

In the Swedish version of the above example there is no change of the form of the verb ('såg') but there is such a change in English (*did see* -> *saw*) and morphologically in Bulgarian ('vidja-h'). The inverted word order in the interrogative form is also reformulated according to the declarative form in the respective language. These kinds of repeat sequences where there are grammatical reformulations due to change of mood and/or communicative act as well as deixis (du -> jag), especially in adjacent question-answer formats, will be coded as repeat sequences with reformulation.

In multi-participant situations the repetitions/reformulations may occur in speakers' speech other than X's and Y's. Although the repeat sequences are organized mainly in pairs, ordered by precedence, in multi-participant cases it is not always self-evident which is the original segment of repetition.

Ex. 27 A1: was he throwing **clothes balls** [books from the window]
 B2: [did you see **clothes**] **balls falling**
 C3: there were **balls and clothes** and pots **falling** sometimes and we were picking them up

In the above example, speaker C3 repeats, reformulates and adds part of the expressions in A1's turn and part of the expressions in B2's turn. One criterion for deciding which is the original repeated/reformulated expression may be the speaker's role and status in the activity. Another leading criterion may be the non-verbal behavior of C3, e.g., the direction of his gaze, the orientation of his body posture, etc. However in the above example there is little evidence to refer to (especially if one can rely only on audio-recorded data) in deciding which is the repeated expression.

6.2.1.1.4. Coding schema of codes applied only to repeat sequences

Below follows the coding schema with the codes applied to repetitions and reformulations. The main categories are described in the previous section. They are mutually exclusive but may have subcategories, in which case these subcategories are directly applied as codes. The values of the category of tense and person (i.e. subcategory 2) are mutually exclusive. The rest of the categories, namely those in subcategories 1 and 3 in the table below, are not mutually exclusive, i.e. one and same utterance may carry several codes of these types.

Table 22. Codes applied only to repeat sequences

Main categories	Subcategories 1	Subcategories 2	Subcategories 3	Code
Source				COPY
Repetition				COPY
Reformulation				COPY
	pronominalization			PRO
	inflection: person	T-form (default)		T
		V-form		V
		impersonal		IM
		1st person		FP
		2nd person		SP
	inflection: tense	past		P
		future		F
	word order	inverted		INV
			topicalized	TOP
			passive/active	PAS/ACT
	lexical insertion			ADD
	lexical elimination			ELL

Subcategories 2 and 3 are the lowest levels in the hierarchy. These are subcategories of Subcategory 1, which in turn is a detailed interpretation of the main categories. In this way generalizations of the occurrences of different types of repeat sequences may be facilitated.

6.2.1.2. Structural categories applied to the whole corpus

As mentioned earlier some structural categories are coded not only in relation to repeat sequences but also in each utterance. These are sentence structure and polarity. This coding strategy will enable us to establish the relation between the functions of an utterance and its sentential structure as well as the functions/structures characteristic for the repeat sequences according to speaker, section and language.

6.2.1.2.1. Sentence type and answer type

The sentence structure may be declarative, exclamative, imperative, interrogative, and in cases where the utterances are not sentences they are coded as phrases or as words. Since the questions are the most typical acts in an examination there is a distinction made between yes-no questions, WH questions, and disjunctive questions. The tag questions are derived from the sentence type category and the feedback category.

Thus the coded question types are:

- Declarative questions – they are composed by co-occurrence of a declarative sentence code and a code for a question as a communicative act.
- Yes/no questions – interrogative questions, which constrain the answers to yes- or no-answers.
- Disjunctive questions – interrogative questions which give specific options to be chosen in the answer.
- WH questions – interrogative questions, which expect more descriptive answers.
- Tag questions are usually defined by final position in an utterance, feedback elicitation function and interrogative format.

The classification of responses involves two basic structural types, **short and copying answers**. The responses are called answers because the pre-fixed order in a court examination consists predominantly of question-answer sequences, that is, the instances of pure assessments are expected to be negligible. Answers are defined as types of verbal feedback giving utterances functioning as responses to specific questions (see also Chapter 5.3). Short answers are not complete sentences but minimal answers to yes-no or WH questions:

- short answers

Ex. 28: A: did you see him in front of the shopping center
 B: yes
 or
 A: how many times did you see him
 B: two

The copying answers were introduced by Philips (1984; see also Chapter 2) and are typical for teacher-student interaction, where they are supposed to signal the submissive, cooperative

acquisition behavior of the student or the examinee. They are especially interesting in the court context not only for their supposed submissive nature but also because of the earlier mentioned pro-verb constructions, which are typical in Swedish. By particularizing these constructions one can access the function of such answers in courts and their relation to repeat sequence as well as estimate the difference between repetition-based or other kinds of reformulation-based answers and pro-verb expressions. The copying answer is a syntactically complete sentence, which may or may not be prefaced by an initial feedback-giving word.

- copying answers:

Ex. 29a: A: **såg du honom när han kom in**
 did you see him when he came in'
 B: **det gjorde jag**
 'I did'
 or

Ex. 29b A: **är det mörkt ute**
 'is it dark outside'
 B: **ja, det är det**
 'yes, it is'

Ex. 30: A: **såg du honom**
 'did you see him'
 B: **ja, jag såg honom**
 'yes, i did dee him'

The answers in both examples are reformulations. However, only cases such as this in example 30 are coded as reformulations (see 6.2.1.1.3 and the discussion on typological differences in Chapter 2, 2.3.1, Example 2). They are also coded as copying answers. The reformulations in example 29 are coded only as copying answers since apart from the deictic reformulation in 29a, they are mainly anaphoric. Thus I stipulatively define anaphors as kind of copying answers and separate them from the category of reformulations defined in 6.2.1.1.1. The Bulgarian translation of example 29 reformulations involves repetitions. By specifying this category of answers one can estimate better the language differences with respect to the use of repetitions and reformulations excluding the dictations in the Bulgarian data.

At last, **polarity** is a category expressing the negative or the positive value of the grammatical sentence. The positive polarity of the sentences is treated as a default value; only negative polarity is coded.

6.2.1.2.2. Coding schema of structural codes applied to all utterances

The main category 'sentence structure' includes the sentence mood type, the polarity and the length of the sentence. All segments are coded according to this schema. The values of the sentence type, the polarity and the length (i.e. subcategories 2 and 3) are mutually exclusive.

Table 23. Codes related to the structure of all utterances

Main category	Subcategory 1	Subcategory 2	Subcategory 3	Code
sentence structure	sentence type	declarative		DECL
		imperative		IMP
		interrogative	YNQ	YNQ

			WHQ	WHQ
			DQ	DQ
			tag question	TQ
		exclamatory		EXC
		non-sentence	phrase	PH
			word	W
	polarity	positive		POS (default)
		negative		NE
	length of answer	short		W/PH + FBG + initial
		copying		DECL+ FBG + initial

The sentence type may be also described as functions/moods but since the above given types are grammaticalized both in Bulgarian and Swedish they are treated as structural categories. By distinguishing between sentence type codes and function codes one may measure the correspondence between the pragmatic and the grammatical form of the utterances, including the repeat sequences (see 5.4.). The length-of-answer category is composed of other codes, namely a declarative sentence type code or non-sentence code and a feedback-giving code, both in initial position. It does not refer only to the length of the utterance but also to the specific form of the answer (see 6.2.1.2.1. above).

6.2.2. Functional categories of applied codes

Besides sentence type and answer type, all utterances are coded according to a selection of communicative acts and modality type i.e. codes from each of these groups can be applied simultaneously. Each of these categories is described in the sections to follow (see also the theoretical motivation in 5.4.). With regard to the coding of communicative acts the following principles were applied: if the coder has been able to identify an utterance or part of an utterance as any of the categories except statement, question, and request, then this utterance or part of it has been coded according to the identified category. If this has not been done then the utterance or part of the utterance has been coded according to one of the three basic categories, namely statement, question, or request (see Chapter 11).

6.2.2.1. Communicative acts

The basic communicative acts are derived from the basic sentence types and consist of the prototypical acts mentioned above:

- question - here I refer to the question as a function not as a sentence structure, derived from the functions of the interrogative (see 5.4.4).
- statement – derived from the functions of declaratives (see 5.4.4).
- request – derived from the functions of imperatives (see 5.4.4).
- exclamations – derived from the functions of exclamation (see 5.4.4).

A number of other communicative acts may occur and certainly do during the examinations. Their functions are inferred if necessary from the relation between the sentence structure, the basic communicative act and the modal expressions in the segment as well as contextual factors such as the (sub)activity type (see 5.4.1). The codes of the default communicative acts above and the communicative acts described below do not overlap with each other except in the case of the act terms dictation, address and narrative. The default labels are applied when the coder is not able to choose a more specific communicative act label.

The requests could be (according to context):

- invitation – we get this category if there is a code identifying the segment as a request including specific expressions of politeness;
- instruction – these are usually formulated as declarative sentences expressing a request;
- command – these are prototypically coded as imperative sentences and requests;
- summons – these result from the co-occurrence of codes of address and of request.
- warnings – these are a kind of instruction expressing a threat; they are typically requests in a declarative sentence.
- feedback elicitation – these are specific for each language expressions whose main function is elicitation of feedback.

The following communicative acts typically occur in responsive position:

- confirmation – in Swedish and in Bulgarian (but not in English) often utterances in a responsive position having the same polarity as the previous one and expressing an attitude to something which has been mentioned on a previous occasion.

- Ex. 31:
- | | |
|----|-----------------------------------|
| A: | du vill inte prata med honom |
| A: | 'you don't want to talk with him' |
| B: | nej det vill jag inte |
| B: | 'no it want I not' |
- or
- | | |
|----|------------------------------------|
| A: | du skulle prata med honom sa du |
| A: | 'you would talk with him you said' |
| B: | ja det skall jag |
| B: | 'yes it shall I' |

- agreement - utterance in a responsive position having the same polarity as the previous one (in Swedish and Bulgarian), following a request or a question and expressing positive attitude to the raised matter;
- denial (negative) - utterance in a responsive position having in Swedish a different polarity than the previous one, following a statement or a question; in Bulgarian if the previous utterance has positive polarity the denial has different polarity as in Swedish but, if the previous utterance has negative polarity, the denial has the same polarity:

- Ex. 32:
- | | |
|-----------|-----------------------|
| Bulgarian | |
| A: | ti ne go vidja |
| A: | 'you did not see him' |
| B: | ne vidjah go |
| B: | 'no I saw him' |
| Swedish | |
| A: | du såg inte honom |
| A: | 'you did not see him' |
| B: | jo det gjorde jag |
| B: | 'yes I did it' |

- refusal (negative) - utterance in a responsive position having a different polarity than the previous one if the latter has positive polarity (in Swedish and in Bulgarian), following a request of some kind and expressing a negative attitude to it. In both languages, if the

previous declarative utterance is negative, the refusal can be positive but if the previous interrogative question has negative polarity the refusal can be also negative:

Ex. 33:

Swedish

- A: kan du inte ge mig din penna
 A: 'can you not give me your pen'
 B: nå det kan jag inte
 B: 'no I can not'

Bulgarian

- A: ne mozjesh li da mi dadesh pisalkata ti
 A: 'can you not give me your pen'
 B: ne ne moga
 B: 'no I can not'

- negative responses (or negatives) – this label is used as a general term for negative responses to questions, including refusals and denials.
- permission – responsive acts allowing the requested action.
- rebuttals (or objections) – acts which present information contrastive or contradictory to the previous speaker's utterance.
- feedback-giving – specific to the language expressions whose main function is feedback giving.

There are codes of communicative acts that belong to the legal setting and are important for the analysis of the examined mitigation strategies. They have been discussed earlier in 5.4.6.

- justification – expression of acceptance of responsibility for a wrongdoing.
- excuse – expression of acceptance of fault but not of responsibility.
- account – general term including both excuses and justification.
- admission – expressions of acceptance of responsibility for wrongdoing.
- accusation – based on evidence-explicit ascription of fault and responsibility for a wrongdoing formulated as a declarative sentence.

In the context of this study four more relevant functional categories are coded:

- correction – an utterance or part of one whose purpose is to give a more preferable version of a description or formulation in a previous utterance by another speaker.
- narrative - an utterance or part of one can consist of a narrative, which is to be understood as a description of a situation and events;
- dictation - utterances whose primary purpose is the formulation of a trial record and is addressed to the typist or to the record itself;
- address - explicit address expressions by name or title are coded as such; they are often part of summons but may be used in other communicative acts such as questions (e.g. 'did you, Jerry Smith, meet the defendant').

Another coded functional category is that of own communication management (OCM) (Allwood, Nivre & Ahlsén, 1990). This refers to occurrences of hesitation sounds, self-repetitions within an utterance, self-corrections, expressions such as "vad heter det" ('what is it called'), and changes due to speech management phenomena, such as insertions, deletions etc.

6.2.2.2. Categories of modal expressions

The most common modal expressions in the corpora are checked in both languages. They have been chosen on the basis of Palmer's categories of modal expressions as well as language-specific literature on modal expressions (see 5.4.3. and 5.4.5). Examples of such expressions are *see, think, belief, know, sure, can, may, will, should, must, probably, certainly*.

The sources of evidence can be:

- sensory experience - ex.: I saw him there at that time.
- inference - ex.: He must have been there at that time because his shoes were there.
- hearsay - ex.: They said that he was there at that time.
- strong belief - ex.: I am sure that he was there at that time.
- weak belief - ex.: He probably was there at that time.
- expectation - ex.: He used to be there at that time.

Expressions of strong and weak belief are important for the quantitative co-occurrence analysis (see Chapter 11). In the former the speaker is clearly underlining his certainty by the use of various verbs, adjectives, adverbs and particles. In the latter the speaker displays his uncertainty by use of low-certainty expressions, such as *jag tror* ('I believe'), *kanske* ('maybe'), *troligen* ('probably'), etc. Each type of source of evidence exemplifies different degrees of confidence, reliability and commitment which are not coded but are associated with the evidence types categories.

Table 24. Degrees of evidence

evidence	degree	confidence	reliability	commitment
sensory		high	high	high
inference		lower	lower	lower
hearsay		lower	lower	lower
strong belief		high	high	high
weak belief		low	low	low
expectation		lower	lower	lower

The sensory type of evidence and expressions of strong belief exhibit the highest degree of confidence, reliability and commitment, whereas only expressions of weak belief make no claim associated with these three criteria. Hearsay, inferred and expectation-based types of evidence make a more moderate claim to confidence, reliability and commitment.

6.2.2.3. The coding schemas of functional categories

All the coded function-oriented features are summarized in the following two tables.

Table 25. Codes of communicative acts

Communicative acts
accusation
address
admission
agreement

command
confirmation
correction
dictation
denial
excuse (or account)
feedback elicitation
feedback giving
instruction
invitation
justification (or account)
narrative
negative
OCM
permission
question
rebuttal
refusal
request
statement
summon
warning

Table 26. Codes of modal categories

Modality
expectation
hearsay
inference
sensory
strong belief
weak belief

6.3. Methods of analysis

Two different types of analysis were applied: a quantitative analysis of co-occurrences of features and a qualitative sequential analysis of repeat sequences and reformulations, defensive strategies. The corpus was quantitatively analyzed with the help of a product developed by Leif Grönqvist at the Department of Linguistics, Gothenburg University, called TK-TRASA (<http://www.ling.gu.se/~leifg>), which is a user-friendly graphical tool for automatic statistics for transcriptions, specially designed for application on large corpora. It extracts general statistical information based only on the transcription, not on the specific codes. A more detailed co-occurrence analysis based on the described coding schemas was conducted by the formulation of a specific program in Prolog, which executes predefined searches and calculations in the coded transcriptions. This was enabled by an interactive programming tool for Prolog, called SICSTUS, suitable for detailed analysis of smaller corpora.

6.3.1. Sequence analysis

The purely qualitative analysis is sequential analysis, which aims at finding patterns of sequences involving repetitions and reformulations and at discovering more specific aspects of the functionality of these features. On the basis of extracts consisting of repeat sequences I try to identify structural patterns and then relate them to different types of functions. In this

procedure I use some of the principles of conversation analysis methodology (see Chapter 1). This procedure is applied for the detailed analysis of doubt sequences and defense strategies (see Chapters 8 and 9). On the basis of this analysis, as well as on the basis of earlier research, I formulate research questions I can also test quantitatively. Structural sequential analysis does not contradict functional analysis, it only complements it.

6.3.2. Co-occurrences analysis

The feature co-occurrence analysis proceeds in the following way: the transcriptions are tagged with a set of features such as overlap, intonation, speech acts, etc., and the co-occurrences of different features are then listed and calculated. That is, the numbers of each feature are not counted and then correlated to the number of occurrences of another feature, but what is examined are the co-occurrences. The underlying assumption is that different linguistic features interact with each other in the functioning of various interaction management systems such as turn-management, topic management, own communication management, interpretation of communicative acts, etc. Below is an example:

ST1. 33: Three co-occurring features - overlap ([_]), repetition (SOURCE_COPY), confirmation (CON), narrative (N), WH question (WHQ), feedback unit (FB), word (W), own communication management unit (OCM) (P - plaintiff, DC - defense counsel, § - comment)

1. DC: FBW < jaha > FBW / N å0 sâ0 kommer du till dörren å0 du står
sâ0 att säga väg e1 på VÅG att gå0 [22 **SOURCE28** IN i bilen **SOURCE28** N
WHQ <1 va3]22 // OCM va3 OCM <2 sture and >2 då OCM då OCM >1
WHQ
DC: 'FB W < jaha > FBW / N an then you come to the door an you
stay there so to say way eh on THE WAY to go [22 **SOURCE28** IN the car
SOURCE28 N WHQ <1 whe3]22 // OCM whe3 OCM <2 sture an>2 then
OCM then OCM >1 WHQ'
@ <mood : surprised>
@ <1 mood : asking >1
@ <2 name >2
2. PI: **CON** [22 **COPY28** in i bilen **COPY28** **FB** W ja0 **W** **FB**]22 **CON**
WHQ < va1 då > WHQ
PI: '**CON** [22 **COPY28** in the car **COPY28** **FB** W yes**W** **FB**]22 **CON**
WHQ < whe1 what > WHQ'
@ <mood : asking>
3. DC: WHQ <1 <2 STURE and >2 va3 OCM va3 OCM han >1 WHQ
DC: 'WHQ<1 <2 STURE an >2 whe3 OCM whe3 OCM he >1 WHQ'
@ <1 mood : asking >1 , <1 mood : impatient>
@ <2 name >2

In the first utterance of the defense counsel there are three co-occurring features in bold italicized style - overlap ([]), repeating/reformulating segment (COPY, this is only the name of the code), the repeated/reformulated segment (SOURCE) and a word with emphatic stress (in capitals). Part of this utterance overlaps with the plaintiff's utterance on line 5, which looks like a repetition of that utterance. This repetition is a speech act of agreement or confirmation the last part of which is a simple feedback unit 'yes'. The utterance in line 5 could also be called a back-channel in the sense of an overlapped feedback unit. The first word in the defense counsel's repeated phrase is also stressed. The stressed unit appears exactly at the beginning of the overlap and the repetition. However one can not repeat something one has not yet heard. The plaintiff has guessed what the counsel is going to say and is simultaneously processing what he says and what the counsel says at the same time.

Then, still overlapping, he utters the simple confirmation feedback unit 'yes'. How can the stressed segment be explained? There are at least two explanations, which are not necessarily independent of each other. First, it may be important for the description of the situation that the plaintiff was on the way to enter the car not to go, e.g., behind it or behind the door of the car. Second, the counsel hears the plaintiff's overlapping speech (or sees him opening his mouth) and, fighting for the floor and for making his point with the exact direction of the plaintiff's movement, stresses the important preposition. That he is fighting for the floor and that he is interrupted is signaled also by his pause, self-interruptions and self-repetitions in formulating his question, which follows the overlapped utterance. Thus one can suppose that the co-occurrence of overlap, repetition/reformulation and stress is a mechanism for:

- creating or signaling interaction dynamics;
- fight for the floor and turn regulation;
- interactive building of a coherent story.

In addition, without checking the co-occurrence of the features, it would have been impossible to see the difference between (simultaneous) identical speech and a repetition, which is important for the definition of this feature. When the data are analyzed in a similar way it can be observed how many, e.g., repetition tags co-occur with other feature tags. In this way one can give an account of the interdependence of the features and their typical constellation patterns for each speaker, sequence, activity, language set, etc. The aim is to get not only impressions of how the repeat sequences function but to describe them quantitatively and at the same time in greater detail. This method of analysis and coding has been applied to the Bulgarian and the Swedish trials, concentrating mainly on the description of repetitions and reformulations and the mechanism in which they are involved.

With regard to turn transition units Duncan and Fiske (1977) found early on that turn exchanges are signaled not mainly by the grammatical completion (cf. Sacks *et al.*, 1978) or the gaze (cf. Duncan, 1974) but are characterized by a set of cues, such as syntactic completion, pitch, syllable legit, intonation, gaze and gesture. The feature analysis intends to describe how different features interact with each other and thus to determine the communicative behavior of those who interact. That is, how the repetition/reformulation is related to the intonation of the utterance, the overlaps, the communicative act and in general how the syntactic form of an utterance is depends on the communicative act it constitutes, the feedback form, lexical choice and form, the role of the speaker, the general and the specific activity. Such an approach is so complex that it is impossible to perform it and for it to be possible it must be based on a very short piece of material. However, if it is based on a short material then it has no generalization power and may be not valid at all. Concentrating on repeat sequences and choosing a number of related features one can thus limit the complexity and with the help of automatic tools conduct a study, which without them would not be possible to apply to a relatively larger corpus. There are four main reservations that must be remembered with regard to the quantitative analysis (see also Chapter 11): first, the data sets do not constitute random samples; second, the data sets are too few to allow us strong generalizations and statistical comparisons; third, the coding on which the analysis is based despite the constraining definitions involves a subjective element in the interpretation of each and every communicative act and its intonation (the transcription and the checking is made by non-native speakers of Swedish, which could be problematic); fourth, para- and extra-linguistic information is not studied.

Chapter 7

Sequence Patterns of Repetitions and Reformulations



Introduction

In his lecture 1 Sacks briefly describes repetitions/reformulations as occasionally used devices:

“... there doesn’t have to be a particular sort of thing preceding it, it can come at any place in a conversation” (1992a: 6)

This and the next chapter will be devoted to demonstrate that repetitions and reformulations are not chaotically distributed features of discourse and that it is possible to distinguish characteristic, recurrent sequences in which they are involved and function, keeping in mind the specific context of the court interrogation activity. The most typical sequence patterns, or tendencies for patterns involving repetitions/reformulations found in the transcriptions of Swedish and Bulgarian courtroom interrogation are the following two: in the first one, the repetition/reformulation is in a third position functioning mainly as a feedback-giving answer and/or elicitor; in the second one, the repetition/reformulation is in second position directly after a question (see 5.2. and 6.2.1.). In what is to follow I will observe and analyze how the sequence position influences and/or is influenced by the function of the features in question and how they are related to other features in the immediate context.

7.1. Repetitions/reformulations in third position (Sequence pattern 1)

The first type of sequence patterns occurs when the repeating/reformulating expression follows an answer after an initiation, the majority of which function as questions or feedback elicitors, i.e. in a third position in the sequence. It has two subtypes:

Table 27. Sequence pattern 1

	sequence pattern	example
1a	1. initiation	J: < JAHA vad sägs / där då > J: ‘ <ALRIGHT what is said / there then > @ <mood : asking>
	2. answer	D: ... det < be+ > berodde på andra omständigheter / och e1 / att ja1 gjorde mej skyldi till de0 här e0 e0 OKEJ tycker ja1 ja1 har gjort felet allså D: ‘... this < dep+ > depended on other circumstances / and e / that i got me responsible for this here is is OK think i i have done the mistake’

	3. reformulation, FBG+FBE	J: < de0 e0 okej dā > J: '< it is ok then >' @ <mood: asking>
	4. confirmation	D: m: D: 'm'
1b	1. repair elicitation	DC: < VAI SA0 > DC: '< WHAT SAID >' @ <mood : asking> , <mood : agitated>
	2. <u>repair</u>	PI: < alla passagerarna i bilen > PI: '< all passengers in the car >' @ <mood : louder than before>
	3. repetition, FBG-FBE	DC: alla passagerarna i bilen DC: 'all passengers in the car '
	4. confirmation	PI: < ja0 > PI: '< yes >' @ <ingressive>

In both cases the repetition/reformulation is in a third position but in the first case we have a sequence realizing an admission and in the second case we have a repair sequence.

In this section I will concentrate on how we can determine the realization of the primary functions of repeat sequences of this pattern and in the next chapters I will orient towards the additional functions these repeat sequences have. The questions to answer here are: What is the exact primary function of repetitions/reformulations in this position? Is it feedback giving or feedback elicitation or both? What does its function depend on? Could it be that there are different structural types of sequences related to different functions? Could it be that some sequences are more basic than others? In what sense and how can we prove that?

7.1.1. The four-step sequences

In order to answer these questions we have to choose some features the constellations of which are related to the function of repeat sequences. First, if the repetition is a feedback-giving item than we do not necessarily expect a confirmation expression by the next speaker in the next utterance. Second, we would expect elicitation of feedback (not feedback giving) to be associated more with repetitions/reformulations produced with an interrogative intonation. Third, if the repetition/reformulation is followed by initiation in the same utterance then we wouldn't expect to have a confirmation item in the next utterance because we expect that it is the last communicative act in an utterance, which gets primary attention in the next speaker's utterance. Following this line of thought, we may like to check if the elicitation/giving is associated with different types of feature constellations, which play a role in the feedback character of the repeat sequences and examine how they influence its the exact function:

- the intonation of the repetition/reformulation,
- the existence of a confirmation item in the utterance after the repetition/reformulation,
- the existence of an initiation in the utterance containing the repetition/reformulation.

These features are a selection but this selection will naturally point to the salience of other function-identifying features, such as the realization of feedback expressions in the repeat sequence.

Our expectations will be directed by the following 5 basic constraints on the occurrence of repeat sequences of the first type:

1. *The interrogative intonation triggers a confirmation item in the next speaker's utterance and distinguishes the repetition/reformulation as an inquiry or as a feedback eliciting item.*
2. *The turn order of interrogations is pre-prefixed as a question-answer format (Atkinson & Drew, 1979).*
3. *The institutional talk in courts is a routine. The more routine based a procedure is the more truncated sequences there are (Severinson-Eklundh, 1986:40ff.).*
4. *The speakers in an interrogation are obliged to respond.*
5. *In utterances including more than one communicative act it is usually the last one which is considered first (or alone) in the next utterance.*

Keeping in mind these constraints, the feedback eliciting function of the repetitions/reformulations is expected to be displayed by the speaker's interrogative intonation and by the receiver's confirmation in the forth position, which is awaited by the speaker, the repeater. The sequence consists of four steps:

initiation
 answer
 feedback giving and elicitation by repetition/reformulation
 confirmation.

Thus we may treat this constellation as the most easily recognizable sequence through which contributions have been added to the mutual ground during an interrogation. Indeed, these are the most common repeat sequences in the data (ST – Swedish trial, ST1 – Swedish trial one, ST1: 1 – Swedish trial one, extract 1, BT – Bulgarian trial):

Contributions/utterances:	Example:
1. initiation	<p>ST1: 1 J: < JAHA vad sägs / där då > J: '< ALRIGHT what is said / there then > @ <mood : asking></p>
2. answer	<p>D: ... det < be+ > berodde på andra omständigheter / och e1 / att ja1 gjorde mej skyldi till de0 här e0 e0 OKEJ tycker ja1 ja1 har gjort felet allså D: '... this < dep+ > depended on other circumstances / and e / that i got me responsible for this here is is OK think I I have done the mistake'</p>
3. feedback giving and elicitation, reformulation	<p>J: de0 e0 okej då J: 'it is OK then' @ <mood: asking></p>

4. feedback giving = confirmation	D: m:0 D: 'm'
5. feedback giving + initiation	J: m:0 då har jag inget mer att säga på den punkten // JA0 sen1 har vi0 miss-handeln de* / < den e0 den enda som > J: 'm then i don't have anything more to say on this point // YES then we have the maltreatment th* /< that is the only that > @ <quiet>

In addition the eliciting aspect of the utterance is enhanced by the feedback word 'då' ("then"), which especially in final position besides or instead of its temporal deictic meaning and acquires an agreement eliciting and inference/conclusion marking function. The single feedback giver on line 4 is met by an identical but initial feedback giver on line 5. The repeated 'm0' is not only a feedback but a signal of the final mutual agreement on the matter and the transfer to another matter, another sequence, another activity. This is also explicitly expressed by the judge before the long pause (line 5), which in this case is an iconic sign of the end of this subactivity, this section in the examination process. The beginning of the next initiation and the new topic is signaled by an emphasis on the feedback word 'ja0', which is in initial position after the long pause.

7.1.2. Repetitions/reformulation, feedback word and new initiation in the same utterance

There are cases in which immediately after the repetition the speaker continues initiating another sequence although the otherwise expected confirmation is not awaited or/and given.

ST1: 15

1. Pl: [10 han ja0]10 han e1 viftade till
'he yes he eh waved'
2. P: viftade till då ja0 // < NÄR såg du att han hade dragit kniv då >
'waved then yes // < WHEN did you see that he had pulled a knife then >
@ <mood : asking>

Because the repetition is not produced with interrogative intonation we are less inclined to expect a confirmation in the next utterance. The prosecutor himself is producing two final feedback items, namely, 'då' ("then") and 'ja0' ("yes") and then after a longer pause is initiating another inquiry. The first expression, 'då', alone is multifunctional; as mentioned earlier, it often has inference/conclusion marking function especially in final position (and secondarily, a feedback (agreement) eliciting function) although in this case it functions most probably mainly as a time-deictic adverb. The second one, 'ja0', is also multifunctional and often has a specific 'beginning announcer' function in initial position but here it is produced before a longer pause, which is the border-line between the two discourse phases – the reception and the initiation, thus it functions more as an affirmative and finalizing marker. Similar to ST1: 1 here the initiation (which is not a radically new topic) is initiated after a longer pause and with an emphasized initial item. Thus the utterance in both examples (line 5 and line 2 respectively) is organized in a similar way:

Repetition/reformulation -> 'då' -> 'ja0'/'m0' -> longer pause -> emphasized item = initiation.

In this final position 'ja0' has a pronounced feedback giving and sequence/subactivity ending function. The use of these feedback items in the same utterance by the same speaker may be interpreted as indications of the expectation of a confirmation after the repetition/reformulation, which is otherwise common in this activity. It is also possible that the second feedback item 'ja0' follows or coincides with a non-verbal confirmation by the examined. In the Bulgarian trials this kind of repeat patterns are rather numerous and are typically produced for the simultaneous formulation of the record, thus being part of a selective dictation. In the Swedish trials such sequences are less frequent and it is mainly the mental memory record of the court which they might address. What distinguishes the different types of repeat patterns is the combination of structure and function (see also 6.2.) i.e. the frequent coincidence of one structure with the same function is a reason for distinguishing a pattern or a tendency. If the function changes completely (according to given constraints, see 5.2. and 6.2.) but not the structure, we have to distinguish a new pattern and the opposite if the structure changes – there is a new pattern or a variation of a pattern in dependence of the defined critical limits of the structural change. Thus since constructions such as this in ST1: 15 are used for different purposes (in dependence of context) they could be in some occasions a separate type of pattern with special function and in others - a truncated version of the four-step sequence. In this sense such repeat constructions can be interpreted as separate pattern with special function when they are used for dictation or solely for memory support. However if they function also or only as doubt displayers or double-checkers (and in this cases may be accompanied by non-verbal confirmations or reactions by the other speaker) then they share important function with the 4–step sequences and thus can be seen as truncated versions of the latter, which in its turn can be seen as an expanded version of the question-answer format. In such cases, the truncation is explained with the 'routinization' of the double-checking which is a result of or in accordance with the main purpose of the activity – collection of trustful evidence for the construction of legal-authority opinion/decision. In addition, if the speaker is signaling presupposition of mutual agreement by own re-confirming, then the interaction becomes less interactive, less dialogical, more expectation and routine based. In the context of court examinations the examiners are not supposed to presuppose the answers of the examined since it is exactly the view of the examined which is important otherwise one may say that the examiner is leading the witnesses. Thus it is not surprising to find that the majority of such repeat sequences are used during the formal subactivities of the examination (see Chapter 11). This phenomenon seems to be independent of language or culture.

7.1.3. The function of drop-it sequences

Sequences where there is a new initiation in the same utterance which does not await the response of the receiver have been subjected to a special kind of analysis by Drew (1990, 1992, 1985) which is based on an English corpus. Formally they are reminiscent of what the author called the 'drop-it' sequences where the examiner is introducing a topic or a contrastive interpretation of evidence and then leaving no space for explanation to the examined witness. These are combative examination strategies, the main explanation of which is that the attorneys use them in order to implant doubts in the jury. Although the confirmation given by the witness does appear in overlap (line 9 below) and there is a new initiation in the next utterance of the attorney, there is also a significant pause between the repetition/reformulation-confirmation pair and the next initiation. This pause has been one of the features explaining the rhetorical character of the sequence. Here is a quotation of the example from a rape case, given by Drew:

Drew 1985: 145

- 1 C: And isn't it a fact (t)uh (.) Miss D_____ that you have an
unlisted telephone number?
(0.3)
- 3
- 4 W: Yes
- 5 C: An you ga:ve the defendant your telephone number didn't
you?
- 6 W: No: I didn't
- 7 (0.3)
- 8 C: **You didn't give it to him**
- 9 W: [No:
- 10 (10.2)
- 11 C: ((Changes topic to number of calls she received))

The pause emphasizes the contrast and its implications but it also makes a new sequence type, in which the fifth constraint (namely, in utterances including more than one communicative acts it is the last one which is considered first (or alone) in the next utterance) does not work. The reformulation on line 8 has a rhetorical function, emphasizing a statement to the listeners also thanks to the long pause. Such sequences could very well have the function of collecting data for the record and the resulting ambiguity is one of the reasons such sequences can hardly be objected by the other party (in the adversarial system) as manipulatory (see Mauet, 1988). If the repeat sequence is persuasive, then it is violating the main rule of the examination, namely, non-interference by the objective legal institution in the presentation of evidence. If it is pronounced by the dictating and examining judge in the inquisitorial system it could still be persuasive, which suggests that the function of the drop-it sequence remains the same independently of the examination system. In BT1: 15 below the judge is trying to show the defendant that her demands to her mother are not motivated and the same time to establish the social consciousness and understanding of the defendant, which will influence his final verdict.

BT1: 15

1. J: <1 dobre de / dobre />1 <2 spored tebe majka ti ima li sredstva da se grizji za tebe > 2
- J: < 1 OK then / OK />1 <2 according to you does your mother have resources to take care of you > 2
@ < 1 comment: looks at papers >2
@ < 2 comment: looks at the defendant >2
@ < 2 comment: moods: asking >2
2. -> D: < **znaja che njama** >
D: < I know she doesn't >
@ < looks down >
3. -> J: < 1 **njama** >1 < 2 **znaesh che njama** >2
J: < 1 she doesn't > <2 you know she doesn't >2
@ < 1 comment: looks at defendant >1
@ < 2 comment: looks at papers >2
4. D: < 1 znaja <2 znae go vseki >2 >1
@ < 1 comment: head down, gaze down > 2
@ < 2 comment: crying >2
/
5. J: TP dobre TP
@ < comments: looks at papers >

On line 2 the defendant is emphasizing her certainty and understanding by choosing the modal verb 'know' and its is exactly this construction which is repeated by the judge. The deictic reformulation on line 3 has similar function to the reformulation of the counsel in

Drew's example above (line 8). However, it does not aim at impressing the listening jury but at showing to the defendant that her claims are contradictory: on one hand she demands support from her mother and at the same time knows that she has no such resources (the point in this trial is to decide whether the defendant should be institutionalized as a mental patient and thus lose rights to property). However, the persuasive character of this reformulation is not supported by the non-verbal behavior of the judge: in pronouncing it he is not even looking at the defendant but he is already moving on to next issues while checking the papers in front of him. This suggest that the reformulation is only slightly persuasive, i.e. less combative and that it functions more like a conclusion marker in the judge's own mental collection of impressions (facilitating his final decision).

The drop-it sequences analyzed by Drew, where the examiner is pressing the witness, remind also of sequences such as the one in ST1: 16. The difference is that the witness is not reacting to the alleged implications which, of course, depends very much on the topic of the following initiation and of the speed and the size of the repeating utterance. In the Swedish and the Bulgarian corpus the examiners usually leave space for an answer to a question of the above type and then continue with the next initiation. Thus we do have many examples of the four-step sequence instead.

ST1: 16

- | | | |
|-------|-----|--|
| 1. | P: | jaha // < när du blev omkull knuffad på gatan fick du
möjligen nån spark > |
| | P: | 'alright // <when were pushed down on the street did get a
kick as well >' |
| | | @ <mood : asking> |
| 2. | PI: | de0 kommer ja1 inte ihåg nu |
| | PI: | 'this I don't remember now' |
| 3. -> | P: | < de0 kommer du inte ihåg nu > |
| | P: | < ' this you don't remember now ' > |
| | | @ <mood : asking> |
| 4. | PI: | näe |
| | PI: | 'no.' |
| 5. | P: | du har uppgett de0 fö polisen att du fick en0 spark då //
och / < ja0 va1 hände efter de0 att du hade fått / de0 här viftningshugget eller
va1 du kallade de0 då > |
| | P: | 'you have informed the police that you got a kick then //
<yes what happened after this that you had got / that knifewaving or what you
called them then>' |
| | | @ <mood : asking> |

Curiously, here we have similar feature constellation as in the above sequences:

FBE (reformulation)->FBG -> initiation on the same topic + time-deictic 'då' -> longer pause -> 'ja0' + initiation with a new topic .

This sequence is almost identical to Drew's but here the prosecutor is not changing the topic immediately after the negative confirmation. He is first motivating his repetition (line 5) and then letting a long pause take place. Again before the long pause we have a communicative act ending with adverb 'då' before the pause and the discourse particle 'ja0' in initial position after the pause. The latter has number of functions: confirmation-giving and elicitation of consensus and establishment of a joint record or discursive space, as well as announcement of ending/beginning of subactivity. The hesitation moment between the long pause and the shorter pause has a time-gaining function, which it shares also with the 'ja0'. Together 'då'+pause+('och')+ 'ja0', where the conjunction 'och' ("and") in ST1: 16, function as own

communication management features (see 6.2.2.1.), but they function also as part of the described constellation and constitute a borderline where one subactivity has ended and another has started. The repetition is not necessarily or not only attracting the attention of the court (and the plaintiff) and assisting them to memorize the statements, it is also an introduction to a puzzling mental construction in the speaker and thus a preface to an invitation for the resolution of the puzzle. The long pause is in this interpretation the space given to the examined to provide this resolution. Since it does not appear the prosecutor continues with the interrogation. Thus this change is not only dropping the problem of the not sustained testimony given earlier to the police, it is also a reaction to the elicited and not provided resolution to the puzzle (which is actually pursued further by a more general and open question). This circumstance in combination with the motivation after the puzzle-indicating deictic reformulation points to the conclusion that these kinds of sequences are not necessarily examples of combative style of interrogation although they are rhetorical in character. Consequently, we can make the following conclusions:

1. It is not the case that the drop-it structure is always associated with a certain type of style. It is also the specific roles and relations between the speakers as well as the type of the legal system, which influence the function and the interpretation of such sequences.
2. The drop-it sequences appear in different legal systems such as the British, the Bulgarian and the Swedish and in all respective languages, which suggests that it is a puzzle-introducing construction, which is independent of language and/or that it is characteristic of institutional talk such as court examinations.
3. Another conclusion of this analysis is that the non-verbal behavior can present contrastive or correcting evidence to interpretations based only on verbal data, as it is the case in BT1: 15 above.

Doubt sequences are studied in detail in Chapter 8.

7.1.4. Truncated sequences

The following is a truncated version of the four-step sequence, where the expectation of a confirmation is not signaled anywhere: not by intonation, nor by pause, nor by confirmation item, but the speaker continues immediately with an initiation:

ST1: 17

- | | | |
|-------|-----|---|
| 1. | Pl: | då e1 hoppa2 ja1 in i BILEN / å0 stängde dörren efter mej |
| | Pl: | 'then eh I jump in the CAR / and closed the door after me ' |
| 2. | P: | < och > |
| | P: | ' <and> ' |
| | | @ <mood : asking> |
| 3. | Pl: | eventuellt låste |
| | Pl: | 'probably locked ' |
| 4. -> | P: | eventuellt låste < va1 gjorde ni sen1 då > |
| | P: | 'probably locked <what did you do after then> ' |
| | | @ <mood : asking> |
| 5. | Pl: | då åkte vi0 raka0 vägen till polisstation |
| | Pl: | 'then we went directly to the police station ' |

Once again, we have a repetition pair followed by introduction of a new topic, this time even without a pause. Still we can not interpret the sequence as a way of pressing the witness, except in the mildest sense of adding data to the (mental) record. This could be true but we

need much more contextual information about the case in order to give it such an additional function. In fact, the lack of pause in this sequence may be interpreted as a proof that the pause in the previous example was indeed not at all a means for persuasion of the court but an invitation of a puzzle resolution, which doesn't have to be persuasive, although it could be. Here, there is no puzzling combination of evidence and that is why there is no need of doubt-resolution. If we accept that the four-step sequences as basic then repeat sequences of this kind seem to have canceled the elicitation function of the repetition in this position as well as the following confirmation item. One explanation is indeed the routinization of the four-step sequence pattern.

If the intonation is the main feature determining the interpretation of the function of the repetition/reformulation then we shouldn't find cases in which the intonation of the repeating expression is not interrogative but it is still followed by a confirming feedback expression.

ST1: 97

<u>contributions</u>	<u>sequence pattern 1</u>
1.	J: < tre ett > J: '<three one>' @ <mood : asking>
2.	D: < ja0 > D: '<yes>' @ <ingressive>
3.	DC: FAST e1 av dom1 tre å0 ett e0 de0 / BOSTADSBIDRAG DC: 'BUT eh from these three and one they are / HOUSING ALLOWANCE
4.	D: jaa: D: 'yes:'
5. initiation	DC: på sjuhundra kronor DC: 'of seven hundred crowns'
6. correction	D: ja0 NIOHUNDRA kronor D: 'yes NINE HUNDRED crowns'
7. repetition	DC: NIOHUNDRA kronor DC: 'NINE HUNDRED crowns'
8. confirmation	D: < ja0 > D: '<yes>' @ <ingressive>

Thus here we have the following configuration of features (although one has to keep in mind that the reservations made in beginning of Chapter 11):

- no interrogative intonation of the repetition
- no new initiation in the same utterance as the repetition
- + confirmation in next utterance by the addressee

These kinds of sequences (15% of all sequences of pattern type 1 in the Swedish corpus, and much more in the Bulgarian corpus due to the dictations, see Chapter 11) do not occur in the sections of interrogation but in the most routine based sub-activities, in which the legal professionals are engaged in administrative tasks together with the interrogated. They occur typically after preceding acquisition of new factual information or after correction or modification of factual information.

However, the measure of intonation is not the most reliable source of information. Only a very detailed pitch study may distinguish the exact difference between the intonation of

repetitions/reformulations in third position. In many cases the intonation is clearly interrogative, in others not particularly distinguished as interrogative but rather as eliciting (there is no distinction between asking and eliciting intonation in the transcription standard, which we are following here) and in others not interrogative at all. In all these cases it is possible that the sequence gets completed by a confirmation in the fourth position. What does that mean? It means that it is not the intonation itself or solely or mainly which is responsible for the distribution and the character of the utterance after the confirmation giving/eliciting repetition/reformulation. The fact that there is no initiation after the repetition/reformulation may and does invite a confirmation. Thus in order to explain why the confirmation occurs despite the absence of interrogative intonation we have to prove that the activity does provide expectations of such confirmations. Partial evidence for that is provided by the frequency of the four-step sequences and their truncated versions but we may get evidence also from the 'negative' or the 'trouble' cases, in which there is no confirmation item following the repetition/reformulation. One may expect that in a situation where the repetition is not expressed with interrogative intonation, nor followed by new initiation, nor by confirmation by the receiver the conversation is in trouble. The trouble is even more significant if the repetition/reformulation is uttered with interrogative intonation. Such cases do not occur in the corpus and we do not expect them to. The explanation is indeed that without a feedback of some form – self-confirmation, confirmation by the addressee or simply new initiation or continuation – the interaction will end, thus the display of its expectation is of vital importance for the verbal activity as such. Explanation can be found also in the purpose of the specific activity and the participants' roles. The fact that there are no such sequences supports the description, according to which the witnesses' aim is to be explicit and reliable. The main purpose of the activity is to provide correct information on each item and the participants in the activity are expected to be highly attentive. Lack of confirmation in the 4th slot after the repetition/reformulation would be thus interpreted as exhibition of non-cooperative behavior.

7.1.5. Repeat sequence, feedback and intonation

In sections where more than two speakers are actively interacting with each other one may find sequences where we have

- no interrogative intonation of the repetition
- no new initiation in the same utterance as the repetition
- no confirmation in next utterance by the addressee.

I have not found such sequences in two speakers' talk in the corpora, which is not surprising (although the hearing as such is a multi-participant activity) since then it would mean that the interaction is interrupted in some way. This means that the number of the speakers actively participating in the conversation is significant for the sequential structure and the function of the repeat sequences.

ST1: 90-

- | | | |
|----|-----|--|
| 1. | D: | ja e0 fortfarande: / pensionär |
| | D: | 'I am still: / a pensioner' |
| 2. | J: | pensionär ja0 |
| | J: | 'pensioner yes' |
| 3. | DC: | men du du bor inte hos dina föräldrar nu |
| | DC: | 'but you you don't live with your parents now' |

In these cases it is the third speaker who performs the new initiation on line 3. Thus if we disregard the speakers' identity this kind of sequences would be interpreted as similar to ST1: 97 above, which is another case deviating from the four-step sequence. In the above example one may argue that the judge is providing the confirmation by the final feedback-giving word 'ja0' and thus we have a form of confirmation which cancels the confirmation by the addressee/the defendant. However it is possible to find sequences in which there is a confirmation (line 3 below) despite the presence of a final 'ja0' after the repetition (line 2). It is a weaker confirmation because it is displayed not with 'ja0' but with the feedback giving expression 'hm' and this is due most probably exactly to the preceding final 'ja0', which both gives and elicits agreement.

ST1: 60

1. W: e: // < ja0 > **ja1 tror de0 va3** / < nilsson > men de0 e0 inget som
ja1 vågar lova0 nu
W: 'e: // '<yes>**i believe it was** / <nilsson> but there is nothing I
dare promise now'
2. -> P: < **nå0 du tror de0> ja0**
P: '<no you believe it> yes'
@ <mood : asking>
3. W: hm //
W: 'hm' //
4. P: hm /
P: 'hm/'
5. W: ja0 å0 / ja1 e0 GANSKA så0 säker på de0 allså / men
W: 'yes and i am PRETTY sure of it so / but'

Thus the combination repetition + final FBG 'ja0' does not always cancel the confirmation in the next utterance, which means that the expectation of such confirmation is still present and quite strong. The difference here is that the repetition on line 2 has interrogative intonation. But the decisive difference is the quality of the information (i.e. certain or uncertain, important or not, etc.) or the type of activity going on in the sequence, i.e. the function of the repetition, which here is expression of doubt waiting for a resolution (see Chapter 8) whereas in ST1: 90- (which is part of a section dealing with formal issues) we have an example of reception of unquestionable information, which is to be added to the record.

If we check how many confirmatory feedback utterances follow a turn including repetition performed with or without interrogative intonation we get the following result:

Table 28. Correlation between intonation type and occurrence of feedback expressions after the repetition/reformulation in the Swedish corpus

% of repetition/reformulations	+ interrogative intonation	- interrogative intonation
+ feedback	5.5% (7)	45.7% (58)
- feedback	2.4% (3)	46.4% (59)

The presence of interrogative intonation (or asking mood is the label used in the transcriptions and in the instructions of the transcribers) does encourage the production of feedback in the next utterance but the lack of intonation doesn't seem to affect it in the court data. That is, if a repetition is not uttered with interrogative intonation it may or may not be followed by feedback by the receiver, which means that the intonation is not a decisive influencing factor at all. It is also interesting to notice that most of the repetitions/reformulations are not expressed with such intonation, which means that the participants did not rely on the intonation when they recognize elicitation of reaction (see Chapter 11). We have to keep in mind that the Swedish examinations do not always keep record of the proceedings and if they

do they are taped, which means that there is no need of selective repetitions/reformulations and confirmations especially for the record as it is in the Bulgarian trials although there may be repeat sequences assisting the ‘mental’ record of the participants by establishing consensus.

7.1.6. The influencing factor

The more routinized the sequence is the more pre-defined it is and thus we may expect that the confirmation item will be skipped in most sequences of this type. However, this is not exactly the case. In half of the selected extracts there is at least a minimal confirmation item following the repetition/reformulation on the third position (of 23 occurrences of this type 12 are followed by a confirmation) and we may assume that it is possible that such confirmations are also given non-verbally. This means that the routinization is not the main reason for the occurrences of such truncated sequences. If it is not the intonation and not the general routine or the pre-defined character of the turn management in the activity then there must be other important factors influencing the realization of the repetition/reformulations and the pattern of the sequence, i.e., the turn distribution. Is there a difference between the functions of repetitions/reformulations followed by other speakers’ confirmations and those, which are not? The cases in which we have repetition/reformulation in the third position not followed by the recipient’s confirmation item are characteristically occurring in situations where:

- there is a formal procedure going on;
- mainly in cases, in which there is an initiation in the same utterance directly after the repetition/reformulation or after the repetition/reformulation followed by inserted feedback words.

If we take each case in which there is an annotated confirmation item (but not necessarily interrogative intonation annotation) we may find that they appear in combination with repetitions/reformulations in cases of:

- interrogation going on, i.e., not a formal procedure;
- admission of guilt by the defendant;
- uncertain testimony or information or doubt of uncertainty (cases in which the witness is signaling that he/she is not sure of his own testimony or has no knowledge);
- ‘I don’t remember’ testimonies, which may be viewed as a subtype of the uncertain testimony;
- new, corrected or important information acquisition;
- after expressions such as “stämmer det” (‘is that correct’).

Consequently, one may conclude that it is mainly the function and the quality of the shared information (i.e., as already mentioned, aspects of it such as certainty, importance, clarity, etc., see also Chapter 8 and 9) and thus also the subsection in the examination, which determine the function of the repetition/reformulation, as well as the structure of the utterance including these types of repetitions/reformulations, and the contribution in the next utterance. Thus repetitions/reformulations in this position in a sequence are often used to express doubts about the correctness or the certainty of information they are receiving/carrying and in this to elicit agreement about facts. They are used to underline the respective facts or circumstance not only for the direct addressee, i.e., the interrogated but also for the secondary addressees, i.e., primarily the court (in the Bulgarian cases also the written record). In fact, if their

function was not mainly giving voice to the doubts or the need of constant confirmation we might expect that in at least some occasions the examined witness may disconfirm the repetition of the testimony he has just given in the previous utterance. That is, we should be able to find cases such as the following one:

Interrogator A1: Was that he?

Interrogated B2: I think that it was he.

Interrogator A2: you think that it was he yes?

Interrogated B2: no I don't think that it was he

or

Interrogated B2: no actually I am wrong I don't think that it was he

This kind of sequences do not occur at all, at least not in the data available. So, the fact that they are absent or rare means that the interrogator could not be uttering them in order to elicit change in the testimony, so they can't be checks giving a fair opportunity to the interrogated to change his mind, or think twice. Thus, the only basic function left is giving voice to the need of double checking the information, the need of expressing doubt of incorrect information. But why do the interrogated not use this chance to change their minds, especially in cases in which their memory obviously is not completely supportive? Because if they do that their testimony will be completely discredited. If this routine sequence of information was perceived by the interrogated as an opportunity to express doubts and change of testimony then it would be logical that they would take it. But obviously this is not the case, i.e., it is not even perceived as such. In fact, this function of the repeat sequence is directly related to one of the major functions of the court interrogations, namely, to demonstrate the evidence and to demonstrate the main points in this evidence. Following this path of thoughts the analysis suggests that the main purpose of the interrogation is not to find the truth but to demonstrate and reach recordable consensus on the preferred interpretation of the truth. This function of the repetitions/reformulations in this position seems to distinguish the activity of interrogation from activities such as interviewing, therapy, examination, or phatic conversation.

7.2. Repetitions/reformulations in answering position (Sequence pattern 2)

Characteristic of this pattern is that the repeating/reformulating utterance is in a second position directly after an initiation, which in most cases means that the answer is repeating fully or partially or paraphrasing the preceding question or statement. Here is one typical although a bit more complicated example from the Bulgarian corpus:

BT2: 6

sequence pattern 2	example
1. initiation	1. J: < znaete li dali e bil registriran (xxx) v psihicheski dispanser [10 ili v (xxx)]10> J: < do you know if he has been registered (xxx) in a psychiatric institution [10 or in (xxx)]10 > @ <looks at W1> @ <mood: asking>
2. answer with reformulation	2. W1: < [10 da beshe regi]10 striran > toj beshe na lechenie v ludnizata [11 ho]11 dihme mu na [12 svizdane:]12 W1: < [10 yes he was regi]10 stered > he was under treatment in the madhouse [11 we]11 went to [12 visit hi:m]12 @ <deep nod>

The answer in second position after the initiation is a confirmation consisting of a reformulation (accompanied by a deep nod) and a synonymy-based exchange as well as of other new information, each of which constitutes a separate syntactic entity. Whereas in the previous pattern the repetition/reformulation appeared in third position in a sequence i.e. after a question-answer pair, here it is part of the answer itself. Thus here it is part of a two-step sequence. There is no problem with the identification of the primary interactive function of such repetitions/reformulations; their aim is to answer a question, which is a type of a feedback in a broad sense. But why do the interactants give feedback in these sequences by repeating, fully or partially, a preceding initiation? Besides the language (as mentioned in several places Bulgarian is not pro-verb language and the repetition is necessary, but not in Swedish, see also Chapter 2 and 5) there are two basic reasons: the format of the question and the function of the utterance.

7.2.1. Constructions

The most trivial example of construction defining not only the content of the answer but also the format is the **disjunctive questions**. The witness is repeating part of the utterance because this is the only adequate and the most economical way to answer such questions. Production of paraphrase of a part of the question presupposes more cognitive efforts and may cause more uncertainty in interpretation and this is the reason we seldom see positive answers of this kind to these type of questions.

ST1: 23

1. P: < **va3 du / NYKTER eller spritpåverkad** vi1 de0 här tillfället >
P: '<were you SOBER or influenced by alcohol in this moment>
@ <mood : asking>
2. Pl: **ja1 va3 spritpåverkad** ja0
Pl: 'I was influenced by alcohol yes'
3. P: < kraftit eller >
P: '<severly or>'

Almost full repetition is the only relevant and acceptable way the witness can answer. In this sense they can contribute to the impression of hostility, which tend to be associated with interrogations (Adelswärd *et al.*, 1987) without necessarily being an expression of hostility.

Formulations, which do not offer limited range of answers but are more of an open-question type are recognized and responded to as such, which is indicated by the lack of repetition/reformulation.

ST1: 32

1. DC: <1 dom1 försökte inte ta0 TAG / i någon av er / <2 eller nåt sånt där > 2 > 1
DC: '< 1 they did not try to take HOLD / any of you / < 2 or something like that there > 2 > 1 '
@ <1 mood : asking > 1
@ <2 quiet > 2
2. Pl: näe //
Pl: 'no //

On line 2 below we have a **declarative 'inte-utan'** ("not-but") sentence formulated with **negative polarity**, giving two alternatives for an answer.

ST1: 29

1. PI: e1 han e1 knuffade omkull mej ja1 vart1 överrumplad ja1 hade
inte räknat me0 en0 sån reaktion
PI: 'he eh he pushed me on the ground I was taken by surprise i had
not counted with such a reaction '
2. DC: nä0 / < men han slog inte till dej utan han **knuffade till dej** allså >
DC: 'no / < but he didn't hit but he pushed you alright >'
@ <mood : asking>
3. PI: < JA0 **knuffade omkull** >
PI: '< YES pushed on the ground > '
@ <quiet>
4. DC: ja0
DC: 'yes '

In such cases, one of the formulations is inferred to be the preferred one and the following response systematically repeats the preferred part of the previously offered clauses. In the above example on line 3 we have a partial repetition with reformulation, which refers to the authentic expression offered by the same speaker in a previous utterance. The plaintiff anticipates the defense counsel's attempt to minimize the seriousness of the defendants' violent act and this is indicated by the reformulation on line 3, which is a **cooperative correction**, that is, a correction after an initial confirming expression. Thus in this case we have expression of cooperative correction, which is realized as a combination of the features: initial confirmation and reformulation.

Another special type of questions, triggering a repeating answer are the **is-that-correct-questions**, which may be defined as a type of tag-questions.

ST1: 2

1. P: ja0 tack ja0 det här ligger ju långt tillbaka i tiden de0 e0 allså I
slutet på april i FJOL men du kanske ändå kommer IHÄG en0 del / de0 va3 ju
strax före / valborgsmässohelgen / å0 du och nåra kamrater ifrån < tomteland >
skulle åka in till stan å0 köpa BRÄNNVIN < **stämmer de0** >
P: 'yes thanks yes this has taken place long time ago it is at the end
of april LAST YEAR but you maybe still REMEMBER a bit / it was just before
april 30 / and you and some friends from < tomtelandet > were supposed to go
to town and buy ALCOHOL < it this right > '
@ <name>
@ <mood : asking>
2. PI: **DE0 stämmer nog** ja0
PI: 'IT is probably right yes'

The typical environment for such sequences, involves a narrative by the examiner, which ends with a particular feedback eliciting expression. The adverb modifier and epistemic particle 'nog' demands a sentence form. Such sequences are also typically constructed by examiners in the beginning of the examination, where facts or the charges, on which the examined is agreeing, are established, or in the beginning of sections, defining the personality of the defendant. The agreements expressed in such repeating sequences may be modified as in the above example but they are never followed by long modifications or volunteered answers. In fact, in the whole corpus there is not one occasion in which the examined is not expressing agreement after an is-it-correct-question. These types of feedback eliciting items are related to the epistemic quality of the expressed statement, which is to be confirmed. In the next example the prosecutor is clearly expressing epistemic certainty packed in a declarative sentence. He asks also for confirmation both explicitly, by the tag question, and less explicitly, by the modal expressions 'ju' and 'väl', which are more expressions of the need of confirmation than of uncertainty and at the same time function as persuasion tools. This need

of confirmation is not motivated by the lack of certainty but by the need of collaborative demonstration of certainty.

ST1: 22

1. P: [15 jaha]15 / e1 ja1 vet ju att du vi:1 den här tidpunkten hade lite
problem me0 spriten < å0 **de0 stämmer väl** >
P: 'alright / eh I know that you in: this particular moment had little
problem with the alcohol < and it is certainly true >
@ <mood : asking>
2. PI: **ja0 de0** < (**stämmer**) >
PI: 'yes < (it is true) >'

A similar modality related sequence involves expressions of doubt and certainty.

ST1: 20-

1. P: < **de0 e0 du säker på** >
P: '< this you are sure of >'
@ <mood : asking>
2. PI: **ja0 de0 e0 ja1 säker på**
PI: 'yes this I am sure of'

As in the previous example of a repeat sequence, it is the examiner who is expressing doubt and eliciting doubt-based confirmation and the examined who is giving a repetition as a strong expression of assurance. These repetitions/reformulations are typically prefaced by a positive, initial, feedback giving word. In the concrete example the preceding expression is also persuasive: the intonation is interrogative but the syntactic form of the sentence is declarative, which makes the expression of doubt less coercive and more collaboration seeking and understanding-simulating. The repetition/reformulation is thus a device for the expression of epistemic attitudes, such as certainty and doubt. Variations of the same type of repetitions/reformulations are those realized after **declarative, negative polarity sentences** functioning as doubt confrontations.

ST1: 37

1. DC: < [31 du]31 **har inget minne av de0** >
DC: '< [31 you]31 have no memory from it >'
@ <mood : asking>
2. PI: **inget / helt minne näe**
PI: 'none / whole memory no'

In contrast to the previous example, here we can notice a tendency in the corpus according to which modifications of previous utterances and expressions of lower degree of epistemic certainty are not preceded but succeeded by a confirmation or a feedback giving word (this is yet to be tested by the statistical analysis).

7.2.2. Functions

Repetitions/reformulations in answering position may have a number of functions, which are often realized simultaneously. The repetitions/reformulations can be used for the expression of doubt by presentation of **contrastive portions of evidence** and in this cases the contrast functions also for trouble indication to the secondary addressee, i.e. the court.

ST1: 20

1. P: **de0 e0 du säker på** >
P: '<this you are sure of>'

- @ <mood : asking>
2. PI: ja0 de0 e0 ja1 säker på
 PI: 'yes this I am sure of'
3. P: <1 men IDAG säger du så0 känner du inte igen <2 nils+ >2 du
 är0 inte helt säker på att du <3 kän+ >3 känner igen <4 nilsson >4 IDAG
 säger du >1
 P: '< but TODAY you say so don't you recognize < nils+ > you are
 not completely sure of that you < reco+ > recognize < nilson > TODAY you say
 >'
 @ <1 mood : asking >1
 @ <2 cutoff : nilsson >2 , <2 name >2
 @ <3 cutoff : känner >3
 @ < cutoff: recognize >
 @ <4 name >4

In many cases the expected and elicited assurance is immediately followed by a contrastive portion of related evidence, which makes the synthesis of the two statements problematic. This is done sequentially, turn by turn, where the certainty elicitation is prior to the contrast, as in the above example, or follows the alleged reasons for doubt, thus eliciting new sequences of doubt-and-assurance, as in the next extract.

ST1: 77

1. W: < de0 VET ja1 de0 vet ja1 säkert > /
 W: '< this i know this I know for sure > /'
 @ <mood : very sure>
2. DC: ja0 ja0 de0 ingen < ann+ > / de0 kom inte < laka leander > ihåg
 < men du e0 säker på de0 här >
 DC: 'yes yes it is nobody < el+ > / this didn't remember < laka leander
 > but you are sure of this here >'
 @ <cutoff : annan>
 @ <cutoff : else >
 @ <name>
 @ <mood : asking>
3. W: jaa de0 e0 ja1
 W: 'yees i am '
4. DC: ja0
 DC: 'yes'

Here we have two occasions of a repetition/reformulation. On line 2, it is the examiner, the defense counsel, who is producing a reformulation and initiating a new sequence of pattern 1, where there is interrogative intonation, followed not by new topic but by a clear confirmation followed by another confirmation. This sequence is an example of the four-step sequence found earlier to be typical for cautious examinations in Swedish courts. The evidence presented by the witness is subjected to explicit doubt, thus eliciting further assurance, which is finally accepted and acknowledged.

Contrastive evidence can be collaboratively produced by the examiner and the examined by repetitions/reformulations. In the Swedish corpus these sequences are typical for the interaction between a prosecutor and a plaintiff.

ST1: 10

1. PI: å0 pratar me0 honom å0 frågar vart1 PENGARNA [7 tog vägen]7
 PI: 'and talk with him and ask wher did the MONEY disappear'
2. P: < [7 VEM]7 pratar du me0 >
 P: '< WHO do you talk with >'
3. PI: ja1 SKULLE prata0 me0 < nilsson >
 PI: 'i was SUPPOSED to talk with < nilsson >'

@ <name>

The partial repetition on line 3 introduces not only a new tense in the main verb but also a new modality, which is emphasized also prosodically. Both the repetition and the modal expression express the readiness of the speaker to perform the act of talking with the person, who is the defendant in the trial, but that these intentions were hindered and not realized. Despite that, in the following pair of question-answer the prosecutor is formulating an interrogative sentence, instead of not formulating a statement based on the implied inference, i.e., an question on something, which is already indicated as not valid. Thus the negative answer to the question consist of a reformulation adding the expected information about the failed attempt for peaceful solution of the problem followed by volunteered testimony about the unprovoked violent act of the defendant.

ST1: 11

1. P: jaha / < å0 va1 blev de0 SAGT där då >
 P: 'alright / < and what was SAID there then >
 @ <mood : asking>
2. PI: ja0 de0 e1 vart0 inte sagt nånting ja1 fick en0 knuff så0 ja1 /
 ramlade omkull
 PI: 'yes it eh was not said anything i got a push so that I fell on the
 ground'

The last two extracts, each of them being an example of sequential pattern 2, follow one another chronologically in the transcripts. Thus the strategy of introducing in a convincing and natural way a coherent story and at the same time emphasizing the important facts for the case/witness is performed collaboratively by the examined and the examiner, turn by turn, where every answer is partially copying the question, which is the contrast and surprise introducing device.

Another function of the repetitions/reformulations in answering position is the establishment of **coherence** in the story telling by linking to the previous utterance.

ST1: 79

1. DC: < [67 du]67 satte dej i bilen >
 DC: '< you sat down in the car >
 @ <mood : asking>
2. W: < / > ja0 å0 SEN1 / JA1 satt i bilen å0 < laka > VA3 PÅ VÄG in I
 bilen
 W: < / > 'yes and then / I was sitting in the car and < laka > WAS ON HIS
 WAY in the car'
 @ <sigh : W>
 @ <name>

An observable strategy for establishing a version of a succession of events used by the Swedish examiners is the formulation of questions following chronological order of the events. At the beginning of the examination, the questions expressed by declarative sentences, function as confirmation eliciting devices rather than as proper questions requiring an unknown answer; these type of initiations typically make use of **past tense**.

ST1: 2-

1. P: ja0 tack ja0 det här ligger ju långt tillbaka i tiden de0 e0 allså
 i slutet på april i FJOL men du kanske ändå kommer IHÅG en0 del / de0 va3 ju
 strax före / valborgsmässohelgen / å0 du och nära kamrater ifrån < tomteland >
 skulle åka in till stan å0 köpa BRÄNNVIN < stämmer de0 >

2. P: 'yes thanks yes this has taken place long time ago it is at the end of April LAST YEAR but you maybe still REMEMBER a bit / it was just before April 30 / and you and some friends from <tomtelandet > were supposed to go to town and buy ALCOHOL < it this right >'
 @ <name>
 @ <mood : asking>

At a certain point the utterances of the examiner, i.e., after getting an introductory overview of the critical situation, get more precise, formulated as interrogative sentences where the main verb typically in **present tense**.

ST1: 4-

- P: ha0 / om vi0 tar de0 från början som de0 brukar heta här
 <1 så0 ni åker alltså in ifrån <2 tomteland >2 för å1 köpa brännvin >1
 P: 'so / if we start from the beginning as we use to say here
 <1 so you got out of <2 tomteland >2 to buy alcohol >1
 @ <1 mood : asking>1
 @ <2 name >2

The responding utterance of the examined repeats partly and initially the question but typically changes the present tense to past tense:

ST1: 8-

1. P: [4 nä0]4 nä0 men ni kommer allså in till centrum < och var0
 ÅKER ni DÅ > /
 P: 'no no but you come to the centre right < and where do you
 GO THEN > /'
 @ <mood : asking>
 3. PI: vi0 åkte NER till samma plats där vi0 hade träffat dom2
 PI: 'we went DOWN to the same place where we had met them'

Although the speakers are collaboratively creating a narrative they have different attitudes to that narrative. The examiner's use of historical present in his attempts to retrieve exact recollection of the past events from the examined, may have two purposes: activating the memory of the examined, creating an impression of presentation of eye-witness evidence, and thus giving a more vivid and more reliable accent to the presented evidence. However, the witness even if it is the plaintiff does change this vivid form of the narrative to past tense. It doesn't happen, for example, that the witness reformulates a question in a narrative by introducing historical present. For the witness, the events are remote and ought to be described as remote, the tense is not necessarily influencing his desire to sound reliable and coherent. Thus the cooperation of the witness is limited but not necessarily because of the lack of desire to appear reliable but probably also because of a need to take distance to the critical events.

Questions referring to the **exact evaluation of the states-of-affairs** (amount of something, point in time, etc.) get answers with partial initial repetition in the examination part of the trial.

ST1: 15

1. P: viftade till då ja0 // < NÄR såg du att han hade dragit kniv då >
 P: 'waved then yes // < WHEN did you see that he had pulled a
 knife then >'
 @ <mood : asking>
 2. PI: a0 de0 såg ja1 så0 fort ja:1 reste på mej ifrån gatan
 PI: 'eh this i saw as fast as i: got up from the ground'

3. P: jaha
P: 'I see'

and answers without repetition in the formal parts of the trial.

ST2: 0

1. J: (...) // < och ditt fullständiga namn > < viktor larsson >
J: '(...) // < and your complete name > < viktor larsson >
@ < mood: asking >
@ < name >
2. J: < födelseår >
J: '< year of birth >
@ < mood: asking >
3. W: < >
@ < not transcribed: the year >
4. J: < du e0 inte släkt me0 någon av partena >
J: '< you are not a relative to any of the sides >
@ < mood: asking >
5. W: nej
W: 'no'
6. J: då ska ja l förestava vittneseden
J: 'then i will administrate the witness' oath'

This is related not only to the need of the witnesses to link to previous utterances, answer exactly and be cooperative but also to the form of the questions. In the Bulgarian trials there is a routine subsection in which the judge is getting information about the witness which is following a prescription, that is, always the same. The questions in these sections are typically extremely short consisting of one word and the respective answers are also short, not constituting a sentence, providing only the intended information. Thus the question form obviously influences and constrains the answer. The witnesses do not attempt to give a full sentence answer to a word-formulated routine question, which in itself expresses once again their cooperation and **accommodation** to the suggested style of proceeding with the activity.

BT1: 1

1. J: (xxx) sadat opredeli (xxx) sadat pristapi kam razgovor chrez
otvetnizata . violeta < kak se kazvash > < spokojno spokojno > // trite imena
J: '(xxx) the court decided (xxx) the court decided to discuss by the defendant
violeta < what is your name > < quiet quite > // your three names
@ < mood: asking >
@ < hand gestures >
2. D: < violeta georgieva grancharova >
@ < name >
3. J: **kazvam se < violeta georgieva grancharova >** < na kolko si
godini >
J: 'my name is violeta georgieva grancharova < what is your age >
@ < name >
@ < mood: asking >
- ...
4. J: v < plovdiv > < a тази zjena koja e > tuka
J: 'in < plovdiv > < but who is this woman > here'
@ < name >
@ < mood: asking >
5. D: **tova e majka mi .**
D: 'this is my mother'
6. J: **majka mi** < kak se kazva tja >
J: 'my mother < what is her name >
@ < mood: asking >
7. D: < violeta >

8. D: '< violeta >'
 @ < name >
 J: < basha imash li >
 J: '< do you have a father >'
 @ < mood: asking >
9. D: da
 D: 'yes'
10. J: < a toj kak se kazva >
 J: '< and what is his name >'
 @ < mood: asking >
11. D: (xxx)
12. J: < zjiv li e >
 J: '< is he alive >'
 @ < mood: asking >
13. D: zjiv e da
 D: 'he is alive yes'

On the one hand, in the above example, one can observe that it is the judge who is reformulating the short answer of the defendant into a proper sentence when dictating to the report (line 3) thus accommodating to the needs of the report as an official independent document. This reformulation is not only resulting in a full sentence but is dictated in first person, as if uttered by the examined, which is necessary for the style of the report requiring authenticity in the received testimony, despite the lack of such exact utterances and the fact that all utterances of the witnesses go through another person, in this case, an authority. Although the examined notices this dictating activity she doesn't provide full answers to the routine questions, that is the examined recognizes that it is not included in her role in this activity to formulate report-adapted utterances.

On the other hand, on one occasion on line 13, the defendant breaks the economical style of answering by repeating the question in a confirmation, the repetition/reformulation being initial and the positive feedback word - final. The question on line 12, although following the style of the previous routine questions refer to a person who is present in the room, him being a witness in the case and the person evoking the trial, thus the answer to that question must be clear to all participants in the trial and must already be indicated in the report. The defendant signals her understanding of the different character of that question, introducing a special way of treating her as a witness and as a person (namely as a mentally inadequate person), by repeating the question, thus expressing also an initial **irritation**, which will result in many repetitions of this type in the following psychological tests performed by the judge in this trial. Repetitions/reformulations in answering position may function as indications of the speaker's attempts to accommodate to the style of expression suggested in the previous utterance.

ST1: 21

1. P: < NÅ0 blev de0 nära affärer då >
 P: '< SO was there any deal then >'
 @ < mood : asking >
2. Pl: nã0 den killen tog pengarna å0 försvann
 Pl: 'no that guy took the money and disappeared'
3. P: < han BLÅSTE er me0 andra ord då >
 P: '< he CHEATED on you in other words then >'
 @ < mood : asking >
4. Pl: precis
 Pl: 'exactly'
5. P: < hur MYCKE PENGAR blev ni blåsta på då > /
 P: < out of how MUCH MONEY did you get cheated then > /

6. Pl: @ <mood : asking>
 Pl: < ja1 > e1 JA1 vart1 e1 blåst på HUNDRA KRONER (de0) vet ja1
 ' <i > eh I have been eh cheated out of HUNDRED CROWNS
 (this) i know'
 @ <alternatively : ja0>
 @' <alternatively : yes>

In this case the easiest way for the plaintiff to specify his answer (by changing the subject in the sentence) and relate it to the question is by repeating the verb. But he could repeat using the active form of the verb, which he doesn't do, following the introduced, more formal passive form of that verb, which turns him to a patient of somebody's action but does not address directly the agent of the action, which is the subject of the trial as such, since the alleged agent does not accept the charges. The slang verb 'blåsta' (blown) is initially introduced by the prosecutor, which could be interpreted as a stylistic attempt to adopt to his image of the social status and linguistic register of his client, or the examined plaintiff. It could also be interpreted as an attempt by the prosecutor to use a verb, which designated the alleged action as a fact and also as a fact not untypical for relations in the social world, from which this word comes, and which he thinks the involved in the crime represent.

Repetitions in answering position can also be used for expression of **corrections and disagreements**, which is a sensitive matter in an examination. In the following extract the defense counsel is examining the plaintiff, which could correspond to a cross-examination in the Anglo-Saxon legal system. He is building a narrative based on inference signaled by initial 'så' and by formulating a question as a declarative sentence and adding a final feedback eliciting word.

ST1: 36

1. DC: <1 [28 så0]28 du rörde dej EMOT <2 nilsson >2 då >1
 DC: ' < so you moved TOWARDS < nilsson > then > '
 @ <1 mood : asking >1
 @ <2 name >2
2. Pl: DÖRREN rörde sej mot < nilsson > ja1 rörde mej inne i < > inne
 i bilen /
 Pl: 'THE DOOR moved towards < nilsson > i moved inside < > inside
 the car / '

The answer is copying not only the words but also the syntactic structures by putting them in contrastive construction thus disagreeing with the previous inference and correcting the previous statement. There is no initial nor final confirmation word, which together with the form of the repetition/reformulation makes this answer more direct and even hostile. In fact, such answers are not observed during the prosecutor's interrogation of the plaintiff.

In the interaction between the plaintiff and the defense counsel we may often notice a corrective verbal action on the behalf of the plaintiff. However here we do observe initial feedback giving words, signaling agreement, followed by repetition of a single word and by a correcting reformulation. This reformulating answer objects the description of a 'period' but it also changes the slang word 'söp' ("drink heavily", "booze") to a more neutral expression 'drack' ("drank"). The meaning of the words is not only distinguished stylistically but also semantically.

ST1: 24

1. DC: [17 ja0]17 du sa0 själv här innan < / > i din berättelse att du har du var0 / inne
 i en0 period när du SÖP lite grann /
 DC: 'yes you self said inside here < / > in your story that you were / inside a period

period when you BOOZED a little / '
@ <hawk>

2. Pl: ja:0 period ja0 man kan säga så0 här att vi0 drack väl / lite från å0 till
Pl: 'ye:s period yes one can say like this that we drank / a little from time to time'

The examined is objecting to the suggested formulation. However, he is signaling initial confirmation with the feedback words, which may be explained with the fact that the defense counsel is actually using indirect reported speech, referring to the examined, which forces him to agree, at least to an extend. If he doesn't, agree at all or present contrastive formulations as in the previous example than he would be contradicting himself, defining him as an unreliable witness, which is to be avoided, keeping in mind the goals of his role in the activity.

During examinations of defendants by their defense counsels we may notice no tendency to contrastive corrective behavior but tendency to verbatim confirmative repetitions/reformulations. This is easy to observe in sections where the personality of the defendant is established in front of the court.

ST1: 102

1. DC: < va1 e* å0 hur har de0 gått helt allmänt för dej me0 / me0
SPRITEN > / **de0 har vart0 perioder till och från**
DC: < what is and in general how has it been going with you with /
with THE ALCOHOL > / there have been periods from time to
time'
@ <mood : asking>
2. D: **de0 har vart0 till och från**
D: 'it has been from time to time'
3. DC: jaha
DC: 'alright'

ST1: 104

1. D: så0 då har ja1 vart0 / för att få0 nån ordning allså fö de0 de0 /
[86 de0]86
D: 'so i have been then / to get some order you know because it
because [86 it]86 /'
2. DC: [86 du]86 tyckte de0 va3 HOPPLÖST att ha0 rättegången
FRAMFÖR dej så0 att säga < du har skjutit / [87 de0 framför dej
hela]87 tiden >
DC: [86 you]86 think it was HOPELESS to have the trial IN FRONT
OF you so to speak < you have postponed / [87 it all the]87 time >'
@ <mood : asking>
3. D: [87 skjutit de0]87 framför mej hela tiden också
D: '[87 postponed]87 it all the time'
4. DC: ja0
DC: 'yes'

This part of a trial is supposed to be less formal, more conversation like, in which all the main parties can participate, still keeping the established order. The defense counsel's utterances describe known to him and to the examined facts, which are presented in declarative sentences. His client or the defendant is responding by giving confirmative feedback on the form of initial or single repetitions. These kind of repetitions have no interrogative intonation, there is no initiation of new moves in the same utterance. Characteristically there is a reconfirming expression in the third utterance, by the examiner.

7.3. Summary

In this chapter I have studied types of constructions and functions, which involve repetitions and reformulations. There are basically two repeat sequence patterns: after an initiation they can occur in second or answering position and/or in a third position after an answer with feedback giving and/or eliciting function. Repetitions and reformulation in the answering position are associated mainly with witnesses' answers. I have studied some structural factors, which to some degree explain the use of these features as well as the additional focused functions, which they play in this position. As discussed earlier (see Chapter 5 and 6.1.) the structures and the functions are interrelated aspects of the studied feature. These are shown on the right hand side of the following figure:

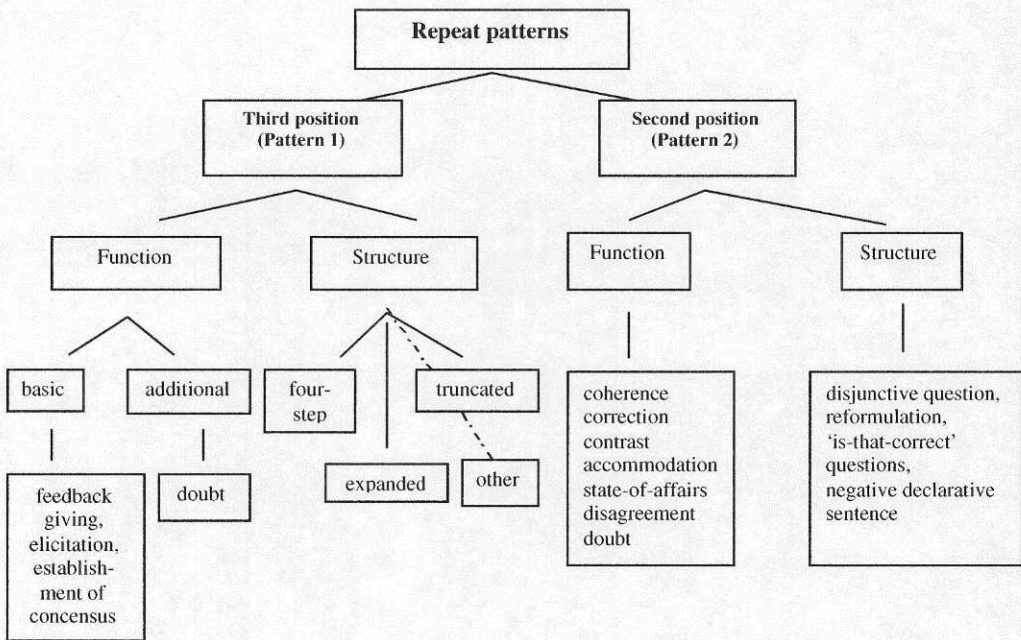


Figure 9. Summary of repeat sequences' functions and structures

Some constructions such as disjunctive questions or declarative 'inte-utan' (in Swedish corresponding to the Bulgarian 'ne-a') sentences, tag questions trigger, questions on exact evaluation of state-of-affairs repetitions/reformulations and cooperative answers. Besides the structure of the utterances it was observed that questions, especially declarative questions, which challenge the epistemic certainty of the presented testimony call for stronger assertion of certainty. The collaborative presentations of evidence typical for Swedish examinations of the plaintiff by the prosecutor involve also repetitions/reformulations, which in this context is used not only for coordination of a coherent story (presented to the court) but also for

coordination of wording, which could be important in other examinations in the same trial. However, the examined, independently of language and examination system, use the repetitions/reformulations in this position as chances for expressing their personal attitudes to the situation (for instance, by changing the tense in the narrative and thus underlining the remoteness of the events) and to the questions in the form of cooperative corrections and disagreements.

In third position the repetitions/reformulations function primarily as feedback expressions (including establishment of consensus and creation of a memory of written record) but they may have additional functions such as indications of doubt. The drop-it sequences appear in different legal systems and in both Swedish and Bulgarian (as well as in English), which suggests that these puzzle-introducing constructions are independent of language and legal system, but that they are not necessarily associated with combative style of interaction. It was also observed that neither the intonation nor the existence of a subsequent initiation alone may explain the function of the repetition/reformulation (this is supported also by the quantitative study of intonation and repeat sequences, see Chapter 11). One of the most typical sequences of this pattern involves four utterances but closure could occur in less than four steps and in more than four-steps. Constructions where the repetition/reformulation is followed by confirmation by the same speaker and then by a new initiation in the same utterance are either a separate third type of a pattern or a truncated versions of the four-step sequences. The latter appeared mainly in dealing with formalities whereas the four-step and the expanded sequences characterized the interrogation proper – in admissions of guilt, after corrections and in cases of expression of doubt. Some of the structures were associated with feedback elicitation, others with feedback giving and the distinction was due to number of factors and rules, such as ‘last mention - first treatment’, the pre-fixed character of the activity, as well as the occurrence of feedback expressions in the same utterance as the repetition/reformulation. The sequential analysis searching for external criteria of identification of dialogical characteristics is only the means for obtaining the understanding that the main factors influencing the studied functions are the roles of the speakers and the epistemic quality of the utterances, which is related to the types of sub-activity. The next two chapters study the management of epistemic un/certainty in relation to the occurrences of repetitions/reformulations and the roles of the speakers.

Chapter 8

Epistemic Quality of Testimonies and Repeat Sequences



Introduction

In the sections that follow I study some of the repeat sequences' functional potential (see 5.3.) by specifying typical structural and sequential co-texts and contexts in their realization. The observations on which the analysis is based are:

- Repeat sequences have functional potential related to the management of doubt;
- The determination of the additional functions of repetitions/reformulations typically demands the observation of longer than four-step sequences (see also 5.3.);
- Repetitions/reformulations have an amplifying effect on the epistemic quality of utterances.

What I call “doubt sequences” later in this chapter are a type of repeat sequence that occur usually after expressions of certainty or uncertainty, i.e. the latter are the source of the repetition/reformulation. The succeeding utterances, i.e. the utterances after the four-step sequence typically involve the following communicative acts and/or sequence initiating utterances:

- Indication of contrast
- Suggestion of alternative interpretation
- New topic and continuation of interrogation line

I will examine the situations in which these three occur and how this influences the functions of the repetitions/reformulations. To establish to what extent the functional potentials of these features are dependent on the activity role of the speakers I will divide the repetitions/reformulations into those of the examiner and of the examined.

8.1. Examiner's epistemic repetitions

8.1.1. Display of unresolved doubt and invitation for resolution of doubt

Let's start by looking at the following already familiar repeat sequence:

Table 30. Display of unresolved doubts

Features	Sequence of acts	Example: ST1: 16
FB word, Y-N interrogative sentence with interrogative intonation	Feedback, pause, question	1. P: jaha // < när du blev omkull knuffad på gatan fick du möjligen nån spark > 'alright // <when you were pushed down on the street did you get a kick as well > @ <mood : asking>
Declarative sentence	Statement of epistemic unclarity by witness, lack-of- memory answer	2. Pl: de0 kommer jaI inte ihåg nu 'this I don't remember now'
Declarative question, reformulation	Repetition or reformulation by examiner = display of unresolved doubt	3. P: de0 kommer du inte ihåg nu 'this you don't remember now' @ <mood : asking>
Single FB word	Confirmation by witness	4. Pl: nåe 'no'
Indirect speech report, declarative, no interrogative intonation followed by pause, conjunction FB-word 'yes', and a new WH-question	Contrast indication and invitation for resolution of doubt by examiner + OCM + FB + new initiation and change of topic	5. P: du har uppgett de0 för polisen att du fick en0 spark då // och / < ja0 val hände efter de0 att du hade fått / de0 här viftningshugget eller val du kallade de0 då > 'you have informed the police that you got a kick then // <yes what happened after this that you had got / that knifewaving or what you called them then> @ <mood : asking>

In the first column we have the formal features realizing the functional acts, which are described in the second column. The reformulation pair (utterances 2 and 3) concerns the level of memory/knowledge that the plaintiff has. Earlier we noticed that this could be a repair sequence but in his next turn after the confirmation the examiner motivates the partial repetition by indicating (on line 5) a contrast or a contradiction between the testimonies given by the plaintiff at the police station and in the court. This contradiction is a legitimate motivation for mistrust and for damaging the credibility of the examined. So, the examiner's repetition precedes a statement, which defines the reformulation as an expression of disbelief or as a **display of unresolved doubt**. In his analysis of delusional incorrigibility, Derrol Palmer uses similar doubt examples from a psycho therapeutic conversation. Without concentrating on the functions of repeat sequences as such he observes that repetitions/reformulations as the one above are "orientated towards pre-empting the stated occurrence" (Palmer, 1996: 7) of a doubt. In this sense they are defined as closed repair initiators as opposed to the open repair initiators such as 'what' or 'hm' (Drew, 1997: 71)

because they specify the trouble source. However, in Palmer's examples there is a longer pause between the repeated utterance and the repetition. This pause is interpreted as an important device for 'pre-monitoring disagreement' (Heritage, 1984: 265-6) and could be used by the speaker to identify possible trouble and find a way to avoid it. Pomerantz (1984: 77) observes that such pauses may be followed by a downgrading of the original statement and avoidance of the trouble/disagreement. In many of the court examples we have no pause between the elements of the partial repetition pair and we do not observe trouble avoiding activities such as downgrading on the behalf of the witnesses. It is this lack of initiation to resolve the doubt indicated by the repetition that causes the succeeding reference to the contradiction-based motivation of the doubt. If the repetition is location of trouble and indication of unresolved doubt, the following act by the examiner (line 5) is an even less implicit invitation for resolution of the doubt. The above extract is interesting also because the resolution invitation is formulated as a kind of indirect reported speech in a statement, which is simply aiming to inform the examined of the fact of the contradiction without using this fact for further discrediting the testimony. It is first here that we typically get a longer pause, which is a further device for invitation of repair initiation, an opportunity for the examined to reassure the court of his lack of memory. Since the pause and the rest of the resolution-invitation devices are not satisfied the prosecutor simply changes the topic, prefacing the shift with a feedback word. It is possible that since not having a memory does not directly imply that something has not happened and since he has not been confronted with the problem but simply informed, the witness has nothing to respond or give further feedback to. In addition the prosecutor continues with a new topic after establishing the contradiction in front of the court. It is not simply the plaintiff's epistemic state but **the demonstration in front of the court epistemic state** of his that is in question. The contrast of the testimonies is not resolved and is left 'hanging' (Drew & Heritage, 1992: 505-515), undecided. As Palmer points out, the difference between a doubter and a disagreeer is that the first one "does not actually revise their co-participant's talk but creates something like a 'revision-implicative trouble'" (Palmer, 1996, Chapter 4, p.11). Doubts separate "the production of contrasting material from assessing the effect that that material has for the co-participant's position" (Palmer, 1996, Chapter 4, p.11). In disagreements it is the disagreeer who is the modifier. Thus the full or almost full repetition is a preferable device for expression of doubt, especially in court examinations. By not offering revisions or reformulated versions of the witnesses' testimonies (that is, by not formulating disagreements) the examiners are keeping the verbal evidence untouched and thus avoiding leading the witness.

The indication of contrast and the **invitation of resolution of doubt** can also be realized as partial repetitions.

Table 31. Indication of contrast and invitation for resolution of doubt

Features	Sequence	Example: ST1: 19
Declarative question	Initiation	1. P: < och viftat me0 kniven mot dej > '< and waved with the knife against you >' @ <mood : asking>
Single FB word	Certain answer, confirmation	2. Pl: ja0 'yes'
Declarative question	Display of doubt	3. P: < de0 e0 du säker på > '< this you are sure of >' @ <mood : asking>

FB word + full answer + reformulation Indirect reported speech, partial repetition, self-repetition, interrogative intonation	Certainty reassurance Indication of contrast, invitation for resolution of doubt	4. Pl: ja0 de0 e0 ja1 säker på 'yes this I am sure of' 5. P: <1 men IDAG säger du så0 känner du inte igen <2 nils+ >2 du är0 inte helt säker på att du <3 kän+ >3 känner igen <4 nilsson >4 IDAG säger du >1 '< but TODAY you say so don't you recognize < nils+ > you are not completely sure of that you < reco+ recognize < nilson > TODAY you say >' @ <1 mood : asking >1 @ <2 cutoff : nilsson >2 @ <2 name >2 @ <3 cutoff : känner >3 @ <4 name >4
FB word + full answer	Re-confirmed certainty	6. Pl: näe / de0 e0 ja1 inte 'no / this i am not '

On line 5 the prosecutor is repeating different aspects of the previous utterances of the plaintiff prefacing the act with a contrast-indicating conjunction 'but'. Similar to example 16, here the examiner is using a declarative sentence and indirect reported speech to refer to **the plaintiff's earlier statements** in order to prove the objection justifiable. But here the invitation for resolution is more explicit because it is directed to the plaintiff, by the embedded indirect quotation, by the emphasis on the puzzle-creating element (which is the temporal aspect of the testimonies 'today') and by the self-repetitions. Preceding this line we have a number of utterances, which prepare the grounds for the later expressed doubt. On line 3 the prosecutor is initiating a certainty-degree checking sequence in which the plaintiff clearly confirms his high level of certainty. The doubt-expressing utterance follows exactly this explicit confirmation of certainty. The plaintiff confirms even the last statements with a full answer prefaced by a simple feedback word.

Thus the repetition/reformulation of sequence pattern one (which is typically realized on third feedback position in a sequence, see 7.1.) often functions as a preface of a doubt or as an implicit display of doubt. It is regularly followed by an indication of doubt-creating contrast and **invitation of resolution of doubt**. This invitation can be made in a more or less explicit way. In example 1.1:16 it is implicit. It is mainly the long pause that indicates an expectation of resolution. In example 1.1:19 the invitation for resolution is explicit and awaits a confirmation. A general tendency is that the more epistemically certain the witness is on important topics for the case, the more explicit the invitations for resolution of doubt are. Even sequences in which we have lack of knowledge testimony or uncertainty on important matters are always followed by invitations for resolution of some kind.

The indication of contrast may be achieved not only by reference to previous statements or to the statements of other witnesses but also by **the initiation of a different topic**. The aim of this new sequence is to check and/or to assist the memory of the witness and possibly throw

light on the missing pieces of evidence. In this sense the novelty of the topic is only temporary because it is supposed to resolve the currently unclear parts of the testimony.

Table 32. Display of unresolved doubt and initiation of a whole new sequence

Features	Sequence of acts	Example: ST1: (10)
Declarative sentence	initiation of a statement of uncertainty by the witness	1. W: men sen1 e1 ja1 vet inte 'but then eh I don't know'
Declarative sentence, short pause and interrogative intonation	repetition by the examiner – display of unresolved doubt	2. DC: < men sen1 så0 kan vet du inte VA1 som hände > / '< but then so can don't you know WHAT happened > /' @ <mood : asking>
	(confirmation by the examined)	3.W: [67 (...)]67
Declarative sentence	continuation by introduction of a new topic and initiation of a doubt resolution sequence	4. DC: < [67 du]67 satte dej i bilen > '< [you] sat down in the car >' @ <mood : asking>

In the previously discussed sequences dealing with the certainty of the witnesses after the repetition on line 2, which we called display of unresolved doubt, the examiners were initiating contrast devices elaborating on the grounds for the doubt. Here, instead, the examiner disregards the immediate resolution of the epistemic problem and continues by introducing a new topic of interrogation. The repetition is still functional because it is presented in front of the court. In fact, in his final pleading speech, the defense counsel uses the fact that witnesses have been uncertain on a great number of important aspects of the story and pleads for a lower punishment because of a lack of convicting evidence. Neither the display of unresolved doubt nor the new doubt-resolving sequences are realized as interrogative sentences, although they are presented with interrogative intonation. One may ask: why does the examiner continue by initiating a new series of questions? One reason may be that he lacks evidence on the topic from other sources but the immediate context offers another explanation. The witness does not respond immediately after turn 2, which is indicated by the pause. Furthermore, the continuation of the examiner overlaps with the delayed confirmation of the witness, i.e. both speakers start simultaneously. In this situation the defense counsel can not refer to contrasting evidence since he has not even heard the answer of the witness. Thus the only thing he can do to clear up the matter is to try to refresh the memory of the witness and to search for contradicting information (if his aim is to discredit the witness, of course).

The certainty of the witness may provoke doubt when **confronted with other witnesses' testimonies**:

Table 33. Reassurance in certainty

Feature	Sequence	Example: ST1: 77
FB items, pause and reformulation with interrogative intonation	Suggestion of resolution of doubt	1. DC: hm hm // < de0 tror du / att du / kommer ihåg > @ <mood : asking> 'hm hm // < this you believe / that you / remember >'
Reformulation, stronger epistemic modality, declarative, self-repetition	Reassurance in certainty	2. W: < de0 VET ja1 de0 vet ja1 säkert > / '< this I KNOW this i know for sure > /' @ <mood : very sure>
FB words+	Indication of contrast, motivation of doubt by reference to other's testimony, invitation for doubt resolution,	3. DC: ja0 ja0 de0 ingen < ann+ > / de0 kom inte < laka leander > ihåg < men du e0 säker på de0 här > 'yes yes it is nobody < el+ > / this didn't remember < laka leander > but you are sure of this here >' @ <cutoff : annan> @ <name> @ <mood : asking>
FB + full answer	Re-confirmed certainty	4. W: jaa de0 e0 ja1 'jees i am '
Single FB word	Acceptance	5. DC: ja0 'yes'

The witness has just introduced a completely new piece of testimony. The defense counsel receives it by use of short feedback units, pause and a question formulated as a declarative sentence, in which the epistemically modal verb 'tror' ('believe') suggests a lower level of certainty in the witness and signals the examiner's doubt in the epistemic quality of the new evidence, which is similar to the certainty-degree checking utterance in the previous example. The defense counsel is justified to suggest a lower degree of certainty because the witness has previously proved not to have a good memory of many aspects of the situation. The witness corrects the doubt-expressing formulation by emphasizing exactly the modal verb 'know' in his confirmation, amplified by self-repetition and by adding a certainty-denoting adverbial. Similar to example 19 immediately after the strong certainty indicating utterance of the witness the examiner expresses doubt, this time by pointing out the contrast between the previous witnesses' testimony and that of the presently examined witness. Again similar to the previous example the witness re-confirms by giving a full answer prefaced by a simple feedback word.

8.1.2. Suggestions of doubt resolutions

Other kinds of indications of the repetitions/reformulations' expression of doubt in the correctness of the testimony received are the offered suggestions of alternative interpretation or suggestions of doubt resolutions (called 'alternative accounts' by Palmer, 1996, Ch.4).

Table 34. Suggestion of resolution of doubt – between plaintiff's witness and defense counsel

Feature	Sequence	Example: ST1: 80
FB word + declarative sentence, emphasized modal verb	Denial, weak certainty	1.W: näe: inte förutom den här RISPAN som ja1 GISSAR att de0 va3 från kniven 'no: not except for this SCRATCH that I GUESS that it was from the knife'
Declarative sentence, partial repetition, interrogative intonation	Display of unresolved doubt	2. DC: < de0 GISSAR du att de0 va3 > '< you GUESS that it was like this >' @ <mood : asking>
Back-channel	Confirmation	3. W: [68 ja0]68 'yes'
Declarative sentence, interrogative intonation	Suggestion of resolution of doubt	4. DC: < [68 de0]68 kan ha0 vart0 när han ramla2 på marken också > / < it could have also happened when he fell on the ground > /' @ <mood : asking>

The repetition includes not only the sentence but also the exact emphasis, which again happens to be an epistemically modal verb and which is suggested this time by the witness himself and denotes a low degree of certainty. Once again the repetition does not change the declarative mood of the repeated sentence but is accompanied by interrogative intonation. However, similar to the situation in ST2: 10 above, the examiner does not even wait for explicit confirmation but initiates the suggestion of alternative interpretation by overlapping the offered short confirmation. In comparison with references to previous testimonies both the continuation of the interrogation by new topics and the suggestion of resolution of doubt are weaker indications of mistrust in the witness's competence. Correspondingly they occur after expressions of uncertainty or lack of memory and not after expressions of certainty, the disapproval of which demands stronger counter-evidence.

The fact that there is an implication of mistrust and doubt in the suggestion is signaled by the reaction of the witness (not given in the example): he confirms the plausibility of the offered suggestion with an initial feedback word, then offers a justification of his interpretation by referring to common sense and by explicitly protesting that it does not concern his credibility as a witness. In this way he also indicates that he is conscious of the fact that the defense counsel is leading him to speculations, which are not allowed to be included in his register as a witness. This consciousness is already signaled by the emphasized weak modal verb 'guess'.

A suggestion of resolution of doubt may occur also in the examination of a plaintiff by a defense counsel (i.e. in cross-examination).

Table 35. Suggestion of resolution of doubt – between plaintiff and defense counsel

Feature	Sequence	Example: ST1: 32
Y/N question	Initiation	1.F: < var0 dom1 AKTIVA på något sätt > '< were they ACTIVE in any way >' @ <mood : asking>
Negative FB word + full answer + epistemically weak verb	Uncertain denial	2.PI: <u>nä0 de0 tror ja1 inte</u> 'no this i don't think so'
Reformulation+ interrogative intonation + final- negative FB word	Display of unresolved doubt = confirmation giver and elicitor + word for confirmation of already received information	3.F: < <u>de0 tror du inte nej</u> > '< this you don't think no>' @ <mood : asking>
Single negative FB word	Confirmation of denial	4.PI: näe / 'no /'
Declarative question, interrogative intonation, self- paraphrase	Suggestion of resolution of doubt	5.F: <1 dom1 försökte inte ta0 TAG / i någon av er / <2 eller nåt sånt där >2 >1 < 1they did not try to get a GRIP / on any of you / < 2or something like that there >2 >1 @ <1 mood : asking >1 @ <2 quiet >2
	Denial	6.PI: näe // 'no' //

The reformulation by the defense counsel changes only the personal pronoun and adds a final confirmation feedback word with negative polarity, due to concordance with the negative polarity of the repeated utterance. It is responded to as a confirmation-eliciting item with a new confirmation. Even this confirmation is not sufficient because in the next turn on line 5 the examiner formulates a declarative sentence with an interrogative, which receives the same answer as the repetition on line 3. The examiner is trying to find reason for which the plaintiff's conviction that the defendant is solely responsible for the offensive acts against the plaintiff is not reasonable since there were other participants in the incident. If the memory of the plaintiff or the witness is not completely clear on certain matters then it is plausible to assume that it is not clear on other matters. In this particular case, the plaintiff has chosen to respond to the question on line 1 formulating an epistemically weaker answer and it is exactly this epistemic weakness which is addressed by the examiner. The purpose of the utterance on line 5 is to suggest (in a weak way, due to the negative polarity of the sentence) an alternative

interpretation of the situation, i.e. to imply the occurrence of action initiated by the other participants in the event not only by the defendant. However these doubt-sequences take more than two turns; the doubt has been projected earlier. The question on line one by the examiner is already expression of a doubt and a suggestion of another course of events. The function of the answer on line 2 is to resolve this doubt but the repetition on line 3 is a display of the continuation of the trouble the examiner sees in the offered resolution. The source of the trouble is the epistemic weakness of the answer and thus the repetition on line 3 functions as a display of unresolved doubt. The examinee perceives the problem the examiner has and offers a repetition of his attempt of resolution. The utterance on line 5 is the examiner's next attempt to resolve his own doubt by suggesting an alternative interpretation, which is already indicated on line 1. However even this attempt gets the same answer as the previous three doubt indicators. The similarity between the last two extracts is the epistemic weakness of the examiner's utterances prior to the repetition and the following attempt of the examiner to resolve the problem by the suggestion of an alternative interpretation. The functional interpretation of these doubt sequences is the following:

weak offer for resolution of doubt by the examinee
 -> display of unresolved doubt
 -> less weak offer for resolution of doubt
 -> offer for resolution of doubt by suggestion of an alternative interpretation
 -> new, stronger offer for resolution of doubt

In extract ST1: 32 the partially repeated unit is epistemically stronger than the one in ST1: 80, because the first presents a statement with initial negative feedback word and a declarative sentence (although it includes a mitigating epistemic verb such as 'tror' ("believe")) whereas the latter expressly presents the testimony as a guess. However the suggestion on line 5, ST1: 32, is weaker than in ST1: 80 line 4 and it is not followed by a justification as in ST1: 80. Thus one may expect that weaker testimonies are going to be followed by stronger doubt-indicating devices and may trigger clear justifications by the examinee. The strength of devices for confrontation with doubt is escalating: the stronger (and the more insisting) the display of doubt, the stronger the attempts for resolution and closure become.

Suggestions of alternative interpretation occur in co-textual environments similar to the one in the contrast devices described earlier and share the same function: expression of doubt. However the contrast-based sequences do not offer resolution of doubt but display justifiable reasons for doubt, indicating the weaker potential credibility of the witness. The suggestion-based sequences do offer resolution to the earlier displayed doubt and do not directly threaten the credibility of the witness.

The last types of devices are reminiscent of what Sacks calls correction-invitation devices. In his Lecture 3 (Sacks 1992:21) he discusses an example which I will quote here only partly:

- | | | |
|-----|----|--------------------------------------|
| 1. | A: | Is this yours? |
| 2. | B: | It's Dave's. |
| 3. | A: | It's your husband's huh |
| 4. | B: | I know how to shoot it. |
| 5. | A: | He isn't a police officer. |
| 6. | B: | No. |
| 7. | A: | He just has one. |
| 8. | B: | Everybody does, don't they? |
| 9. | A: | You have forty-five and it's loaded. |
| 10. | B: | Uh huh |

11. A: And I suppose maybe everyone in Burnside Park has one.
I don't know.
12. B: No. But I mean a lot of people have guns. It's not unusual.
13. A: Oh sure, I see.

The purpose of A's questions is to find reasons for B's possession of a gun. In Sacks' analysis the purpose of the utterances on lines 5 and 7 is to get an account since no such is offered earlier. This is done by the suggestion of one type of interpretation which is expected to be corrected or given an account for by B. Since the answer on line 6 does not give such an account the utterance on line 7 is a continuation of the correction invitation on line 5. Similar to line 5 in extract ST1: 32 above A's utterance on line 5 is a declarative sentence with negative polarity, both of them receiving the same sort of answer.

Sacks 1992:21

5. A: He isn't a police officer.
6. B: No.

ST1: 32

5. F: <1 dom1 försökte inte ta0 TAG / i någon av er / <2 eller nåt sånt där >2 >1
DC: <1 they did not try to get GRIP / of any of you / <2 or something like that >2 >1
@ <1 mood: asking >1
@ <2 quiet >2
6. Pl: näe //
Pl: 'noo'

Both of them aim at resolution of previously indicated trouble (i.e. why someone who is not a police officer possesses a gun and why the plaintiff had a fight with the defendant and the rest of the guys although they did not attack them). However in its particular context the utterance of the examiner in our example is not simply an invitation for correction but a suggestion of possible resolution of the doubt. One type of interpretation has been offered but the examiner is trying to find another because of the indicated weaker certainty of the examinee. A's utterance is an indicator of projected trouble and further need of justification by B, but there has been no prior interpretation and no displays of doubt as in our court examples. Thus one may say that suggestions of alternative interpretations are a subtype of correction invitation devices, which are part of the information gathering process typical for this activity. The former are related to a doubt-projecting and a weaker certainty-expressing contextual environment.

The justification sought in the gun problem exchange does come on line 8 in the form of something which Sacks calls 'account apparently appropriate, negativer' or A3N, which is a type of general purpose devices such as proverbs, that is, interpretations of reality shared by most members of the community. In our cases, similar justification is offered on line 5 in ST1: 80 after the examiner's clear suggestion of the plausibility of another interpretation of the events.

Sacks 1992:21

7. A: He just has one.
8. B: Everybody does, don't they?

ST1: 80

4. DC: < [68 de0]68 kan ha0 vart0 när han ramla2 på marken också>
DC: ' <[68 it] could have been when he fell on the ground also >'
@ <mood : asking>

/

5. W: ja:0 men de:0 // ja1 tror inte man får en0 sån här RISPA å*
 å* ramlal på marken de0 e0 / inte JA1 som skall reda ut0 de0
 W: 'ye:s but it // I do not believe one gets such a SCRATCH an* an* falls on the ground it is / not ME who should explain that'

Although the justification is not a proverb or an explicit reference to the community as such, it refers to common sense, which is indirectly expected to be shared by the community of rational people. And in fact it does end the preceding line of examination even if it does not resolve the expressed doubts of the examiner. What it does is defend the attacked credibility of witness (this will be analyzed in greater detail in Chapter 9).

8.1.3. Explanation-devices

There is a kind of sequence with epistemic quality repetitions/reformulations which is reminiscent of the contrast-based doubt-expressing sequences but whose function is not a display of doubt. These appear in longer sequences of examination by production and elicitation of narrative. In the next extract we can notice that the examiner's contributions consist not of questions but of pieces of a narrative and explanations of behavior, all of which aim at confirmations (see also 7.2.). The examiner is thus exhibiting the fact that he is already familiar with the story, he being the prosecutor leading the pre-court examinations.

ST1: (6)

1. P: näe / å0 då gick börja0 de0 osa katt då gick du ur bilen tydligen eller du hade gått UR bilen
 P: 'no / and then went it become too tough then you went out from the car probably or you have gone OUT the car'
2. W: ja0 INNAN (...)
 W: 'yes BEFORE (...)'
3. P: < då på grund av sparkarna här >
 P: '< then because of the kicks here >'
 @ <mood : asking>
4. W: när kniven kom fram så0 gick ja1 MOT bilen igen fö då vart1 ja1 ju rädd
 W: 'when the knife appeared so I went TOWARDS the car because I was scared that time'
5. P: jaha < å0 du du HOPPADE IN i bilen då >
 P: 'alright < and you JUMPED INSIDE the car then >'
 @ <mood : asking>
6. W: ja:0
 W: 'yes'
7. P: <1 om ja1 förstår dej rätt så0 ser du sen1 att / <2 nilsson >2 VIFTAR me0 kniven mot <3 laka >3 >1
 P: '< if i understand you right you then see that / < nilsson > IS WAVING with the knife towards < laka >>'
 @ <1 mood : asking >1
 @ <2 name >2
 @ <3 name >3
8. W: ja0
 W: 'yes'
9. P: <1 sen1 kommer <2 laka >2 in i BILEN >1
 P: '< then < laka > comes inside THE CAR >'
 @ <1 mood : asking >1
 @ <2 name >2
10. W: ja:0
 W: 'yes'
11. P: < och har en0 rispa å0 blöder >
 P: '< and has a scratch and is bleeding >'

- @ <mood : asking>
12. W: ja0
W: 'yes'
13. P: <1 men du har <2 sj+ >2 sett själva / HUGGET eller [54 (...)]54 >1
P: '<but you have <se+> seen self / THE STAB or '
@ <1 mood : asking >1
@ <2 cutoff : själva >2
@ '< cutoff: self >'
14. W: [54 e1]54 nä0 ja1 har inte [55 sett (...)] att [55 de0 har träffat
W: 'no i have not seen that it has hit'
15. P: [55 (...)]55
P: < du har inte sett att de0 har träffat >
P: '< you have not seen that it has hit >'
@ <mood : asking>
16. W: nä0
W: 'no'
17. P: < men du bara FÖRMODAR de0 >
P: < but you only GUESS so >
@ <mood : asking>
18. W: ja:0
W: 'yes'
19. P: <1 fö du såg den här VIFTNINGEN mot <2 laka >2 säger du >1
P: '< because you saw this WAVING towards <laka > you say >'
@ <1 mood : asking >1
@ <2 name >2
20. W: ja0 /
W: 'yes' /
21. P: <1 hur många var0 <2 nilsson >2 i sällskap me0 då >1
P: '< how many people were there together with < nilsson > then'
@ <1 mood : asking >1
@ <2 name >2
22. W: e1 de0 va3 han å0 sen1 en0 till TVÅ allså
W: 'eh there was he and then one more so TWO'

On line 13 the prosecutor suggests through something that he knows is not claimed by the witness and thus projects a more elaborate negative answer. On line 16 he offers even the repetition of this piece of evidence which could seem a display of unresolved doubt. On line 18 he offers an explanation of the doubt, emphasizing the epistemically modal verb of uncertainty and on line 20 offers the explanation for the uncertain piece of evidence. After that he leaves the matter to rest as resolved. The exchange in lines 14-18 has the same structural properties of the earlier analyzed contrast-based and suggestive doubt-expressing sequences. The utterance on line 18 even starts with the contrast indicating conjunction 'but'. We can directly compare the same type of exchange by the same actors in an earlier occasion.

ST1:19

1. P: < och viftat me0 kniven mot dej >
P: '< and is waving with the knife towards you >'
@ <mood : asking>
2. Pl: ja0
Pl: 'yes'
3. P: < de0 e0 du säker på >
P: '< this you are sure of >'
@ <mood : asking>
4. Pl: ja0 de0 e0 ja1 säker på
Pl: 'yes i am sure of'
5. P: <1 men IDAG säger du så0 känner du inte igen <2 nils+ >2 du är0
inte helt säker på att du <3 kän+ >3 känner igen <4 nilsson >4 IDAG säger du >

- P: ' < but TODAY you say so don't you recognize < nils+ > you are not completely sure of that you < reco+ > recognize < nilson > TODAY you say >'
 @ <1 mood : asking >1
 @ <2 cutoff : nilsson >2 , <2 name >2
 @ <3 cutoff : känner >3
 @ <4 name >4
6. Pl: näe / de0 e0 ja1 inte
 Pl: 'no / I am not '

The sequence in ST1: (6) occurs much after this exchange. As we can easily see the steps are equal:

1. initiation
2. answer
3. repetition/reformulation
4. contrast

However, here the examiner is simply indicating the contrast without trying to resolve the doubt implied by it. In ST1: (6) the examiner offers all explanations of all doubt-implying aspects of the testimony, thus doing most of the job done by the examinee himself in the examination by the defense counsel. Let us for the sake of clarity look again at extract ST1: 77:

1. DC: hm hm // < de0 tror du / att du / kommer ihåg >
 DC: 'hm hm // < this you believ / that you / remember >'
 @ <mood : asking>
2. W: < de0 VET ja1 de0 vet ja1 säkert > /
 W: '< this I know this I know for sure > /'
 @ <mood : very sure>
3. DC: ja0 ja0 de0 ingen < ann+ > / de0 kom inte < laka leander > ihåg
 < men du e0 säker på de0 här >
 DC: 'yes yes it is nobody < el+ > / this didn't remember < laka leander > but you are sure of this here >'
 @ <cutoff : annan>
 @ <name>
 @ <mood : asking>
4. W: jaa de0 e0 ja1
 W: 'yees i am '
5. DC: ja0
 DC: 'yes'

On line 3 the defense counsel is introducing a genuine display of doubt based on a contrast of testimonies using the conjunction 'men' ('but'). He is not offering any kind of explanation for the doubt as in ST1: (6) lines 18 and 20. In fact, the interrogation format exemplified in ST1: (6) occurs only in what is called examination-in-chief in the Anglo-Saxon legal system, that is, when the attorney is examining his own client and the witness for his own case. Although the prosecutor in the Swedish legal system has an objective position because he is leading the pre-examinations and the collection of evidence in the courtroom he is acting as a representative of the plaintiff's case. In the above extract he is using false correction-invitation devices, false because he is already well informed about the claims of the witness and because he is constructing them as resolutions of doubt, not as displays of doubt, as in the examination of the opposite side's defense counsel. Thus the function of occurrences of the already identified sequential structures involving repetitions/reformulations can not be adequately analyzed by studying only the immediate co-text – they are dependent on larger portions of co-text and on the activity as such, including the exact roles of the interactants.

The above extract is an example of a concluding part of an examination-in-chief by the prosecutor. Its aim is to summarize all critical and important aspects of the testimony and is thus not a genuine interrogation but an interactive summary.

8.2. Repetitions/reformulations by the examined

8.2.1. Reassurance

The first example of sequences where the examined is repeating/reformulating a piece of the examiner's utterance and where the repetition/reformulation is related to the epistemic quality of the testimony has the following format:

request for confirmation: declarative sentence

-> assurance: repetition + full answer =pre-sequence

-> contrast: initial double FBW + declarative sentence, reference to others' testimony

-> reassurance: prolonged initial FBG word + full anaphoric answer

-> reception of reassurance: simple FBG word

ST1: 77

- | | | |
|----|-----|--|
| 1. | DC: | hm hm // < de0 tror du / att du / kommer ihåg > |
| | DC: | 'hm hm // < this you believe / that you / remember >'
@ <mood : asking> |
| 2. | W: | < de0 VET ja1 de0 vet ja1 säkert > / |
| | W: | '< this I know this I know for sure > /'
@ <mood : very sure> |
| 3. | DC: | ja0 ja0 de0 ingen < ann+ > / de0 kom inte < laka leander > ihåg
< men du e0 säker på de0 här > |
| | DC: | 'yes yes it is nobody < el+ > / this didn't remember < laka leander > but you are
sure of this here >'
@ <cutoff : annan>
@ '< cutoff: other>'
@ <name>
@ <mood : asking> |
| 4. | W: | jaa de0 e0 ja1 |
| | W: | 'yess I am' |
| 5. | DC: | ja0 |
| | DC: | 'yes' |

The witness is reformulating (line 2) the examiner's utterance in a significant way by changing and emphasizing the modal verb. In contrast to the examiner's repetitions, which function as a display of unresolved doubts where the reformulation was minimal, here we have a correcting assurance. In principle the latter could be part of the examiner's register as well but the fact that the examinee is correcting is of particular interest because his/her subordinate position calls for special face-saving devices. Thus the correcting assurance by the examined is not even prefaced by confirming feedback words but is not introduced as an objection either. The witness could have chosen other kind of formulations such as "no, I don't think so, I know that for sure" or "it is not a matter of belief, I am absolutely sure about that". His formulation is not combative. The witness has anticipated the indication of doubt in the defense counsel's utterance and, by amplifying his certainty with reformulation, he is rebutting further expressions of doubt, i.e. he is seeking closure. On line 3 the examiner gives the reasons for his doubt. A simple confirmatory word is not sufficient to meet this new display of doubt and that is why the witness answers with a full confirmation unit, which in

Swedish is an anaphoric expression but in Bulgarian would involve repetition because of syntactic constraints.

There is similar behavior in the next example. Instead of giving a simple confirmation (e.g. 'yes') or a full answer (e.g. 'yes I am' or 'yes I am sure') the witness chooses to amplify the certainty in his testimony (line 3). In this way he is prefacing all eventual further displays of doubt in his testimony.

Table 36. Amplifiers of certainty

Features	Sequences of acts	Example: ST1: (4)
Initial FBW + full answer	Confirmation of uncertainty	1. W: ja0 de0 e0 ja1 också osäker på 'yes this I am also unsure of'
Initial FBW + pause + declarative sentence	Question on certainty	2. P: ja0 / <1 däremot e0 du SÄKER på att / de0 va3 / <2 nilsson >2 som drog en0 KNIV >1 'yes / < on the other hand are you sure that / it was / < nilsson > that pulled out a KNIFE > @ <1 mood:asking >1 @ <2 name >2
Initial FBW + declarative sentence	Confirmation, amplifier, aggravation	3. W: ja0 de0 glömmet man inte i första taget </> 'yes this you don't forget right away </> @ <sigh : V>

The same phenomena of pre-facing eventual unresolved doubt sequences is also observable in the next extract, where this is done by almost full repetition. The full repetition of the formulation in the initial doubt-displaying utterance of the examiner on line 1 functions as an amplifier of the witnesses' certainty (it could have been formulated as a simple confirmation, e.g. 'yes', or as a full answer, e.g. 'yes I am') and as an indicator of the possible reaction to further questioning of the epistemic quality of his testimony.

Table 37. Amplifiers of certainty after display of doubt

Features	Sequence	Example: ST1:19
Incomplete declarative sentence	Initiation	1. P: < och viftat me0 kniven mot dej > < and has waved with the knife towards you > @ <mood : asking>
Single FB word	Certain answer, confirmation	2. Pl: ja0 'yes'
Declarative sentence	Display of doubt	3. P: < de0 e0 du säker på > '< this you are sure of > @ <mood : asking>

<p>FB word + full answer = repetition</p> <p>Indirect reported speech, partial repetition, self-repetition, interrogative intonation</p> <p>FB word + pause+ full answer</p>	<p>Certainty reassurance</p> <p>Indication of contrast, invitation for resolution of doubt</p> <p>Re-confirmed certainty</p>	<p>4. PI: ja0 de0 e0 ja1 säker på</p> <p>'yes this I am sure of'</p> <p>5.P: <1 men IDAG säger du så0 känner du inte igen <2 nils+ >2 du är0 inte helt säker på att du <3 kän+ >3 känner igen <4 nilsson >4 IDAG säger du >1</p> <p>'< but TODAY you say so don't you recognize < nils+ > you are not completely sure of that you < reco+ recognize < nilson > TODAY you say >'</p> <p>@ <1 mood : asking >1 @ <2 cutoff : nilsson >2 @ <2 name >2 @ <3 cutoff : känner >3 @ '< cutoff : recognize >' @ <4 name >4</p> <p>6. PI: nãe / de0 e0 ja1 inte</p> <p>'no / I am not'</p>
--	---	--

In conclusion, the functions of the repetitions in the same sequential environment involving doubts in the epistemic quality of testimony are different according to the roles and the competence of the repeating/reformulating interactant in the activity. If the examiner performs the repetition, it tends to function as a display of unresolved doubt and as a pre-sequence to the introduction of contrast-based or suggestive expressions of doubt. If the repetitions or reformulations are performed by the examinee, they tend to function as amplifiers of the degree of certainty of the testimony and as indicators of anticipated further displays of doubt. Although in principle all these types of functions could be part of the registers of both types of speakers I have not found sequences in which the examinee expresses doubt through repetitions/reformulations, which means that the above mentioned tendency is strong. Repeat sequences may also function as amplifiers of certainty for examiners, although mainly in sections other than the proper examination, e.g. during management of formal issues or establishment of the personal character of the defendant, because they are not in a position to give assurances during the proper examination.

8.2.2. Epistemic correction

The second type of repeat sequences where the repeating speaker is the examinee involves corrections. There are different modes of correcting but in all cases they are not simply repetitions and do not function only as amplifiers, as in the case of assurances, which means that they involve major reformulations of the previous utterances or that they are paraphrases. A typical format for these sequences is the following:

initiation by the examiner
 -> reformulation by the examinee
 -> confirmation by the examiner

-> epistemic consideration – reference to limitations of testimony by the examinee

Table 38. Cooperative corrections

Feature	Sequence of acts	Example: ST1: (02)
Initial negative FBW + pause + declarative sentence + final inferential FBW, interrogative intonation	Confirmation + inferential request for confirmation	1.DC: nå0 / <men han slog inte till dej utan han knuffade till dej allså > 'no / < but he didn't hit but he pushed you alright > @ <mood : asking>
Emphasized initial FBW + reformulation	Confirmation + correction,	2.PI: < JA0 knuffade omkull > '< I pushed on the ground > @ <quiet>
		3.DC: ja0 'yes'
		4.PI: om han sen1 sparkade mej de0 kommer ja1 faktist inte ihåg 'if he then kicked me this I don't actually remember'
		5.DC: så0 säger du nånting om en0 KNIV när du sen1 reste dej på dej så/<hade han> 'so you are saying something about a KNIFE when you then got up / < did he have > @ <quiet>

On line 2 the plaintiff is confirming the inference made by the defense counsel but by the reformulation he is correcting the expression describing the exact act of violence. The examiner's correction invitation on line one aims to underline the lower degree of violence of the act in question and thus to minimize the severity of the accusation. The plaintiff is not directly objecting to this attempt. He could choose a different expression, e.g. 'no, he didn't simply push me but he pushed me down'. Instead, he gives a confirmation and a correction and, in this way, indirectly objects to the attempt at minimization. This utterance is reminiscent of what Tanner 1990:60 calls 'unison completions' or what Clark 1990:231 calls 'acknowledging repetition', but it is not simply a completion nor is it simply an acknowledgement because it is a combative reformulation, although it is not designed as an attempt to take the turn. With this insertion, the examinee indicates his pre-anticipation of the defense counsel's strategy – namely to minimize the alleged violent action. After the defense counsel's simple feedback the plaintiff initiates a new turn in which he also demonstrates the anticipation of eventual doubt in his testimony and chooses to explicitly admit a lack of memory about other violent acts. As a result of this self-initiated consideration of the limitations of his testimony the defense counsel does not continue on the same topic but introduces a completely different aspect of the accusations.

In the next example we can observe the same moves, where the defense counsel and the plaintiff are negotiating on the interpretation of the events.

Table 39. Reformulating corrections

Features	Sequence of acts	Example: ST1: 36
Inferential declarative sentence + final eliciting FBW	Inferential question	1. DC: <1 [28 så0]28 du rörde dej EMOT <2 nilsson >2 då >1 '< so you moved TOWARDS < nilsson > then >' @ <1 mood : asking >1 @ <2 name >2
Declarative sentence, initial emphasis	Reformulation, correction	2. Pl: DÖRREN rörde sej mot < nilsson > ja1 rörde mej inne i <> inne i bilen / 'THE DOOR moved towards < nilsson > I moved inside <> inside the car /

In this case the defense counsel is trying to demonstrate that the actions of the plaintiff were not only defensive but violent, to aggravate his role in the incident and thus to describe his client's acts as defensive rather than offensive. Again he presents his claims as inferences following from the testimony of the plaintiff and again the plaintiff is not explicitly objecting to this attempt but does so by the use of partial repetition and contrastive correction. By emphasizing the negotiable agent of the violent act, i.e. the fact that the door happened to hit the defendant, he rejects the implicit accusation that he deliberately aimed to hit the defendant. His correction is a rejection of an anticipated implicit allegation presenting his actions as something other than defensive.

The same piece of evidence is not problematized by the prosecutor. In the next extract we can observe how the prosecutor and the witness for the prosecution cooperatively motivate the actions of the witness. The prosecutor's expression on line 1 refers to the fear felt by the witness and on line 4 the witness is not confirming the previous mention of 'kicks' but continues the narrative motivating his actions with the fear he felt by inserting the modally loaded particle 'ju' which underscores the self-evidence of this fear and that this self-evidence is understood by other participants, even by the examiner. The negotiation on the exact progression of the events is smooth; there are no corrections but interactive narration and justification of actions.

Table 40. Means for underscoring the self-evidence of the narrative

Features	Sequence of acts	ST1: (6)
Initial negative FBW + pause + idiomatic declarative expression + interrogative sentence	Confirmation + narrative, Y/N question	1.P: näe / å0 då gick börja0 de0 osa katt då gick du ur bilen tydligen eller du hade gått UR bilen 'no / and then went it become too tough then you went out of the car obviously or you had gone OUT the car'
Initial FBW + incomplete utterance	Confirmation	2.W: ja0 INNAN (...)

Declarative sentence, interrogative intonation	Inferential explication suggesting request for confirmation	3.P: < då på grund av sparkarna här > '< then because of the kicks here > @ <mood : asking>
Declarative sentence	Narrative	4.W: när kniven kom fram så gick ja1 MOT bilen igen fö då vart1 ja1 ju rädd 'when the knife appeared so I went TOWARDS the car because I was scared at that time'
Initial FBW + declarative sentence, interrogative intonation	Feedback giving + request for confirmation	5.P: jaha < å du du HOPPADE IN i bilen då > 'alright < and you JUMPED INSIDE the car then > @ <mood : asking>
Single FBW	Confirmation	6.W: ja:0 'yes'

Similar means for underlining the self-evidence of the retold events, which amplify the degree of certainty of the testimony, can be seen in the next extract from the second examination of the witness by the prosecutor.

Table 41. Confirmation, reformulation, aggravation, certainty emphasis

Features	Sequence of acts	Example: ST1: (12)
Y/N question + declarative sentence +pause + Y/N question	Request for permission + 'is-that-correct' question	1. P: <1 får ja1 ställa en0 kompletterande fråga0 här då eftersom de0 kommer ett PÅSTÅENDE in i bilden här / e0 de0 RIKTIT (...) att du har sagt DE0 HÄR til POLISEN / när du hördes om händelsen / att du: / du såg att hur en0 yngling tog fram en0 KNIV och gick mot <2 and >2 / ej mot mot mot e:1 ja0 gick mot er ja0 >1 '< may i ask a complementary question here since there is STATEMENT here / is it TRUE (...) that you have said THIS to THE POLICE / when you were questioned about the case / that you: / you saw that a young person took a KNIFE and went towards and / not towards towards towards eh eh: yes went towards you yes' @ <1 mood:asking >1 @ <2 name >2
Initial FBW + declarative sentence with epistemic modal particle and emphasis	Confirmation + reformulation, aggravation, certainty emphasis	2. W: ja0 han drog ju kniven och gick mot mej FÖRST [70 då]70 'yes he pulled the knife and went towards me FIRST then'

The witness is not only confirming the claim made by the prosecutor but also corrects it in a cooperative manner and aggravates the accusations by giving a more precise testimony about the violent intentions of the defendant.

8.3. Summary

This chapter was devoted to uncovering in greater detail the functions of repetitions and reformulations according to the juridical role of the speaker in sections of proper interrogation, i.e. not in sections dealing with formal issues. We found that the examiner's repetitions/reformulations are involved in expression and management of doubt whereas the examinee's use repetitions/reformulations is for expressions of assurance and corrections. In addition, mainly in examination-in-chief, the examiners may use repetitions/reformulations as explanation-giving devices and to establish facts for the record, which seek the expected consent of the witnesses. These findings are illustrated in the following scheme:

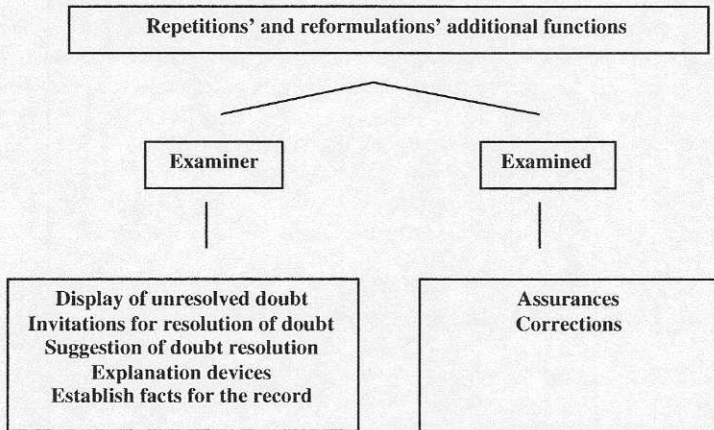


Figure 10. The additional function of repetitions and reformulations according to the roles of the speakers

Principally, both types of speakers could have all the listed types of repeat sequences in their registers. However, in the data I studied, both the Swedish and the Bulgarian, the above illustrated tendency is strong, i.e. there are no displays of doubt sequences initiated by the examined and corrections appear in the register of the examiners only in subactivities dealing with formal issues (but not during proper interrogations). In the Bulgarian data, however, because of the constant dictating, the occurrences of doubt expressions of the examiner are fewer in comparison with the Swedish hearings, which are much less disturbed by side-activities. Why do the examinee not use repetitions/reformulations for expressions of doubt? Because the purpose and the social setting of the activity does not put them in the position of expressing doubt in their own or the examiners' statements. Why do the examiners not use repetitions as corrections during sections of proper examinations (they do use them with this function but mainly in formal parts of the hearing)? Because this would disagree with the

objective of the activity and their role, namely finding the evidence and not interfering with its presentation. The examiners can still lead the examined or elicit or underscore preferable aspects of the testimony (see 7.1.) but they have to use more sophisticated means to do that.

The repeat sequences studied are called epistemic because they are related to the epistemic quality of the utterances, including the degree of certainty of the evidence presented. The general structure of these sequences is:

Statement of degree of certainty by witness

-> Check of certainty (repetition) by examiner

-> Confirmation by witness

-> Presentation of a puzzling circumstance (contrast indication) or a suggestion of doubt resolution by examiner

-> Confirmation of initial position by witness / continuation by examiner

The degree of the witnesses' certainty influences the examiner's devices for management of doubt. A general tendency is that the more certain the witness is about a piece of evidence, the stronger is the device used to confront or challenge this certainty. Thus, in cases of certainty, in the turn presenting the puzzle, we may observe the employment of references to previous statements by the speaker or by other speakers, which contradict the newly given evidence. In cases of uncertainty (when the witness is not as sure of his testimony or after reports of insufficient memory) the examiners retreat to less challenging tactics, such as the suggestion of alternative interpretation. However, in both cases, the witnesses do not change their testimony. In some cases they are given the opportunity to express that but, in others, such as the drop-it sequences, the examiners continue directly after the presentation of the doubt-awakening circumstances. The drop-it sequences typically appear after expression of uncertainty or lack of memory and it is thus not strange that the witness does not have much to add to the fact that he does not possess the knowledge requested.

Invitations to a resolution of doubt, which characteristically follow a display of unresolved doubt, may be realized with devices of different degrees of explicitness building the following scale:

Invitations to resolution of doubt

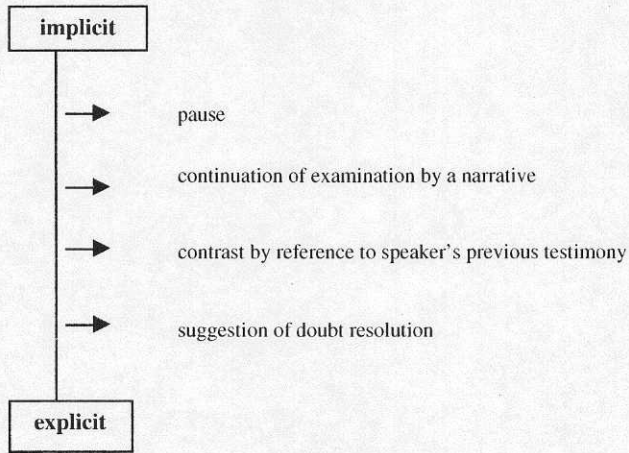


Figure 11. Scale of explicitness in the realization of invitations for resolution of doubt

The examiner may simply pause and give room for a confirmation but when repetitions/reformulations are involved he uses one of the next four devices on the above scale. The reaction of the examinee depends on the degree of explicitness of the challenging turn. We may put on another scale their display of certainty taking into consideration the succeeding actions of the examiner. A basic rule is that the stronger or more convincing the confirmatory reaction by the witness, the weaker is the possibility that the examiner will to further pursue the matter, that is, if the confirmation is weak that there will be a continuation of the doubt sequence: the stronger the confirmation is, the more likely it is that the examiner will acknowledge it with a simple feedback word and proceed with the interrogation. Keeping that in mind, we can find that the witnesses use the following devices for expressing their confirmatory certainty after the examiner's indication of contrast:

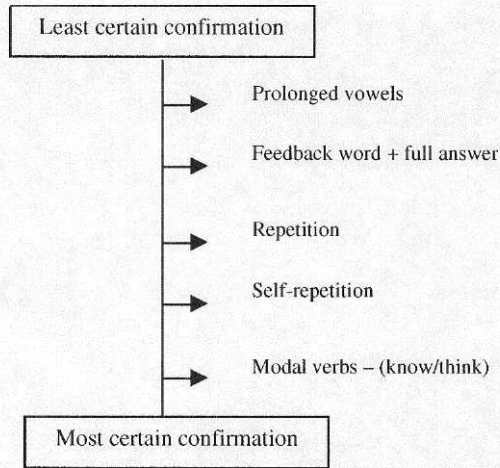


Figure 12. Scale of certainty in expression of confirmation

Confirmation may appear before the indication of contrast and may influence the type of challenging device the examiner will choose. Again, the stronger the display of certainty is, the stronger is the eventual challenge.

Since all these sequences are recurrent we may conclude that both participants have expectations of certain reactions to their contributions. In this sense, the repetitions function as challenging pre-doubt devices which multiply the witnesses' opportunities to elaborate on his/her testimony and facilitate the examiners in presenting doubtful pieces of evidence to the listening court of judges. By not offering revisions or reformulated versions of the witnesses testimonies (that is, by not formulating disagreements), the examiners are keeping the verbal evidence untouched and thus avoiding leading the witness.

When dealing with the witnesses' repetitions and reformulations we noticed that these are used for the aggravation or the minimization of guilt. In the next chapter I will concentrate on these defensive strategies and suggest a general model of mitigation.

Chapter 9

Defense Strategies and Repeat Sequences



Introduction

Up to now we have investigated the coordination between function and structure of the repeat sequences in the institution of courts. We noted that, besides being repair devices, repetitions/reformulations function as unresolved doubt indicators, correction initiators, as pre-sequences to contrasts and suggestions for alternative interpretations, explanations, assurances, etc. Thus we could trace specific sequences where we can expect the co-occurrence of certain features and repetitions/reformulations which together have one or another function. Here I will study what role the repetitions/reformulations play in the defensive behavior of the actors.

9.1. Mitigation theory

Defensive behavior means discursive acts and aspects of discursive acts the purpose of which is to defend a given line of argument or to confront actual or projected accusations or allegations as well as the strategies used by the professionals in defending their clients. Theoretically the activity as such defines the defendant and the plaintiff as the main set of participants who are expected to use defense strategies. While witnesses may also be expected to use defense strategies, this is not because there are accusations against them but because they are obliged by law to be truthful and informative in their testimonies, although they may also try to help one of the parties. This means that witnesses are not expected to defend their moral positions or their actions but their own credibility. The examiners may also defend their verbal actions in court (not their actions) but this is not part of their role and purpose and happens seldom in practice.

Figure 13 below shows the components of the mitigation theory on which the concrete analyses in the next sections are built and which at the same time have contributed to the formulation of the theory.

Only the defense acts correspond to concrete linguistic formations such as communicative acts. The rest of the categories are realized on larger contextual levels such as discourse, sequence, and utterance.

There are two main processes, which serve as defensive strategies: minimization and aggravation. Minimization is the attempt by the speaker to minimize the projected guilt. Aggravation is the result of discursive argumentation where the speaker aggravates the guilt or

the seriousness of an act. Aggravation of others' guilt may result in minimization of the weight of the speakers' guilt; minimization of own guilt may aggravate other's guilt. The defense processes may make use of the same defense lines, although, for instance, the defense line 'no agency' is more directly related to minimization of guilt than to aggravation of somebody's guilt (see 9.2.1. and 9.3. for examples). The defense processes may also follow different types of defense lines, which are the types of argument utilized by the speaker in building his/her defense on a particular matter.

The defense lines are realized by three basic defense moves, namely, concession, prolepsis or prevention (or anticipation), and counter-attack. For instance, the defense line 'reference to authority' may be a move preventing further doubts but it is not a counter-attack. It could be a counter-attack and prolepsis as well, in dependence of context. The moves are related to previous strategic events in the discourse, they are by nature relational and to discover them one may need to have access to very large amounts of data or to check argumentation in different part of the trial. Thus defense moves are cognitive procedures or strategies and are not identical to the defense acts. The communicative acts are local in comparison to the moves, they need two to five utterances for identification (see chapter 7 and chapter 5) whereas defense moves demand much more context and are difficult to detect. In addition, for instance, the acts of agreement or admission are not always concessions and not always prolepses. Moves can be reactions to implicit or explicit accusation. These moves may co-occur. Concessions may be drawbacks of stronger statements. By prolepsis I mean anticipation of accusations or some kind of challenge or threat or danger. Counter-attacks may be counter-accusations, acts such as rejoinders and rebuts, which very well also may be proleptic or anticipatory. The defense moves and, through them, the defense lines and the defense processes, are realized by defensive communicative acts, which are either as long as an utterance or smaller.. The most common mitigating communicative acts are excuses, justifications, rebuts, and admissions, denials and objection (see also 5.4.6.). The defense acts and moves contribute to the formulation of the defense lines and the processes of minimization or aggravation of guilt, and together they construct the working mitigation theory, which is going to be described with authentic examples in this chapter and is illustrated in the following figure:

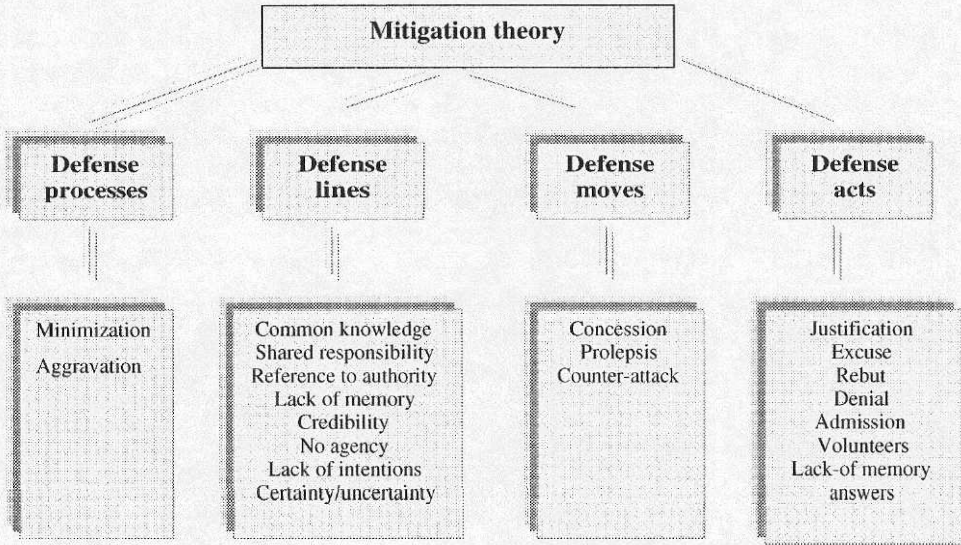


Figure 13. Mitigation theory

The defense line “common responsibility” names arguments in which the speaker refers to or indicates (e.g. by modal particles) that what he is speaking about is a principle fact or matter-of-fact or a belief shared by the members of the socio-cultural community to which he belongs and is thus understandable to ‘everyone’, including the participants in the discursive activity. By shared responsibility I mean arguments in which the speaker refers to other agents in a given event and the notion that he is not the only person responsible for the actions in question. When the witness says that he does not remember something he may be using a ‘lack-of-memory’ defense line. I say ‘maybe’ because it may be that he truly simply does not remember something and that this is not caused by his desire to hide certain facts, which is then up to the examiner to find out. Closely related is the expression of uncertainty on matters important for the defense or certainty on matters that prove the case of the speaker and aggravate the position of the opponent. The witness may engage in defense building of his credibility as a witness; he may for example refer to his capacity of being a shoemaker when talking about the quality of a shoe. This capacity of his gives him competence which increases his credibility as a witness on a case involving e.g. shoe style. The witnesses may refer to the fact that e.g. they were present somewhere but did not do anything. They also and most often simply construct their sentences by using impersonal pronouns or expressions and thus ‘hide’ the agency aspect of the narrative (Tiersma, 1999); this happens especially in cases in which they are in fact accused of the act in question. That is, it may be obvious that they have done what they are accused to have done and still avoid referring to themselves as agents. The most common defense line is lack of intention, which means that the speaker is admitting having done the act but denies having had the intention to commit a crime or cause pain or the like. All these defense lines may be employed not only by the witnesses but also by their legal representatives. What I will try to study here is how these processes are actually realized and how they are related to repetitions/reformulations. In doing so, I will concentrate on the non-

professional actors in the activity. Although the mitigating processes are interrelated in the analysis I will first consider the instances of minimization and then of aggravation. The adopted method of analysis in the thesis starts from concrete linguistic and discursive phenomena to discover more general or abstract processes. Thus I will not study the function of repeat sequences in separate defense lines but different realizations of defense acts and show in this context the use of defense lines. Furthermore, a complete and specialized study of defense line would demand greater attention to juridical conditions and analysis of much more features than repeat sequences. By focusing on communicative actions (which are necessarily related to defense lines) I aim to enrich the understanding of their realization in courts examinations in connection with repeat sequences.

9.2. Minimization

Since the processes of minimization and aggravation are mirror images of each other, in describing the one I will necessarily mention the second. However, clear and obvious aggravations by the examinee are much more rare than minimizations, partly because they are not stimulated by the law and normatively not either by the legal professionals.

9.2.1. Admissions

Here I will analyze the realization of admissions, where these acts are not defined as legal concepts but as acts in which the speaker admits something that is damaging to his reputation, not excluding cases of legal admissions. One common tendency is that the admitting expression seldom comes alone. On most occasions it is preceded by expositions aimed at justifying or excusing the speaker's action.

ST1: 3

- | | | |
|-------|----|--|
| 1. | J: | < JAHA vad sägs / där då > |
| | J: | '< alright what is it said / there than > |
| | | @ <mood : asking> |
| 2. -> | D: | ja0 de0 e0 ju så0 här va1 att < bengt felt > han han va3 ju me0 mej
när ja1 gjorde affären så0 då han < be+ > betalade också en0 viss summa <
pen+ > pengar va1 / å0 sen1 va1 de* de0 att vi0 vi0 skrev bilen på mej e1 e1
va1 det < be+ > berodde på andra omständigheter / och e1 / att ja1 gjorde mej
skyldi till de0 här e0 e0 OKEJ tycker ja1 ja1 har gjort felet alltså |
| | D: | 'yes it is like this isn't it that < bengt felt > he he was with me when i made
the deal so then he <pay+> paid too a certain amount of <mon +> money
didn't he / and then it was this that we we register the car on me eh eh what it
<de+> depended on other circumstances / and eh / that i made myself guilty of
this is is OK I think i i have made a mistake then ' |
| | | @ <name> |
| | | @ <cutoff: betalade> |
| | | @' <cutoff: paid>' |
| | | @ <cutoff: pengar> |
| | | @' <cutoff: money>' |
| | | @ <cutoff: berodde> |
| | | @' <cutoff: depended>' |
| 3. | J: | de0 e0 okej då |
| | J: | ' it is ok then ' |
| 4. | D: | m:0 |
| | D: | 'm.' |

5. J: m:0 då har jag inget mer att säga på den punkten // JA0 sen1 har
vi0 misshandeln de* / < den e0 den enda som >
J: 'm then i don't have anything more to say on this point // YES then we have
the maltreatment th* /< that is the only that >
@ <quiet>

In this sequence the judge is explicitly requesting the defendant's consent or admission (line 1) by putting a simple WH question which is followed by a temporal conclusion marker and/or feedback-eliciting word. On line 2 we have the actual realization of the elicited admission. It starts with a positive feedback item, which serves as receiver of the given turn. This item is followed by a narrative, which ends with an explicit declaration of the speaker's understanding of the wrongdoing and approval of the accusation. The tendency to use narratives before admissions or as answers to concrete questions has been acknowledged in different cultures and explained by the unfamiliarity of the examined with the question-answer format of the activity (Tiersma, 1999; Cooke, 1996). However, if the narratives are not simply narratives, since they carry mitigated versions of the events in question, they are thus preferable because they allow mitigation. It is the tendency to mitigate even when there is no obvious nor implicit threat which is interesting. It suggests that the examinee's behavior is strongly influenced by his anticipation of threat, which is related to the institution as such, not to the question-answer format as such. The narrative in ST1: 3 consists of one defense line, namely of **shared responsibility** with a co-participant in the alleged criminal act. Thus the defendant minimizes his own guilt before presenting the admission. In this way he is initiating negotiation of guilt and at the same time acting cooperatively. The explicit admission is also followed by a soft evaluation of the accusation. We can observe the following internal organization of the utterance:

Initial FB + narrative = (modal particle (of shared knowledge, 'ju') + defense line (shared responsibility)) + pause + hesitation sounds ('e1') + final admission

This realization of features in admissions in the context of repeat sequences is quite reproductive. In some cases the admission is implicit since there is no direct or explicit accusation of wrongdoing, that is, no request for admission. However, even in such cases, the structure of the turn can say something about the speaker's consciousness of the wrongdoing by his proleptic attempt to minimize guilt in potential accusations. In the following extract the plaintiff is not in the position to be held responsible for his actions but he is aware of the fact that his answer may involve reputation-damaging conclusions.

ST1: 4

1. Pl: < näe / va1 va3 de0 för affärer då >
Pl: '< no / what kind of deals were there then >
@ <mood : asking>
2. -> Pl: ja1 e1 // TROR att vi0 skulle **köpa hasch**
Pl: 'I eh // BELIEVE that we were going **to buy hasch**'
2. P: < **köpa hasch** >
P: '<**buy hasch** >
@ <mood : asking>
3. Pl: precis
Pl: 'exactly'
4. P: jaha < du vet inte va1 den här killen HETTE då >
P: 'alright <you don't know what was the NAME of this guy then >
@ <mood : asking>

The answer on line 2 is not a repetition but a kind of admission. It starts with a modally weaker verb preceding the reference to the wrongdoing, which is not the issue of this particular trial. The modal verb is prosodically emphasized, which makes the testimony more **uncertain** and even more important acts as a defensive strategy. Thus the implicit admission is again preceded by a defense line realized by a mitigating item minimizing the responsibility of the actor and the certainty of the potential crime. The in-turn sequence of this implicit admission consists of the following features:

Positive FBW + hesitation sound + pause + emphasized modal verb (realizing a defense line of weaker certainty) = implicit admission

Below we have an example of an implicit and partial admission.

ST1: 5

1. P: de0 här me0 att du skulle ha0 knuffat omkull < leander > på gatan
/ eventuellt sparkat honom å0 / haft den här kniven framme < e0 de0 fel de0 >
P: 'this that you might have pushed down <leander> on the street / probably
kicked him and / had taken out this knife < is this wrong >
@ <name>
@ <mood : asking>
2. -> D: för de0 första så0 bär ja1 inte kniv när de0 gäller bråk
D: 'first of all i don't carry a knife when there is trouble'
3. P: nä0 men ja1 fråga2 om de0 va3 rätt eller [35 (...)]35
P: 'no but i ask whether it was right or [...]'

Despite the fact that the question is implicitly requesting admission through an explicit elicitation of affirmation and a yes-no question in the final position, the utterance following it does not include answer to the prior question, i.e. neither an affirmation nor an admission, but consists of a reference to an argument contesting the accusations and thus functions as a prolepsis. It is a rather peculiar answer since it is both an admission and a denial. The defendant testifies that he does not carry a weapon and this is a denial but he specifies that this applies to cases of trouble. The word 'bråk' in Swedish means trouble not excluding armed fight, which is part of the charges against the defendant. Thus this is a mitigated admission of participation in a quarrel not a perpetration of a felony. The prosecutor's question treats the charges hypothetically as negotiable, because he uses the verb 'skulle ha' ("would have") not e.g. 'that you have pushed down...' although he uses a definite deictic reference to the knife as something already established. Thus the defendant's argument in line 2 is initiated as the beginning of a list of objections and presented in a very certain manner as a principle fact but it is still possible to believe that despite the principle of not carrying a knife he might have had a knife on that particular occasion, i.e. the argument continues the negotiation line. It denies only implicitly possession of a weapon and objects to the formulation of the preceding implicit accusation. (Only after a more insistent repetition of the yes-no question does the defendant give a clear answer to that question. See 9.2.4.)

Tiersma 1999 describes mitigation such as this in ST1: 5 as characteristic of cross-examinations, and it seems to me that they tend to occur in cases in which the defendant appears at the end to have hidden some evidence (it would be interesting to correlate the defendant's mitigation strategies and the final outcome of the hearing). For instance, in the case of Bronston versus the United States, the defendant, Bronston, was the president of Samuel Bronston Productions, Inc., a movie production company and had both personal and company

bank accounts in various European countries. The company petitioned for bankruptcy and in court the following exchange occurred between the lawyer for a creditor and Mr. Bronston (Tiersma, 1990:378):

1. Q: Do you have any bank accounts in Swiss banks, Mr Bronston?
2. A: No, sir.
3. Q: Have you ever?
4. A: The company had an account there for about six months, in Zurich.

Tierstma explains the evasive nature of the response on line 4 by use of Gricean implicature and the maxims of quality, relevance, etc., which could also be suitable for extract ST1: 5. In the Bronston example the order of the communicative acts is the opposite, the examinee first denies (some form of possession) and then on a more general yes-no question answers by referring to something, which only by implication could be a denial of the implied allegation. Typically such evasive answers are presented with a declarative sentence without an initial feedback unit (negative or positive) and without repetition.

Except by explicit and implicit defense lines, minimization and prolepsis can be expressed by modal reformulation of previous utterance and use of a **negative polarity sentence**.

ST1: 68

1. P: ja0 // < hur va3 de0 me0 dej SJÄLV då **hade du tagit några jamare** >
 P: 'yes // <how were you SELF then when **you had taken some drinks** >'
 @ <mood : asking>
2. -> W: ja0 **ja1 hade nog inte druckit mer än < nån öl / >**
 W: 'yes **I had probably not taken more than <some beer />**'
 @ <cough : X>

In this example we have an examination of a witness for the plaintiff's side examined by the prosecutor. The question aims at establishing the fact that the witness was in a conscious state of mind when the crime occurred, that is, establishing whether his testimony can be considered credible. The question uses lexical expressions, including slang words, whose purpose is to demonstrate a close relationship between the examiner and the world of the witness and at the same time to minimize the unusualness of the act in question. In return the witnesses' answer starts with a positive feedback word and continues with an admission-minimizing reformulation which avoids the slang expression, uses a modal word signaling weak uncertainty ('nog') and negative polarity in combination with an unclear quantity definition ('nån', i.e. "some"). Thus this admission, although it is an admission, uses a number of linguistic devices whose sole purpose is to minimize the severity of the act in question and thus preventively undermine the unstated implication damaging the credibility of the witness. The minimizing in-utterance features are the following:

Positive feedback word + admission = reformulation + modal particle or adverb (unclear certainty) + negative polarity + existential quantifier (implying a small, indefinite amount)

Another example of using negative polarity for minimization of guilt and expression of uncertainty is demonstrated in the following example:

ST1: 70

1. W: ja0 de0 e0 / de0 e0 MÖJLIT att de0 va3 nåt men inte som JA1
kommer ihåg
W: 'yes it is / it is POSSIBLE that there was something but nothing that I remember'
2. P: å du har själv SAGT i polisförhöret att < ANDY > va3 vi1
tillfället påverkad av alkohol
P: 'an' you HAVE yourself SAID during the police interrogation that < ANDY > was for the occasion influenced by alcohol'
@ <name>
3. -> W: ja0 ja0 men de0 e0 inte [58 omöjlit]58
W: 'yes yes but it is not [58 impossible]58'
4. P: < [58 de0 e0]58 inte omöjlit nå0 >
P: <[it is] not impossible no>'
@ <mood : asking>

When the lack-of-memory defense line employed by the witness on line 1 is confronted by the examiner with reference to the authority of the police report, the witness produces a weak admission starting with two positive feedback words followed by the objection item 'men' and by a sentence with negative polarity related to the modal expressions 'possible/not impossible'. The modal reformulation is a weak concession move. In this admission there is a principle agreement on the course of events but not an actual agreement. The repetition on line 4 emphasizes the weakness of the expression using it as a repair eliciting more clear confirmation of the admission. The final confirming negative feedback word follows the overlapped confirmation offered at the beginning of the repetition. Again the features on line 3 are:

Reduplicated positive feedback word + modal reformulation in a negative sentence = weak admission

Admission realized with partial repetition, weak modality words constituting a defense line of **uncertainty and common knowledge** ('nog') as well as expressions of unclear quantity ('nåt', "something") may be offered initially but, even in these cases, we have an element of objection to and minimization of the gravity of the crime.

ST1: 101

1. DC: JA0 de0 e0 ju inte skrivet nånting / om din situation sen1 den elfte
i andre <> de0 e0 skyddskonsulentens yttrande här / e:1 / har du e:1 / e0 du <
finns de0 nära ANDRA / BROTT som du e0 misstänkt för under den här
tiden som > /
DC: 'YES there isn't anything written / about your situation after the eleventh
february <> this is here the statement of the probation officer /eh:/ have you eh:
/ eh you < are there OTHER / CRIMES that you eh are suspected of during
this time > /'
@ <not transcribed : year>
@ <mood : asking>
2. -> D: **ja0 de0 e0 NÅT brott e0 de0** nog / men de0 vet / de0 vet ja1 inte
va1 de0 blir av
D: 'yes there is **SOME** crime there is probably / but i don't / i don't know what
will happen with this'

Characteristically such initial admissions occur during examinations of own witnesses. In the above example the admission is offered in the non-examinatory part of the trial, during the sub-activity of establishing the personality of the defendant and between the defense counsel

and the defendant. In this context, the examiner often suggests a defense line (to his client and to the court) in his own questions. The witness feels less endangered by the examiner, which is evident from the fact that he may offer admissions in the form of full repetitions without any further qualifications of these admissions. However even in these cases the repetitions consist of this part of the question, which offers a minimal version of guilt, i.e. a minimal concession.

ST1: 102

1. DC: < va1 e* å0 hur har de0 gått helt allmänt för dej me0 / me0
SPRITEN > / **de0 har vart0 perioder till och från**
DC: < what is and in general how has it been going with you with / with THE
ALCOHOL > / there have been periods from time to time'
@ <mood : asking>
2. -> D: **de0 har vart0 till och från**
D: 'it has been from time to time'
3. DC: jaha
DC: 'alright'

The above sequence occurs again in the sub-activity of establishing the personality of the defendant. On line 3 the defendant admits to the asocial behavior of alcohol drinking by embracing the offered weak form of admission.

The minimization of guilt can also be expressed simply by the tone of voice in the repeating admission.

ST1: 10

1. P: [15 jaha]15 / e1 ja1 vet ju att du vi:1 den här tidpunkten hade lite
problem me0 spriten < å0 **de0 stämmer väl** >
@ <mood: asking>
P: 'alright / eh I know that you in: this particular moment had little
problem with the alcohol < and it is certainly true >'
2. -> PI: **ja0 de0 < (stämmer) >**
PI: 'yes < (it is true)>'
@ <quiet>

In the above example the prosecutor is eliciting confirmation of a state of affairs which he presents as indisputable knowledge by using the strong interrogative is-that-correct tag question combined with the epistemic modal particle expressing shared but not completely certain knowledge. The confirmation by repetition on line 2 is an admission but it is offered in a more quiet tone of voice as opposed to cases in which these confirmations are realized with a higher pitch and/or greater emphasis. Both ST1: 10 and ST1: 102 are examples of admissions that are not preceded by accounts and they are both extracts from examination between an examinee and his/her legal representative. Similarly, the routine admissions given by the defendant's representative to the prosecutor or the judge are either single (see ST1: 2 in Chapter 10) or followed by an explanation (see ST2: 2 in Chapter 10). Thus the more trustful the relationship between the actual interactants is, the more likely it is to get single or initial admissions, i.e. less mitigated admissions.

The witnesses feel the need to justify their statements in different ways **and reference to authority** is one of the possible defense lines.

ST1: 12

1. P: < så0 du va3 i alla fall i någorlunda SKICK men1 du >
@ <mood : asking>
2. -> P: ‘< so you mean you were after all in somewhat good CONDITION >’
P1: JA:0 / ja1 va3 ju // de0 TYCKTE i alla fall poliserna nå1 ja1 va3
inne på polisstationen
P1: ‘YES: / i was // after all the police THOUGHT so when i was at the police
station’

In the above example the utterance on line 2 has the following structure:

Emphasized positive feedback + epistemic modal item (expressing defense line: shared knowledge) + pause + defense line : reference to authority

Certain topics, such as intake of alcohol (in Swedish law such circumstance is aggravating i.e. not valid as an excuse) are always sensitive for the witnesses/the case and thus every question addressing this matter triggers proleptic defenses. In the next example, on line 2, we have no reference to authority but we do have a very long exposition on the exact physical conditions of the defendant, which altogether exclude the possibility of exaggerated consumption of alcohol.

ST1: 35

1. P: <1 hur va3 de0 själv så0 här e1 / dagarna före <2 valborg >2 hade
du / druckit sprit >1 //
P: ‘<how was it with you eh / the days before <valborg> had you been drinking /
alkohol > //’
@ <1 mood : asking >1
@ <2 name >2
2. -> D: ja:0 de0 hade ja1 gjort men inte nån LÅNGRE tid i varje fall fö ja1
hade gått på antabus hela den här våren då / ända fram till artonde e1 artonde
april hade ja1 gått på antabus / å0 de0 va3 ju inte så0 många dagar efteråt å0 å0
de0 tar ju faktist e1 / en0 å0 en0 halv vecka innan antabusen går ur KROPPEN
om man / har gått så0 länge på antabus ja1 har inte kunnat / NÅN DA0 ett par
dagar innan hade ja1 kunnat börja0 dricka
D: ‘yes: i had been drinking but not for a long time in any case because i had been
taken antabus during this whole spring then / until the eighteenth eh the
eighteenth of april i had been taken antabus / and there were not so many days
afterwards and and it actually takes eh / one and a half weeks before the antabus
goes out from THE BODY if one / has been taken antabus for so long i have
not been able / SOME DAY a couple of days before i would have been able to
start drinking’
3. P: < men ...
P: ‘<but...’

The question on line 1 is a simple yes-no question. The answer, being an admission, starts with a simple confirmation feedback word and then gives a full answer and continues with a very long account, which begins with an objection item ‘men’:

Y/N question ->

Positive FBW + full anaphoric answer + justification (defense lines: certainty, shared knowledge, reference to authority)

The defense line consists of providing objective reasons, also realized by repeated use of epistemic modal particles signifying shared knowledge (‘ju’). The medical objectivity is a kind of authority. Since this sequence occurs at the beginning of the examination and since it is preceded only by one simple question on the topic, we may infer that the witness is not only prepared for the question, but that his extended contribution functions as a preface for any

further accusation built on his level of consciousness. Curiously, these accounts do not answer the question of the prosecutor, so he has to restate it and thus insist on the concrete admission.

ST1: 36

1. P: < men den här aktuella kvällen eftermidda kvällen då hade du
druckit sprit > /
P: *<but that particular evening afternoon evening you had you drunk alcohol then
> /' @ <mood : asking>
2. -> D: < (ja0) öl ja1 går mest på öl >
D: < (yes) beer i mostly run on beer >
@ <quiet>

The feature sequence is similar:

Y/N question ->

Positive FBW + justification = topicalization + correction + quiet voice (the whole utterance)

As a result we get an admission that carries all the features of a defensive verbal act and whose purpose is to minimize the anticipated accusation i.e. it is a prolepsis and a concession. It is uttered very quietly, the direct admission consisting of simple positive feedback word followed by a qualification concerning the type of alcohol, which appears to be a less strong kind of spirit. As such, the second part of the answer is a principle one; it does not necessarily mean that the defendant has been drinking beer on that particular occasion thus it is still an evasive answer. In fact the anticipated danger of this aspect of the situation is so important for the defendant that he provokes a kind of verbal duel with the prosecutor in which the examiner is forced to underline the lack of concrete accusation. Since the answer on line 2 above was evasive the examiner refers (line 1 below) to an objective source of information, namely the police report, by emphasizing the word 'spirit' and thus addressing the non-conclusiveness of the previous principle statement of the examined. He confronts the defendant with his own previous testimony, forcing him to produce a clear admission. There is no direct question, only an indirect reported statement.

ST1: 37

1. P: **för du har själv sagt de0 att du hade** / den aktuella kvällen så0
hade du druckit en0 del SPRIT å0 va3 påverkad av förtäringen
P: 'because you have said this that on the particular night you had /
drunk a certain amount of ALCOHOL and were influenced by the drinking'
2. -> D: men de0 va3 ju inget så0 att poliserna: kvarhöll mej för fylleri [39
eller nåt sånt där]39
D: 'but it wasn't anything so that the police: took me for drunkenness [39 or
something like this]39'
3. -> P: [39 NÄE då]39 de0 ha1 de0 har ja1 inte påstått heller
P: '[NO then] this i have this i haven't claimed either'
4. -> D: **nå0 ja1 vill bara < på+ > < påpe+ > påpeka0 de0 att ja1 var0 ju
inte så0 full så0 att ja1 / skulle gått / de0 kan man ju också bli0 < så0 >**
D: 'no! just want to <po+> <poi+> point out this that i wasn't so drunk so that i /
would have gone / one can become you know <so>'
@ <cutoff: påpeka>
@ '<cutoff: point out >'
@ <cutoff: påpeka>
@ '<cutoff: point out >'
@ <quiet>

5. -> P: < **ja1 vill bara PÅPEKA0 (att) ja1 har inte PÅSTÅTT de0** >
 P: 'I just want to POINT out (that) I haven't CLAIMED this >
 @ <mood : describing>
6. D: < **näe: > /**
 D: '<no:->/'
 @ <mood : understanding>
7. P: <I men **ditt minne**
 P: '<but your memory '

The sequence is:

- P: Declarative sentence + reference to previous statement of the defendant + emphasis of accusatory word by prosecutor ->
 D: Objection by defendant to implicit possible consequences of statement ->
 P: Negative confirmation expression + counter-objection ->
 D: Negative confirmation word + justification of objection + modal particles (defense line: common knowledge) ->
 P: Objection by partial repetition ->
 D: Single negative confirmation word (closure) ->
 P: Continuation with new topic

The answer on line 2 does not even include the otherwise typical initial confirmation; it goes directly to an objection and justification referring to an objective statement of facts. On line 3 the defendant is forced to clarify the purpose of his defensive behavior, which in itself is a meta-discourse act. It is followed by another meta-discourse act formulated as a repetition and self-repetition. The source of the verbal conflict arises solely from the defendants anticipated danger of the consequences of his answer and as such it is a result of his strong defensive behavior, aiming at minimization of guilt. One may also expect that such sequences on anticipated danger and use of accounts referring to objective circumstances is more typical for experienced defendants than novices in the activity. In this particular case the defendant has been on trial multiple times and, in this particular session, there are more than ten issues of accusations.

In contrast to extract ST1: 10, where the prosecutor is interrogating his client, i.e. the plaintiff, and from extract ST1: 102, where we have an example of cooperative presentation of evidence between the defense counsel and his own client, the defendant in ST1: 37, we can witness a more struggling behavior on the part of both the defendant and the prosecutor. An example of cooperative behavior between defense counsel and his client is the following:

ST1: 46

1. DC: < haft me0 dej [44 den här kvällen]44 **VISITERADES** du av polisen sedan >
 DC: '<had with you [this night] were you searched by the police then >'
 @ <mood : asking>
2. D: [44 **näe**]44
 D: '[no]'
3. -> D: direkt innan ja1 så0 fort innan ja1 klev in i bilen så0 **visiterades ja1**
 D: 'directly before yes as soon as i enter the car so I was searched yes'
 4. DC: ja0 / < då hade du ingen [45 kniv]45 > / I då har ja1 inga fler frågor //
 DC: 'yes / < then you didn't have any [knife] > / then i don't have any further questions //'
 @ <mood : asking>

4. D: [45 näe]45
D: '[no]'

There is no admission-eliciting utterance by the examiner. The question on line 1 is proleptic; it addresses a circumstance, the answer to which can illustrate that it is improbable that the defendant had a weapon at the time of the crime. We are not surprised to find more examples of such sequences in the examination between defense counsel and defendant. The defendant's answer is again constructed as a proleptic defense: there is no initial feedback word but the answer describes directly the exact circumstances topicalizing this part of the description which support his line of defense, that is, that he had no knife during the incident. Only at the end of the utterance does he repeat the exact expression of the examiner. The cooperative style is expressed by the extended non-elicited exactness of the answer as well as by the topic of the question as such and by the partial repetition of that answer on line 4 by the defense counsel.

All the above examples illustrate the point that admissions are types of discursive actions, which in the courtroom environment take much more than one utterance, embed different types of sub-acts, and characteristically involve minimizations and prolepsis as well as all the defense lines listed. In addition, we could observe that the defense behavior of the witnesses, the defendants and the plaintiffs depends on their trust relationship with the examiner. The examiners use more cooperative interrogation tactics when talking to their own clients although we have to keep in mind that prosecutors in the Swedish system are supposed to have objective, non-party-related position.

9.2.2. Lack-of-memory answers

The examinee's possible responses to questions or implicit/explicit accusations are basically three: confirmation or admission, 'don't-know' and/or 'lack-of-memory' answers, and denial. There could be also elusive answers expressing concessions, prolepsis, rebuttals, etc., but all these could be realized in the format of the former three responses as well (see ST1: 5 above). Lack-of-memory answers do not necessarily realize a lack-of-memory defense line and thus should not be confused with one another. One may say that the defense lines are usually drawn or realized by the examiner and the examinee is simply following them, not always constructing them.

Unlike admissions, lack-of-memory answers are not preceded but followed by extended accounts in the same utterance.

ST1: 23

1. DC: (...) ä0 nån JA0 sen1 så0 drog du dej mot BILEN ja0 / < SA0 han nånting då >
DC: (...) 'and someone YES then you moved towards THE CAR yes / <DID he SAY anything then>'
- @ <mood : asking> , <mood : critical>
2. -> PI: e1 / de0 vet ja1 faktist inte för att ja1 vet att dom1 e1 / när ja1 va3 på VÄG upp
ifrån GATAN va0 så0 hörde ja1 att dom1 SKREK inne i bilen
- PI: eh / i don't actually know because i know that they eh 7 when i was on my
WAY up from THE STREET (when i stood up) i heard that they YELLED inside the car

Or in another turn:

ST1: 21

1. DC: < ja0 va1 va3 de0 för en0 TYP av kniv >
 DC: '<yes what what KIND of knife was it >
 @ <mood : asking>
2. -> PI: de0 kan ja1 inte svara0 på de0 gick så0 väldigt FORT alltihop
 PI: 'this i can not answer it went so very FAST everything'
3. DC: jaha
 DC: 'alright'
4. -> PI: ja1 försökte / BILDÖRREN stod ÖPPEN väl öppen så0 ja1 / drog
 mej emot < förar+ > eller passagerarsätet
 PI: ' I tried / THE DOOR OF THE CAR was OPEN probably open so I / pulled
 myself against < driv+ > or the passenger's seat'
 @ <cutoff : förarsätet>
 @ <cutoff : driver's seat>

Here is a similar Bulgarian example:

BT3: 2

1. J1: (xxxx) tova e svidetel na otvetnika i toj ima sashto pravo da
 zadava [27 vaprosi]27
 J1: '(xxx) this is a witness of the defendant and he has also right to
 ask [27 questions]27'
2. P: [27 izvinjavam se]27
 P: '[27 i apologize]27'
3. W2: [28 vsichko]28 e pribrano
 W2: '[28 everything] is taken in'
4. J: [28 masite]28 koito (zavarihte) pribrahte v sklada
 J: '[28 the tables]28 which (you found) you took in the storage'
5. W2: da a: gospozjata si vze: <hladilnika>
 W2: 'yes a: the lady took her < refrigerator >
 @ < rising intonation >
6. J: koga si vze hladilnika < gospozjata >
 J: 'when did she take her refrigerator < the lady >
 @ < low pitch, falling intonation >
7. -> W2: ne: pomnja na koja data: si vze hladilnika ne sam prisastvala
 kogato go e vzela i < biljardna masa > sashto kojato si ja vze /// oshte vednaga
 W2: 'do:n't remember on which date:: she took her refridgerator I
 have not been present when she has taken and < the biljard table > also she took
 it /// already immediately'
 @ < loud >
8. J: < ot kogo znate tova che si e vzela hladilnik >
 J: < from when do you know this that hse has taken her
 refrigerator >
 @ < falling intonantion >
9. W2: ami: az hodih vseka: vecher tam: i: vizjdahme kato:
 W2: 'we:ll I went every wee:k evening there: and: we kept seeing
 when::'
10. J: edin den go imashe hladilnika sled tova go njashe < taka li >
 J: 'one day it was there the refrigerator after that it wasn't
 < is that so >
 @ < interrogative intonation >

The second part of the answers indicated with arrows functions as a justification or excuse for lack of memory or for the non-informativeness of the testimony and thus are most often accompanied by or are indexical of anticipation and prevention of trouble, which is due to the examinee's awareness of his/her testimonial insufficiency (i.e. due to his/her premeditated expectations of a credible or sufficient answer). Thus we may expect that such proleptic answers will be most typical in cross-examinations since there the examinee is more prone to anticipate danger, trouble, mistrust, and the like. Indeed, most of the available examples of the

combination of repeat sequence + lack-of-knowledge answer + prolepsis are found between the defense counsel and the plaintiff's party. An interesting consequence of the inquisitorial procedure in Bulgarian courts is that the examinee is expected to have fewer reasons/chances to anticipate eventual dangers of his/her contributions to the trial since the examinations are led by the judge, who is by definition an objective instance, not a party, i.e. we may expect that the examinees will not use much prolepsis or accusation preventives such as post-positioned accounts after no-memory/knowledge answers. However, as is evident in extract BT3: 2 and the following Bulgarian examples, this is not the case.

In the next example the defense counsel presses the plaintiff to retell the exact course of events. Since he can not give a concrete answer, the examiner concludes that the plaintiff does not have a good memory of the situation and hence that his testimony is not credible and not sufficient for the conviction of his client. The plaintiff has tried to give convincing accounts. He recognizes the strategy taken by the examiner, and this is evident by his attempts to defend the credibility of his own testimony. Thus in this situation we have a form of admission following an inferential assertion.

ST1: 31

1. DC: < **så0 du kommer inte IHÅG hur de0 här har skett allså** >
 DC: 'so you don't REMEMBER how this has happened>
 @ <mood : asking>
2. -> Pt: nej de0 gör ja1 inte de0 e0 väldigt länge sen1 / de0 hände va0 men
 de0 MÅSTE ha0 hänt så0 för ja1 slog ju i / [30 (...)]30
 Pt: 'no i don't remember it is longtime ago / it happened didn't it it MUST have happened so because i hit it you know /'

The utterance on line 2 is constructed as an admission. It starts with a negative confirmation with a simple feedback word, followed by a full confirmatory answer and by two accounts. The first one is an excuse, explaining the lack of memory. In this part of the contribution the witness is building his testimony on inferences and is signaling their legitimacy by using an emphasized modal verb ('måste') and an epistemic modal particle signifying shared and already accepted knowledge. This part of the contribution is not elicited by the statement on line 1 and thus it is volunteered. The Bulgarian example below shows the witnesses' anticipation of the insufficiency of the answer and the judge's possible further questions aiming at more exact testimony.

BT2: 4

1. W: emi shejse i prva godina sme: < se nanesi v bloka zaedno >
 W: well sixty and firs year we: < have moved in the flat-house together >
 @ < continuing intonation >
 @ <W gesture: J turns slightly the head to the typing machine, prepares to talk >
2. J: < ot [1 shejse i parva godina zjiveeme v zjilishteto]1 (xxxxx) >
 J: < from [1 sixty and first year we live in the residence]1<xxxxx) >
 @ < continuing intonation >
 @ < J looks down >
3. -> W: [1 <1 da zjiveeme >1 <2 kato kumshii >2]1 nu:: <3 gi poznavam
 <4 osht+ >4 otã: predi: ne moga da l dete sâm bila <5 nali >5 >3 <6 ot <7
 stara zagora >7 >6
 W: [1 yes we live >1 <2 as neighbors >2]1 but:: <3 them I know
 <4 ahead+ >4 from:: before: I can not to l child I have been <5 you know >5
 >3 <6 from stara zagora >7 >6

- @ <1 continuing intonation >1
- @ <2 J looks up at W >2
- @ <3 W shakes head: gaze directed to J and J to W >3
- @ <4 cutoffDC: oshte, 'already' >4
- @ <5 continuing intonation >5
- @ <6 stresses with hands: fingers crossed >6
- @ <7 name >7

The witnesses' answer on line 1 to the preceding question "since when do you know the defendant" is inferential, it gives orienting background information but not the exact answer, as becomes evident from the utterance on line 3. The judge repeats this answer in his dictation, which indicates that he has made the inference that this is the exact answer, i.e. that the witness and the defendant have known each other since they moved into the same building. Despite the fact that this act is not directed to the witnesses' communicative act, i.e. it is not designed as interactive, the witness does perceive it as such because she starts her utterance on line 3 with an initial confirmation word 'da' ("yes") followed by confirming reformulation and paraphrase (which is already a reformulation of her own utterance on line 1) and then continues by explaining that she knew the defendant from earlier days. When giving this second part of the utterance she looks at the judge and he looks at her while seizing the dictation, perhaps because he realizes that he started dictating too early, i.e. that is why he directs his gaze to the speaker: to know when to start the new dictation (among other information he might need). However, this new information is given with a greater amount of own communication-managing actions, such as prolonged sounds and a cutoff, followed by an immediate excuse. The design of this excuse for the lack of exact memory answer is especially proleptic and mitigating. It consists of i) a self-interrupted clause 'ne moga da' ("I can not to"), which in Bulgarian indicates (but not in English) that the planned expression must be "remember", i.e. the self-interrupted clause should be 'ne moga da si spomnja/se setja', "I can not remember", ii) a topicalized sentence carrying the actual excuse, "child I have been", and iii) a final confirmation-eliciting feedback expression 'nali', which I have translated as "you know" but which in this context partially corresponds semantically to the Swedish modal expressions 'ju' and 'väl' as well as to the feedback elicitor "va". All these features, namely the interruption of the lack-of-memory statement, the topicalization of the excuse clause and the final understanding elicitor (as well as the initiation of the answer with the most exact part of the witnesses' memory on line 1) describe the verbal behavior of the witness as especially mitigating. Then comes the last part of the utterance on line 3, which volunteers unelicited but not completely irrelevant information, namely the town from which the witness and most probably the defendant come (still no information about the date of the initial acquaintance). This last elliptic expression with the name of the town is accompanied by gestures: an up-down movement of both hands with crossed fingers, which I interpret as gesture emphasis of the exactness and certainty of the expression (which the witness finds necessary as a compensation for the anticipated insufficiency of the formerly given information). This witness is not threatened in the trial in any possible way, i.e. she has no reason to be defensive except for her general credibility as witness. Despite this, her behavior is clearly mitigating.

The tendency to volunteer information after sequences of inability to give informative answers is so strong in the testimony of witnesses that they are even ready to improvise the production of completely new pieces of evidence.

1. DC: nå0 < / > < HUR e1 va1 va3 de0 för e:1 / **KNIV som togs fram** >
 DC: 'no </> <HOW eh what what type oDC: / KNIFE was pulled out >
 @ <giggle : F>
 @ <mood : asking>
2. -> W: ha0 DE0 kan ja1 inte säga
 W: 'ha THIS i can't tell'
3. DC: nähä / e1 **han / den här e1 KAMRATEN** / som e1 < nilsson >
 skulle ha0 haft me0 sej / < va1 gjorde han >
 DC: 'noo / eh he / this eh FRIEND/ that eh <nilsson> shouls have brought with him
 / <what did he do>
 @ <name>
 @ <mood : asking>
4. -> W: ja:0 de0 kan ja1 heller inte svara0 på / ja0 de0 va3 EN0 GREJ som
 ja1 inte har berättat här förut som ja1 kom på NU / **den här KAMRATEN** när
den här kniven hade åkt fram / och e1 / som < nilsson > hade / å0 < laka >
 börja2 gå0 mot bilen / då: / to han / < nilssons > kamrat / honom under armen
 å0 försökte dra0 iväg me0 honom /
 W: 'yes: this i can't answer either / yes it was ONE THING that i haven't told here
 before that i remember NOW / this FRIEND when this knife had moved forward
 / and eh / that <nilsson> had / and <laka> starts to move towards the car / then:
 / he took <nilsson's> friend / him under the arm and tried to take him away /
 @ <name>
 @ <name>
 @ <name>

On line 2 the witness is forced to admit that he has no memory of some important piece of evidence, which is jeopardizing his role as a credible witness. On line 4 he is again put in the same situation but this time produces a narrative supporting his line of testimony. Here he embeds partial repetitions of the defense counsel's questions (including the emphasis) and mentions the knife, which he could not remember earlier, as an already established fact by referring to it in definite form.

9.2.3. Volunteered utterance initiations by the examined

In our corpus we observe two types of reactions to doubt-displaying sequences related to the epistemic quality of the witnesses' testimony: reference to the limitations of the testimony and justification of the certainty of the testimony. The justifications or excuses can be realized as we saw above in the same turn as the lack-of-memory answers but there is a special type of sequence that could briefly be called 'volunteer' and in which the examinee voluntarily initiates utterances the sole purpose of which is defense (not only self-defense, see also 9.3. below) of some kind. The general succession of steps where steps two and three are optional is:

1. repetition by the examiner
- (2. confirmation by the examined)
3. confirmation by the examiner)
4. epistemic consideration by the examined

A particular aspect of these sequences is that the examinee initiates the consideration of the epistemic quality of his own testimony.

ST1: 77 (03)

1. DC: hm hm // < de0 tror du / att du / kommer ihåg >
 DC: 'hm hm // < this you believ / that you / remember >
 @ <mood : asking>

2. W: < de0 VET ja1 de0 vet ja1 säkert > /
W: '<this i KNOW this i know for sure > /'
@ <mood : very sure>
3. DC: ja0 ja0 de0 ingen < ann+ > / de0 kom inte < laka leander> ihåg
< men du e0 säker på de0 här >
DC: 'yes yes it is nobody < el+ > / this didn't remember < laka leander> but you
are sure of this here >'
@ <cutoff : annan>
@ '<cutoff :else>'
@ <name>
@ <mood : asking>
4. W: jaa de0 e0 ja1
W: 'yees i am '
5. DC: ja0
DC: 'yes'
6. -> W: **men sen1 e1 ja1 vet inte**
W: 'but then eh i don't know'
7. DC: < **men sen1 så0 kan vet du inte VA1** som hände > /
DC: '<but then so can don't you know WHAT happened > /'
@ <mood : asking>
8. W: [67 (...)]67

In this extract, the whole sequence is concentrated on the epistemic quality of the testimony. On line 1 the examiner offers a correction-invitation, which suggests a lower degree of certainty expressed earlier by the examined. The witness does respond with a direct correction emphasizing exactly the change in the modality of the main verb. The utterance on line 3 is a restatement of the already indicated doubt and an example of a contrast-based device for display of doubt. It is again responded to with strong certainty but then, on line 6, the examinee initiated a single unprovoked statement of uncertainty with regard to other events. The explicit acknowledgment of the later uncertainty describes it as a concession but in the context it functions also as a device defending the previously expressed strong certainty as well as a prolepsis, i.e. as anticipation of the probable follow-up credibility-challenging questions.

Similarly, in a Bulgarian trial, we have the following sequence of unprovoked defense:

BTI: 5

1. D: < emi > ot tri godini i polovina
D: '<well > from three years and a half'
@ < falling intonation >
2. J: ot tri godini i polovina sprjah da < rabotja > ja kazji < sega >
njakakvo zaboljavane < inash li > (xxx)
J: 'from tri years and a half I stopped to < work > so tell < now >
some illness < do you have > (xxx)'
@ < falling intonation >
@ < falling intonation >
@ < rising intonation >
3. -> D: **ami ne < znaja >** njakoi smjatat che sam (xxx) takava no ne moga
da vi kazja (xxx)
D: well I don't < know > some think that I am (xxx) such but I can
not to you tell (xxx)
@ < continuing intonation>
4. J: **ne znaja**
J: 'I don't know'
5. -> D: az ne ssam vinovna shtoto (xxxxxx)
D: 'I am not guilty becose (xxxxxx)'

6. J: sega <1 kade si >1 kade se namirash <2 sega >2 <3 a >3 sega
 kade se <4 namirash >4 sega kade se <5 namirash >5
 J: 'now <1 where are you >1 where do you find yourself <2 now >2
 < 3 but >3 now where do you <4 find yourself >4 now where do you <5 find
 yourself >5'
 @ <1 mode: asking >
 @ <2 falling intonation >
 @ <3 rising intonation >
 @ <4 falling intonation >
 @ <5 mode: asking >

The extract comes from the beginning of the actual examination and at the end of the more formal part of the hearing, which also corresponds to the Swedish subactivity, that I called “establishment of the personality of the defendant” (see Chapter 4). The defendant is considered to be psychologically ill (has been sent a few times to psychiatrists) and for this reason her own parents want to take over an apartment to which she is otherwise entitled. This is the background information we need to have in order to understand the peculiarity of the defendant’s volunteered utterance on line 5. The preceding utterances of the examining judge consist of repeating dictations. The first one on line 2 is a dictation followed by a question, which is prefaced by a strong feedback eliciting expression ‘ja kazji sega’ (with falling, i.e. not continuing, intonation, signaling, according to me, the decisiveness and the importance of what follows as well as the initiation of something new), which is typically used in contexts where admissions or confessions may be elicited (especially in interaction with children), i.e. it would have been very strange if it precedes a question such as ‘what is your name’ (in casual circumstances or at the very beginning of the hearing). The second dictation on line 4 is a single full repetition of part of the defendant’s utterance on line 3. It is after this single selective repetition/dictation that the defendant’s volunteered utterance comes. This ‘volunteer’ does not add new information but directly confronts an anticipated accusation and denies guilt, that is, both the responsibility for and the wrongness of her state/actions. The defendant has no reason to believe that her illness could be the subject of an accusation, bearing in mind the preceding questions, nor has she been informed as to what the trial is about. This explicitly defensive guilt-denying act is followed by a longer account, which was unfortunately not audible but is expected considering our analysis of admission sequences in the previous section. The primordial character of this defense (or its suspicious correctness) is met and emphasized by the judge’s disregard. His utterance on line 6 consists of four self-repetitions and self-reformulations of one special question, which initiates the beginning of a special type of examination, namely, a psychiatric examination. This question is obviously treating the defendant as mentally insufficient or psychologically disturbed, so this is not a complete disregard of the defendant’s accounts but an abrupt start of the establishment of the correctness of the psychiatrist’s (who is present in the room) diagnosis (also since the defendant herself does not know whether she is ill) and an implicit attempt to confront the defendant’s accounts. In this sense it is a form of an implicit display of a doubt. This sequence is an extreme example of prolepsis or anticipation of danger resulting in almost aggressive defensive behavior, which is met by the rather drastic although implicit verbal actions of the judge. Notice also that he has not offered even one feedback-giving expression; in this way he could have given a more conversation- or mutuality- or joint-work-like direction to the examination. (In fact this examination develops in a very dramatic fashion as a battle in which all participants end with combat fatigue, the defendant fallen into tears, but this sequence is

the first warning index of the interactive problems.) Here it is not a question of lack of memory; the defendant's answer is exactly a lack-of-knowledge answer.

Cases in which the witness has expressed a lower degree of certainty are followed as discussed earlier by displays of unresolved doubt in the form of repetition, such as those on lines 4-5 in the next extract.

ST1: (2)

1. P: < **VEM blev omkull knuffad** >
P: '<WHO was pushed down>'
@ <mood : asking>
2. W: < laka leander >
W: '<laka leander>'
@ <name>
3. P: < av vem >
P: '<by whom>'
@ <mood : asking>
4. W: e:1 // < ja0 > **ja1 tror de0 va3** / < nilsson > men de0 e0 inget som
ja1 vågar lova0 nu
W: 'eh: // <i> i think that it was / <nilsson > but this is nothing that I dare to
promise now'
@ <alternatively : ja1 >
@ <name>
5. P: < **nä0 du tror de0 ja0** >
P: '<no you think so yes >'
@ <mood : asking>
6. W: hm //
7. W: 'hm //
8. P: hm /
9. P: 'hm'/
8. -> W: ja0 ä0 / ja1 e0 GANSKA så0 säker på de0 allså / men e1 / så0
börja0 så0 fick han några sparkar i huvet me0 < laka leander > / ä0 då / tyckte
ja1 att de0 såg lite otäckt ut0 då gick ja1 UT0 / från bilen / för å1 försöka göra
nåt åt de0 / och / då / de0 kom ja1 ihåg att / < nilsson > slet opp en0 KNIV /
ä0 VIFTA mot han / ä0 ja1 backa2 mot bilen då / och då tog sej < laka > upp
på fötterna ä:0 / ä0 så0 hoppa2 han in i bilen // ä0 sen1 när han kom in i bilen
så0 såg ja1 att **han hade fått en0 RISPA** här de0 rann lite blod från hakan /
W: 'yes and / i am rather so sure of that / but eh / so start so he got some kicks in
the head <laka leander> / and then / i thought that it looked a little terrible then
i went OUT / from the car / to try to do something about it /and/ than / this i
remembered that / <nilsson> took a KNIFE / and WAVED towards him / and i
went backwards to the car then / and then <laka> stood up on his feet and: / and
so he jumped inside the car // and then when he came in the car i saw that he
had got a SCRATCH here it bled from the chin/
@ <name>
@ <name>
@ <name>

Once again, the examinee initiates an unprovoked statement, this time in the opposite direction – justifying the certainty of his testimony despite the clear indication of its limitations on line 4. The justification is again oriented to the epistemic aspects of the testimony and again, emphasizing a modal element, “ganska” (‘quite’), it is amplified by a narrative whose purpose is to justify the certainty by its detail and concreteness. Initiations by examinee, which are not explicitly provoked by the examiner, are rare discursive events in court examinations. The above initiation by the examinee indicates his perception of the need of justification after the repetition on line 5 and the delay of the examiner's new initiation on lines 5 - 6, as well as his

perception of the display of doubt and the reason for the doubt – the epistemic quality of his testimony.

9.2.4. Denials

Denials may be realized as a legally specific form of a rejection of an accusation and as a more informal kind of non-confirming answer. In the example below we have a routine-based reading of an issue of accusation and the professional actor's negative response. The first utterance does not include any feedback-eliciting component but it still gets a response. This is due to the routinization of the sequence.

ST1: 1

1. P: andra åtalspunkten e0 misshandel och målsägaren där (e0) <laka leander> / du skall väl sitta här bredvid för du kanske har / <nilsson> har den tjuugoåttonde april <> på <andgatan> i <ankeborg> misshandlat <laka leander> genom att knuffa omkull honom / tilldela honom en0 spark mot kroppen / samt me0 en0 utfärdad fällkniv utgöra göra ett utfall mot honom / varvid <leander> har fått en0 ytlig RISPA på hakspetsen /
- P: the second charge is maltreatment and the plaintiff there (is) <laka leander> / you should sit here near me so you maybe has / <nilsson> on the twenty eighth of april <> on <andgatan> in <ankeborg> has he maltreated <laka leander> by pushing him down / giving him a kick in the body / as well as attacking him with an open pocketknife / from which <leander> has got a superficial SCRATCH on the end of his chin /
- @ <name>
 @ <name>
 @ <not transcribed: the year>
 @ <name>
 @ <name>
 @ <name>
 @ <name>
2. -> DC: ja0 <nilsson> // bestriider de0 här /
 DC: *yes <nilsson> // denies this /

The denial or rejection of responsibility line starts with a simple positive feedback word and a statement of the denial formulated as a positive polarity sentence, the denial here being expressed by a technical juridical word. The initial positive feedback can not be interpreted as an answer but rather as a signal for acceptance of the turn:

Positive FBW + declarative sentence=denial

Similar to a lack-of-memory contribution, denials, especially when they refer to own actions, are followed by volunteered justifications that often take the form of narratives.

ST1: 001

1. DC: < gick du: EFTER honom på något sätt >
 DC: * < did you: FOLLOW him in some way >
 @ < mood : asking >
2. D: nä0 de0 < fi+ > JA1 stod FRAMFÖR deras bil de0 gjorde ja1
 D: *no it < x+ > I was standing BEFORE their car this i did'
 @ < cutoff : * >

Sequence:

Y/N question ->

Negative FBW + cutoff + declarative sentences = competing description

Although the individual act of denying may not be followed or preceded by a justification in the same utterance, the latter may be presented in an earlier utterance, i.e. sequentially. I repeat for the sake of clarity an already familiar example.

ST1: 5

1. P: de0 här me0 att du skulle ha0 knuffat omkull < leander > på gatan
/ eventuellt sparkat honom å0 / haft den här kniven framme < e0 de0 fel de0 >
P: 'this that you might have pushed down <leander> on the street / probably
kicked him and / had taken out this knife < is this wrong >
@ <name>
@ <mood : asking>
2. -> D: för de0 första så0 bär ja1 inte kniv när de0 gäller bråk
D: 'first of all i don't carry a knife when there is trouble'
3. P: nä0 men ja1 fråga2 om de0 va3 rätt eller [35 (...)] 35
P: 'no but i ask whether it was right or [...]
4. D: [35 nä0]35 de0 e0 fel
D: '[no] it is wrong '
5. P: ja0 så0 du säger bara ...
P: 'yes so you only say '

As already discussed in relation to admissions (see 9.2.1.) the answer on line 2 is a proleptic mitigation - it denies possession of a weapon and objects to the formulations in the preceding hypothetical and implicit accusation. Only after a more insistent reformulation of the question in a new utterance (on line 1 it is a yes-no question, almost a tag question, but on line 4 it is designed as a disjunctive question, i.e. it is stronger and more controlling than the previous one) does the defendant deny. The utterances on line 2 and 4 are reminiscent of the account-admission in ST1: 3 (see 9.2.1.) in the order of acts: first a mitigating defense line and then an admission/denial realized with a repetition of the formulations on lines 1 and 3. The features involved in this mixed implicit admission and denial are:

1. Question (1). Yes/no question (request for admission) ->
2. Answer (1). Statement of principle fact (defense line: common knowledge) without preface feedback expressions ->
3. Question (2). Disjunctive question (Request for admission)->
4. Answer (2). Denial as a backchannel + denial by repetition.

Weaker denials, especially during the interrogation of the opposite party, trigger confirmation requests and expressions of doubt, which extend the denial sequence.

ST1: 32

1. DC: < var0 dom1 AKTIVA på något sätt >
DC: '< were they ACTIVE in a some way >'
@ <mood : asking>
2. -> Pl: nä0 de0 tror ja1 inte
Pl: 'no i don't think so '
3. DC: < de0 tror du inte nej >
DC: '< you don't think so no >
@ <mood : asking>
4. Pl: näe /
Pl: 'no /
5. DC: <1 dom1 försökte inte ta0 TAG / i någon av er / <2 eller nåt sånt
där >2 >1
DC: '<they didn't try to get HOLD / of some of you / <or something like that >>'

- @ <1 mood : asking >1
@ <2 quiet >2
5. PI: näe //
PI: 'no //

In this case the defense counsel is examining the plaintiff. He is asking him whether the defendant and his friends have initiated any violent actions. A negative answer to that question is desirable for the defense party and dispreferred by the accusation party. The negative answer is short and has a weak modality. The examiner's repetition on line 3 is not an expression of doubt but a need of clear restatement of the verbal evidence important for his case. Elaborating on this matter is desirable because it will be imprinted in the judge's memory and will influence the final conviction. Lack of reliable evidence due to lack of memory in the opposite party is obviously an important line of strategic defense for the defense counsel in this particular case because we can hear him repeating even other witnesses' testimony of the same kind:

ST1: 78

1. W: **men sen1 e1 ja1 vet inte**
W: 'but then eh i don't know'
2. DC: < **men sen1 så0 kan vet du inte** VA1 som hände > /
DC: <but then so can don't you know WHAT happened>/'
@ <mood : asking>

The dispreferred negative response of the plaintiff to all questions in ST1: 32 is presented in a short way thus minimizing the importance of the point. However, on other occasions, a denial may be versed in a more indirect way.

ST1: 36

1. DC: <1 [28 så0]28 du rörde dej EMOT <2 nilsson >2 då >1
DC: '<[so] you moved towards <nilsson> then >'
@ <1 mood : asking >1
@ <2 name >2
2. PI: **DÖRREN rörde sej mot < nilsson > ja1 rörde mej inne i < > inne
i bilen /**
PI: THE DOOR moved towards < nilsson > i moved inside < > inside the car /'

Sequence:

Inferential declarative sentence ->

Direct correction by opposition = declarative sentence

It is exactly the partial repetition and opposition of reformulation which make the utterance on line 2 a denial rather than a confirmation or admission. It is the admission that is rejected since the plaintiff refuses to admit any violent intentions or actions towards the defendant, which is the anticipated claim underlying the defense counsel's questions and inferences. The defense line of the plaintiff is lack of agency and lack of intention, signaled also by the emphasis on the actual agent, the door. In contrast to admissions with justifications, here we have no initial confirmation item, which is another feature of the combative style in examinations. However, as a denial, this contribution is also cooperative. The plaintiff could simply answer with a plain 'no', which would be consistent with his line of argument. He knows however that such an answer will trigger further questions and, by presenting a more

elaborated answer, he saves the efforts of the examiner. This mixed combative-cooperative style in denials is not specific only to Swedish. Here is an example of a Bulgarian indirect and even evasive denial (line 8):

BT3: 1

1. P: a njakoj drug osven a::: gospozja < nikolova > kato
palnomoshtnik [66 (xxx)]66 na::: gospodin < (gunov) > idval lie e samija <
(gunov) > < idval li e >
P: 'but some other except ah::: misses <1 nikolova >1 as a commissioner [66
(xxx)]66 oDC::: mister <2 (gunov) >2 has he been coming himself <3
(gunov) > 3 <4 has he been coming >4'
@ <1 name >
@ <2 name >
@ <3 name >
@ <4 mode: asking, rising intonation >
2. D: [66 da]66 edin pat idva samo
D: '[66 yes]66 one time did-he-come only'
3. P: a **idval li e: a:: s:: klienti:** s oglel a: / s tzel da a: da napravjat
ogled na < veshtite >
P: 'but did he come eh: ah:: with:: clients: with inquest ah:: / with the
aim to ah: to they-make inquest of the belongings >
@ < falling intonation >
4. D: **da idvaha**
5. D: 'yes they-did-come'
P: < kolko pati >
P: '<how many times >'
@ < falling intonation >
6. D: edin pat idva za nekvi < oglelala > // i vednazj idvaha
< neznam za kakvo beshe >
D: 'one time he-did-come for s'me < mirrors > // and once they-did-
come < I don't know for what it was >
@ < continuing intonation >
@ < quiet speech >
7. P: znachi <1 po+ >1 vie kazahte predi malko <2 **che EDIN pat e**
idval a se okaza che e idval poveche ot dva pati <3 da pravi oglel >3 >2
P: 'it means <1 mo+ >1 you said before little <2 that ONE time he-
has-been-coming but it appears that he-has-been-coming more than two times
<3 to make inquest >3 >2'
@ < 1 cutoffDC: poveche, "more">
@ <2 comment: D makes gestures towards P >2
@ <3 falling intonation >
8. -> D: **edin edinstven pat idvaha gledaha <1 dvete oglelala kacto**
beshe <2 i tova beshe >2 >1 // i pooglela se s nekakvi
[67 <3 klienti >3 <4 kakvi bjaha ne znam >4]67
D: 'one and only time they-did-come they-looked <1 the two
mirrors as it was <2 and this was-it >2 // and he-looked-a little-around with
some [67 <3 clients >3 <4 what were-they I don't know >4]67'
@ <1 very quickly >1
@ < falling intonation >
@ < falling intonation >
@ < falling intonation >

In this extract the prosecutor has the first chance to examine the defendant in the court and it is of great importance to establish whether the plaintiff (gunov) has shown interest in the place in question. After the contrast-based display of unresolved doubt on line 7, the defendant re-confirms and reformulates his previous statement and adds more circumstantial information, thus increasing the credibility of his seemingly contradictory testimony. This is a denial of the inference made by the prosecutor that the person in question has been there twice but, similar to ST1: 36 above, it is not explicitly designed as a denial. It does not say e.g. 'no, he was not there twice, only once' but is formulated as a positive polarity sentence. In

addition to this feature, there are also other reasons to interpret this answer not only as cooperative but also as mildly combative or as neglecting the discrediting implications of the prosecutor. One of them is the direction of the gaze and the body position of the defendant. Before the contrast indication, the defendant has responded with his body turned to the listening court, thus displaying his understanding that the judges are the actual addressees. However, during and after the display of doubt, the examinee turns his head to the prosecutor and makes gestures towards him trying to stop him (saying something like ‘don’t try this trick, it is pointless’). At that point he is at least non-verbally paying attention to the examiner, but this attention is negative, he is actually arguing with him. Thus here the denial is verbally implicit and cooperative but non-verbally explicit and coercive/combative as a response to the slightly coercive verbal actions of the prosecutor. The body and face direction is used as an indicator of anticipated intentions, of prioritized addressee, and of mitigating but negative attitude. (In fact, the prosecutor loses this case.)

9.3. Aggravations

Aggravations are realized by more ‘attacking’ interactive moves. In contrast to admissions, aggravations of other’s guilt or own damages often involve direct answers to questions plus extended volunteered initiations.

ST1: 9

1. P: < hur MYCKE PENGAR blev ni blåsta på då > /
 P: < out of how MUCH MONEY did you get cheated then > /
 @ <mood : asking>
2. -> PI: < ja1 > e1 **JA1 vart1 e1 blåst på HUNDRA KRONER** (de0) vet ja1
 PI: ‘<i > eh I have been eh cheated out of HUNDRED CROWNS (this) i know’
 @ <alternatively : ja0>
 @’ <alternatively : yes>’
3. P: ha
 P: ‘alright’
4. -> PI: och e1 / ja1 prata0 me0 vittnet utanför e1 utanför / han påstår att
 det var0 TREHUNDRA kronor [15 han blitt]15 av me0
 PI: ‘and eh / i talk to the witness outside eh outside / he claims that it was THREE
 HUNDRED crowns [he lost]’

On line 1 the plaintiff gives a direct answer to the previous question by repeating mainly the verb choice (not reformulating it in any way, as we would expect him to do if he were to mitigate a guilt) and by prosodically emphasizing the sum of the damages as well as his identity as the ‘patient’ or the victim (i.e. the clear emphasis on the personal pronoun ‘I’). He continues with further elaboration of the answer by adding and emphasizing even more information, which aggravates the results of the actions on trial. The confirmation on line 3 in the next example illustrates that the aggravating answers are typically produced without elicitation.

ST1: 66

1. W: ja0 de0 e0 ja1 också osäker på
 W: ‘yes this i am also unsure of’
1. P: ja0 / <1 däremot e0 du SÄKER på att / de0 va3 / <2 nilsson >2
 som drog en0 KNIV >1
 P: ‘yes / on the other hand are you SURE that /it was / <nilsson> that pulled out a
 KNIFE >’

3. -> W: @ <1 mood: asking >1
 W: @ <2 name >2
 ja0 de0 glömmar man inte i första taget < / >
 'yes this you don't forget ' in a first place < / >
 @ <sigh : V>

The witnesses' confirmation consists of a short initial feedback word and unelicited emotional reflection on own experiences accompanied by a dramatizing device, a sigh. This aggravation is aided or invited, if not elicited, by the prosecutor with the contrast of certainty realized by the prosodically emphasized positive reformulation of the epistemic adverb 'sure' on line 2. The emphasized certainty concerns the establishment of the existence of a weapon, which is contested by the defendant (see above ST1: 5, p. 316), and the identification of the criminal agent, which are of major importance for the prosecution. The combination of the prosecutor's and the witnesses' verbal behavior here could be an example of a cooperative aggravation, which is to be imprinted in the memory of the court, but there is too little evidence for an identification of such an intention for the prosecutor. In any case, ST1: 66 contains a linguistic contrast of modal expressions similar to the one in ST1: 70 (p. 319), but the former is part of an aggravation process whereas the latter of a minimization. That is, similar linguistic/discursive phenomena or features may realize opposite processes, lines and actions, i.e. may have contradictory functions the establishment of which relies mainly on the understanding of the purposes and the characteristics of the activity.

9.4. Summary

This chapter introduced a theory of mitigation and analysis of actual defensive behavior according to the suggested model. The two basic defensive processes of minimization and aggravation of guilt are realized by number of defense actions following a certain defense line. I have studied four reactions to implicit, explicit or anticipated allegations related to repeat sequences: admissions, denials, lack-of-memory answers, and volunteered utterances. Following the line in the preceding three chapters, I focused on realization in a sequence but also elaborated on the organization of acts on the utterance level, which will be the main topic of the next chapter.

The linguistic means for mitigation we observed were:

- Modal changes
- Negative-positive polarity formulations
- Modal expressions such as 'ju', 'nog', 'väl', 'nå', etc.
- Expressions of unclear quantity
- Impersonal constructions
- Narratives
- Tone of voice
- (Eye-contact, posture, gestures)

Concessions are typically carried out by:

- Modal changes
- Lower tone of voice
- Shorter utterances
- Ellipsis

Prolepsis is realized by:

- Mitigation in the utterance
- Volunteers (see 9.2.3.)
- Evasive answers
- Confirmation/admission by implication

Answers that do not include initial feedback items but start a sentence or a clause directly tend to be:

- Corrections
- Mitigated admissions
- Objections (or rebuts)
- Credibility defenses

The last two are typically realized as what I called volunteers.

Being typical joint actions, admissions tend to involve at least four utterances, as pointed out earlier in Chapter 7, but they may also follow the two-step pattern if presented by the legal representative of the defendant or during direct examinations. The general model describing the individual act of making an admission in court is the following:

confirmation item + account + hesitation items + admission

There are variations on the theme but this is the basic milestone of all acts of admission independently of the previous turn, which could be a question or a request formulated as a declarative sentence, Y/N question or a WH question. The hesitation sound might appear before the account. The accounts are either justifications or excuses and may have the form of a narrative or a statement of opinion or own reasoning; they realize the different defense lines on which the examined are building their argument. This basic format has one qualitatively different version, namely, the one in which the examined is admitting without reference to defense lines or when the account follows the initial admission.

admission + account

or

implicit mitigated admission (without initial feedback items)

This change in the format does not depend as much on the immediate context as on the juridical relationship between the interactants mentioned above because such sequences typically occur when the examiner is examining the person represented by him/her party (i.e.

direct examination) or when the examiner is responding to the judge instead of the examinee. Despite the fact that the prosecutor in the Swedish system is supposed to have an objective and not a party-oriented relation to both actors in the trial, we could see that the examinees oriented themselves towards the prosecutor or the defense counsel in different ways: the defendant has more energetic combative defense behavior towards the prosecutor and more cooperative behavior towards his defense counsel, which is also supported by the discursive strategies of the counsels themselves; the plaintiff and the witnesses on his side use more counterattacks and prolepsis in their answers to the defense counsel and are more prone to admissions and agreement when interrogated by the prosecutor. Thus the more trustful the relationship between the actual interactants is the more likely it is to get single or initial admissions, i.e. less mitigated admissions. We have too few cases to draw any conclusions with regard to the Bulgarian examination style but the Bulgarian witnesses and defendants deliver admissions and evidence in highly mitigated styles following the first model, which was more characteristic of cross-examinations. This means once again that, despite the objective judicial role of the examining judge, the verbal behavior of the examinee exhibits a constant anticipation of danger.

The major difference between admissions and lack-of-memory/knowledge answers is that, in the latter, the defense lines, consisting more often of excuses than justifications, come after the direct answering part of the act and may be offered without the initial confirmatory items characteristic of the admissions. Thus the typical utterance format is:

Lack-of-knowledge/memory answer + account (excuse > justification)

In such contexts we find preventive anticipatory work by the examinee. It is especially curious that even witnesses (both Swedish and Bulgarian), that is, actors, who should have less fear of challenges and accusations use prolepsis and precautions, defending their credibility and/or competence. Lack-of-knowledge acts are often produced in a lower tone of voice, which is a kind of mitigation.

The tendency to volunteer information after sequences of inability to give informative answers is so strong that the examinees are even ready to improvise the production of completely new pieces of evidence and to disturb the established question-answer turn-order. Thus the accounts or the counterattacks (much more seldom) can be realized as 'volunteers', i.e. voluntarily initiated utterances the sole purpose of which is defense. They tend to appear after display-of-doubt repetitions by the examined before a reconfirmation sequence or after it.

Denials follow the format of the lack-of-memory answers but are more often realized without justifications or excuses. The examinees avoid explicit denials especially after displays of doubt and prefer to formulate their utterances in a positive manner. However, they are more prone to verbal denotations of denials when examined by the legal representative of their party, thus showing more trust in the examiner. Certain topics, such as intake of alcohol, are always sensitive for the Swedish examinees and thus every question addressing this matter triggers defenses, which are proleptic in character. In contrast to admissions with

justifications, here we have no initial confirmation item, which is another feature of the combative style in examinations. Thus denials can also take the form of direct corrections:

Inference -> Direct corrective construction without other feedback units

The mixed combative-cooperative style in denials is not specific only to Swedish. During the analysis of some Bulgarian extracts I examined gesture work and body position, which are important and not necessarily redundant sources for the interpretation of defense strategies (among other things). For instance, the verbal behavior could be formulated as cooperative but the non-verbal behavior could uncover a combative attitude and vice versa.

Chapter 10

In-Utterance Environment



Introduction

The sequential realization of repetitions/reformulations provides only part of the knowledge of their structural and functional characteristics. The co-occurring acts on the utterance level are their most immediate co-text and contribute to the characterization of their functionality. In the case of admissions, for instance, as we could see earlier (see e.g. 7.1. and 9.2.1.), witnesses most often produce other acts in the same utterance before verbalizing the direct admission. Despite the fact that admissions are joint projects there are also very concrete utterances or parts of utterances that are the actual and proper admitting acts and that to some extent may fit into the classical concept of speech acts. Not every type of formulation can be accepted as an admission, but repetition/reformulation of part of the question is one way to produce a ratifiable admission. There are also other acts that follow the same line. In Swedish (and the Bulgarian) practice, for instance, there is a section at the end of the interrogation when the defendant is asked whether he accepts the verdict. His answer has important legal consequences: if he does not accept, then the verdict can not apply and he may appeal; if he accepts, then he has no right to appeal, the verdict is applied and the case is closed. The following illustrative extract comes from a trial about a falsification of an official document. The judge was puzzled by the actions of the defendant and mainly by his lack of desire to defend himself or explain the causes of his action and by his unproblematic acceptance of all accusations. At the end of the interrogation, the judge asks the defendant to express his opinion of the verdict, which, according to him, could have been less severe if the defendant qualified his intentions better. The defendant accepts immediately the proposed judgement (line 2). However his answer is not accepted as a legally productive acceptance. The judge explains the consequences of this act by opening a side action, namely, warning instructions, which takes four utterances (lines 3, 4, 5 and 6) embedded in the larger act of negotiation of the final judgment. He then restates the question to get the same answer (line 7). First on that point, i.e. at the second occasion and after the side action of instruction on legal rights, he grants the answer as accepted and as legally consequent. This final acceptance (line9) consists of initial full repetition of the defendant's last answer, followed by a feedback word, another feedback word and a declarative sentence.

STI: 1

- | | | |
|-------|----|---|
| 1. | J: | nu får ja1 fråga0 dej och de0 e0 ja1 skyldi att göra om0 du förklarar dej NÖJD me0 den här domen |
| | J: | 'now must I ask you and this I am obliged to do if you pronounce yourself SATISFIED with this verdict' |
| 2. -> | D: | ja0 de0 gör ja1 |
| | D: | 'yes it do I' |
| 3. | J: | ja0 lugna0 dej innan < du gör de0 / > för de0 betyder att om0 man förklarar sej NÖJD då kan man inte KLAGA över domen |

- å0 sen1 börjar den här prövotiden här två års tiden att löpa
från och me0 IDA allså <förstår du >
J: 'yes calm you down before < you do it / > because it means that if one
pronounces himself SATISFIED then can one not complain about the verdict
an' then starts this examining period here two years time to pass from today
consequently < do you understand >
@ < chuckling: D >
@ < mood: asking >
4. D: ja0
D: 'yes'
5. J: du behöver inte förklara0 dej nöjd men ja1 måste fråga0 dej
om0 du gö1 de0
J: 'you need not pronounce yourself satisfied but I must ask you if you do it'
6. D: ja0 då
D: 'yes of course'
7. J: ja0 < va1 svaral du då >
J: 'yes < what do you answer then >
@ < mood: asking >
8. D: **de0 e0 bra**
D: 'it is good'
9. -> J: < **de0 e0 bra** > okej ha0 / då är0 förhandlingen avslutad
J: '< it is good > OK ho / then is the xamination finished'
@ < mood: smiling >

What is the exact function of each of those acts and features? If the repetition was followed by conclusion and inference marking words such as 'då' ('then') or 'altså' ('thus', 'consequently') we would interpret it as invitation of certification but since it is followed by an acceptance and agreement-displaying unit such as 'okej' it is more of a display of ratification. The 'okej' is not only agreement/acceptance but also signals the end of the side action of instructions and closure of the final-judgement-negotiation sub-activity. The next feedback item 'ha' takes the previous information as given and signals the start of a new act, which is the announcement of the end of the total activity of interrogation as such.

In Chapter 7 I studied the most typical sequential patterns involving repetitions/reformulations. In Chapter 8 I focused on the distribution of functions according to the speaker's role in the activity and especially on doubt-managing sequences. In Chapter 9 I examined the role these features play in the realization of defense strategies. Although the analysis was still oriented towards inter-utterance relations, already there I summarized some basic in-utterance constructions of acts and found e.g. that the admissions of the examinee tend to be preceded by accounts, whereas lack-of-knowledge/memory answers tend to be followed by accounts. In this chapter I will focus on the in-utterance position of repetitions/reformulations' and its impact on their functions. The features may take four possible in-utterance positions: single, initial, middle, and final. In the course of the analysis I will use both the already familiar and new extracts, which are typical examples of the types described.

10.1. Repetitions/reformulations as single utterances

The basic function of repetitions/reformulations positioned as single acts in an utterance that is focused here is feedback elicitation independently of whether if they are pronounced with interrogative or declarative intonation because they always result in confirmation (see 11.1.3. and 11.1.1.2.). The additional functions of such repetitions/reformulations are:

- Display of doubt
- Closed repair (also after open repair)
- News marks
- Display of emotion
- Confirmatory answer

The first function was already discussed in Chapter 8, and thus I go directly to the next two cases. By news marks I mean utterances which echo a previous utterance with the intention to indicate, marking them new or as important in the context. An example of these is the following:

ST1: 4

- | | | |
|-------|-----|--|
| 1. | P: | < n e / va1 va3 de0 f r aff rer d  > |
| | P: | '<nou / what was it of business then >' |
| | | @ <mood : asking> |
| 2. | Pl: | ja1 e1 // TROR att vi0 skulle k pa hasch |
| | Pl: | 'I eh // BELIEVE that we should buy hasch' |
| 3. -> | P: | < k pa hasch > |
| | | @ <mood : asking> |
| 4. | Pl: | precis |
| | Pl: | 'exactly' |
| 5. | P: | jaha < du vet inte va1 den h r killen HETTE d  > |
| | P: | 'jaha < you don't know what this guy is called then >' |
| | | @ <mood : asking> |

One of the most easily recognizable functions of repetitions/reformulations, independently of the activity, is the simple repair, i.e. situations where there has been trouble in perception.

ST1: 16

- | | | |
|-------|-----|---|
| 1. | DC: | <   du va3 p verkad [19 (...)]19 > |
| | DC: | '<an' you were intoxicated [19 (...)]19 >' |
| | | @ <mood : asking> |
| 2. | Pl: | [19 alla passagerarna]19 i bilen |
| | Pl: | '[19 all passengers]19 in the car' |
| 3. -> | DC: | < VA1 SA0 > |
| | DC: | '< WHAT SAID >' |
| | | @ <mood : asking> , <mood : agitated> |
| 4. | Pl: | < alla passagerarna i bilen > |
| | Pl: | '< all passengers in the car >' |
| | | @ <mood : louder than before> |
| 5. -> | DC: | alla passagerarna i bilen |
| | DC: | '< all passengers in the car >' |
| 6. | Pl: | < ja0 > |
| | Pl: | < yes > |
| | | @ <ingressive> |

Here we have examples of both 'open repair initiation' (line 3) and 'closed repair initiation' on line 5 (see Drew 1997:71). The first refers to expressions such as "what" or "what did you say" and the second offers some kind of suggestion of interpretation, thus closing the possible fillers of the missing information. In the first case the counsel fails to hear at all the inserted overlap contribution of the plaintiff. In the second case, by repeating fully the missed utterance, he displays perception and asks for confirmation before qualifying it as a successful act of perception. In this example we can observe work on the main communicative stages (addressed by Clark 1989, 1999 and Allwood 1976 1978a, 1994, see also 5.2.):

Stage 1. The first requirement is that something is perceived.

Stage 2.

- a) It must then be agreed what the successful correct perception is,
- b) in order to be added to the temporary discursive presence.

Stage 3

- a) It must then be agreed what the correct understanding of it is,
- b) in order to be added to the common cognitive discursive past.

The so called open repairs work on the first and sometimes on the third condition, whereas full single repetitions/reformulations as the one on line 5 act on satisfying the second condition but not the third. A rather speculative interpretation may also assign the function of news marks to such repetition utterances. This would be a speculation in the above example's context because it does not provide us with sequential or in-utterance evidence whereas we do have evidence for interpreting the repetition as a repair. The reason why we might analyze it as a news or memory mark is the following: The defense counsel is asking the plaintiff if he was drunk in the period of interest. Following our observation on defensive behavior through minimization of guilt (see 9.2.) the plaintiff inserts in overlap an incomplete utterance (line 2), which says, in a rather indirect way, that it was not only he who was drunk but everybody. This volunteered evidence is useful for the defense counsel because his conversation with the witnesses is yet to come. In this sense, the counsel is repeating a piece of evidence which could be memorized both by him and the court.

The next example has similar sequence of features: a statement followed by a repetition utterance and then - a feedback utterance.

ST1: 102

- 1. DC: < va1 e* å0 hur har de0 gått helt allmänt för dej me0 / me0
SPRITEN > / **de0 har vart0 perioder till och från**
DC: '< what eh an' how did it go generally for you with / with THE ALCOHOL > /
it has been periods now and then'
@ <mood : asking>
- 2. -> D: **de0 har vart0 till och från**
D: 'it has been now and then'
- 3. DC: jaha
DC: 'I see'

Here the repetition is not a repair nor a news mark nor a memory mark but a confirmatory answer; it is the legal role of the speaker, which defines the function of the expression. However, one reason why the answer on line 2 consists only of a repetition without any other feedback expressions (as in the next type of repetitions/reformulations) is the previous last utterance. It starts with an interrogative sentence and ends with a statement, a declarative sentence. It is exactly the statement, the suggestion of an answer, which is repeated/reformulated. Although the last utterance of the counsel is a feedback expression it is very different from the feedback expression of the examinee (line 6) in the previous example – it is not simply a confirmation but a qualitative uptake.

10.2. Repetitions/reformulations as utterance initial

The confirmatory answer of the examinee in the next extract is a deictic reformulation as in extract ST1: 102 but it is initial, not single.

ST1: 23

1. P: < va3 du / **NYKTER eller spritpåverkad** vi1 de0 här tillfället >
 P: '< were you / SOBER or intoxicated at that occasion >
 @ <mood : asking>
2. -> Pl: **ja1 va3 spritpåverkad ja0**
 Pl: 'I was intoxicated yes'
3. P: < kraftit eller >
 P: '< strongly or >
 @ <mood : asking>

The explanation for the fact that this is not a single repetition but one followed by a final positive single feedback word is that the utterance in the previous utterance is a disjunctive question, i.e. a question suggesting two options for an answer. Naturally the answer must include one or the other but this is not the reason why there is a final confirmation word. This last word indicates that the previous question was a suggestion and that the answer given by the speaker is expected or known to the examiner - one can not confirm something which is completely new to the questioner.

Now we will examine two extracts, which include utterances with almost identical in-utterance structure:

ST2: 4

1. J: ja0 < nils holm > < medger du å1 betala0 dom1 där pengarna
 till postverket tolvhundra+ / +tretton kronor >
 J: 'yes < nils holm > < do you admit to pay this money to the post office twelve
 hundred+ / +thirteen crowns >
 @ <name>
 @ < mood : asking >
2. D: ja0
 D: 'yes'
3. -> J: de0 medges ja0 // då kanske du kan ...
 'this is admitted yes // then may be you can'

ST1: 15

1. Pl: [10 han ja0]10 han e1 **viftade till**
 Pl: [10 he yes]10 he eh waved
2. -> P: **viftade till** då ja0 // < NÅR såg du att han hade dragit kniv
 då >
 P: '< waved then yes // < WHEN did you see that he had pulled a knife then >
 @ <mood : asking>

The examiner's utterances on lines 3 and 2 respectively consist of the features:

Repetition/reformulation + single positive feedback word + pause + new topic in an interrogative sentence (or REP + FBW + pause + Q)

In extract ST2: 4 above there is no repetition but a reformulation of the simple answer of the defendant. In ST1: 15 we have a repetition of the last words of the plaintiff. In both cases the examiner ratifies the answer of the examinee, then marks the acceptance as closed by the single feedback word, then indicates this end and the beginning of a new sequence and action by a longer pause and finally initiates the new action. The first extract is interesting because the judge is rephrasing the answer by repeating the expression which he himself formulated earlier and by changing it into an impersonal form - he did not say 'du medger det' ('you admit it') but 'det medges' ('it is admitted). The last paraphrase transforms the simple answer into a legal fact with legal implications thus underscoring the performatory and impersonal character of the act of admission. Thus this is an example of the application of activity-specific requirements on the format of an admission - a simple 'yes' is not sufficient, it must be formulated in a juridical fashion. In fact, when the responsive legal actor is not the defendant but his representative he never misses that requirement, as we can see in the following three examples.

ST1: 02

1. J: < och vad svaras på de0 >
J: < and what is answerd to this >
@ <mood : asking>
2. DC: ja0 < nilsson > kommer inte IHÄG de0 här e1 TILLFÄLLET /
så0 han kan varken / erkänna / < eller > / förneka de0 //
DC: 'yes < nilsson > do not REMEMBER this eh OCCASION / so he can neither /
admit / < nor > / deny it //
@ <quick>
3. J: (nä0) hä0 /
J: (no) he /

The admission or the standpoint on the accusations is so specific for the trial situation that it is fossilized, that is, it is not even necessary for the prosecutor to ask for the admission; he can simply read the accusation issues, and the defense counsel knows exactly when and how to answer in the most efficient way, by pronouncing the single legally adequate word.

ST1: 2

1. P: sen1 en0 ansökan av den / < tjuogoandra november > / i fjol
som gäller olovli körning grovt brott / < nilsson > som saknar körkort / och som
vid ett flertal tillfallen tidigare och senast den tionde september < > dömts för
olovli körning / har trots detta den trettonde november < > på blan annat <
glimmingehusvägen > i < ankeborg > fört personbil /
P: then one application of it / < twentysecond November > / last year which
concerns illegal driving, felony / < nilsson > who is lacks a driver's license / and
who at several occassions earlier and ,ost recently on the tenth of September < >
has been sentenced for illegal driving / has despite that on the thirteenth of
November < > on among other things < glimmingehusvägen > in < ankeborg >
driven personal vehicle /
@ <slow>
2. DC: < erkännes // >
DC: < admitted // >

If both the defendant and the defense counsel are present we may get a clear case in which the counsel explicitly takes the position of a professionally competent interlocutor which means, among other things, that his answer to the admission request includes repetition of the exact formulation of the prosecutor, whereas the defendant as a layman participant tends to use simple feedback words:

ST2: 2

1. J: ja0 < nils holm > / < e0 de:0 riktigt att du har tagit ut0 pengarna på denna [1 postanvisningen]1 / erkänner du brottet **bedrägeri medelst förfalskning**></>
 J: ' yes < nils holm > / < eh it is correct that you have taken out the money with this [1 postal instruction]1 / do you admit the crime fraud by means of falsification'
 @ < mood : asking >
 @ < sigh : D >
2. D: [1 ja0]1
 D: '[1 yes]1'
3. -> DC: ja1 kan förklara0 de0 att han medger ansvar för **bedrägeri medelst förfalskning trots att...**
 DC: 'I can explain this that he admits responsibility to fraud by means of falsification despite...'

This admission is initial and thus different from the account admission, which is typically given by the examinee during sections corresponding to cross-examinations in the adversarial legal system (see also 9.2.1.). The repetition could be a news mark or importance marker but it basically ratifies the evidence as an official document with legal status.

The basic function of the initial repetitions and reformulations is feedback-giving whereas the additional functions we may distinguish are:

1. Confirmatory answer after a suggestive question
2. Ratification of evidence
3. Pre-closure device

These are dependent on the legal role of the speaker: the first function appears in the examinee's talk and the second two characterize the examiner's register.

10.3. Repetitions/reformulations in middle position in an utterances

In the next two extracts the plaintiff's answer to the prosecutor's narrative invoking WH questions have identical structure:

Initial positive single feedback word + negative answer by repetition + justification by a narrative (or FBW+REP+JUST)

ST1: 11

1. P: jaha / < å0 va1 blev de0 SAGT där då >
 P: 'jaha / < an' what was it SAID there then >
 @ < mood : asking >
2. -> Pl: ja0 de0 e1 vart0 inte sagt nånting ja1 fick en0 knuff så0 ja1 / ramlade omkull
 Pl: 'yes it was not said anything I got a kick so I / fell down'

ST1: 13

1. P: < å0 va1 gjorde NI då när ni blev blåsta >
 P: '< an' what did YOU do when you got cheated >
 @ < mood : asking >
2. -> Pl: JA0 de0 va3 ju inte mycke å1 göra vi0 e1 // vi0 hade väl åkt

- iväg till < ljungheden > då och sen1 när vi0 kom tillbaka så0 åkte vi0 in till stan /
- Pl: 'YES it was certainly not much to do we eh // we had certainly gone to < ljungheden > then and then when we came back so we went in to town /'
- @ <name>

The initial 'yes' is not an answer. Neither is it an expression of agreement because there is no proper eliciting context for such acts. It is rather a marker of recognition of a topic and acceptance of the proposed question as well as signal of initiation of an answer, or a marker of uptake. Characteristically after this type of 'yes', which is always initial, follows a cooperatively formulated negation. The negation is cooperative because it is always followed by a justification of the negation, in these cases consisting of elicited narrative. As claimed in 9.1., one of the functions of these kinds of reformulations and repetitions is the realization of a defensive line through minimization or aggravation of guilt. In the first examples above, in order to aggravate the aggression of the defendant, the plaintiff has to use a special form underlining that aggression. The question of the prosecutor is helpful (since the prosecutor is informed about the answer to that question): the point which both make is that there was no negotiation or even talk, the defendant attacked directly, which in itself is a strong aggravation of the act. In the second case, again, the prosecutor is helpful: he formulates his question using a strong slang word underlining the fact that the plaintiff was cheated, that is, he had good reasons to be angry, but, as the answer indicates, he still did not do anything aggressive, despite the fact that he had reasons to do so. Thus this last tandem of evidence presentation between a prosecutor and a plaintiff (examination-in-chief) illustrates a cooperatively produced strategy, i.e. in both cases the answer through a negative repetition or reformulation functions as an amplifier of the aggravating or the minimizing defense lines.

The reformulation in the plaintiff's answer in the next extract is both an agreement and a correction of the counsel's wordings.

ST1: 24

1. DC: [17 ja0]17 du sa0 själv här innan </> i din berättelse att du har du var0 / inne i en0 period när du SÖP lite grann /
- DC: '[17 yes]17 you said yourself here earlier </> in your story that you have you were / inside in a period when you BOOZED a little bit /'
- @ <hawk>
2. -> Pl: ja:o period ja0 man kan säga så0 här att vi0 drack väl / lite från å0 till
- Pl: 'ya: period yes one man say like that we drank I suppose / a little now and then'

The reformulations in the prosecutor's last utterance in ST2: 16 below is an inferential conclusion and an elicitation of clear confirmation. The inference is indicated by initial and final adverbs and the nominalization: on line 3 we have 'du var välkänd alltså' ('thus you were known') instead of e.g. 'dom kände dig alltså' ('thus they knew you').

ST2: 16

1. P: < va3 du känd vi1 de0 här av den [21 här posttjänstemannen]21 >
- P: < were you know at this of [21 this postman]21 >
- @ < mood : asking >
2. D: [21 o0 ja0]21 dom1 kände ju mej fö ja1 bodde ju där i två ÅR (där) nere
- D: [21 oh yes]21 they knew of course me decose I lived as-it-is-know there in two YEARS (there) down
3. -> P: <1 så0 att du var0 välkänd <2 (hä1) >2 alltså >1
- P: <1 so that you were well known <2 (here) >2 thus >1

@ <1 mood : asking >1

@ <2 hawk : T >2

Positioned in the middle of an utterance we see reformulations rather than full repetitions and their additional functions may be summarized as follows:

- Correction
- Pre-justification
- Pre-correction
- Amplifier of certainty
- Amplifier of defense process or line
- Conclusive inferential confirmation requests

The basic function of reformulation and repetitions in middle position is both feedback-giving and feedback elicitation depending on the role of the speaker.

10.4. Repetitions/reformulations as utterance final

Corrections are often offered by the examined as final reformulations after an initial positive feedback word. The following extract was already analyzed as a realization of a strategy of aggravation (see 9.3. and 9.1.).

ST1: 23

- | | | |
|-------|-----|--|
| 1. | DC: | nå0 / < men han slog inte till dej utan han knuffade till dej allså > |
| | DC: | 'no / < but he didn't hit me but he pushed me consequently >
@ <mood : asking > |
| 2. -> | PI: | < JA0 knuffade omkull > |
| | PI: | '<YES pushed down >
@ <quiet > |
| 3. | DC: | ja0 |
| | DC: | 'yes' |

The most typical example of final repetition, which usually follow an 'is-that-correct' question, is the answer of consent. The reaction to certainty checking questions is similar (see ST1: 19 in Chapter 8)

ST1: 10

- | | | |
|-------|-----|---|
| 1. | P: | [15 jaha]15 / e1 ja1 vet ju att du vi:1 den här tidpunkten hade lite problem me0 spriten < å0 de0 stämmer väl > |
| | P: | '[15 jaha]15 eh I know as-you-know that you at that point of time had little problem with alcohol < an it is correct isn't it >
@ <mood: asking > |
| 2. -> | PI: | ja0 de0 < (stämmer) > |
| | PI: | 'yes it is < correct >
@ <quiet > |

The repetition in both cases is projected by the questions and is necessary for reaching a closure of the sequence. The function of the final repetition as an amplifier of confirmation seeking for closure is especially clear in the next extract.

ST2: 14

1. P: [19 ja0]19 //trettion år / drygt / e1 namnet < nils holm > här
i < > < har **har du skrivit de0** >
P: * [19 yes]19 // thirteen years / almost / eh the name < nils holm > here in < > <
have have you written that >
@ < name >
@ < not transcribed : the place for living >
@ < mood : asking >
2. -> D: ja0 mitt namn mitt EGET namn här **de0 ha1 ja1 skrivit /**
D: 'yes my name my own here this have I written /'
3. P: < de0 e0 din egen namnteckning > /
P: '< this is your own signature > /
@ < mood : asking >
4. -> D: ja0 / å0 de0 har ja1 erkänt
D: 'yes / an' this I have admitted'
5. P: ja0 just de0 < å0 så0 fick du dom1 här [20 pengarna på posten
då]20 frågade dom1 va1 de0 kom sej e1 att DU löste ut0 den här avin och inte
mamman >
P: 'yes exactly < an' so you got those [20 money by the mail
then]20 did they ask what how come eh that YOU payed in this notice and not
the mother >'
@ < mood : asking >

The prosecutor is putting the same question twice on lines 1 and 3 before ratifying it on line 5. The defendant is using the final repetition on line 2 in order to certify that he understands the question correctly and that he confirms it with strong certainty, trying in this way to reach closure. On the restatement of the question with a reformulation on line 3 he answers (line 4) not only with a simple confirmation nor with a repetition but with a justification reminding of the fact that this topic is already agreed upon, that he has admitted the act of forgery. Once again, we have an example of an admission, which for legal reasons needs stronger certification and takes more than two utterances.

Disagreement, negation and restatement of disagreement are the functions of the defendant's repetition on line 3 below.

ST5: 1

1. J: < ja0 men då måste de0 ju ha0 varit något mer än än bara
hämnad å0 djävulskap alls >
J: '< yes but then it must of course has been something more than than only
revenge and fiendishness consequently >
@ < mood: asking >
2. -> D: nä0 **de0 va3 hämnad å0 djävulskap**
D: 'no it was evenge and fiendishness'
3. J: < fö de0 måste ju vara0 någon uträkning me0 de0 >
J: '< for it must of course be somecalculation with it >
@ < mood: asking >

The judge is trying to find some rational motivation for the actions of the defendant by denying the possibility of simple evil but the defendant rejects that, insisting that the only intentions he had were exactly revenge and evil, not enriching himself or gaining money (as it is in this case). The disagreement is realized by an initial negative feedback word followed by a repetition and thus it looks exactly like an amplified confirmation and attempt to reach closure on the topic. If we call to mind us the analysis of doubts and disagreements in Palmer 1996 (see 8.1.1.), this example appears as a clear justification of the idea that, in disagreements, it is the disagreeer who modifies not by creating 'revision-implicative trouble', as in the case of doubts, but by 'production of contrasting material'. The above disagreement

is restated because it is preceded by 20 minutes of interrogation where the judge is trying in different ways to find other motivations behind the defendants actions, which is necessary because the final judgement is directly dependent on the establishment of these intentions. The fact that the defendant is restating his position is the reason why he is not offering more justifications of this position. If the justifications were not given earlier in the examination they may have followed the disagreement in another utterance. However, there are no examples of utterances in which the examinee is simply disagreeing without offering a justification or excuse before the disagreement or directly after it, i.e. in the same utterance.

The repetitions/reformulations in final positions have functions similar to those in other positions, the answers to 'is-that-correct' questions and the disagreements are specific to them.

- Correction
- Answers to 'is-it-correct' questions
- Amplifiers of certainty
- Restatement of disagreement

The last function is quite specific and may be categorized as a kind of final amplification of certainty.

10.5. Summary

The in-utterance position of repetitions and reformulations is related to both their basic and additional functions. Emphasis on elicitation of feedback is more characteristic of single repetitions/reformulations than of those in the initial, middle or final position. Display of doubt, closed repair, news marks, and confirmations are the functions associated with single repetitions/reformulations. In initial position they tend to be used as ratifiers, pre-closures, and confirmations. In the middle position we find them in corrections, pre-corrections, pre-justifications, reassurances (amplifiers of certainty), invitations to resolution of doubt or conclusive inferential confirmation requests. Final repetitions/reformulations function as corrections, (restatements of) disagreements, assurances (amplifiers of certainty), and typical answers to 'is-that-correct' questions. All these apply both to the Bulgarian and the Swedish corpora although e.g. displays of doubt are much more rare in the former. The repetitions/reformulations as dictations during the Bulgarian hearings may be found anywhere except in the final position which is due both to the organization of the judge's immediate memory and to the question-answer format of the procedure, i.e. the dictation usually comes first followed by a new question.

The analysis of the position of repetitions/reformulations points to and specifies the distributions of role-based registers discussed earlier in Chapter 8. If they are produced by the examinee the position depends to a great extent on the format of the sentence in the preceding utterance but, if the examiner produces them, the position depends more on the legal procedure as such. For the examiners, the initial repetitions or paraphrases are mainly ratification devices, although as single utterances they are used mainly as a display of doubt and pre-contrast indication, which always comes in a new utterance. The other functions they have are news and importance marking as well as formulations of conclusions before ratification and closure. The examinee uses repetitions/reformulations mainly in the middle of the utterance and before justifications, which are, in contrast to indicators (which are most

often motivations or justifications of the previously displayed doubt) seldom produced in a separate utterance after the repetition/reformulation. They employ these features for a cooperative and non-competitive presentation of corrections, disagreements and pre-justifications, as well as for the most common function of amplification of certainty and confirmation.

Chapter 11

Quantitative Analysis



Introduction

The qualitative analysis of repetitions and reformulations in court examinations in the previous part focused on the structures and functions of these features on a local level. To study the distribution of these features in the activity and compare them cross-linguistically we may use also quantitative measures. The first section of this chapter elaborates on the relation between repeat sequences and

- Intonation
- Communicative acts
- Modality type
- Sentence type
- Speaker

This analysis is performed by searches of the frequency of co-occurrences across utterances, i.e. within a sequence.

This study has had its focus on the function of reformulations and repetitions but to get a more general picture of their context and a better understanding of the cross-activity and cross-linguistic differences and similarities one may describe the general interactive stylistic tendencies in the corpora by

- Cross-activity comparison
- Cross-linguistic comparison
 - Juridical roles (see 4.1.2., 4.2.4., and Chapter 3)
 - Sections (see 4.1.5., 4.2.4., and Chapter 3)

This second part of the analysis uses the Göteborg Spoken Language Corpora (GSLC, see <http://www.ling.gu.se/SLSA/gbgcorpora.html>) of verbal activities in Swedish and the measures developed in relation to it.

There are three basic explanations for the results of the quantitative analysis in this chapter:

- Language pattern
- Activity

- Culture

One purpose of this chapter is to study to what extent features such as repetition/reformulation, communicative acts, modality, and constellations of these are products of one or more of these factors.

The results of the quantitative analysis are restricted by three basic reservations (see also 6.3.2.). First, the data sets do not constitute random samples. Second, the data sets are too small to allow strong generalizations and statistical comparisons. Third, the coding on which the analysis is based, despite the constraining definitions, involves a subjective element in the interpretation of each individual communicative act and its intonation. The transcription and the checking of the intonation is made by non-native speakers of Swedish, which could also be problematic.

11.1. Repetitions/reformulations and their linguistic context in court-examinations

The frequency of repetitions/reformulations in the Bulgarian court corpus is about twice as great as in the Swedish corpus although the latter is twice as large as the Bulgarian corpus.

Table 42. Comparison of the total number and percentage of repetitions, reformulations, anaphoric expressions and dictations in both corpora

Corpus	Total number of utterances	Repetition/ Reformulation, (% of all utterances)	Pro-verb anaphoric expressions, (% of all utterances)	Without dictations, (% of all utterances)
Swedish	2220	145 (6.5)	23 (1.04)	0
Bulgarian	1115	183 (16.4)	0	75 (6.5)

Two factors, language and activity, influence the data in different ways depending on the corpora:

- Language
 - Pro-form
- Activity
 - Dictation
 - Oath
 - Other functions

Swedish is, and Bulgarian is not, a pro-form language and thus repetition language (see 2.3 and 3.4) is the linguistic factor. The main activity-specific factors are dictations and the taking of the oath (see e.g. 2.3 and 3.2). The rest of the functions such as amplifiers, display of doubt, etc. (see Chapters 8, 9, 10) occur both in Bulgarian and in Swedish hearings, that is, they are functional, independent of the language, but they could also be used in other activities although are probably especially relevant in court proceedings. Even if pro-verb anaphoric expressions

such as 'det gör jag' ('this do I'), which are typical answers in Swedish (see also Chapters 2, 3 and 5), are counted as reformulations and even if the dictations are excluded from the Bulgarian corpus, the frequency of repeat sequences in Swedish will be lower than in Bulgarian: 7.6 % (168) of the Swedish corpus and 9.9% (111) of the Bulgarian corpus will consist of repeat sequences. However the expectation that Bulgarian should have more repetitions than reformulations in comparison to Swedish, which is based on the linguistic characteristics of the languages (see 2.3.1.), is not justified, as indicated by the next table.

Table 43. The frequency of repetitions and reformulations in the Bulgarian and the Swedish corpora with their percent in relation to the total number of repetition/reformulations (TRR) and the number of the latter used in dictation, in non-dictations and in oath-taking (in square brackets).

Language/Feature	Repetitions (% of TRR)	Reformulations (% of TRR)	TRR
Swedish – all	61	84	145
[Oath]	(42.1)	(57.9)	
	[18]		
Bulgarian - all	78	105	183
	(42.6)	(57.4)	
[Dictations]	[64]	[8]	[72]
[Non-dictations]	[14]	[97]	[111]
TOTAL	139	189	328

In both corpora reformulations are more frequent than repetitions (see also 11.1.3.), which indicates that the linguistic factor has less influence on the realization of these features than the activity factor does. In the Bulgarian data 64 of 78 repetitions are dictations, 13 of the non-dictating repetitions are confirmations by the examinee and one is exclamation, which is both a confirmation and a rebut. It is these non-dictating repetitions that correspond to the expectation based on linguistic characteristics but they represent only 18% of all repetitions and 7.7% of the total number of repetitions/reformulations. Thus, in the Bulgarian data, there are more repetitions during dictation (64) but fewer repetitions associated with other communicative acts (14). The opposite is true for reformulations: there are fewer reformulations during dictations (8) while more reformulations are associated with other kinds of communicative acts (97). This means that the judge is repeating without even changing deixis during dictation, which has a positive effect on the validity of the report but a negative effect on the communicative process during examinations, which become less interactive. The fact that non-dictating reformulations are more frequent than other reformulations and repetitions indicates that the other speakers, and mainly the examinees, prefer to change the previous utterance rather than repeat it. In the Swedish data 18 of 59 repetitions (29.5%) are associated with taking the oath and the rest are repairs during the formal part of the examination, confirmations, and only a few are indications of doubt. To see more clearly how the use of repetitions and reformulations is dependent on the language or the activity factor one may isolate the subactivities most specific to the activity. In the next table the total number of utterances in the corpora is related to the number of repetitions and reformulations. At the same time, the frequency of the latter is given when the subactivity of dictating and taking the oath are not counted.

Table 44. The frequency of repetitions and reformulations without dictation and oath-taking in relation to the total number of utterances according to language and in percent

Language and subactivity	Total number of utterances	Repetitions in % of utterances	Reformulations in % of utterances
Swedish all	2220	2.7	3.9
Swedish non-oath	-	1.9	-
Bulgarian all	1115	7.0	9.4
Non-dictations	-	1.3	8.7

If these subactivities are excluded the frequency of repetitions in both corpora becomes similar, which indicates that, in examinations, the language factor is less important. Reformulations are more frequent in the Bulgarian data. In the following sections I will examine what kinds of functions are associated with both reformulations and repetitions, but it must be kept in mind that, especially in the Bulgarian data, the functions I will study are related more to reformulations than to repetitions. Some of the questions that need to be answered are: Which functions of repeat sequences are more frequent in one of the corpora than in the other? What does this depend on? Does the frequency depend on the speaker's role? How are the functions of the repeat sequences related to the modality of the utterance or the communicative act? How do these relations depend on the language and/or the activity?

The intonation is a factor that influences the function of repetitions/reformulations. Bearing in mind the purpose of the activity we expect a great number of utterances (not only repetitions or reformulations) to be produced with interrogative intonation in the presentation of questions. However, this expectation is confirmed in the Bulgarian but not in the Swedish court data.

Table 45. Comparison of total number and percentage of repetitions, reformulations and interrogative intonation in both corpora

Corpus	Total number of utterances	Interrogative intonation (% of all utterances)	Repetitions/Reformulations (% of all utterances)
Swedish	2220	265 (11.9)	145 (6.5)
Bulgarian	1115	355 (31.8)	183 (16.4)

The Bulgarian corpus has 348 questions as communicative acts (of different types, see Table 65, 11.1.2.4.) and 355 instances of interrogative intonation, which means that even utterances that can not be described as questions and/or syntactically as interrogative sentences are sometimes pronounced with interrogative intonation. In the Swedish data we have 821 questions (see Table 65, 11.1.2.4.), but only 32.3 % of all the questions are pronounced with this kind of interrogative intonation. One must be aware of the subjectivity in the identification of intonation and of the possibilities of faults in the annotation process, but this result still involves quite a number of occurrences. Once again, the reason for this could be dependent on the language pattern (see 3.4.1.) or the specifics of the activity or both. If the language is the explanation then it could be that Swedish disprefers a use of interrogative intonation for questioning, i.e. intonation is considered redundant in comparison to the inverted word order that is normally used in formulating interrogative questions. In Bulgarian inversions are not the most important means of expressing questions since the interrogative particle 'li' is most productive in the formulation of yes/no questions (see 3.4.1.). If the

activity influences the result then it must be the case that the examiners avoid a full-blown interrogative style. The reasons for the latter may be many: it could be that questions with non-interrogative intonation are considered less hostile, making the talk more like casual conversation, or it may be that the question format is used for the presentation of already established facts or presentation of facts mainly to the court and not to the examinee or that it is used for formulating suggestions rather than information-seeking questions, etc. Some of these possibilities are discussed in Chapters 8 and 9. To elaborate on the language factor it is necessary to make a specialized cross-activity study that could establish an activity-independent tendency in the formulation of declarative questions. Robbert-Jan Beun's study on the recognition of declarative questions (1989) suggests that questions with a declarative syntactic form and no interrogative intonation are quite often exploited in Dutch even in pure information-seeking dialogues and that final particles such as 'en' ("and"), 'dus' ("so"), and 'ook' ("also") are used for identifying question function. This may suggest that not only Swedish but also other Germanic languages do not exploit as much intonation for questioning. If this is so then the resulting conversation-like style of the Swedish examinations is due not as much to the strategies of the examiners than to a linguistic trait. In the sections to follow I will elaborate on this hypothesis and examine the functions of repetition/reformulations in relation to modality, communicative act, subactivity, and role of the speaker in order to find out how similar or different the corpora are. Let's look first at the relation between repetition/reformulation and intonation.

11.1.1. Repetitions/reformulations and intonation

There are four different combinations of repetitions/reformulations and interrogative intonation:

- Type 1: Both the source and the repetition/reformulation are produced with interrogative intonation.
 Type 2: The source has interrogative intonation but not the repetition/reformulation.
 Type 3: The repetition/reformulation has interrogative intonation but not the source.
 Type 4: Neither the source nor the repetition/reformulation is pronounced with interrogative intonation.

If the source and the repetition/reformulation are produced with interrogative intonation in two participant interactions then the repetition is either a request for clarification (BT1: 13 below) or a rhetorical device expressing an attitude such as the pre-disagreement device in BT1: 25 below. In the second case the intonation is specific, probably different from the interrogative intonation typical for questions.

BT1: 13

- | | | |
|----|----|---|
| 1. | J: | TD v zdrastveni zavedenija lezjala li si v zdrastveni TD |
| | J: | in health care institutions have-you-been-laying in institutions |
| | | @ <mood: asking> |
| 2. | D: | v zavedenija |
| | D: | in institutions |
| | | @ <mood: asking> |

BT1: 25

1. J: <mrasotijata>
 J: <the-dirt >
 @ <mood: asking>
2. D: <mrasotijata> tja mrasotija gospozjo az trjabva da imam sredstva za da ja poddarzjam saglasete se njama da e taka ako az imam pari da kupuvam
 D: <the-dirt> these dirt missis I need to have means to sustain it agree with me it won't be like that if I have money to buy
 @ <mood: asking>

In three-participant situations it may happen that the same question is put by two interactants one after the other. This happens in the Bulgarian courts as shown in the next example where the judge repeats the questions of the expert witness, the psychiatrist of the defendant.

BT1: 21

1. E: <pravish li skandali>
 E: <do-you-make scandals>
 @ <mood: asking>
2. J: <pravish li skandali>
 J: <do-you-make scandals>
 @ <mood: asking>

If the source but not the repetition/reformulation has an interrogative intonation then we might expect that the source is a question (by the examiner) and the repetition/reformulation is a response (by the examinee).

In the reverse case, since the questions are asked mainly (if not repairs) by the examiner the repetition/reformulation is a question that repeats completely or partially the previous answer and thus could be a display of doubt or request for confirmation or both (see Chapter 8). If none of the repetitions/reformulation parts are pronounced with interrogative intonation we may expect questions as sources and answers as repetitions/reformulations or answers as sources and repetitions/reformulations as acceptances or displays of doubt. This category is special because we normally do not expect interrogative questions that do not have interrogative intonations. In addition it is interesting what kind of intonation with which the displays of doubt are produced. The reservations made earlier must be kept in mind.

I will first go through the Bulgarian and the Swedish corpora and then summarize the differences and the similarities according to this particular criterion.

11.1.1.1. Repeat sequences and intonation in the Bulgarian corpus

The following table shows the results in the Bulgarian corpus-based on the four conditions given above.

Table 46. Repetition/reformulation and intonation in the Bulgarian corpus

Bulgarian	Repetition/reformulation with interrogative intonation	Repetition/reformulation without interrogative intonation	TOTAL
Source with interrogative intonation	7	23	30
Source without interrogative intonation	3	150	153
TOTAL	10	173	183

In the Bulgarian court data there are seven cases of the first type, of which one is a request for clarification, three are repetitions of the same question by two examiners interrogating the defendant and three are rhetorical reactions by the defendant that function as a protest against the examiners' accusations. The last have a particular intonation, which is a rising one as in questions but still different. Such responses deserve a special study of the prosody, pitch, etc., which is not the purpose here.

The repeat sequences of the second combination are more frequent, 23 occurrences. They consist of two types of sequences:

- sources as questions by the judge and repetitions/reformulations as answers (to wh questions) and confirmations (to y/n questions) by the examinee or the attorneys (the first and the second examples below);
- source as request by the attorney and repetition/reformulation as a dictation by the judge, who implicitly grants the request by including it in the record (the third example below).

BT5: 2

1. J: <poddarzjate li iskovata molba>
J: 'do-you-sustain the statement of claim?'
@ <mood: asking>
2. P: poddarzjame iskovata molba
P: 'we-sustain the statement of claim'

BT2: 14

1. J: <vrashta li ja>
J: 'does he-return it?'
@ <mood: asking>
2. WI: vrashta si ja da: TOJ ne VINAGI GI ISKA nali ne vinagi e
vzimal no toj si znae che
WI: 'he-returns it yes: HE no ALWAYS WANTS you know not always he has been
taking no he knows that'

BT4: 36

1. DC: taka / <shte moga li da prodalzja> **terenat e osem dekara**
DC: 'so / <shall I be able to continue> the field is eight decares'
@ <mood: asking>
2. J: a: jurist konsult ganchev **terena e osem dekara**
J: 'a: attorney ganchev the field is eight decares'

In the last sequence, however, it is not the request with the interrogative intonation that is repeated but the statement of claim ('decare' is a measure of land), which follows it directly without awaiting explicit acceptance by the judge. There are only three such occurrences in the whole Bulgarian corpus and none in the Swedish examination (since there are no dictations).

There are two sequences of the third type where the judge expresses surprise to the answer of the examinee and the sequence is not continued as in the Swedish examinations (see Chapter 8 and 9). These occur in only one special case where the examinee is subjected to psychological tests:

BT1: 6

1. J: <kade se namirash sega>
 J: '<where are you now>
 @ <mood: asking>
2. D: **v ministerstvo na kulturata**
 D: 'in ministry of culture'
3. J: <ministerstvo na kulturata>
 J: '<ministry of culture>
 @ <mood: asking>

There are sequences in which the source is an answer and the repetition/reformulation is a question with interrogative intonation by the examiner. However, in such cases, it is difficult to distinguish between anaphoric reference and repetition. In the next example we may speak of a partial repetition:

BT3: 2-

1. W2: da a: **gospozjata si vze hladilnik**
 W2: 'yes a: the miss took her fridge'
2. J: <koga si vze hladilnik gospozjata>
 J: '<when did she take her fridge the miss>
 @ <mood: asking>

In this particular case the reformulation by the judge is an expression of irritation over the witnesses' behavior, where she was warned for her eagerness to present irrelevant evidence and openly oppose the judge. This type of repetition in this format is rare.

In the Bulgarian corpus most of the repeat sequences without an asking interrogative intonation consist of source as answer and repetition as dictation.

BT4: 37

1. P: **ot koito tri i sheststotin sa vazstanoveni**
 P: 'of which three and six hundred are restored'
2. J: **ot koito tri i sheststotin sa vazstanoveni** // a schitate che
 sgradite ne sa vazstanoveni taka li
 J: 'of which three and six hundred are restored // and you think that the buildings
 are not restored is that so'

However, in some sequences, there is no typing activity and the judge does not give any other signals that he is dictating but still repeats part of the answer and then directly goes on to the next questions. Repetitions of this type are confirmations and occur in both corpora, mainly in the formal part of the examination but also in other sections, and are most typical of the Swedish court data.

BT1: 17

1. D: edin hljab struva **shesnajte leva**
 D: one bread costs sixteen leva
2. J: **shesnajte leva** <drugo>
 J: sixteen leva <other>
 @ <mood: asking>

Some of the non-interrogative-intonation repeat sequences consist of sources as questions and repetitions/reformulations as answers. They are common to both corpora but much less frequent in the Bulgarian examinations and consist of sequences of questions, which are syntactically and prosodically formulated as statements (i.e. declarative questions) followed by answers, confirmations or denials.

11.1.1.2. Repeat sequences and intonation in the Swedish corpus

In contrast to the Bulgarian examinations in the Swedish we find only one occurrence of the first type, which is a simple repair.

Table 47. Repetition/reformulation and intonation in the Swedish corpus

Swedish	Repetition/reformulation with interrogative intonation	Repetition/reformulation without interrogative intonation	TOTAL
Source with interrogative intonation	1	37	38
Source without interrogative intonation	9	98	107
TOTAL	10	135	145

However, there are comparatively more occurrences of the third type, nine occurrences, which include confirmation requests:

ST5: 02

1. D: ja0 va3 ja1 skall VA2 allså
D: 'yes where I shall BE thus'
2. J: <va3 du skall va2 nånstans>
J: '<where you shall be somewhere>'
@ <mood: asking>

Display of doubt may also be expressed with single reformulation and interrogative intonation (see also Chapter 8):

ST5: 03

1. D: nã0 de0 hade ja1 inte gjort
D: 'no this had I not done'
2. J: <de0 hade du inte gjort>
J: '<this had you not done>'
@ <mood: asking>

In both corpora the most frequent type of repetition/reformulation is those with no interrogative intonation (i.e. the fourth type) and those where the source but not the repetition/reformulation has interrogative intonation (i.e. the second type). The second type consists of the following three subtypes:

- Sources as wh questions and repetitions/reformulations as answers.

ST1: 9

1. P: <hur MYCKE PENGAR blev ni blåsta på då />
P: <how MUCH MONEY did get you cheated for then />
@ <mood: asking>
2. Pl: ja1 e1 JA1 vart1 e1 blåst på HUNDRA KRONER (de0) vet
ja1
Pl: 'i e I was e cheated out of a HUNDRED CRONES (it) know I'

- Sources as y/n questions and repetitions/reformulations as confirmations. In contrast to answers to wh questions the repetitions/reformulations in answers to y/n questions are either preceded or followed by simple feedback words.

ST2: 10

1. D: <ja0 hur hon stava1 menal du>
 D: 'yes how she spells mean you'
 @ <mood: asking>
2. P: ja0 hur hon stava1
 P: 'yes how she spells'

- Sources as y/n questions and reformulations as denials

ST5: 04

1. J: å0 så0 har du ju liksom skrivit under en0 en0 en0 / en0 sån
 här anmälan som försäkringskassan använder för att utbetala0 beloppet / å0
 den e0 ju felaktig / skulle du SAGT då när **du du lämna1 ju FRAM den** så0
 du nånting när du
 J: 'and so have you so to say signed under one one one / one like this report to the
 insurance use for for to pay the sum / and den is certainly wrong / would you
 HAVE SAID then when you you left certainly IN FRONT it did say you
 something when you'
 @ <mood: asking>
2. D: nå0 ja1 lämna1 inte fram den ja1 skicka'n
 D: 'no I left not in front it I sent't'

Special cases are the answers to disjunctive questions. Most of them have the form of confirmations and denials as answers to y/n questions and include initial or final simple feedback words:

ST1: 23

1. P: <va3 du / NYKTER eller spritpåverkad vi1 de0 här
 tillfället>
 P: <were you / SOBER or intoxicated on this occasion>
 @ <mood: asking>
2. Pl: ja1 va3 spritpåverkad ja0
 Pl: I was intoxicated yes

The formulation of the answer above shows an anticipation of the intention of the questions, namely evocation of an admission, which the answer is. It seems that the plaintiff knows that the prosecutor knows that he was drunk. A similar case with a negation is the following:

ST5: 06

1. J: <men VA3 du så0 sjuk då eller e0 de0 inte så0 att du kunde
 arbeta0 den femtonde>
 J: <but WERE you so ill or e it not was do that you could work the fifteenth>
 @ <mood: asking>
2. D: näe ja1 VA3 sjuk /
 D: no I WAS sick /

The judge is trying to establish the intentions of the defendant who has admitted to the wrongdoing. The disjunctive question is formulated in such a way that it suggests more strongly that the defendant has lied about his condition. The answer is a denial of this suggestion and that is why it starts with a negative simple feedback word. If the suggestion was not anticipated the defendant could have answered positively "yes, I was ill".

Similar to the Bulgarian judge the Swedish examiners most often formulate repetitions/reformulations where neither the source nor the repetition has interrogative intonation (see also BT1: 17 above). As mentioned earlier, such repetitions/reformulations

function as confirmations (or as routine dictations in the Bulgarian courts) and as attention-elicitors for the court.

ST1: 15

1. P1: han ja0 han e1 **viftade till**
 P1: 'he yes he e waved'
 2. P: **viftade till** då ja0 // <NÅR sÅg du att han hade dragit kniv
 då>
 P: 'waved then yes // <WHEN did you see that he had puuled out a knife then>
 @ <mood: asking>

Typically, declarative questions in the fourth type of sequence (source and repetition/reformulation without interrogative intonation) are inferences and/or summaries of previous statements and the responses are reformulations, which could be rebuts as in the following example (for a more detailed analysis of this extract, see 10.4.):

ST5: 1

1. J: ja0 men då måste de0 ju ha0 varit något mer än än bara
hämnd å0 djävulskap allså
 J: 'yes but then it must have probably been something more than only revenge and devilishness then'
 2. D: **nå0 de0 va3 hämnd å0 djävulskap**
 D: 'no it was revenge and devilishness'

In the Swedish corpus this group also includes:

- pre-objections (or acts providing premises for argument to follow) which also exhibit the defendant's statement to the court such as:

ST5: 01

1. D: **nå0 de0 gör ja1 inte men**
 D: no this do I not but
 2. J: **de0 gör du inte** // <men du måste väl ha0 förstått också att
 egentligen hade du inte rätt att få0 få0 ut0 de0 här beloppet om0 om0 dom1 nu
 hade betalat ut0 de0 här (...) vilket dom1 nu inte gjorde men om0 du om0
 dom1 hade betalat ut0 de0 va1 hade du sagt då då>
 J: this do you not // <but you must certainly have understood also that actually
 you had no right to get get out this amount if if they now had payed it this here
 (...) which they now not did but if you if if they had payed it what had you
 sayd then then>
 @ <mood: asking>

- giving the oath, which does not exist in Bulgarian courts and which consists of complete single repetitions without interrogative intonation.

ST1: 001

1. J: skulle du vilja resa på dej å0 säga efter va1 ja1 säger nu då
 J: 'would you like to stand up and say after me what I say now then'
 2. W: ja0
 W: 'yes'
 @ comment: < // >
 3. J: **JAG < sture and >**
 J: 'I < sture and >
 @ <name>
 4. W: **JAG < sture and >**
 W: 'I < sture and >
 @ <name>

5. J: **lovar å0 försäkrar**
J: 'promise and assure'
6. W: **lovar å0 försäkrar**
W: 'promise and assure'
7. J: **på heder å0 samvete**
J: 'by honor and conscientious'
8. W: **pÅ heder å0 samvete**
W: 'by honor and conscientious'
9. J: **att ja1 skall säga HELA sanningen**
J: 'that i will say the WHOLE thuth'
10. W: **att ja1 skall säga HELA sanningen**
W: 'that i will say the WHOLE thuth'
11. J: **å0 INTET förtiga**
J: 'and NOTHING ???'
12. W: **å0 INTET förtiga**
W: 'and NOTHING ???'
13. J: **TILLÄGGA eller förändra0**
J: 'ADD or change'
14. W: **TILLÄGGA eller förändra0**
W: 'ADD or change'
15. J: jaha tack då: påminner ja1 bara om / vilket du säkert själv
VET / att de0 e0 väldit viktir att man / håller sej till SANNINGEN när man vittnar /
J: 'jaha thank you then remind I only about what you certainly yourself KNOW / that it is very important that one / keeps to the TRUTH when one testifies'

Only the last utterance is partly reminiscent of the Bulgarian instructions for truth which are designed as imperative or at least deontic statements and necessarily include a warning for punishment (this is absent in the Swedish truth instructions in the corpus). As such, in contrast to the Swedish instructions, the Bulgarian are non-interactive, i.e. they do not demand the confirmation or the agreement of the examinee, only his/her consciousness of the danger involved in the presentation of the testimony.

11.1.1.3. Comparative summary on repeat sequences and intonation

Comparing the corpora with regard to the co-occurrence of repetitions/reformulations and interrogative intonation we may say that the most frequent combination is when neither the source nor the repetition/reformulation is coded with interrogative intonation. This is not surprising bearing in mind the dictating activity in Bulgarian examinations but not self-evident in the Swedish examinations. Thus we could find the following functions associated with this constellation (all functions in the third column of the following four tables are introduced and described in earlier chapters, namely Chapters 6, 8, 9 and 10):

Table 48. Type 4: Source and Repetition/reformulation have no interrogative intonation

Source	Repeating speaker	Function of repetition/reformulation	Bulgarian	Swedish
Summary or inference question by examiner	examinee	confirmation, denial	yes	yes
Answer by examinee	examiner	acceptance	yes	yes
Answer by examinee	examiner	dictation	yes	no
Answer by examinee	examiner	display of doubt	no	no
Answer by examinee	examiner	pre-objection	no	yes
Instruction by examiner	examinee	oath	no	yes

This type of repetition/reformulation is not used for displays of doubt and pre-objections by the examiner or for taking the oath by the examinee in the Bulgarian courts but mainly in dictations. In the Swedish examinations their predominant function is the acceptance of answers by the examiners and the confirmation or the denial by the examinee, but also inference-based questions.

The next most frequent constellation is of the second type (see also Table 46 and Table 47 above).

Table 49. Type 2: source with interrogative intonation and repetition/reformulation without (rep./ref.) without interrogative intonation

Source	Repeating speaker	Function of rep./ref.	Bulgarian	Swedish
Request by attorney	judge	dictation and ratification	yes	no
WH question by examiner	examinee	answer	yes	yes
Y/N question by examiner	examinee	confirmation, denial	yes	yes
Disjunctive question	examinee	confirmation, denial	yes	yes

In this group the source is the question of the examiner and the repetition/reformulation is by the examinee, the main function being this of answer to WH-question (see ST1: 9), confirmation or denial (which as mentioned earlier is typically, especially in Swedish, accompanied by initial or final negation with a simple feedback word).

Types three and one (see also Table 46 and Table 47 above) differ in frequency in the corpora. Repeat sequences of the third type where the repetition/reformulation but not the source have interrogative intonation are more frequent in the Swedish data than in the Bulgarian. This is due mainly to the frequent occurrence of doubt sequences (there are simply no extracts with surprise expressions in these particular Swedish data).

Table 50. Type 3: Repetition/reformulation but not source has interrogative intonation

Source	Repeating speaker	Function of repetition/reformulation	Bulgarian	Swedish
Answer	examiner	request of confirmation	yes	yes
Answer	examiner	display of doubt	no	yes
Answer	examiner	surprise	yes	no
Answer	examiner	WH-question	yes	no

In this group the repetitions/reformulations are produced only by the examiners. The difference between the corpora is that, in the Swedish examinations, repetitions/reformulations with an interrogative intonation are predominantly used for the expression of doubts and not for formulation of WH questions or in expressions of surprise. There are questions in such a position that refer to the previous utterance, but few of them can qualify as something else than an anaphoric reformulation (on anaphoric expressions, that are not statistically coded as reformulations, see 6.2.1.). As pointed out earlier such questions are also attitudinal and, in B3: 2-, this was irritation. The Bulgarian data include very few doubt sequences as the ones discussed in Chapter 8, mainly because of the dictation duty of the judge and his/her prescribed objective role. In sequences where both parts of the repeat sequence have interrogative intonation and where we expect to find repairs or conflict situations the Bulgarian examinations include more occurrences.

Table 51. Type 1: Source where repetitions/reformulations have interrogative intonation

Source	Repeating speaker	Function of repetition/ reformulation	Bulgarian	Swedish
Question by examiner	examinee	Request for clarification	yes	yes
Question by examiner	examinee	Rhetorical question, Pre-disagreement	yes	no
Question by examiner	Second examiner	Re-stated question	yes	no

In Swedish court examinations repetitions/reformulations of this kind do not function as expressions of attitudes by the examinee nor are there cases of examination of a defendant or a witness by two examiners simultaneously, which is the case in Bulgarian examinations. In both corpora such repetitions/reformulations, which are also related to expressions of doubt, function also as requests for clarification by the examinee but there are very few such occasions, only one in each corpus.

Since in both corpora the source-repetition/reformulation pairs without interrogative intonation are most frequent it is not possible to confirm the expectation expressed in 11.1., namely that, interrogative intonation is necessary (in Swedish) and/or sufficient (in Bulgarian) for questioning. Neither can it be denied since there are many other question-answer pairs that do not involve repeat sequence and since the dictations in the Bulgarian trials explain many of these occurrences. The combinations of co-occurring codes of the communicative act question, the sentence type (declarative or interrogative), and the interrogative and non-interrogative intonation independently of the occurrence of repeat sequences give the following results:

Table 52. Co-occurrence of codes of the communicative act question, the sentence types declarative and interrogative, and interrogative and non-interrogative intonation.

Line	Co-occurring categories	Swedish (% of all occurrences of questions)	Bulgarian (% of all occurrences of questions)
1	Question + declarative sentence type + interrogative intonation	140 (16.9)	15 (4.6)
2	Question + interrogative sentence type + interrogative intonation	104 (12.5)	8 (2.4)
3	Question + declarative sentence type + non-interrogative intonation	214 (25.8)	52 (15.9)
4	Question + interrogative sentence type + non-interrogative intonation	127 (15.3)	21 (6.4)
5	TOTAL	585 (70.6)	96 (29.3)
6	The rest of the questions	236 (28.5)	252 (76.8)
7	<i>All questions</i>	829	328

Line 6 indicates that there are other types of combinations realizing the question as a communicative act. For instance, there can be questions co-occurring with an imperative sentence type with different kinds of intonation and/or the questions can be formulated as shorter phrases and words, i.e. not sentences. Since there are only three co-occurrences of imperative sentence and question in the Bulgarian data and seven in the Swedish, it follows that part of all questions in the Swedish data have sentence form (i.e. 229 or 27.6% of all questions) which also applies to the Bulgarian court corpus questions, which are expressed mainly as non-sentences (249 or 75.9% of all questions).

In both corpora the most expected combination (at least for most Indo-European Languages) (line 2) is the least frequent one. In both corpora the most frequent constellation of features (i.e. excluding the case of the non-sentence questions) is the least expected, namely the third one, where the question is indicated neither by intonation nor by sentence structure nor special interrogative particles or morphemes. It is followed by the fourth constellation on line 4 above (in the Bulgarian data) where the syntax compensates for the lack of interrogative intonation, or the first one (line 1 above), where the interrogative intonation compensates the declarative syntax (in the Swedish data). This result shows that questions are produced either with interrogative intonation or interrogative syntax and justifies the hypothesis that the combination of interrogative syntax and intonation in Swedish as a Germanic language is a dispreferred form in questioning. However it shows that this is valid also for Bulgarian which is a Slavic language. Although this hypothesis deserves a more thorough investigation involving different types of activities these results may indicate the strong influence of the activity over the language use. There are a few reasons:

- The question-answer format, which is also associated with the roles of the speakers, contributes to the interpretation of the utterances and thus further markings of e.g. questions may be redundant.
- The format of interrogation typical for the beginning of the hearing where the examiner is posing routine questions or questions that have been rehearsed in the pre-examinations (especially in the Swedish examinations, see Chapter 8, extract ST1: (6)) allows the use of declarative syntax and/or non-interrogative intonation.
- In the Bulgarian trials the dictations of the judge may function as indirect questions (in which case they have been coded as dictations and questions).

11.1.2. Repetitions/reformulations, communicative acts, and modality

In the preceding chapters it was observed that the function of the repeat sequences is related to the communicative acts expressed by the utterances as well as to the modality of verbs, particles and sentences involved in the repetition or the reformulation. This section examines first the frequencies of occurrences of different types of communicative acts and their relation to repetitions/reformulations and then without considering repeat sequences. In 11.1.3. the use of repetitions/reformulations is studied according to the role of the speaker.

All utterances were coded according to a selection of 17 communicative acts, question and answer type, as well as sentence type and modality (see Chapter 5). Since an utterance can consist of several acts it can receive several communicative act codes. However, the categories are mutually exclusive, which means that the codes do not overlap i.e. if the coder has been able to identify an utterance or part of an utterance as any of the 17 categories except statement, question, and request, then this utterance or part of it has been coded according to the identified category. If this has not been done then the utterance or part of utterance has been coded according to one of the three basic categories, namely statement, question or request (see 6.2.2.1.). Some categories are theoretically subtypes of other categories. For instance, confirmations are feedback givers but they have been coded as confirmations if it was possible to identify them as such. The communicative acts may be grouped in different ways but, following the functional potential scheme and the default assumption for the basic

communicative acts, one can describe the relations between the coded acts according to the following figure.

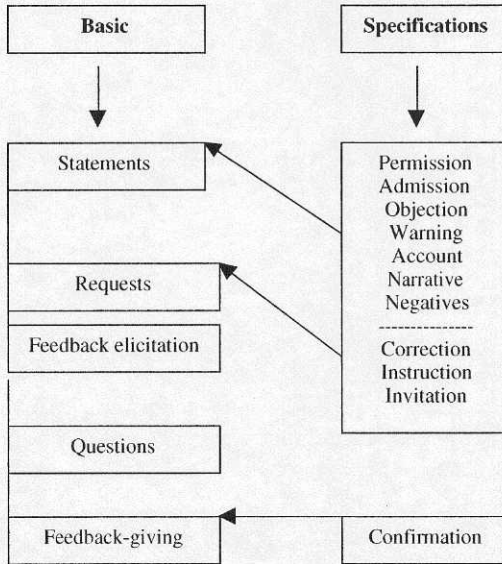


Figure 14. Relations between the selected categories of coded communicative acts

The arrow indicates a specification relationship i.e. the categories on the right-hand side are specifications of the categories on the left-hand side. However, an additional and different type of distinction between challenging and defensive communicative acts may have stronger explanatory power in the study of the relation between communicative acts and repeat sequences. Examples of typical challenging communicative acts (see also 5.4.6. and 5.4.7.) which are also coded are acts such as objections (or rebuttals), warnings, corrections, requests, and questions (see also 6.2.2.2. and 1.3.2.). As discussed in detail in Chapter 9 and described in 5.4.6., admissions, account (i.e. justifications and excuses), and narrative are typical defensive acts, where the last are not necessarily defensive if expressed by the examiner.

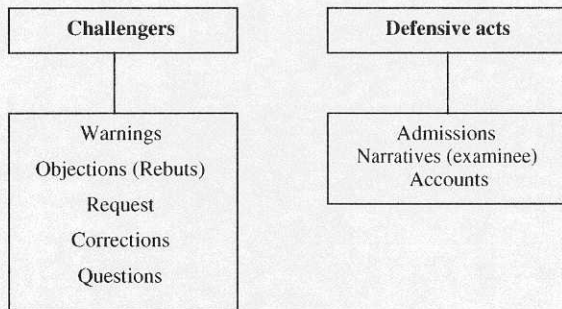


Figure 15. Challenging and defensive communicative acts included in the study

With regard to modality, a distinction was made between sentence type and expressions of strong belief and weak belief (i.e. of certainty) (see 6.2.2.2.), with respect to length – between short and copying answers (see 6.2.1.2.1.).

11.1.2.1. Repeat sequences, communicative acts and modality in the Swedish corpus

In this section I will study the function of the repeat sequences by checking the functions and structures co-occurring with either the source or the repetition/reformulation part of the repeat sequence.

Communicative acts

In the following table we have a ranking starting with communicative acts, which are the most frequent source of repetition/reformulation. In the second column we have the total number of occurrences of each communicative act independently of the occurrence of repetition/reformulation. In the last column I have also given the percentage of the repeated communicative acts in relation to all the occurrences of the respective communicative act.

Table 53. Communicative act and source of repetition/reformulation (rep./ref.) related to the number of communicative acts and to the total number of repetitions/reformulations (TRR) in the Swedish corpus

Swedish communicative act	Number of communicative acts realized as source	Total number of communicative acts	% of communicative acts realized as source	% of TRR
question	33	829	3.9	22.8
feedback-giving	29	1000	2.9	20.0
statement	15	734	2.04	10.3
admission	13	31	41.9	9.0
narrative	12	267	4.5	8.3
objection	11	141	7.8	7.6
confirmation	10	407	2.5	6.9
account	10	150	6.7	6.9
feedback elicitation	5	122	4.1	3.4
negatives	3	141	2.1	2.1
request	3	61	4.9	2.1
invitation	0	21	0.0	0.0
instruction	1	16	6.2	0.6
correction	0	14	0.0	0.0
warning	0	7	0.0	0.0
permission	0	5	0.0	0.0
TOTAL	145	3946	4.0	100.0

If we consider the percentage of repeated occurrences of each communicative act the most frequently repeated acts are admissions, followed by objections and accounts, all of which are part of the examinee's mitigation register. This result confirms the analysis of sequences with admissions in Chapter 9. The objections' tendency to frequently co-occur with repetition/reformulation indicates that the latter are often used as challenging devices, that they are triggered by conflicting beliefs, i.e. that they are a conflict-resolving device (see Chapter 8). This result is in coordination with the analysis of doubt-handling sequences, where the repetition/reformulation of an utterance was a first indication of doubt and expression of

puzzlement. Similarly, the percentage column shows that accounts and narratives are also often sources of repetition/reformulation, which means that they may trigger questions and puzzles rather than suggest solutions.

If taking of the oath (now coded as statements) is counted as instruction then these would be percentually the most frequent source of repetition/reformulation. Questions and requests are also sources of repetition/reformulation, which means that they are often involved in the responses of the examinee. The feedback elicitors are expected to be repeated/reformulated more often than feedback givers, especially in the final position, i.e. as tag questions, which seems to be the case although the difference is too small to draw any conclusions. Feedback elicitors are characteristic of the examiners' speech because they are doing the questioning and the elicitors are often part of the questioning strategy (see Chapters 8, 9, 10). The judge who is not the main examiner produces most of the final elicitors - 40, the prosecutor - 20 and the defense counsel - seven, while the defendant uses six and the plaintiff and the witness together - three. The final elicitors are the following expressions: 'eller hur' (literally "or how"), 'tror du' ("you believe"), 'säger du' ("you say"), 'menar du' ("you mean"), 'är det riktigt' ("is that correct"), 'stämmer det' ("is that correct"), 'alltså' ("thus"), and 'då' ("then") (the last two are not always or only elicitors, see Chapters 8, 9). The most frequent of these is the last one and this is the reason why the repeated/reformulated feedback elicitors are so few. The tag expression 'is that correct' is specific for formal situations and especially for examinations and it is found to function as elicitor even as declarative sentence i.e. as 'this is correct'. Of the five occasions on which it is used as a question it is repeated in the response four times, which describes it as a very strong confirmation feedback elicitor. It is even the case that at the end of the examination the examinee starts to use it as confirmation even without an elicitor, which means that he has acquired the sequence-terminating capacity of this expression. Invitations, permissions, requests and warnings usually elicit actions other than verbal responses and thus a cooperative interlocutor would not challenge them by repeating them unless in clarification-eliciting sequences. The distinction between the category of defensive and challenging acts is relevant since the most frequent sources of repetition and reformulation are defensive acts.

In the Swedish corpus the repetitions/reformulations are most often feedback-givers, statements, questions and confirmations, which are also the most frequent acts, as indicated in the next table.

Table 54. Communicative act and repetition/reformulation (rep./ref.) related to the number of communicative acts and to the total number of repetitions/reformulations (TRR) in the Swedish corpus

Swedish communicative act	repeating/reformulating communicative act	total number of communicative act	repeating/reformulatingin % of communicative act	% of TRR
feedback-giving	29	1000	2.9	20.0
statement	29	734	4.0	20.0
question	22	829	2.7	15.2
confirmation	26	407	6.4	17.9
narrative	10	267	3.7	6.9
objection	7	141	5.0	4.8
account	6	150	4.0	4.1
negatives	4	95	4.2	2.8
admission	3	31	9.7	2.1

correction	3	14	21.4	2.1
instruction	1	16	6.2	0.6
feedback elicitation	0	122	0.0	0.0
request	0	61	0.0	0.0
invitation	0	21	0.0	0.0
warning	0	7	0.0	0.0
permission	0	5	0.0	0.0
TOTAL	145	3946	4.0	100.0

Looking at the percentages (one must bear in mind that there are very few observations to generalize over) the communicative acts that are most frequently involved in repetitions/reformulations are the corrections, the admissions and the confirmations. Corrections are not a source of repetition/reformulation but they often repeat in part the previous utterance, which is a method for stronger indication of the understanding of the previous utterance and of creating discursive coherence. Less frequent as repetitions/reformulations in comparison to corrections but more frequent than the rest of the categories are the admissions and the confirmation. The former repeat but most often either reformulate previous utterances or confirm them in the most minimal manner or digress towards narratives and accounts, which indicates their guilt-mitigating character. Keeping in mind that Swedish is a pro-form language and if we exclude anaphoric reformulations (see 6.2.1.1.3.) we do not expect to find a high frequency of confirmations as repetitions/reformulations. Confirmations appear however to be perceptually one of the most frequent acts, which indicates that in this activity there is a strong need of amplified confirmations, which was analyzed as a credibility-defending strategy (see Chapter 9) when these are uttered by the examinee.

Again if the oath is considered as an instructing activity the instructions will be most frequent in percentage. Accounts and narratives are less often repetitions/reformulations than sources, because they introduce new pieces of information, but their function is not that of challengers. Objections are also more often sources than repetitions/reformulations. If one objection is a source of repetition/reformulation then the next utterance, the repetition/reformulation, is some form of defense or clarification or feedback. If an objection is a repetition/reformulation it means that it is a strong challenger of the previous statement. Thus cases in which both the source and the repetition/reformulation are objections are cases of most clear conflict and confrontation from both speakers, in our case mainly the examiner questioning the examinee or the examiners talking to each other. In fact we do not find such cases at all, which in itself points to a tendency towards avoidance of open confrontation and conflict. In the same vein, the fewer repetitions/reformulations functioning as objections indicate avoidance of verbal confrontation. Obligatives (or commissives), including requests, are not performed as repetitions/reformulations. Feedback elicitors (and by this I mean feedback-eliciting expressions such as 'nali', 'taka li' etc. ('right', 'is that so') but not repetitions/reformulations which could function as elicitors) are often sources but they are seldom repetitions/reformulations themselves.

Question type

What kinds of questions are repeated and involve repetition/reformulation? In the Swedish court data yes-no questions most often get repeated and most often involve repetition/reformulation, which means that this kind of question puts more constraints on the form of the answer and that they more directly relate to previous utterances. One has to keep in mind however that declarative questions may function as yes-no questions and that the absolute number of the latter is higher.

Table 55. Question types as sources and repetitions/reformulations (rep./ref.) related to the number of questions and to the total number of repetitions/reformulations (TRR) in the Swedish corpus

Swedish question type	source	rep./ref.	Total question type	source in % of question type	rep./ref. in % of question type	source % of TRR	Rep./ref. % of TRR
Declarative question	32	20	453	7.1	4.4	22.1	13.8
Y/N-question	15	7	153	9.8	4.6	10.3	4.8
WH-question	9	2	194	4.6	1.03	6.2	1.4
Tag-question	5	0	17	29.4	0.0	3.4	0.0
Disjunctive question	3	0	12	0.3	0.0	2.1	0.0
TOTAL	64	29	829	7.7	3.5	44.1	20.0

However, in percentage, it is not surprising that the greater part of the disjunctive questions are partly repeated in the next utterance. They are themselves not repetition/reformulations of previous utterances, which indicates that they are not used as suggestions of alternative interpretations in contrast to immediately previous pieces of evidence. We have little data on which to base a conclusion, however. Tag questions (for a description of this category, see 6.2.1.2.1.) are used only as sources and are not repetitions/reformulations themselves. They are the most obligative or response-eliciting type of questions since they tend to be repeated, that is the responses tend to keep the form of the question more than in other types of questions. In this sense, the WH questions, which are the most frequent questions, are the least restrictive elicitors. The forensic linguistics literature describes the tag questions and the disjunctive questions as some of the most manipulative means of examination, which is confirmed by the data because 33% of all tag questions (15) are sources of repetition (see Chapters 7, 8, 9 and Table 67 in 11.1.2.1. above), which means that they do impress the listener and trigger amplified answers. The repetitive behavior of the examinee does not necessarily mean that they are manipulated but it does indicate a stronger tendency towards subordination and alignment in the context of this kind of questions. In general, the number of the so called manipulative question types is less than the least manipulative questions, which indicates that the Swedish examinations tend to be rather mild or to avoid obvious manipulations.

Sentence type

The grammatical format of the utterance does not always correspond to the communicative act it expresses (for descriptions of categories see Chapter 6). Declarative sentences are most frequent in total and as sources of repetitions/reformulations, one of the reasons for this being that they have a wider range of uses. There are 1030 declarative sentences and 734 statements (see 11.1.2.4.). Since 44.1% of the declaratives are questions then 55.9% of the declaratives

can be statements, requests or any other kinds of communicative acts. Thus the fact that the declaratives are most numerous as sources and repetitions/reformulation can not help us to identify more concretely the functions of the latter. In contrast, the interrogatives are fewer than the communicative acts associated with them by default and thus have more restricted diapason of uses. In the Swedish data there are 829 questions of which 54.6% (453) are declarative, 2.7% (22) of are either imperative sentences or non-sentences, and 42.7% (354) are interrogative. Consequently, interrogatives are mostly associated with questions and in percentage are more often sources than repetitions/reformulations, as indicated in the next table. It follows that the examiners are repeated more than the examinees, which is confirmed later in Table 69 (see 11.1.3.).

Table 56. Sentence types as sources and repetitions/reformulations (rep./ref.) related to the number of sentences and to the total number of repetitions/reformulations (TRR) in the Swedish corpus

Swedish sentence type	source	rep./ref.	total number of sentence type	source % of all sentence type	rep./ref. % of all sentence type	Source % of TRR	Rep./ref. % of TRR
declarative	75	72	1030	7.3	7.0	51.7	50.0
interrogative	27	9	354	7.6	2.5	18.6	6.2
imperative	1	1	33	3.0	3.0	0.7	0.7
TOTAL	103	82	1417	7.3	5.8	71.0	56.6

Imperatives express an even more closed set of communicative acts, i.e. they are more likely to express strongly commissive acts such as requests and orders than questions and statements (see also 11.1.2.4.). In coordination with the case of request, imperative sentences are seldom repeated or are repetitions/reformulations, thus indicating a tendency towards subordination and avoidance of hostility.

Strong and weak belief

The weak and strong belief expressions are associated with the examinees' contributions. We have very small numbers so we can not make any significant conclusions but only identify hypothetical indications. In relation to the analysis of the epistemic quality of utterances and handling of doubts in Chapter 8 as well as in the analysis of the defense strategies in Chapter 9, it was suggested that answers of uncertainty or lack of knowledge trigger repetitions. The opposite was expected of expressions of greater certainty in the so called amplifiers (see also Chapter 7). The following table confirms these expectations.

Table 57. Modality types (certainty) as sources and repetitions/reformulations (rep./ref.) related to the number of modality type and to the total number of repetitions/reformulations (TRR) in the Swedish corpus

Swedish modality type	source	rep./ref.	total number of modality type	source % of modality type	rep./ref. % of modality type	Source % of TRR	Rep./ref. % of TRR
weak belief	9	3	80	11.3	3.8	6.2	2.1
strong belief	3	8	104	2.9	7.7	2.1	5.5
TOTAL	12	11	184	6.5	6.0	8.3	7.6

Expressions of strong belief and conviction by the examinee are less often a source of repetition/reformulation but are more often repetitions/reformulations, as indicated by the last two columns in the above table. The weaker the certainty is the more probable it is that such utterances will be the object of doubt or of further questioning.

Type of answer

Short answers (see 6.2.1.2.1.) that consist of one simple feedback word or another word or phrase but not of sentences are sometimes repeated, i.e. they may sometimes be considered as inconclusive and thus prolong the current sequence. They may also be confirmations involving partial repetitions of previous utterances and thus function as alternatives to the copying answers.

Table 58. Types of answers as sources and repetitions/reformulations (rep./ref.) related to the number of answers and to the total number of repetitions/reformulations (TRR) in the Swedish corpus

Swedish type of answer	source	rep./ref.	total type of answer	source % of type of answer	rep./ref. % of type of answer	source % of TRR	rep./ref. % of TRR
Short answer	11	12	209	5.3	5.7	7.6	8.3
Copying answer	8	33	56	14.3	58.9	5.5	22.8
TOTAL	19	45	265	7.2	17.0	13.1	31.0

As mentioned earlier 23 of the 56 copying answers are typical pro-verb anaphoric expressions and 33 involve other kinds of repetitions and/or reformulation. Both types of copying answers seek closure of sequence (see Chapters 7, 8, 9), function as stronger expression of certainty, may indicate submission and co-operativeness, and thus are part of the defense credibility-building strategies of the examinee. They are comparatively more frequently sources of repetition/reformulation, which indicates that they are partially unsuccessful as amplifiers and sequence closures.

11.1.2.2. Source and repetition/reformulation in the Bulgarian corpus*Communicative acts*

By number of co-occurrences the most frequently repeated/reformulated communicative acts in the Bulgarian corpus are the statements, the questions, the feedback-giving expressions and the accounts. In percentage, however, and similar to the Swedish data, the correction, followed by statements, accounts, and questions, represents the communicative acts which relative to themselves most often serve as sources of repeats/reformulation.

Table 59. Communicative act and source of repetition/reformulation (rep./ref.) related to the total number of communicative acts and to the total number of repetitions/reformulations (TRR) in the Bulgarian corpus.

Bulgarian communicative acts	communicative acts source occurrences	total number of communicative act	% of communicative act	% of TRR
statement	62	261	23.8	33.9
question	50	328	15.2	27.3
feedback-giving	25	220	11.4	13.7
account	15	98	15.3	8.2
narrative	9	66	13.6	4.9
request	8	101	7.9	4.4
negatives	5	49	10.2	2.7
correction	4	9	44.4	2.2
confirmation	3	88	3.4	1.6
objection	2	69	2.9	1.1

feedback elicitation	0	62	0.0	0.0
permission	0	8	0.0	0.0
warning	0	5	0.0	0.0
instruction	0	3	0.0	0.0
admission	0	3	0.0	0.0
invitation	0	2	0.0	0.0
TOTAL	183	1372	13.3	100.0

There are very few occurrences of corrections but, in contrast to the Swedish data, when they occur they tend to be repeated. The accounts are a source of repetition/reformulation in both corpora even more frequently than questions are, which suggests that they trigger further topics of examination, although in the Bulgarian data they are also used in formulating the record, which is further indicated by the higher percentage of repeated statements.

There are very few admissions, which precludes any generalizations. In contrast to the Swedish data, the Bulgarian corpus has no feedback-eliciting expression that is involved in repeat sequences. Least repeated are objections, confirmations or expressions of agreement. This gives fewer doubt sequences and the non-conversational format of the interaction, again due to the dictations. Since the Bulgarian defendant uses more requests than the Swedish examinee we can see them as objects of repetition/reformulation, but this time not in dictations but in confirmations or objections by the judge. There is no subactivity of taking the oath and thus none of the instructions are repeated which in itself distinguishes this activity from e.g. language acquisition activities, where language instructions are often repeated by the learner (Allwood 1995). This activity is thus oriented towards subordination and not towards acquisition. Similar to the Swedish examinations, permissions, warnings and invitations are neither repeated/reformulated nor are they repeaters. The repetitions/reformulations are used most frequently as statements, questions, feedback-giving expressions and confirmations. Admissions and instructions are not repetitions/reformulations.

Table 60. Communicative acts as repetitions/reformulations (rep./ref.) related to the number of communicative acts and total number of rep./ref. (TRR) in the Bulgarian corpus

Bulgarian communicative act	Bulgarian rep./ref. occurrences	Bulgarian communicative acts occurrences	Rep./ref. % of communicative acts	Rep./ref. % of TRR
statement	46	261	17.6	25.1
question	45	328	13.7	24.6
feedback-giving	31	220	14.1	16.9
confirmation	20	88	22.7	10.9
account	16	98	16.3	8.7
request	9	101	8.9	4.9
objection	5	69	7.2	2.7
feedback elicitation	0	62	0.0	0.0
narrative	5	66	7.6	2.7
correction	3	9	33.3	1.6
negatives	3	49	6.1	1.6
permission	0	8	0	0.0
warning	0	5	0	0.0
admission	0	3	0	0.0
instruction	0	3	0	0.0
invitation	0	2	0	0.0
TOTAL	183	1372	13.3	100.0

Percentually, repetitions and reformulations are most frequently corrections, confirmations, statements and accounts. Since Bulgarian is not a pro-form language it is not surprising that confirmations are frequent repetitions. Accounts usually start with partial repetitions of the question and then go on with the justification or the excuse if the examinee feels that his/her testimony is not sufficient or if he/she anticipates that it may be contested. Negatives are not very often formulated as repetitions, which means that in Bulgarian it is mainly confirmations that trigger repetitions and that in general negatives are less often amplified, perhaps because most of them are not preferred or not anticipated as preferred answers.

Question type

Similar to the Swedish examinations, yes-no questions in the Bulgarian corpus are most often sources, implying that such questions are preferably not answered only with simple feedback words in this context, i.e. there is need of stronger or more certain affirmations or denials (see Chapters 8 and 9). In contrast to the Swedish data, however, it is the WH questions that involve more repetition/reformulation, i.e. the WH questions are more directly related to the previous utterance.

Table 61. Question types (QT) as sources and repetitions/reformulations (rep./ref.) related to the number of QT and to the total number of rep./ref. (TRR) in the Bulgarian corpus

Bulgarian question type	source	rep./ref.	total QT	source % of QT	rep./ref. % of QT	source % of TRR	rep./ref. % of TRR
Y/N-question	32	15	135	23.7	11.1	17.5	8.2
WH-question	19	26	127	15.0	20.5	10.4	14.2
Declarative question	6	5	71	8.5	7.04	3.3	2.7
Disjunctive question	2	1	5	40.0	20.0	1.1	0.5
Tag-question	0	0	10	0.0	0.0	0.0	0.0
TOTAL	59	47	348	17.0	13.5	32.2	25.7

The disjunctive questions are very few and very seldom realized as sources or repetitions (see the sixth and seventh column above), but it is hardly surprising that, independently of language, compared with other types of questions, they are most likely to occur as sources of repetition/reformulation (see the fifth column above) and thus strongly constrain the answers. In contrast to what happens in the Swedish courts the Bulgarian tag questions do not trigger repetition/reformulation.

Sentence type

Both sources and repetitions/reformulations co-occur most frequently with declarative and interrogative sentences and less with imperative sentences.

Table 62. Sentence types as sources and repetitions/reformulations (rep./ref.) related to the number of sentence type and total number of rep./ref. (TRR) in the Bulgarian corpus

Bulgarian sentence type	source	rep./ref.	total sentence type	source % of sentence type	rep./ref. % of sentence type	source % of TRR	rep./ref. % of TRR
declarative	76	95	442	17.2	21.5	41.5	51.9
interrogative	53	42	267	19.9	15.7	29.0	23.0
imperative	6	5	70	8.6	7.1	3.3	2.7
TOTAL	135	142	779	17.3	18.2	73.8	77.6

There is no great difference between the imperatives as sources or repetitions/reformulations, which indicates that in the Bulgarian court data there are occasions of open confrontation and power disputes (see Chapter 8, 9, 10). (The same holds even if we relate the sentence type to the total number of repetitions/reformulations, in which case 3.3% of all repeat sequences involve imperative sentences as sources and 2.7% are imperative repetition/reformulations.) The Bulgarian courts have in percentage as many imperative repetition/reformulations as the declarative repetitions/reformulations in the Swedish court data, which means that there is much more open conflict and display of power both from the examiners and the examinee.

Strong and weak belief

There are very few cases of co-occurrences of repetition/reformulation codes and the strength-of-belief codes, which precludes any generalization. However, if we consider the percentages our expectation that expressions of weak belief should more frequently be a source of repetitions/reformulation (i.e. we expect them to be sources of doubt, see Chapter 8) is confirmed as indicated in the table below.

Table 63. Modality type (certainty) as sources and repetitions/reformulations (rep./ref.) related to the number of modality type and total number of rep./ref. (TRR) in the Bulgarian corpus

Bulgarian modality type	source	rep./ref.	total number of modality type	source % of modality type	rep./ref. % of modality type	source % of TRR	rep./ref. % of TRR
strong belief	3	4	20	15.0	20.0	1.6	2.2
weak belief	2	1	6	33.3	16.7	1.1	0.5
TOTAL	5	5	26	19.2	19.2	2.7	2.7

Similar to the Swedish examinations expressions of strong belief are perceptually more often repetitions/reformulations than sources and the opposite seems to be true for the weak belief. Although the data are quite insufficient for any generalizations this indicates that, also in Bulgarian, the examinee uses the repetition as an amplifier of certainty seeking for closure. However, these tendencies are stronger in the Swedish examinations, which may be explained by the fact that the Bulgarian examiners are much more engaged in the formulation of the record than in the examination as such.

Type of answer

We do expect to find copying answers realized in the Bulgarian data as repetitions/reformulations because of the Bulgarian language pattern and, similar to the Swedish court data, they involve more than half of the total amount of copying answers' occurrences. There are very few occasions of copying answers as sources, which hinders more certain conclusions but is an indication that copying answers in Bulgarian are less often subject to doubt. This could be due to the assuring power of copying answers but it may also be a result of the non-interactivity of the Bulgarian examinations, led by the dictating judge.

Table 64. Types of answers as sources and repetitions/reformulations (rep./ref.) related to the number of answer type and total number of rep./ref. (TRR) in the Bulgarian corpus

Bulgarian type of answer	source	rep./ref.	total type of answer	source % of answers	rep./ref. % of answers	source % of TRR	rep./ref. % of TRR
Short answer	30	5	73	41.1	6.8	16.4	2.7
Copying answer	1	9	16	6.3	56.3	0.5	4.9
TOTAL	31	14	89	34.8	15.7	16.9	7.7

Again similar to the Swedish data the short answers are more frequent than the copying answers, which means that many of the direct answers are realized as words or incomplete sentences instead of full sentences. The short answers are more often sources than repetitions/reformulations, which indicates that they are considered as insufficient formulations or as inconclusive in some sense. In fact, in his dictations, the judge most often reformulates such answers to full sentences.

11.1.2.3. Comparative summary on repeat sequences, communicative acts and modality

With regard to co-occurrence repeat sequences and communicative act we may find both similarities and differences across the corpora, as illustrated in the figure below.

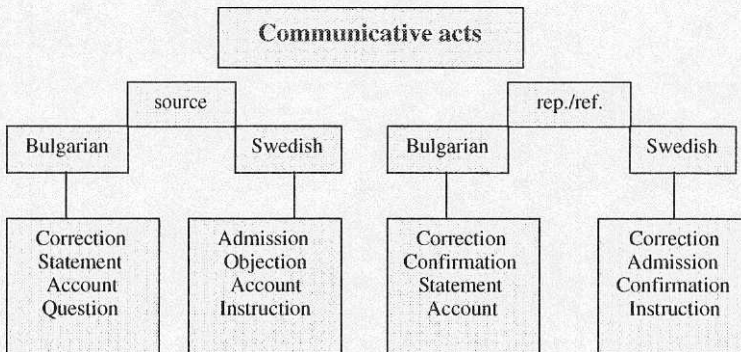


Figure 16. Four most frequent communicative acts in both corpora

Questions are part of the register of the examiner in both corpora, which means that the answers of the examinee tend to repeat in part the formulation of the question and thus demonstrate both understanding and cooperative construction of testimony. This is more evident for Bulgarian since it is not a pro-form language, as indicated in the first box of the figure. In both languages *accounts* (i.e. excuses and justifications) are comparatively more frequent sources of repetition/reformulation than many other communicative acts, which indicates that in both languages they may trigger further questioning and doubts. *Confirmations* as kinds of feedback-giving are performed mainly as repetitions/reformulations and, by the examinee, they are seldom the object of repetition/reformulation. If they are, such sequences often involve resolution of doubt triggering new feedback utterances (see Chapter 8)

or dictations. Since Bulgarian is not a pro-form language it is not surprising that confirmations involve repetitions/reformulations but, since this constellation is also common for a pro-form language such as Swedish, one may conclude that this result is influenced both by the language factor and the activity factor. Court examinations exhibit a stronger need of certainty and demand for commitment (see Chapters 7, 8, 9) and 4-step confirmation or doubt sequences are one of the methods of satisfying this need. *Corrections* as reformulations are frequent in both corpora which means that corrective behavior and simple feedback-giving is the most common activity during repeat sequences, either on the side of the examiner or the examinee. The partial repetitions in corrections are also coherence devices indicating understanding of the previous utterance. Generally, in both corpora, typical defense acts such as accounts, corrections, narratives (they could also be used by the examiner but the empirical data indicate that they are a typical part of the examinee's register), and objections are frequent sources in repeat sequences and in both corpora the most deontic or commissive acts such as warnings, permissions, and requests do not involve repetitions/reformulations. Thus the activity type is the main explanatory factor for the similarities between the corpora. The differences may be motivated both with procedure variations and linguistic and/or cultural conditions. For instance, the Swedish *feedback elicitors* are followed most often by repetition/reformulation especially as tag questions, but the Bulgarian feedback-eliciting expressions are seldom repeated/reformulated, which is due to the linguistic character of the expressions (a specialized study would do better justice to this observation, see also comments under Table 55 above, as well as Chapter 9). This means, among other things, that tag questions function less often as manipulative or coercive devices in Bulgarian because they do not trigger defenses of credibility, which are often expressed by repetitions/reformulations (see Chapter 9). In the Bulgarian data corrections are most frequently sources whereas in the Swedish data it is the *admissions* that are most often sources of repetition/reformulation (although the comparison is difficult since there are too few occurrences of admission in the Bulgarian corpus). The latter are part of the register of the examinee, which means that they are formulated with own words and then repeated by the examiner, who marks the recognition of these utterances as admissions or as important evidence by initiating a 'recycling', confirmations sequences (see Chapters 7, 8, 9). In the Swedish corpus *objections* are used by both types of speakers but more by the examiners (58.9 %), which means that objections as sources are also a form of elicitation and that the following answers strongly tend to be formulated as repetitions or (more likely, see 11.1.) as reformulations. In the Bulgarian corpus they are more characteristic of the register of the examinee and less frequently associated with repeat sequences, which is due to the less interactive character of the examinations by the judge.

In both corpora imperative sentences, which express mainly deontic and commissive acts mentioned earlier, are least often sources of repetition/reformulation. Interrogative sentences, which are less than the declaratives, are most often repeated/reformulated, which is an indication of the fact that it is the examinee who repeats more as well as of the need of cohesion.

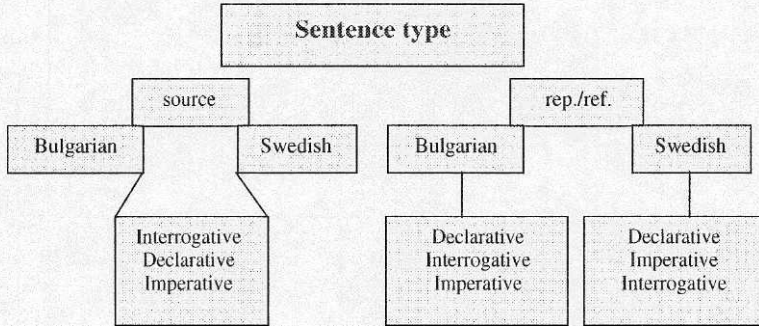


Figure 17. Cross-linguistic comparison according to sentence type and repeat sequence

The declarative sentences, which may function as statements, requests, questions or all other kinds of acts, are more often repetitions/reformulations than sources. In the Bulgarian trials this is due mainly to the dictations, which have only declarative form, but in the Swedish hearings it provides a new indication that the examinees are the main repeaters (see 11.1.3.)

Expectedly, in both languages, in comparison with other types of questions, disjunctive questions, although infrequent in the data and in repeat sequences, are most likely to occur as sources of repetition/reformulation (see also Chapter 8). However, as indicated above, tag questions are expected to be more frequent sources in Swedish than in Bulgarian because of the semantic-pragmatic character of the elicitors as well as because they follow declarative formulations, which are most common in the Swedish corpus (see 11.1.2.4.).

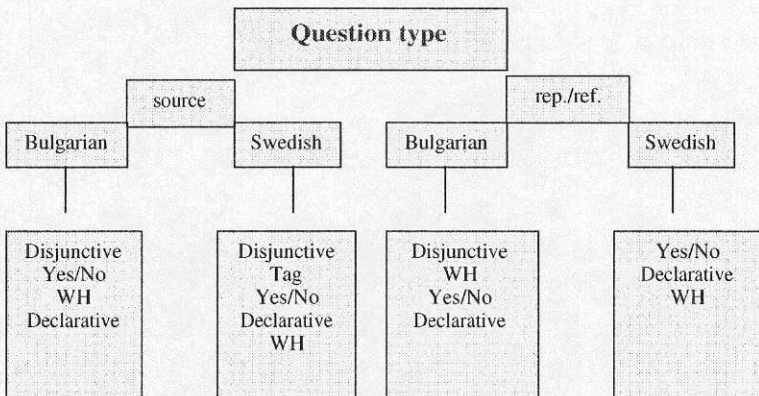


Figure 18. Cross-linguistic comparison according to question type and repeat sequence

Tag questions are described as typical manipulative questions (see 1.3.) but the fact that they are few in Bulgarian does not mean that the examinations are less manipulative because there are many other factors that contribute to the style. The least manipulative types of questions (although admittedly all questions can be manipulative under certain conditions) are less often objects of repetition/reformulation, which suggests indeed that they verbally constrain the answers less than other questions. The adversarial examination style of Swedish hearings is also indicated by the higher frequency of declarative questions, which characterize cross-linguistic examinations according to Tiersma (1999), since they take the narrative from the witness and can be used for suggestive questions. They are indexical of pre-examinations or rehearsals with the examinee (see Chapters 8 and 9).

Expressions of strong belief and conviction by the examinee are less often sources of repetition/reformulation but are more often repetitions/reformulations. The weaker the certainty is the more probable it is that such utterances will be subject to doubt or to further questioning.

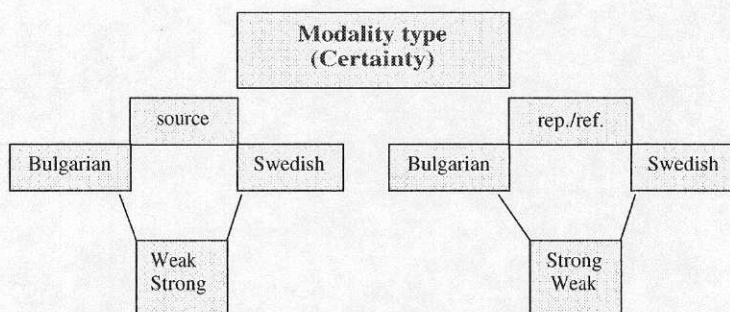


Figure 19. Cross-linguistic comparison according to modality type and repeat sequence

This applies to both language corpora thus indicating an activity-based or universal tendency rather than a linguistic or cultural trait.

When it comes to the relation between repeat sequences and types of answer, both the linguistic difference and the activity influence the results. Swedish may use pro-form anaphoric answers where Bulgarian would necessarily use non-pro-verb repetitions and reformulations. In both data sets the short answers are more frequent than the copying answers, which means that many of the direct answers are realized as single words or incomplete sentences instead of copying sentences. In Bulgarian the short answers are more frequently sources than repetitions/reformulations and are often turned into full sentences by the judge during the dictations.

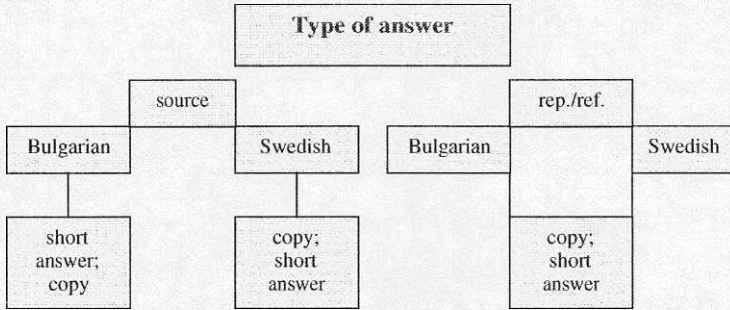


Figure 20. Cross-linguistic comparison according to type of answer and repeat sequence

We do expect to find copying answers realized in the Bulgarian data as repetitions/reformulations due to the Bulgarian language pattern and, similar to the Swedish court data, they involve more than half the total amount of copying answers' occurrences. There is a tendency that copying answers are more often sources in Swedish than in Bulgarian. In fact the greater part of the repeated copying answers in Swedish are pro-verb anaphoric expressions, i.e. not repetitions/ reformulations as in Bulgarian. Thus this result may indicate that the Swedish pro-form copying answers are less successful as markers of certainty or as sequence closures (see Chapter 9) than the Bulgarian repetition/reformulation- based answers. This could be due to the stronger affirmative power of repetitions/reformulations but may also be a result of the non-interactivity of the Bulgarian examinations, lead by the dictating judge.

11.1.2.4. Communicative acts, sentence type and modality in both corpora

To get a clearer picture of the cross-linguistic differences between the corpora and the context of the repeat sequences it is interesting to study the communicative acts independently of the repetitions/reformulations. The following table shows the frequencies of occurrences of various communicative acts in the Bulgarian and the Swedish corpora. Since the data are not randomly distributed we can not use a chi-square measure of the significance of difference but we can rank the frequencies.

Table 65. Ranking of the frequency of communicative act in the Bulgarian and the Swedish corpus

N	communicative act	Swedish	communicative act	Bulgarian
1	Feedback-giving	1000	Question	348
2	Question	829	Statement	261
3	Statement	734	Feedback-giving	220
4	Narrative	267	Request	101
5	Confirmation	264	Account	98
6	Account	150	Confirmation	73
7	Agreement	143	Objection	69

8	Objection	141	Narrative	66
9	Feedback elicitation	122	Feedback elicitation	62
10	Negatives	95	Negatives	49
11	Request	61	Agreement	15
12	Admission	31	Correction	9
13	Invitation	21	Permission	8
14	Instruction	16	Warning	5
15	Correction	14	Admission	3
16	Warning	7	Instruction	3
17	Permission	5	Invitation	2
	TOTAL	3946	TOTAL	1372

The four most frequently occurring communicative acts in the Swedish court data are feedback-giving expressions, questions, statements and narratives. In the Bulgarian data these are questions, statements, feedback-giving expressions and requests. The confirmations and the agreements are coded as separate categories, which do not coincide with feedback-giving codes but, since they are feedback-givers, they can be added to the number of other kinds of feedback-giving. In that case the Bulgarian feedback-givers will be the second most frequent types of communicative acts. This result, in combination with the frequent declarative questions (see Table 66 below and Table 65 above), narratives and invitations as well as the comparatively few utterances with interrogative intonations (see 11.1.1.2.) suggests that the Swedish examinations are more conversation-like, interactive occasions. The criminological literature recommends the use of narratives in examinations, especially of children, the mentally disabled or the emotionally unstable, because it is found that the question-answer format may influence the truthfulness of memories (although it may give more detail) whereas in narratives witnesses tend to give more correct (although less detailed) answers (Zenkov, 1998: 365-372; Tiersma, 1999; Loftus, 1979, 1997). Tiersma argues that there is a need of minimization of the distorting effects of questioning. This could be done by allowing narratives and by constraints on the rehearsals during pre-examinations, which can change witnesses' recall. Despite the indication that narratives are more common in Swedish hearings it must be remembered (see e.g. Chapter 7) that many of them are performed by the examiner and not by the examinee and, in this case, they are more manipulative. They can be used to discover rehearsed portions of testimony (we studied many examples of such questions, see Chapters 8 and 9).

The requests are significantly more frequent in the Bulgarian than in the Swedish court data. Requests are the most common commissives, expressing stronger obligation and a super-ordinate position on the speaker's behalf. The same difference is observed with regard to the realization of basic types of modality in the form of types of sentences.

Table 66. Ranking of the shares of sentence types related to the total number of sentences according to use of sentence types codes in the Bulgarian and the Swedish corpus

Sentence type	Swedish (% of all sentences)	Bulgarian % of all sentences
declarative	1030 (72.7)	442 (56.7)
interrogative	354 (25.0)	267 (34.3)
imperative	33 (2.3)	70 (9.0)
exclamative	0	0
TOTAL	1417	779

Exclamative sentences are not found in the corpora. Imperatives occur less often but they are more characteristic of the Bulgarian examinations, which contributes to the impression that the Bulgarian legal culture demonstrates verbal power and explicit control by the use of obligative (or commissive) communicative acts and deontic modality sentence types. Despite the fact that questions are more frequent than statements in both corpora the declarative, i.e. not the interrogative sentences, are most frequent, which once again supports the results in Table 65 (see also 11.1.2.3., Figure 17). It was observed that, both in Bulgarian and in Swedish, questions are most frequently formulated with non-interrogative intonation and/or declarative sentence structure. If we rank the frequency of different types of questions (independently of intonation) this result is confirmed but with greater certainty for Swedish than for Bulgarian.

Table 67. Ranking of the use of question types in the Bulgarian and the Swedish corpus

Question type	Swedish	Question type	Bulgarian
Declarative question	452	WH-question	135
Y/N-question	192	Y/N-question	127
WH-question	152	Declarative question	71
Tag-questions	15	Tag-questions	10
Disjunctive question	10	Disjunctive question	5
TOTAL	821	TOTAL	348

The most frequent type of question in the Swedish court data is the declarative question whereas in Bulgarian it is the WH question. Thus one may conclude that Swedish court examinations prefer declarative structures for questioning. It can not be answered here whether this difference is explained by the specifics of the language or the activity (see however 11.1.1.3. and 11.1.), but the results in the above two tables, where WH and Y/N questions, which are more obligative than declarative questions and are more frequent in the Bulgarian corpus, show greater power distance (Hofstede, 1991: 14) in Bulgarian than in Swedish courts. The use of declarative questions indicates that the Swedish examinations follow better the description of cross-examinations given in Mauet's manual for examination techniques (Mauet, 1988: 225), namely that the cross-examiner should strive to make assertions and statements of fact; the witness should simply be asked to agree with them. Thus this is an example of the manipulation-of-testimony strategy, which is to be avoided in inquisitorial systems and according to modern criminology (Zenkov, 1998: 361-403). The manner of initiation of an examination by the Swedish prosecutor discussed in Chapter 7, where he narrates the events and gets occasional confirmations by the examinee, at least partially explains this result. The Bulgarian examiner, the judge, can not proceed in the same way since he is not closely familiar with the particular cases or events and the examinees are not his

clients; he is getting acquainted with the case through the court examinations and through different kinds of written evidence. This is not the case with the prosecutor's role in the Swedish trials, since he initiates the trial, becomes acquainted at least with the plaintiff (who is in a sense his client) and collects the evidence (including possible court pre-interrogations). Thus the particular distribution of responsibilities and the competence associated with them directly influences the examination format and the verbal acts performed within it. The other two types of manipulative questions mentioned by Mauet (also Loftus, 1974; Danet, 1980) are y/n questions and tag questions. The former are ranked second but tag questions are the least frequent in both corpora, together with disjunctive questions, which are used as controlling devices triggering admissions and are often met by defensive behavior on the part of the examinee (see e.g. ST1: 5 in Chapter 9 or ST1: 67 in Chapter 7). This indicates a language difference in comparison to English, where tag questions seem to be much more common both in and outside the courtroom.

11.1.3. Repeat sequences according to speaker

The next table gives the frequency with which each speaker is a source of a repetition/reformulation in relation to all repeat sequences involving that speaker.

Table 68. Cross-linguistic comparison of speakers' as sources of repetitions/reformulations

Language	Swedish		Bulgarian	
Speaker	source	repetition/ reformulation	source	repetition/ reformulation
Prosecutor	33	23	24	13
Judge	37	30	54	112
Defense counsel	15	12	19	1
Expert witness	-	-	5	0
Defendant	28	30	57	38
Plaintiff	14	24	20	13
Witness	15	25	20	20

In the Swedish examinations the prosecutor and the judge are the main sources of repetition/reformulation, which means that the examinees involve the prosecutor's and the judge's speech in their utterances more than the reverse. Since we know (see Chapter 9) that the function of the repetitions/reformulations in the examinees is mainly reassurance and occasionally correction we may conclude these are the most frequent types of repeat sequences in the Swedish data. In the group of the examinees it is the defendant and the witnesses who are the main sources of repetition/reformulation, not the plaintiff. Since we know from the qualitative analysis that the examiner's repetitions/reformulations function either as displays of doubt or as invitations for resolution of doubt or as pure reassurance elicitors we may conclude that this is the function of almost half of the examiners' repetitions/reformulations. In the Bulgarian hearing procedure a great part of what the examinees say is re-verbalized by the judge, and this is especially true for the questions the expert witnesses put in court - as we can see above, all the utterances of the expert witness are repeated/reformulated (see also Chapters 7 and 8). Because of the dictations the verbal behavior of the Bulgarian judge is less interactive than that of the Swedish examiners. Almost 1/4 of the judges' interactive time is used for dictations and repetitions/reformulations (72

dictations, 112 repetitions/ reformulations, 427 utterances). Thus the predominant function that his/her repetitions/reformulations have is formulation of the record, which is a very activity-specific non-conversation-like function. What function do the rest of the judge's repetitions/reformulations have? An examination of all extracts of one of the judges' repetitions/reformulations that are not dictations (40) shows that:

- 20 are routine repetitions/reformulations
- seven are doubts
- six are repeated questions/statements formulated by another examiner
- three are clarification questions
- two are disagreements.

The criteria for the recognition of doubt, disagreement and clarification sequences were described in Chapter 8 and I will not discuss them again here. The repetitions of questions formulated by another examiner occur mainly when, for instance, the expert witness (E) puts questions to the examinee and these questions are then repeated by the judge to the examinee as in the following example:

BT1: 21

- | | | |
|----|----|---|
| 1. | E: | pravish li skandali
'do you make scandals' |
| 2. | J: | pravish li skandali
'do you make scandals' |

Questions of this type are mainly (in our data) indirect accusations in interrogative sentences. As a result the defendant in the middle is subjected to a double interrogation, which poses problems in deciding which instance to give an answer. There is no rule in the Bulgarian procedural law stating that the judge must repeat/reformulate the expert witnesses or anybody else's question to the examinee, and thus, if the judge is doing this, it is not because of a pre-defined norm for this activity. Then why is s/he doing it? As shown in Table 63 above, all expert-witnesses' utterances in our data are repeated by the judge. The answer argued for here is that they are expressions of the judge's routine to repeat and his routine in completely controlling the floor and the examination. There are also other repetitions/reformulations that point in the same direction and are 50% of all the non-dictating repetitions/reformulations by the main examiner, namely the routine repetitions. I describe the judges' repetitions/reformulations as routine ones if they can not be defined either as doubt, as disagreement, as a clarification request, or as dictation and there is no typing activity related to them (which may sometimes help us to identify dictation utterances). A typical feature of a dictation repetition or reformulation is that there is no change of person (if any), e.g.:

BT1: 23-

- | | | |
|----|----|---|
| 1. | J: | kolko pati si lezjala v zdravstveni zavedenija
'how many times have you been laid in medical institutions' |
| 2. | D: | mного pati
'many times' |
| 3. | J: | mного pati sam lezjala...
'many times I have laid' |

However, in the so called routine repetitions/reformulations, there is a change of person, the repetitions/reformulations are always only phrases and they are either single or followed by a

short question or by a feedback-giving word and then a question. They appear either in the formal part of the examination or in special types of examination such as psychological tests. Here are some examples:

BT1: 3

- | | | |
|----|----|--|
| 1. | J: | imash li sestra
'do you have a sister' |
| 2. | D: | imam
'I have' |
| 3. | J: | imam sestra kak se kazva tja
'I have a sister what is her name' |
| 4. | D: | maria
'maria' |
| 5. | J: | maria ti zjenena li si
'maria are you married' |

BT1: 4

- | | | |
|----|----|--|
| 1. | J: | kakvo ste rabotila
'what have You worked' |
| 2. | D: | chistachka
'cleaning woman' |
| 3. | J: | chistachka sega posledno kakvo rabotihite
'cleaning woman now lately what did You work' |

BT1: 12

- | | | |
|----|----|--|
| 1. | J: | kolko e deset po chetiri
'how much is ten times four' |
| 2. | D: | chitirese
'fourty' |
| 3. | J: | chetirese
'fourty' |

In the first example we have first a dictation repetition in the third utterance and a routine repetition in the fifth utterance. These repetitions may be interpreted as simple feedback-giving devices. However, there are a few facts that point to the conclusion that such repetitions are not only or simply direct feedback givers but routines, namely:

- they are most frequent in routine-based sections of the examination;
- the judges generally display mainly non-conversational interactive features (i.e., seldom departing from the strict question-answer format without side comments), and feedback expressions tend to describe conversations;
- the judge's strong engagement in the formulation of a record;
- the existence of non-normative repetitions/reformulations of other examiners' questions.

Thus routine repetitions/reformulations are specific to the court examination non-interactive actions. That is, the judges are used to repeating each utterance and often do it simply out of routine, without any detectable trace of other intentions or norms. If this is so then we may conclude that the repeating strategy for formulation of a record influences the total performance and hinders the initiative and innovation of the Bulgarian judges, who act both as decision makers and as examiners.

The Bulgarian plaintiff is also mainly a repeater but for another reason (see Table 69 below). Since the defendant and the plaintiff (could also be the witnesses) are usually already pre-

examined, most of the evidence and the circumstances are presented and cleared up and thus the questions put to the plaintiff are mainly confirmation-elicitors. In this context the fact that the plaintiff is using repetitions/reformulations means that his answers are characterized by greater certainty and conformity. The plaintiff in the Bulgarian data even formulates his utterances in portions, offering them as dictation phrases ready to be repeated by the judge and then typed down for the record.

The prosecutor and the defense counsel are predominantly sources; in fact, since we have only two active prosecutors (in the Bulgarian context this is translated to the representative of the plaintiff) 5.2% of their utterances are dictations, all of which are repeated and re-dictated by the judge to the typist, in most cases literally. Thus the exchanges between the jurists are almost completely technical, that is, lack any signs of conversation, negotiation or examination. However, in cases in which the repeating judge realizes while repeating that he needs more evidence or that some points are unclear, he interrupts the technical dictations and starts a rather informal conversation with the prosecutor or the defense counsel. In most cases however, instead, he simply reformulates and paraphrases the orally presented written arguments of the prosecutor while repeating and dictating them. In such cases it may happen that the dictating prosecutor disagrees with the reformulations of the judge and may repeat his own statement, which then may or may not be added. If not, and if the prosecutor insists, a new side-sequence may be started here, namely an open argument between the jurists, i.e. the judge and prosecutor. The defense counsel also dictates; 12.5% of his utterances are dictations but, since we have only one defense counsel, we can not generalize. We may only note that there is no occasion on which the defense counsel argues about the reformulations of the judge despite the fact that 33.3 % of the defense counsel's dictations are not even repeated for the record. This fact suggests a less combative communicative pattern between the Bulgarian judge and defense counsel and a more competitive interactive relation between the Bulgarian judge and prosecutor, since there we have examples of power disputes and power demonstrations.

The hypothesis that the lower status participants repeat more often is correct for both Bulgarian and Swedish only if some activity-specific conditions are excluded, namely if we do not count the Bulgarian dictations. If we exclude the repetition trigger in the Bulgarian data we should also remove the repetition producer in the Swedish courts, namely the oath-taking. In that case the difference between the Swedish examiners' repetitions/reformulations and those of the examinees is minimal and tends to indicate that it is the examiners who repeat more. As mentioned earlier (in relation to use of imperatives and requests, see 11.1.2.3. and 11.1.2.4.) this circumstance shows that the Swedish examinations have a shorter power distance than the Bulgarian. Thus here we have a case in which it is not simply the language factor or the activity factor but the culture that may explain this result. The opposite is true in the Bulgarian data; if we exclude the dictations of the judge it becomes even clearer that it is the examinees who repeat/reformulate more. The language factor does not play a decisive role because, as mentioned earlier in 11.1. and is evident below, there are only 14 repetitions that are not dictations (7.7%); the rest are reformulations (see last column below), i.e. the examiners do not repeat even once if they are not dictating. In both data sets they reformulate more than the examinees.

Table 69. Frequency of repetitions and reformulations (rep./ref.) according to activity roles.

Language Speaker	Swedish rep./ref. (% of all utterances)	Bulgarian Rep./ref. (% of all utterances)	Swedish (% of all rep./ref.)		Bulgarian (% of all rep./ref.)	
			Rep.	Ref.	Rep.	Ref.
examinee	79 [61] (3.6 [2.8])	58 (7.9)	35[16] (24.1[11.0])	44 (30.3)	14 (7.7)	44 (24.0)
examiner	66 (3.0)	125 [53] (11.3[4.8])	26 (17.9)	40 (27.6)	64[0] (35.0[0.0])	61[53] (33.3[30.0])
TOTAL	145 (6.5)	183 (16.4[9.9])	61 (42.1)	84 (57.9)	78 (42.6[7.7])	105 (57.4[48.1])

Note: The results in the square brackets in the Swedish columns indicate the number repetitions/reformulations excluding the oath-taking. The results in the square brackets in the third column indicate the number of repetitions/reformulations excluding the dictations related to the total number of utterances.

Cross-linguistically the Swedish corpus has fewer repetitions/reformulations than the Bulgarian examination data and we know that this applies more to reformulations than to repetitions (see 11.1.). However, if the oath-taking sequences are excluded, then there is no significant difference between the distribution of repetitions/reformulation between speakers in the Swedish courts, which once again indicates shorter power distance. Thus these results indicate that:

- repetitions do not seem to be specific only to Bulgarian and are certainly not specific only to Bulgarian court examinations;
- in Bulgarian court examinations they mark power relations where for higher status speakers repetitions are part of their duties whereas for the lower status speakers they are a means for defending their credibility and where, if dictations are excluded, it is only the examinees who repeat;
- in the Swedish courts, repetitions are used almost equally by both types of speakers and the higher number of examinee repetitions is due to an obligatory credibility-assuring subactivity of oath-taking;
- in both corpora, reformulations are more frequent and have diverse functions;
- the total amount of repetitions and reformulations in percent is cross-linguistically almost identical (see the last row above), which may be coincidental but may also indicate that the language factor is less important than the activity factor.

The function of the repetitions/reformulations may be dependent on their position (see also Chapter 10) in an utterance. The following table documents the results of a search for repetitions/reformulations in the initial, final, and medial positions and as single (i.e. the whole utterance is a repetition/reformulation) utterances according to the role of the speakers and according to language.

Table 70. Repetitions/reformulations according to language, role and position in an utterance.

Language	Swedish			Bulgaria		
	examiner	examinee	TOTAL	examiner	examinee	TOTAL
Role						
Position						
Single	19	27	46	52	12	64
Initial	31	19	50	47	22	69
Medial	12	26	38	22	10	32
Final	5	6	11	9	9	18
TOTAL	67	78	145	130	53	183

The repetitions/reformulations in single position uttered by the examiners function as confirmations and corrections in the formal sections and as displays of doubt and receptions of admissions in the interrogation part. In the examinee's speech they function as confirmations. Their high frequency in this context is due to the subactivity of taking the oath.

In the initial position, they are used by the examiners mainly in the formal part of the examination as confirmations before the formulation of further questions in the same utterance and as displays of doubt in the interrogative part. By initial repetitions, the examinees express confirmation, which is usually followed by accounts and clarifications as narratives.

Final repetitions/reformulations occur only in the interrogation sections and function as confirmation requests and confirmations for the examiners and as denials, confirmations and corrections for the examinee.

Repetitions/reformulations in the medial position are usually surrounded by feedback-giving and eliciting words and expressions. In the examiner's speech they function as inferential statements followed by feedback elicitation, as confirmations followed by inference-based objections, as instructions and as confirmations followed by a new question. The examinee uses them together with presentations of accounts, narratives and feedback-giving words. Single and initial repetitions/reformulations are most frequent in the examiner's register, which means that most of them are used for confirmations before follow-up questions, for display of doubt and for reception of admissions. Single and medial repetitions/reformulations characterize the register of the examinee, which indicates that these speakers use repetitions/reformulations mainly for expression of confirmations and in the presentation of accounts.

The Bulgarian judge uses more than twice as many single repetitions/reformulation than the Swedish examiners. They function as confirmations of presented evidence, as dictations, and as expressions of various types of attitudes such as surprise and irritation. The examinee, on the other hand, uses comparatively few of these types of repetitions/reformulations as confirmations, especially in the formal part of the examination and as corrections, i.e. not for expression of attitudes. The judges' dictations often start with repetition followed by addition of information or by further questions. Similar to the Swedish data, the examinee starts with repetition/reformulation before presenting objections, justifications, excuses and clarifications; this is how they most frequently use repetitions/reformulations. In the medial position, repetitions/reformulations are used by the examiners for expression of objections, for dictation and reformulation of evidence and before posing follow-up questions. The examinee may

formulate denials, confirmations and accounts by starting and finishing with feedback-giving words but this happens much less than in the Swedish data. In both corpora and for both types of speakers, final repetitions/reformulations are not frequent. The statements of the examinees are often not in sentence format. When dictating, the judge often reformulates them and turns them into complete syntactic sentences. In this process he may repeat in the final position the utterance itself, after introducing the speaker or after providing it with a syntactically proper context. Final repetitions/reformulations in the speech of the examinee are most often prefaced by a feedback-giving word, either in denials or in confirmations.

11.2. Overall cross-linguistic and cross-activity quantitative description of court examinations

To describe the style of verbal communication in court examinations I will use the Göteborg corpus (<http://www.ling.gu.se/SLSA>) collected by Jens Allwood's team and statistically organized by Leif Grönqvist at the Department of Linguistics, Göteborg University. This corpus contains 22 activity types (one type of which are trials) in Swedish with a total of 300 recordings and 1,221,264 word tokens. Statistical results may be found at <http://www.ling.gu.se/corpus.html>. The analysis will proceed in the following way:

- First I will compare the court activity with the rest of the collected activities. Since there are no comparable data from Bulgarian, I will concentrate on the Swedish corpus.
- I will then compare the Swedish court examinations with one activity, which appears to be different from it, namely a more formal kind of over-dinner talk in Swedish.
- Finally, the realization of the activity will be compared cross-linguistically, using the Swedish and the Bulgarian corpora, according to selected criteria.

The criteria of comparison in the list below are chosen because they can be counted automatically. Some of them, e.g. emphasis and even pauses, are not reliably marked in the transcription standard (see Appendix).

- Word length
- Utterance length
- Word types/tokens
- Overlap
- Emphasis
- Pauses
- Parts of speech

11.2.1. Cross-activity comparison of the Swedish data

Two types of complex measures have been applied to the whole corpus, namely measures of liveliness and stereotypicality. Let us observe how the court talk is related to these measures (Allwood & Hagman, 1994).

Interactive liveliness

The measure of interactive liveliness is created by comparison of simple measures such as stress (StressPTok – the percent of stressed words as tokens in relation to the total amount of words as tokens), overlap (ToOVPTok – percent of overlapped words as tokens in relation to the total amount of words as tokens), mean length utterance (MLU - the mean of the number of tokens in an utterance) and pauses (PausPTok - the percent of pauses as tokens in relation to the total amount of words as tokens). The applied formula (see also Appendix B for explanation of measures) is:

$$(2. \text{ToOVPTok}) + \text{OvePutt} + (2. \text{StressPTok}) - (2. \text{PausPTok}) - \text{MLU}$$

Stereotypicality

This measure reflects the syntactic and lexical uniformity of utterances based on types of collocations. It reflects the repetitiveness of combinations of words starting from one word and ending with ten words in a collocation. All activities tend to be more stereotypical, looking at shorter collocations, and become less stereotypical with the increase of the number of words in a collocation. A critical point is the collocation consisting of five words because at that point the most dramatic measure changes ‘happen’ in most of the 22 activities. Those which do not have zero value for example, for ten levels of collocations, are the most stereotypical ones. In the last column I give only the values that correspond to the repetitiveness of one word (in front of the slash) and of ten-word collocations (behind the slash).

Table 71. Cross-activity comparison of stereotypicality and liveliness measures applied to Swedish data.

Complex measure	Average number of speakers	Liveliness	Stereotypicality
All	9	30.1	25.178 / 0.0
Sermon	5	-82.6	18.5/0.3
Auction	7	-70.3	35.7/0.02
Courts	6	9.4	25.4/0.0
Task-oriented	3	11.3	28.15/0.025
Formal meeting	11	33.9	27.7/0.0
Formal dinner	9	91.2	26.6/0.0

I have selected six activity types out of 22. The sermon is one of the least lively of all because it is the most ‘monologous’. The auction, which consists mainly of offers and confirmations, is also not very lively. The task-oriented activity is not very lively but more stereotypical than the sermon. In fact, the auction appears to be the most lexically and syntactically stereotypical activity of all, with a distribution of uniform collocations with respect to five-word collocations (but even on the ten-word collocations). The court examinations, including the reading of charges and final pleading, are neither extremely stereotypical nor very lively. The formal meeting and the dinner are more stereotypical than the court data and less so than the auction, but the dinner conversations are far livelier than both the court examinations and the formal meeting. The formal meeting is similar to the talk-over-dinner activity with respect to stereotypical use of syntactic constructions but the latter is nevertheless much livelier. Thus we may say that if we imagine the activities as a continuum on a scale of liveliness and

stereotypicality, the auction represents one pole and the dinner the other pole (keeping in mind that we are choosing from 22 activities only, see also Figure 21, in 11.2.2.1.). The court talk style appears to be in the middle of this scale with a slight tendency towards the auction.

Can these measures indicate something about the functions of the utterances, the predominant type of communicative acts in an activity? We may rather speculatively observe that question-answer fixed activities (here I assume that auctions are more question-answer oriented than dinner talks) are less lively but that this characteristic seems to be less relevant when it comes to their stereotypicality. However, the correspondence between the function of utterances and the overall impression of the style of the activity has yet to be studied.

Since dinner talk is an example of comparatively casual conversation, which is expected to be different from formal situations (Atkinson and Drew, 1979; Ilie, 1999), and since it is the most lively activity in the corpus we may compare it with examinations. In this way we may get some general characteristics of the court interaction style.

As expressed by the complex measures above, the formal dinner talk contains more than eight times more overlapped tokens than the court data but has much fewer pauses and stressed words. In the table below I have given information about both types of recordings, including the percent values of some of the simple measures.

Table 72. Number of tokens, utterances, overlaps, pauses, and stressed tokens in the Swedish dinner and court data.

Activity	Token	Type	Utterance	Turn	Overlapped tokens (OvePUtt) a.	Overlapped tokens (TovPTok) b.	Stressed tokens (StrPTok) c.	Pauses as tokens (PauPTok) d.
Dinner	30738	3971	3251	2365	1998 (84.5 %)	7503 (24.4%)	142 (0.5%)	1637 (5.3%)
Court	33409	3667	2220	2045	637 (28.7)	1032 (3.1%)	1127 (3.8%)	2827 (8.5%)

Note:

- OvePUtt – percent of overlaps in relation to the total number of utterances in a group
- TokPTok – percent of overlapped words as tokens in relation to the total amount of words as tokens in a group
- StrPTok – percent of stressed words as tokens in relation to the total amount of words as tokens in a group
- PauPTok – percent of pauses in relation to the total amount of words as tokens in a group

There is a difference between the average amount of tokens in an utterance (assuming that there is no great difference in talk duration):

Court: 14.8 tokens in utterance

Dinner: 9.4 tokens in utterance

The table indicates that:

- Court examinations have more words in an utterance, more pauses, more stressed words, and less overlap. The combination of all these features may be interpreted as an indication of a more regulated interactive behavior.
- Dinner talk has fewer words in an utterance, fewer pauses, fewer stressed words, and more overlap, and thus seems to be interactively more dynamic.

The lower rate of overlap is due to the prefixed question-answer turn order of the examinations and the general very formal nature of turn-taking in courtrooms, but this is not a sufficient explanation for the rest of the characteristics. Let us observe the length of the words. In the next table we can compare the real numbers of letters in a word in both activities starting from three letters in a word.

Table 73. The length of words as tokens in the Swedish court and dinner data and percent of words with N number of letters in relation to the total number of tokens in a group.

Letters in word	1 and 2 letters	3 letters	4 letters	5 letters	6 letters	7 letters	8 letters	9 letters	10 letters
Dinner	13 118 (42.7%)	7024 (22.9%)	3248 (10.6%)	2812 (9.2%)	1975 (6.4)	873 (2.8%)	569 (1.9%)	398 (2.3%)	721 (2.3%)
Court	11499 (34.4%)	8050 (24.1%)	4081 (12.2%)	3093 (9.3%)	2228 (6.7%)	1318 (4.0%)	1054 (3.2%)	669 (2.0%)	1417 (4.2%)

In both activities the most numerous are the short one to two letter words which include pronouns, feedback expressions, conjunctions, own communication management expressions (OCM), and prepositions. The result above is also a consequence of the great number of pronouns (see Table 78 below). It indicates a language-specific feature, namely the fact that, in Swedish, person is expressed syntactically and that it is a pro-form language (see also Chapter 3). The dinner talk seems to contain fewer instances of the above parts of speech, which are more characteristic of informal speech. There is a smaller difference between the activities in terms of the amount of three-letter long words but ten-letter long words are more frequent in court examinations, i.e. the difference between the activities grows with the increase in the length of the words.

- Court examinations contain longer words, which indicates a more complicated lexicon than in dinner talk.

The professional speakers' use of legalese may explain this observation. The same progression occurs in terms of tokens in collocations. The following table starts with collocations consisting of three words and ends with ten-word collocations.

Table 74. Number of collocations in the Swedish dinner and court data according to the number of words (as tokens) in a collocation and percent of N number of words in collocation in relation to total number of word-tokens.

Collocation	3	4	5	6	7	8	9	10
Dinner	4147 (13.5%)	985 (3.2%)	276 (0.9%)	127 (0.4%)	72 (0.2%)	50 (0.16%)	36 (0.1%)	26 (0.08%)
Court	5579 (17.0%)	1516 (4.5%)	467 (1.4%)	199 (0.6%)	118 (0.6%)	80 (0.2%)	63 (0.18%)	50 (0.15%)

This difference contributes to the stereotypicality of the court examinations. However the court data contain an average of 63 word types in 100 words whereas the dinner talk contains an average of 22 word types in 100 words. Thus we may conclude that

- Courts tend to exhibit more lexical variety than casual dinner talk.

Turning to the use of emphasis (see Table 72 above) its use may be interpreted as indication of greater involvement and/or pathos (e.g. ST1: 23, ST1: 75, etc. in Chapter 9). Court data include 0.5% stressed words whereas the dinner talk contains 3.8% stressed words. Even if this may be due to the transcribers' attention the difference is very big. It indicates that despite the fact that court examinations were rated as less lively than dinner talk they nevertheless may have high level of involvement or pathos. The extreme use of emphasis may be interpreted also as an indication of a stronger intention to influence the beliefs of the co-interactants (e.g. ST1: 37, ST1: 70, ST1: 31, ST1: ~77, etc. in Chapter 9) and/or as persuasion device and/or as clearer instruction device.

If we assume that overlap (see Table 72 above) is a potential measure of dynamics of communication and of distribution of power one may observe that it is not typical for Swedish court examinations, as mentioned earlier. However the lower value of the overlaps indicates the opposite, i.e. lower level of interactive involvement.

The position of the overlap is significant. Final overlaps may indicate a tendency to be interrupted as well as feedback-giving initiated by the following utterance. Initial overlap (i.e. overlap of two utterance-initial units) stands for simultaneous starts and indicates that the person speaking may be interrupting. Overlap in the middle of the utterances may be associated more with backchannels and assessments, which are normally non-competitive. Completely overlapped utterances (for instance, cases in which the second utterance comes in the middle of the first one) are generally more common and typical of backchannels. Completely overlapping utterance (i.e. when all speakers speak simultaneously and for equally long) are generally more rare. In such situations the speakers may have fewer chances to hear each other and the utterances can hardly be associated with feedback. In the next table we can see the distribution of overlap according to position in the utterance.

Table 75. Distribution of overlap according to position in an utterance in Swedish court and dinner data.

overlap	initial	middle	final	complete
dinner	446 / 22.3	424 / 21.2	548 / 27.4	580 / 29.0
court	152 / 23.9	163 / 25.6	139 / 21.8	183 / 28.7

In both activities the complete overlaps are more than all other types of overlap, which means that in both activities there is intensive feedback-giving, which is more probable than in the competitive equal simultaneous speech (although see ST1: 70, Chapter 9) with regard as well to the great amount of feedback-giving in Swedish courts (see Table 65, in 11.1.2.4). This result is less expected of the court examinations with their pre-fixed turn order than of the casual talk-over-dinner. There is however a significant difference between the percentage of middle and final overlaps. If we associate middle overlaps with backchannels and assessments, we can see that there are more of those in the courts than at dinner. On the contrary, in courts, there are less final overlaps, which may indicate a weaker tendency for interruptions in this activity than in dinner talk. This combination of characteristics may be explained by the asymmetrical social status of the speakers in courtrooms and with face-work. It also suggests that Swedish courtroom examinations as kinds of very formal, turn-regulated situations tend to result in more co-operative interaction and less combative or competitive styles (i.e. styles in which the parties strive to increase their interactional power). In other words, there seems to

be a tendency that the more formal the situation is the more co-operative and less competitive for interactional power the Swedish speech communication is.

According to the general complex measure of verbal equality (Allwood & Hagman, 1994), which uses only the amount of words and no other features, the courtroom speech is more equally distributed among the speakers than is the case in the dinner talk data, as indicated in the next table:

Table 76. Verbal equality applied to Swedish data.

Activity	Verbal Equality Tokens (words)
Court	70.3
Dinner	59.1
All activities	57.5

In comparison with the mean of the measure of all the 22 activities in GSLC, the court data exhibit a higher degree of verbal equality. This result indicates once again that the socially asymmetric situation of examinations in the Swedish juridical institution manages to distribute the interactive power in a rather equal way. In fact, the court examinations are called “courtroom negotiations” in Swedish, and the appropriateness of this term is confirmed by the above measures since they describe an activity that is more cooperative than combative. The actual interaction is symmetric while the social and juridical roles of the participants are not. Thus the concrete interaction may influence the social institution in such a way that it becomes less asymmetric than it is defined to be. In other words, one may notice a manifestation of the dynamic character of social interaction where the concrete practice of an activity gradually changes the activity or where the participants actively negotiate the definition of the activity as such.

One may suppose that the higher number of hesitations point to a greater care in the formulation of utterances (e.g. line 2 in ST1: 4, line 2 in ST1: 23, line 3 in BT2: 4, all in Chapter 9). The same is indicated by the higher number of pauses in courts. Both features point to a more careful and cautious style of interaction. Since feedback-giving elicitation is one of the main spoken language devices for joint realization of communicative projects in which there is need of constant checking of what is perceived and/or understood as well as of demand for attention (especially in matters of great importance, such as testimonies) (see Chapter 6), the greater amount of feedback expressions may be an indication of stronger need of such co-ordination and thus be an indication of interactive caution. Use of numerals such as exact references to time or amount and similar as well as personal names instead of pronouns can also be an indication of caution. Indeed, we can create a complex measure of how cautious a conversation (in a broad sense) is. The more OCM expressions, pauses, stressed words, expressions of precision, and feedback expressions there are, the more cautious, careful and precise the style of talking is. The more overlap and pronouns (instead of personal names) there are, the least cautious is the interaction style. It would have been good also to check expressions that are not digitally exact, such as adjectives and adverbs, but the distinction between exact and not exact adjectives and adverbs is dependant to a large extent on the context and requires a special study of its own. So, the formula is:

$$\frac{(2.Pauses) + Stress + (2.OCM) + (2.FB) + Numerals - (2.Pronouns) - (2.Overlap)}{\text{total number of tokens}}$$

Thus we get the following result:

Caution

Dinner: - 0.7

Court: - 0.1

Court examinations appear to be more cautious than dinner talk and by implication may be interpreted as a more precision-oriented type of verbal activity. The caution is related to the commissiveness of the activity. Thus the caution and the precision in references (the large number of numerals and personal names) is a reflection of this activity's purpose, namely objective decision making based on justice and fairness.

11.2.2. Cross-linguistic comparison

The Bulgarian corpus is smaller than the Swedish one (see Table 77 below), which precludes a direct comparison of simple values. We have to keep in mind that the mean values give only an approximate picture of the relations studied. The measures used here are produced by a program called TRASA (Grönqvist, 1998).

11.2.2.1. Cross-linguistic comparison of the whole corpora

To evaluate the richness of vocabulary one can measure (with Vocab) the number of word types where the set of words is chosen randomly. One may also use the average of the number of tokens and the percent of utterances over the whole corpus as well as the average number of words per utterance, which are related to the richness of the vocabulary.

Table 77. Vocabulary richness of Bulgarian and Swedish court data

Group	Tokens	Utterances	TokRC a.	UttRC b.	MLU c.	Vocab d.	Types
Bulgarian	10533	1115	23.9 %	33.4 %	9.4	2276.6	2345
Swedish	33409	2220	76.1 %	66.6 %	15.1	1920.9	3733

Note: (see also Appendix).

- TokRC – percent of tokens in respective group in relation to total amount of tokens in both groups
- UttRC – percent of utterance in respective group in relation to total amount of utterance in both groups
- MLU - average number of words per utterance
- Vocab - "Theoretical vocabulary" measure with 10000 as max value.

- The average Swedish utterance has more words than the average Bulgarian one.

The value of the MLU above shows that the Swedish speakers' utterances are longer than the Bulgarian speakers'. However, also despite the fact that the Bulgarian corpus is only 23.9 % of the total Swedish-Bulgarian corpus measure of word tokens and only 33.4% of the total measure of utterances, its vocabulary is a bit richer. Thus the wordiness of the utterances does not contribute to the richness of the vocabulary.

The frequency of parts of speech is expected to be influenced by the specifics of the respective language and therefore not all comparisons between the language groups are informative as concerns those aspects of the activity culture that are not created by language differences. As indicated in the table below, Bulgarian court data contain fewer pronouns but this is mainly due to grammatical conditions, namely, noun and verb suffixes include person deixis and lower the amount of pronouns in subject position. We can check the influence of the activity factor by using Nikolova's casual speech frequency dictionary (1987) (the last row in Table 78 below). The corpus of conversational speech she used consists of 100 000 words, which is about ten times more than the Bulgarian court corpus. The Bulgarian court corpus is coded according to parts of speech manually by a native speaker and checked by another native speaker following only partially the definition criteria used in Nikolova's dictionary (see also 3.4.1.). Feedback-giving and elicitation expressions were counted as particles together with some other grammatical categories, which are not typical feedback expressions. I have counted only the feedback expressions in this group as a special part of speech (see Appendix C). To my knowledge, such a part of speech is not an accepted category in Bulgarian linguistics.

Table 78. Cross-linguistic and cross-activity comparison of average amount of parts of speech in court and dinner data

Part of speech	tokens	adj	adv	pron	verb	FB	int	conj	prep	noun	num	ocm
Swedish dinner	30738	3,8	17,0	23,1	20,8	5,2	0,3	7,3	6,1	11,8	0,5	1,3
Swedish Court	33409	3,1	15,3	21,5	19,3	4,8	0,0	8,6	8,6	14,5	1,5	2,07
Bulgarian Court	10533	2,2	4,7	11,9	30,1	2,8	0,0	10,0	10,1	23,0	3,3	1,7
Bulgarian casual	100000	3,8	8,8	18,3	22,8	7,5	1,3	10,4	8,0	15,8	3,2	1,3

By observing the activity and the language-dependent percentage we may notice that the activity is sometimes a stronger influencing factor and sometimes the stronger influence is the language. Thus adjectives, adverbs, pronouns, feedback, and interjections decrease in the court data in both language environments and the rest of the parts of speech increase, except for the verbs and the conjunctions in Bulgarian. Feedback-giving and elicitation is more frequent in the Bulgarian casual talk than in the Swedish informal talk but it decreases much more in the Bulgarian court environment than in the Swedish court talk. This is related to the dictation activity and to the form of the procedure where the judge controls the floor. It seems, however, that this result is also influenced by the puristic attitude that feedback words, such as 'be', 'de', 'a' (used only as feedback elicitor, similar to the Swedish 'va', "what did you say" and also "don't you think so"), which are the most frequent words in the everyday speech (Nikolova 1987:24), are parasitic expressions and are part of so called 'street language' ("ulichen ezik"), i.e. signify a lower status speaker.

The percent of pauses and stress per token in the table below indicates that the Swedish court transcriptions tend to have more pauses than the Bulgarian, but the latter tend to have more stressed words (see also 6.3.2.) although, as pointed out earlier, the coding of this data is not reliable enough to draw any clear conclusions. This greater number of pauses may be explained partly by the longer utterances (the MLU value, see Table 74) in the Swedish court data.

Table 79. Pause and stress in relation to total amount of word-tokens in the Bulgarian and the Swedish court data

Group	PauPTok a.	StrPTok b.
Bulgarian	3.9%	6.2%
Swedish	8.4%	4.0%

Note:

- a. PauPTok - percent of pauses in relation to the total amount of words as tokens in a group
 b. StrPTok – percent of stressed words as tokens in relation to the total amount of words as tokens in a group

Furthermore the percent of overlapping tokens in the Bulgarian court examination data is four times greater than in the Swedish data. Although the Bulgarian utterances are shorter, an average of 50.6 percent of them consist of overlap. It is normally expected that the overlaps in middle position are more frequent since it could be anything between the first and the last token. This is true for the Swedish type of overlap, which in comparison to the Bulgarian is either medial or complete. This is illustrated in the following table

Table 80. Overlap according to position in the Bulgarian and the Swedish court data

Group	OmedPO a.	OiniPO b.	OfinPO c.	OcomPO d.	TovPTok e.	OvePUtt f.
Bulgarian	18.7	30.7	30.2	20.1	13.4	50.6
Swedish	26.0	23.6	21.6	28.6	3.1	28.3

Note:

- a. OmedPO- percent of overlap in middle position in relation to total number of overlap per language group
 b. OiniPO - percent of overlap in initial position in relation to total number of overlap per language group
 c. OfinPO - percent of overlap in final position in relation to total number of overlap per language group
 d. OcomPO - percent of complete overlap in relation to total number of overlap per language group
 e. TovPTok - percent of overlapped words as tokens in relation to the total amount of words as tokens in a group
 f. OvePUtt – percent of overlaps in relation to the total number of utterances in a group

However, the final and the initial overlap is more typical of the Bulgarian examinations, which in two-party conversations means that there are more starts before the previous speaker has finished an utterance and thus a greater number of opportunities for interruption/fight for the floor and/or eagerness in feedback-giving. This result may also be due to the fact that Bulgarian utterances are on average shorter.

- Since Bulgarian court talk has more stress, overlap, shorter utterances and fewer pauses, it is more dynamic than the Swedish court talk.

The material from a Bulgarian over-tea discussion suggests that the high frequency of overlap may be a specific feature of the court setting and not of the interactive culture as a whole since the mean of overlap over tokens in the discussion is even lower than the overlap in the Swedish courts.

Table 81. Feedback, repetition/reformulation, and overlap in Bulgarian discussion and court examinations and in Swedish dinners and court examinations

Activity	Feature	Utterances	Tokens	Feedback % of words a.	Repetition-reformulation % of utterances b.	TovPTok in % c.
Bulgarian court		1115	10533	4.8	16.4	13.4
Bulgarian discussion		470	5966	6.3	9.3	2.5
Swedish court		2220	33409	4.8	6.5	3.1
Swedish dinner		3251	30738	5.2	-	6.5

Note:

- a. Percent of feedback expression-token in relation to total amount of tokens

- b. Percent of repetition/reformulation instances in relation to total amount of utterances
 C. TovPTok - percent of overlapped words as tokens in relation to the total amount of words as tokens in a group

The above measures also suggest that the interactive repetition/reformulation is a more preferred form of feedback in courts in comparison to informal discussions. Whereas most of the non-repetitive feedback expressions during the discussion are positive, more than half of the repetitions/reformulations were part of disagreements or negative feedback. Thus we may conclude that the Bulgarian discussion exhibits a stronger need of positive feedback turn-taking co-ordination than the court examination. We have no data about the frequency of repetitions/reformulations in the Swedish dinner and thus cannot conclude more strongly that interactive repetition/reformulation is more common in Bulgarian than in Swedish discourse, as is suggested in the fifth column above. Similar to the Bulgarian discussion data, the Swedish dinner talk contains more feedback (excluding repetitions/reformulations) than the Swedish or Bulgarian examinations. The opposite seems to be true for overlap: speakers overlap more in Bulgarian courts than in friendly discussions, which are informal interactive occasions, whereas they overlap less in Swedish courts than at formal dinner. However, since our data are not completely comparable, it must suffice here simply to note these observations as tendencies that need more elaborate study.

Liveliness, Stereotypicality, Caution

According to the measure of liveliness, the Bulgarian court talk is described as more similar to a Swedish dinner than to a Swedish court examination mainly because it contains more words, overlap and stressed words and fewer pauses. In the last column I give only the values that correspond to the repetitiveness of one word (in front of the slash) and of ten-word collocations (behind the slash) (see also Table 71 above and its comments).

Table 82. Cross-linguistic and cross-activity comparison according to liveliness and stereotypicality

Complex measure	Liveliness	Stereotypicality
Bulgarian Courts	71.2	37.7/2.1
Swedish Auction	-70.3	35.7/0.02
Swedish Courts	9.4	25.4/0.0
Swedish Dinner	91.2	26.6/0.0

However, the Bulgarian courts are far more stereotypical (see also Table 71) than the Swedish dinner or court talk and, in this respect, they are similar to auctions, as illustrated in Figure 21 below. Indeed, it is the routine and dictation repetitions/reformulations whose function may also be viewed as a precaution against misunderstanding that contribute to this.

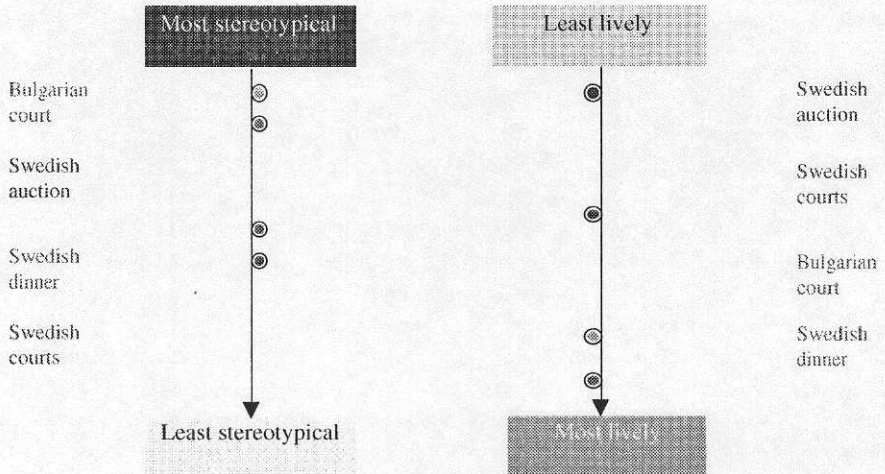


Figure 21. Cross-activity and cross-linguistic scale based on liveliness and stereotypicality measures

It is thus not surprising that, despite the fact that the caution measure introduced earlier (see 11.2.1. and Appendix) does not consider the amount of repetitions/reformulations nor the types of speech acts, the Bulgarian court talk is described as more cautious than the Swedish talk:

Table 83. Cross-linguistic and cross-activity comparison according to caution

Activity/language	Caution
Bulgarian Court	- 0.02
Swedish Court	- 0.1
Swedish Dinner	- 0.7

However, I bring the topic up for methodological reasons, namely that one and same measure may not be valid or meaningful if applied cross-linguistically. The caution formula uses feedback and pronouns (see 11.2.1.), which are comparatively underrepresented in the Bulgarian court data (see also Table 73 and Table 78 above) and influence the final measure. Use of feedback contributes to caution and use of pronouns indicates less caution, according to the formula. Pronouns are used less since Bulgarian expresses person morphologically and because it is a pro-drop language. Feedback is used comparatively less in Bulgarian, independent of activity (see Table 81). These contribute to the lower result of the measure for Bulgarian courts in Table 83, so it is not only the activity but also the language factor that affects this measure. Thus the only way to test to what extent the language factor outcores the influence of the activity with regard to this measure is to add data from other types of Bulgarian activities. In the case that non-formal Bulgarian activities have a lower caution score than in courts, one may conclude that the activity is indeed an influencing factor independent of language.

However, bearing in mind this reservation, it may be concluded that:

- The Bulgarian court talk tends to be more stereotypical and more lively than the Swedish court talk. With respect to liveliness, Bulgarian court talk is similar to Swedish dinner talk. With respect to stereotypicality, the Bulgarian courts are similar to auctions.
- Complex measures are not always applicable cross-linguistically.

11.2.2.2. Cross-linguistic comparison according to sections

Of the numerous other measures we may apply to each section in the activity I have chosen to concentrate on three, namely, pauses, overlap and stressed words, since we observed earlier stronger cross-linguistic differences with regard to these. Both corpora were divided according to the similar section types, which reflect basic phases in the examination (see Chapter 5). The sections may be grouped according to the following criteria:

- Monologues
- Formal
- Examination in chief
- Cross-examination

Despite the inquisitorial character of the procedures in both legal systems, if we divide the examinations according to what kind of witness is examinee, own witness or opponent's witness, we may find differences that indicate that the relation between the examiner and the examinee does matter.

The monologues contain more pauses than any other subactivity despite the fact that the speakers (in all cases the prosecutors) are reading. An explanation for the pauses in the Bulgarian data is that the prosecutors are actually dictating and at the same time presenting the case in front of the court. The Swedish prosecutors are not dictating, so an explanation could be that their speech is more rhetorical and that they slow down in order to aid the listening court. However, there are fewer stressed words in monologue, which indicates that they are less argumentative.

Table 84. Cross-linguistic comparison of percent of pause, stress, and overlap in relation to total amount of word-tokens and according to sections in Swedish and Bulgarian courts

activity type	feature	TovPTok		PauPTok		StrPTok	
		a.		b.		c.	
section	participants/language	Swedish	Bulgarian	Bulgarian	Swedish	Swedish	Bulgarian
	all	3.1	13.4	3.9	8.4	4.0	6.2
	admission	3.03	18.3	2.2	11.1	3.7	1.5
cross-examination	defense counsel - witness	5.02	0.0	11.5	6.8	4.9	00.0
formal	formal issues	4.3	0.0	1.3	7.5	3.6	1.8
cross-examination	judge/prosecutor-defendant	3.9	19.7	2.3	7.1	3.6	9.2
direct examination	judge/prosecutor-plaintiff	6.1	40.0	4.5	5.9	4.01	6.7
direct examination	judge/prosecutor-witness	4.8	14.1	2.6	6.9	5.1	5.8

monologue	presentation by prosecutor	0.3	1.7	13.5	13.7	2.4	3.8
cross-examination	prosecutor-defendant	-	17.7	2.0	-	-	8.9

Note:

- a. TokPTok – percent of overlapped words as tokens in relation to the total amount of words as tokens in a group
- b. PauPTok – percent of pauses in relation to the total amount of words as tokens in a group
- c. StrPTok – percent of stressed words as tokens in relation to the total amount of words as tokens in a group

Swedish admissions are produced more slowly, with more pauses than other sequences, except for the long monologue presentation of the prosecutor, with less overlap and average amount of stress. Considering the analysis of the mitigating strategies discussed in Chapter 9, these measures indicate greater caution in the reception and the production of admissions. The pauses tend to occur just before the actual admitting expressions, which was interpreted as a mitigating strategy. The stress occurs in the defensive talk before the actual admission as well as in the utterances of the examiner receiving and repeating the admission (see Chapter 9 and 10 for more detail). Bulgarian admissions are much less carefully received, since there is a greater amount of overlap and they are less carefully and less defensively produced, since there are fewer pauses and stressed words in comparison to the Swedish data and to the rest of the Bulgarian data.

If we compare the examination sections that may correspond to the adversarial systems' examination types, namely cross-examinations and examination-in-chief, we can note that, independently of the language, the latter contain more overlap, less stress and less or similar amount of pauses. Keeping in mind the observation made earlier that the overlap in Swedish interaction increases in less formal situations, the high frequency of overlap in prosecutors' examinations of the plaintiff indicates that there is less tension and/or more conversation-like interaction between these two interactants, perhaps because they have met earlier (at least in our cases) and they hold the same view in the dispute. In fact, the most routine-based sections dealing with formalities exhibit a similar tendency as the examinations of the plaintiff and the witnesses of the prosecution – fewer pauses and less stress than average, no overlap in the Bulgarian cases and more than average overlap in the Swedish cases. The fewer pauses and stressed words also indicate a smoother flow of interaction and less need of mitigating or rhetorical strategies. Although the role of the Bulgarian judge is different from that of the Swedish prosecutor, since he is not supposed to argue for the plaintiff's case, these observations point to the tendency of a less tense and more agreeable manner of examination of plaintiffs. This means that, despite the fact that by law neither the judge nor the prosecutor is supposed to take a side, their interactive styles do indicate a favorable treatment of the plaintiff. Although this tendency supports the observations made in relation to the function of repeat sequences (see Chapters 7, 8, 9, 10)) it has to be admitted that we are dealing with small corpora and few features which precludes us from making stronger conclusions.

11.2.2.3. Cross-linguistic comparison according to speakers

The participants can be grouped according to their relation to each other and the case they are supporting but they may also be grouped according to their status in the activity. Earlier it was observed that the Swedish court data contain less stress and overlap and more pauses than the Bulgarian court data. This tendency remains even if we divide the material according to the examining role of the speaker. However, according to the table below, independently of language, the examiners' speech involves more pauses and stress than the examinee.

Table 85. Percent of overlap, pauses, and stressed tokens in each speaker's speech in relation to the total amount of these in the each language group.

Features in %	TovPTok a.		PauPTok b.		StrPTok c.	
	Swedish	Bulgarian	Swedish	Bulgarian	Swedish	Bulgarian
<i>Language group</i>						
<i>Speaker</i>						
examiners						
<i>Defense counsel</i>	2.7	1.20	13.25	5.4	7.1	4.4
<i>Judge</i>	2.4	13.20	7.08	5.0	2.9	5.7
<i>Prosecutor</i>	2.5	9.02	8.82	4.3	4.4	7.2
examinees						
<i>Expert witness</i>		30.23		1.2		11.6
<i>Defendant</i>	3.7	17.23	6.96	2.01	2.9	7.4
<i>Plaintiff</i>	5.2	24.51	6.49	2.9	2.9	5.4
<i>Witness</i>	4.3	11.31	8.45	3.4	4.6	5.7

Note:

- TokPTok – percent of overlapped words as tokens in relation to the total amount of words as tokens in a group
- PauPTok – percent of pauses in relation to the total amount of words as tokens in a group
- StrPTok – percent of stressed words as tokens in relation to the total amount of words as tokens in a group

This indicates that the examiner's speech is more rhetorical and more cautious, which is due to their role in the activity and less to their linguistic or cultural background. With regard to overlap, the examiners in each language group behave differently. The Bulgarian examiners and examinee are involved in almost the same amount of overlapping speech, whereas the Swedish examiners overlap much less than the examinee. If all functions of overlap are described as either feedback-giving/elicitation or interruption then the conclusion must be that the Swedish examiners are either giving and eliciting less feedback or that they are interrupting less than the examinee or both. In the Bulgarian case we may say that the same functions are fulfilled equally within both groups. However, the presence of feedback-giving/elicitations describes a more cooperative style of interaction whereas interruptions do not. To determine which function is typical for which group, we may consider the position of the overlap in each group, which is shown in the next table.

Table 86. Percent of overlapped tokens in initial, middle, final position as well as completely overlapped tokens in relation to total amount of overlapped tokens according to speaker and language group

Language Feature in %	Swedish				Bulgarian			
	OmedPO a.	OiniPO b.	OfinPO c.	OcomPO d.	OmedPO a.	OiniPO b.	OfinPO c.	OcomPO d.
examiners								
<i>Defene counsel</i>	33.3	30.3	13.6	22.7	20.00	-	-	0.0
<i>Judge</i>	26.4	25.5	27.4	20.8	18.47	34.14	24.90	22.5
<i>Prosecutor</i>	25.9	22.3	19.9	31.9	18.42	23.68	39.47	18.4
examinees								
<i>Expert witness</i>					0.0	28.1	28.1	43.8
<i>Defendant</i>	12.7	28.6	23.0	35.7	20.86	30.94	31.66	16.6
<i>Plaintiff</i>	43.3	16.7	22.2	17.8	00.0	16.7	55.6	27.8
<i>Witness</i>	23.1	18.5	23.1	35.4	27.4	27.4	34.5	10.71

Note:

- OmedPO- percent of overlap in middle position in relation to total number of overlap per language group
- OiniPO - percent of overlap in initial position in relation to total number of overlap per language group
- OfinPO - percent of overlap in final position in relation to total number of overlap per language group
- OcomPO - percent of complete overlap in relation to total number of overlap per language group

Independently of language, the examiners' speech tends to include more initial overlap than the examinee, which means that they either have more simultaneous starts with a following speaker or that they to a greater extent interrupt the previous speaker. The examinee's speech contains more final overlap, which means that their speech is either more backchanneled or more interrupted and/or received more feedback. Thus the distribution of the positions of the overlaps indicates the display of power on the interactive floor, which here coincides with the power relations defined by the activity. The relation between the activity-defined power and status and the interactively displayed power is indexical, i.e. the juridically more powerful also exhibit their power interactively. This dominance is also evident if we consider the amount of tokens compared to the whole corpus (TokRC), the length of tokens for each speaker (TokLen) the Vocabulary richness value (Vocab) and the mean length of utterance (MLU) per speaker, as in the final table below.

Table 87. Cross-linguistic comparison of verbal dominance according to examining role

Language Feature Speakers	Swedish				Bulgarian			
	TokRC a.	TokLen b.	Vocab c.	MLU d.	TokRC a.	TokLen b.	Vocab c.	MLU d.
examiners								
<i>Defense counsel</i>	11.9	4.2	9.6	16.8	4.8	5.2	73.7	10.5
<i>Judge</i>	21.9	4.3	9.5	13.9	46.7	4.8	80.7	9.3
<i>Prosecutor</i>	33.4	4.4	9.6	22.7	9.6	4.9	76.9	10.3
examinees								
<i>Expert witness</i>	-	-	-	-	1.7	4.5	62.7	3.5
<i>Defendant</i>	17.5	3.9	9.4	11.9	23.9	4.3	76.6	9.8
<i>Plaintiff</i>	8.45	3.9	9.5	10.9	1.9	4.4	69.7	11.3
<i>Witness</i>	6.8	4.1	9.5	11.6	12.4	4.4	76.5	10.3

Note: (see also Appendix)

- TokRC – percent of tokens for each speaker in relation to total amount of tokens in each language group
- TokLen – the average length of the word in each speaker's speech and according to each language group
- Vocab – "Theoretical vocabulary" measure
- MLU - average number of words per utterance

Independently of language and legal culture, the examiners have more and longer words, longer utterances and richer vocabulary than the examinee. There are certain other differences as well. For instance, the Bulgarian examiners use much longer words than the Bulgarian examinee in relation to the same speaker group in the Swedish corpus, where the difference is minimal, which suggests a more active use of legalese or formal expressions, since the average Bulgarian word is shorter than the 'compound-word-language' Swedish (see Dura, 1998; Nikolova, 1987; Allwood, 1999). This tendency is also supported by observations made in previous chapters, where we noted that in his dictations the judge reformulates the examinee speaker's speech and readapts it to the legal jargon or to higher status language.

11.3. Conclusions

This chapter examined the influence of a number of contextual factors, such as intonation, communicative act, sentence type, answer type, modality type (certainty), position in utterance, and speaker's role, on the function of different kinds of repeat sequences. It also studied some cross-linguistic and cross-activity stylistic tendencies.

For both Swedish and Bulgarian, the interrogative intonation is not a necessary condition marking questioning. The Swedish examination repetitions/reformulations with interrogative intonation tend to be used as displays of doubt. However, without interrogative intonation, they may function as pre-objections, where the objection follows directly in the same turn. Specific to the Bulgarian data, except the dictation, is that the examinee often expresses attitudes such as protest, indignation, etc. by the use of rhetorical repetitions with rising intonation and that there are cases of simultaneous questioning by two examiners.

In both corpora the examinee repeats more than the examiners (excluding the dictations). Independent of language, the weaker the certainty of the utterance the more probable it is that it will be recycled by doubt-displaying or other repetitions/reformulations and, the stronger the certainty is, the more improbable it is that such utterances will be repeated. This indicates that repetitions/reformulations function as certainty amplifiers and sequence closures (see also Chapters 7 and 9) although there is a tendency that the pro-form anaphoric answers typical of Germanic languages do not always successfully fulfill this function. This could be due to the lower affirmative power of copying answers but it may also be a result of the non-interactivity of the Bulgarian examinations, led by the dictating judge. Generally, in both corpora, typical defense acts such as accounts, corrections, objections and narratives are frequent sources in repeat sequences and, in both corpora, the most deontic (obligative or commissive) acts, such as warnings, permissions, and requests, do not involve repetitions/reformulations. Similar to requests, imperative sentences are seldom repeated or are repetitions/reformulations, indicating a tendency towards subordination and avoidance of hostility in both types of speakers. In Bulgarian, the short answers (consisting of single phrases or words) are more frequently sources than repetitions/reformulations and are often turned into sentences by the judge during his dictations.

The frequent declarative questions (see Table 64 below and Table 63 above), narratives and invitations as well as the comparatively few utterances with interrogative intonations (see 11.1.1.2.) suggest that Swedish examinations are comparatively more conversation-like

interactive occasions. Despite the indication that narratives are more common in Swedish hearings, it must be remembered (see e.g. Chapter 7) that many of them are performed by the examiner and not by the examinee and in this case they are more manipulative. They can be used to discover rehearsed portions of testimony (we studied many examples of such questions, see Chapters 8 and 9). Swedish court examinations prefer the declarative structure for questioning and, in this sense, the Swedish examinations better accord with the description of cross-examinations given in Mauet's manual on examination techniques (Mauet, 1988: 225), namely that the cross-examiner should strive to make assertions and statements of fact; while the witness should simply be asked to agree with them. Thus this is an example of a manipulation-of-testimony strategy, which is to be avoided in inquisitorial systems and according to modern criminology (Zenkov, 1998: 361-403). The examinations are controlled and manipulated in different ways in the corpora: the Bulgarian examinations use more imperatives and requests whereas the Swedish employ a greater amount of declarative and tag questions. Thus in both languages there is a need of minimization of the distorting effects of questioning.

By comparing the Swedish courtroom examination data and the dinner talk, and to some extent also other activities such as sermons, auctions, formal meetings etc., the following general style tendencies were found:

- Court examinations tend to contain more words in an utterance, more complicated lexicon, more pauses, more stressed words, and less overlap and thus tend to be less lively than dinner talk (but more lively than sermons and auctions).
- Court examinations' speech tends to be more stereotypical and precise than dinner talk (but less stereotypical than auctions).
- Court examinations tend to contain fewer interruptions but more acknowledgements, feedback-givers, which may indicate a more regulated, more cautious, and less competitive style of verbal interaction.

The basic purpose of the court examination is implied by the constellation of linguistic features pointing out the underlined caution- and objectivity-striving character of the activity.

The main but tentative conclusions about relations between the language corpora are:

- Interrogative intonation is a sufficient but not necessary criterion for marking the act status of an utterance in Swedish. In Bulgarian it seems to be the case that interrogative intonation is neither sufficient nor necessary for signaling the question status of the act.
- The Bulgarian court talk tends to be more stereotypical and more lively and to have a richer vocabulary than the Swedish court talk.
- Swedish admissions are produced more slowly, with a greater number of pauses, than most other sequences, with less overlap and average amount of stress.

- Bulgarian admissions are much less carefully received, since there is a greater amount of overlap and speech is less carefully produced since there are fewer pauses and stressed words in comparison to the Swedish data, as well as to the rest of the Bulgarian data.

The section- and speaker-based analysis shows that:

- Direct examinations contain more overlap, less stress and a smaller or similar amount of pauses than cross-examinations, which indicates a smoother mode of interaction. Thus the examiners' interrogation style indicates a favorable treatment of the plaintiff independently of language and legal culture.
- The occurrence of power dispute and power demonstrations between jurists in the courtroom indicates a less combative communicative pattern between Bulgarian judges and defense counsels and a more competitive interaction between judges and prosecutors. There are also indications of the more limited interactive activity of defense counsels, but there is need of more data to support this observation.
- The Bulgarian examiners and examinees are involved in almost the same amount of overlapping speech, whereas the Swedish examiners initiate overlap much less often than the examinees. This result is due to the examiners' longer utterances but may also indicate an avoidance to interrupt the testimony.
- Independently of language and legal culture, the examiners have more and longer words, longer utterances, more pauses and stress and richer vocabulary than the examinee.
- The Bulgarian judge uses 1/4 of his/her interactive time for dictation and almost 1/4 of his/her interactive opportunities for repeating other speakers. Thus the predominant function that his/her repetitions/reformulations have is the formulation of record, which is a very activity-specific non-conversation-like function. Thus the repeating strategy for formulation of a record influences the total performance and hinders the initiative and innovation of the Bulgarian judges who act both as decision makers and as examiners.
- Repetitions do not seem to be specific only to Bulgarian and are certainly not specific only to Bulgarian court examinations but also hold for Swedish courts.
- In Bulgarian court examinations, the use of repetitions together with the greater number of imperatives, request, Y/N and WH questions indicate greater power distance.
- In the Swedish courts, the repetitions are used almost equally by both types of speakers and the higher number of examinee repetitions is due to an obligatory credibility-assuring subactivity of oath-taking.
- The share of repetitions in the Swedish court data are almost equally distributed between the examinees and the examiners which indicates a shorter power distance.
- Swedish examiners use mainly declarative questions for examining and manipulating the examinee and the court.

- In both corpora reformulations are more frequent and have a diversity of functions.
- The total amount of repetitions and reformulations in percent is cross-linguistically almost identical (see the last row above), which indicates that the language factor is much less important than the activity factor.

In general, according to most of the observations, the data indicate that the activity factor influences the interaction in a more profound way than the language factor or the national culture factor. The relation between the activity defined power and status and the interactively displayed power is indexical, i.e. the judicially more powerful and competent also exhibit their power interactively but use different linguistic and discursive means.

Chapter 12

Summary and Conclusions



Introduction

This thesis studies the function and the relation of repetition/reformulation to other linguistic and non-linguistic categories such as communicative acts, other feedback expressions, activity roles, etc. in Bulgarian and Swedish courtroom examinations. Repeat sequences are occasions in interaction where we have a simultaneous manifestation of 'sameness' and 'otherness'. The speakers seem to say the same things or different things in similar words but what such sequences actually serve to do is to negotiate and facilitate understanding by avoiding or by indicating differences in perception and/or understanding.

The institution and/or the activity, in this case the court examination, influences these features directly and turns them into functions of the law, putting to work some of the most basic juridical interests such as doubt/certainty, ratification, and credibility, all related to the critical concept of truth.

This last chapter summarizes the conclusions concerning the function and the structure of repeat sequences in courtroom examinations. It will be divided according to the main themes in the thesis, namely: theoretical approaches and methodology, structure and function of repeat sequences, specifics of the legal context, and relation between activity, language, and culture.

12.1. Theoretical and methodological frameworks

Multifunctionality is characterized by the concepts of functional potential (see Chapter 5, Figure 4) and degree of affirmative power of utterances, which are based on pragmatic frameworks such as those of e.g. Allwood (e.g. 1976) and Clark (e.g. 1999). The functional potential consists of default and additional functions. Each utterance has one or more evocative and expressive functions, which vary with context. These concepts can be used to describe default functions for the four most common types of sentences (see 5.4.4.). Over and beyond the default functions, each utterance also has additional functions that depend strongly on culture, activity, and sequence context. Thus, for instance, repetitions/reformulations have the potential to be used for the expression of attitudes such as agreement, doubt, irony, irritation, surprise, etc. Not all of these attitudes can be expressed simultaneously but, in certain environments, we can recognize the realization of one or another attitude or intention for the expression of attitude. The multifunctionality of utterances is due also to the presence of secondary addressees in multi-participant situations. Degree of affirmative power is another way of integrating multifunctionality (see. 5.3.). The analyses in e.g. Chapter 9 (See e.g. ST1:

77, ST1: (4), ST1: (12)) show that repetition and some reformulations can be used to amplify the certainty of the beliefs expressed and thus that they can have the additional function of amplifiers. The hierarchy suggested by this phenomenon (a similar idea is expressed by Clark & Schaefer, 1989 and Allwood *et al.*, 1995) starting from the lowest to the highest degree of affirmative power is:

- Single simple feedback word in overlap or a backchannel
- Single simple feedback word in a separate turn
- Initial simple feedback word followed by almost full repetition

I have used two complementary methods for analysis of the role of repetitions and reformulations in courts:

- comparison between the functional realization of features in different sequence contexts on cross- and in-utterance levels;
- pre-definition of communicative acts and hierarchy-based search for supportive evidence through co-occurrence analysis.

The combination of frequency and sequence analysis is a solution to two critical points in contemporary empirical analysis of spoken language interaction, namely that

- pure conversation analysis obscures the view of the linguistic or communicative system by a localization of observations, methodological overestimation of the listener's interpretations and oversimplification of the speaker's intentions;
- sole statistical analysis, which is not grounded on a thorough qualitative study, may capture too few functions since one and same function may be expressed by different overt linguistic features.

The focus on the functional analysis of one feature specific to spoken discourse such as interactive repetition/reformulation aims to satisfy the need for concrete knowledge of the exact functional and structural conditions of discourse features, which would allow further stylistic, sociolinguistic and other kinds of analyses. It aims also at an investigation of the theoretical and methodological possibilities for uncovering a discourse regularity or grammar (e.g. Linell, 2000).

The choice of a formal activity, such as court examinations, aims among other things at restricting the unknown or unpredictable factors influencing the interaction and thus increases the possibility of identifying the functions of linguistic features. Activity-based communication analysis (Allwood, 1976, 1978a, 1995) is not used to provide automatic explanations of discursive phenomena but to build up expectations, which can be justified or rejected by the actual qualitative and quantitative analysis. The influence of the global context of the activity, the culture, and the language include phenomena on the following three levels: sequence level, utterance level and communicative act level.

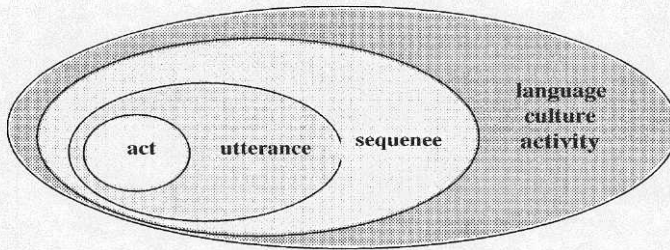


Figure 22. Levels of influence and levels of analysis

I have approached the functions of repetitions/reformulations following the above schema: Chapters 3 and 4 identify the widest context of language, culture, and activity, Chapters 7, 8 and 9 practice sequence analysis, Chapter 10 examines the functions on the utterance level and Chapters 5, 6, and 11 focus on finding ways to identify the communicative acts and to study their relation to the function of repetitions and reformulations. The analysis on each level is informative in different ways and degrees but the functions found on one level may sometimes be identical to those found on another. For instance, the analysis of repetitions/reformulations on the utterance level confirms and repeats to a certain degree the sequential analysis (see for instance 8.1. and 10.1.). This does not have to be a rule; there may be linguistic features that may exhibit different functions on different levels of analysis. This is not that case with repetitions/reformulations and I believe the explanation is that they are sequential by nature and that that is why sequence analysis is the most productive method for analysis.

12.2. Repeat sequences and their cross- and in-utterance context

Perception, understanding, and management of attitudes (Allwood, 1976, 1978a, 1986, 1992b) are basic components of a complex dynamic system called discourse (or communication or interaction, which have many variations e.g. casual conversation, interrogation, examination, interview, etc.). One of the quests of this thesis has been to find methods for answering the following questions which may help the understanding of this system and which were raised most clearly by the person whose insight lies behind what is today called conversation analysis, namely Harvey Sacks (1992) (see also 5.1. and 1.2.1.):

- i) How do actions become recognized?
- ii) How do recognizable actions get done?
- iii) Are there reproducible methods for accomplishing recognizable actions?

I chose as the subject of my analysis repetitions/reformulations because they directly approach the first stated question above. As interactive actions they are discursive operations assisting understanding, perception and management of a range of attitudes, i.e. they are displays of ongoing cognitive processes in communication. Interactive repetitions/reformulations are sequential by definition; their analysis necessarily involves at least two different utterances in two different turns by two different speakers. Each of the

elements in the pair constitutes the co-text of the other and involves the pre-communication relation between the speakers (which I find important since another topic of the thesis is the relation between representatives of law and persons subjected to the law, see 12.3.).

After the identification of the linguistic feature, namely repetitions and reformulations (Chapters 2, 5 and 6), whose basic function is indeed a display of different levels of recognition, I have approached (among other things) the second question above, first qualitatively (Chapters 8, 9, and 10) and then quantitatively (Chapter 11), namely how repetitions/reformulations are made. But first I had to answer a version of the third question, namely whether there are reproducible sequential structures associated with repetitions and reformulations. First I have examined all the possible combinations of sequential relations that may exist between the reformulation/repetition and other most relevant conditions, such as intonation and the adjacent preceding and succeeding utterances. I then formulated the following questions and studied their possible answers, namely

- which combinations of the four features (i.e. repetition/reformulation, its intonation, the preceding act and the succeeding act) can be expected to be found in the empirical data,
- which combinations are not expected to be found,
- which combinations are found,
- which combinations are not found.

In this process of reasoning I have also presented constraints that may be influencing the answers to the first two questions (see Chapter 7 and Martinovski, 1998). Following this method and studying in great detail both corpora, I have concluded that there are two basic types of positions that repetitions/reformulations can have in a sequence: a second and a third position after an initiation. Thus I have distinguished between two patterns, illustrated here in general terms (see Table 27 in Chapter 7):

Pattern 1 (repetition/reformulation in third position, see 7.1.)

1. question
2. answer
3. repetition/reformulation of 2
4. confirmation

Pattern 2 (repetitions/reformulation in second position, see 7.2.)

1. question
2. answer which is a repetitions/reformulation of 1
3. (new question)

There are variations on the theme, but these structural sequential patterns are recognizably repetitive and thus basic. There is also a third pattern where the first utterance is an answer and the second is a question as well as a repetition/reformulation of the answer. However, such repetitions/reformulations are either anaphors or complete paraphrases. I used these patterns in order to formulate searches in Prolog, which would identify sequences in the data, and which I could then extract from the corpora to study how the functions of the repetitions/reformulations are related to their contexts and to see if my initial concept of patterns was justifiable. Thus the basic format for detection of the feedback functions of

repetitions and reformulations in courts consists of two to four steps and the identification of other functions such as display of doubt demands at least five-step sequences (see 5.3., 7.1. and 8.1.). Sometimes the sequences of pattern 1 are truncated (Severinson-Eklundh, 1986: 40ff, see also 7.1.), i.e. structurally they are shorter although the basic components are still there, and sometimes they are expanded. For instance, constructions in which the repetition/reformulation is followed by confirmation by the same speaker and then by a new initiation (see ST1: 15 in 7.1.) in the same utterance can either be a separate type of a pattern or truncated versions of the four-step sequences that are specific to pattern 1. Truncated repeat sequences function mainly as feedback-givers and appear in subactivities dealing with juridical formalities whereas the four-step and the expanded sequences characterize the examination proper – in admissions of guilt, after corrections and in cases of expression of doubt (see 7.3. and 7.1.). According to the theoretical framework developed (see Chapter 5), where a distinction is made between basic (i.e. expressive and evocative) and additional functions, the constant function of repetitions/reformulations in patterns 1 and 2 is elicitation and/or giving of feedback. Some of the structures are associated with feedback-elicitation, others with feedback-giving, and still others with both, where the distinction was dependent on number of factors and constraints, such as 'last mention-first treatment', the pre-fixed character of the activity, and the occurrence of feedback expressions in the same utterance as the repetition/reformulation (see 7.1.). Repeat sequences of pattern 1 have also one basic activity specific function, namely the establishment of juridically acceptable consensus for the court record. These sequences and their functions are generally associated mainly with the discursive register of examiners, and their exact character and juridical implications are studied in Chapter 8. A conclusion was drawn that the main, concrete factor influencing their functions is the epistemic quality of the utterances, which is related to the types of subactivity in which the interlocutors are engaged (see 7.1.7.) and that even if the main purpose of the court examinations is the appears to be not a search for truth the practice of the court is to be satisfied when demonstration of recordable consensus on the preferred interpretations of the truth is reached.

Repeat sequences of the second type of pattern have a number of recognizable structures, such as position after disjunctive questions and after certain tag questions, in negative declarative sentences and in relation to corrections (see 7.2. and 11.1.2.1.) They are associated mainly with the speech of the examinee, which influences their functions. I have studied the structures in 7.2. and then analyzed their functions in relation to the mitigating strategies of the examinees in Chapter 9.

The in-utterance position of the repetitions and reformulations (See Chapter 10) influences both their functions and, similar to the sequences, is dependent on the juridical role of the speakers. If they are produced by the examinee, the position depends to a great extent on the format of the sentence in the preceding turn but, if the examiner produces them, the position depends more on the legal procedure as such. For the examiners the initial repetitions or paraphrases are mainly ratification devices although as single utterances they are used often as displays of doubt and pre-contrast indications, which always come in a new turn. The examinees employ repetitions/reformulations in the middle of the utterance and before justifications, which are, unlike the contrast indicators (which are most often motivations or justifications of the previously displayed doubt), never produced in a separate turn after the

repeat. The other functions the examiner's repetitions have are news and importance marking and formulations of conclusions before ratification and closure. Besides using them for their most common function of amplification of certainty and confirmation, the examinees employ these features for a cooperative and non-competitive presentation of corrections, disagreements and pre-justifications. The only common additional function repetitions and reformulations have for both types of speakers is the expression of emotion, for which we have least material because it demands evidence from and analysis of prosody and non-verbal behavior.

An example of face-work on the part of the examinee is the format of the corrections and disagreements, which do not figure in the examiner's examination register but are quite numerous independently of language or legal procedure (see 8.1.1., 8.2.2., and Table 54 and Table 60 in Chapter 11). Such repeat sequences are typically preceded by confirmatory feedback expressions or are followed by justifications (see 8.2.2. and Chapter 9). If repetitions are interpreted as imitative or 'quotative' behavior, which as such grants the imitated utterance to be important in some sense, then they may be called devices for expression of deference. When such expressions are combined with negative actions, one may talk of a polite or non-coercive, face-saving behavior. Their imitative character makes them ambiguous, in the sense that they can very well also be mocking or ridicule devices. It is however not always clear whether they are one or the other, and what their interpretation may be depends to a great extent on the desire of the speaker to display more clearly his/her intentions. The examiners' communicative behavior in the court is defined much more by their juridical obligations than by general face-saving principles (see 8.1. and 11.1.2.1.). The fact that their register does not include corrections or disagreements with the examinees is not because they are more polite or agreeable but because they are constrained by the law and the purpose of the examining procedure.

A generalized picture of the correlation between the in-utterance position of repetition and reformulation, their functions and the juridical role of the speakers is found in the following table.

Table 88. In-utterance position and functions of repetition and reformulation and the juridical role of the speakers common to both languages

Functions		Additional		Basic
Speaker Position	Examiner	Examined	Both examined and examiner	
Single	Display of doubt Closed repair (after open repair), News-mark	Confirmatory answer	Display of emotion	Feedback elicitation
Initial	Ratification, Pre-closure	Confirmatory answer after suggestive question		Feedback giving
Middle	Conclusive inferential confirmation, Request	Correction, Pre-justification, Pre-correction, Amplifier of certainty and of defense line		Feedback giving
Final		Correction, (Restatement of) Disagreement, Amplifier of certainty, Answer to 'is-that-correct' questions		Feedback giving

Repetitions/reformulations may express competitive strategies for regulation of the topics on the discourse floor. Ratification, conclusions and summaries, news marks and doubt sequences are some of the examiners' ways of controlling the court-examination floor. Being in an inferior position, the examinees must employ their responsive position if they want to influence the floor. One device regularly employed by them is indeed the amplifier. By making their answers stronger, e.g. more certain, they express, among other things, a desire to close the actual topic or sequence and thus influence the flow of the discourse.

12.3. Language and Law

In the field of language and law including forensic linguistics, this thesis has studied the defense strategies of the examinees and the examination strategies of the examiners, which are related to the function of repetition/reformulations.

12.3.1. Styles of examining and styles of being examined

With regard to examination style this study had to answer the following interwoven questions:

- How does the legal definition of the examinations' structure influence the interactive styles of the examiners and the examinees and vice versa?
- Are there any differences/similarities in examination style in Bulgarian and Swedish courts? How can they be explained?
- Do the examination styles follow the expectations of an objective truth-seeking-process (see also 1.3 and 3.3)?

The Bulgarian examination structure or role distribution is strictly inquisitorial while the Swedish is more adversarial (see Chapter 3), although the prosecutor is the main examiner just as the judge is the main examiner in the inquisitorial trials. If the purpose of the examination is to get a complete and correct version of the story then the witnesses should be allowed to e.g. give narratives and accounts and to change their testimony, especially after confirmation requests. The quantitative analyses indicate that accounts (i.e. excuses and justifications) and narratives are numerous in both data sets (see 11.1.2.3., Table 60), but the qualitative analysis show that there are many occasions of interrupted or somehow sanctioned accounts and narratives (see Chapter 9, e.g. ST1: 5; BT3: 2). The most typical for the Swedish prosecutor's examination style involves narrative questions formulated as declarative sentences. In fact, the most leading questions, according to the forensic literature (Danet *et al.*, 1978; Tiersma, 1990), namely declarative, tag and y/n questions, are the most common types of questions in Swedish examinations (see 11.1.2.3., Table 64 and 65). WH questions, which are considered less manipulative and which often are re-questions (or narrative evoking questions), are most common in the data from the Bulgarian inquisitorial courts (see 11.1.2.3., Table 65). The Swedish examinations exhibit more occasions of sequences similar to 'contrast-drop-it' sequences (in which the examiner takes up a puzzling issue and drops it without giving opportunity to the examinee to respond, see Chapter 8) than the Bulgarian, mainly because in the latter it is the judge who is examining. All these features describe the Swedish examinations as more adversarial and flexible not only in structure or role distribution but also in

communication style, i.e. the language and the discourse actively define the activity as adversarial. Thus the Bulgarian examinations appear to be more ritualized (see e.g. 11.2.2, 11.2, 11.3) and control-centered (see e.g. 7.1) whereas the Swedish examinations are more interactive and collective and share the control between the different representatives of the law (see 7.1, 11.1.1.3, 11.1.2.3, 11.3). In this sense it is not only the legal procedure that influences the interaction; the actual interactive occasions as such redefine the structure. This is the reason why the structure of the examinations may change with time or may remain the same, which is dependent on the global social-cultural context as well.

Sequences such as ‘contrast-drop-it’ (see 7.1.3.) occur in own witness examinations in the Swedish data and in examinations of all kinds of witnesses in the Bulgarian data (because the examiner is the judge), which indicates that such sequences do not necessarily and always function as features leading to a hostile, coercive and disputatious style of examination, i.e. they may have other more co-operative functions. For instance, they may remind the listening court of evidence insufficient for conviction of the examinee or sincerely give an opportunity to the examinee to provide explanations (see ST1: 16 in 7.1.3.) or they may be conclusion markers in the examiner’s mental collection of evidence (in Bulgarian examinations, see BT1: 15 in 7.1.3.). On the basis of these and similar observations one may conclude that:

- since examiners treat the examinees in the same way, the distinction between own and not own witnesses is blurred or non-existent;
- the contemporary Swedish and Bulgarian examinations are not as coercive as the proper adversarial system since such sequences are less manipulative (Drew, 1990; Mauet, 1988);
- constructions such as ‘contrast-drop-it’ are not always associated with a certain type of style, i.e. the specific roles and relations between the speakers as well as the type of the legal system also influence their functions and interpretations;
- the fact that drop-it sequences appear at all in different legal systems such as the British, the Bulgarian and the Swedish and in all respective languages suggests that they are established puzzle-introducing constructions, which are independent of language and/or are characteristic of court examinations.

Because the examinations are not led by the judge in the Swedish data we do get examples of the following features which do not describe an objective truth-seeking process but an adversarial process that is open for manipulations:

- pushing interpretations, implanting inferences (see e.g. 8.1.2),
- implanting evidence (see e.g. 8.1.1),
- addressing explicitly or implicitly the court (see e.g. 8.1),
- rhetoric pauses, contrasts (see e.g. 8.1),
- coercive questions,
- avoidance of comment on witnesses’ other-corrections (see 11.1.2.1, Table 54).

With regard to corrections in the Bulgarian data, they are the most frequent source of repetition/reformulation (see 11.1.2.2., Table 60), but this is due to the dictations and not to the explicit comments of the judges. Thus the corrections do enter the written record (under the censure of the judge). In the Swedish examinations, however, the examiners do not insist

on the correction entering the mental record of the court and thus throw doubt on the witnesses' testimony.

The examinees prefer to preface corrections with positive feedback, which is very clearly the case in the Swedish examinations (see e.g. 9.2.1, ST1: 3). Both Swedish and Bulgarian trials involve a great amount of corrections, mainly of versions of events presented in the examiner's utterances – corrections are percentually the most frequently repeating/reformulating communicative acts in both data sets (see 11.1.2.1., Table 52 and 11.1.2.2., Table 61). At the same time, in both corpora, the examinees avoid changing or correcting their own testimony even if they are invited to by the examiners and the four-step doubt sequences. They also “avoid expressly addressing issues of blame, responsibility and agency” (Tiersma, 1998: 21) (see Chapter 9). All these features correspond to the description of the behavior of the examinees in cross-examinations (Drew, 1990; O'Barr, 1982) in the ‘sincerely’ adversarial Anglo-Saxon system. The fact that accounts and narratives are so frequent despite the observation that the examiners seldom stimulate such behavior indicates that the examinees have a need to explain, narrate, and justify, which is not satisfied by the examination as such nor by the examiners. It follows that although the style of examining is different the behavior of the examinees is similar, independently of the type of legal procedural law. This suggests that the verbal behavior of the examiners is dependent on the legal examination system that they serve but that the behavior and the needs of the examinees tend to be less dependent on the specifics of the procedural law, the language/culture or the examination style and to be influenced mainly by their pre-conceived understanding of the institution as such.

12.3.2. Repeat sequences and the juridical role of the speaker

The examiner's repetitions/reformulations are often involved in expression and management of doubt whereas the examinees' use repetitions/reformulations for expressions of assurance and corrections (see Chapter 8, 11.1.2.3. and 11.1.3). In addition, mainly in direct examination, the examiners' repeat sequences involve explanation-giving devices, which seek the expected consent of the witnesses (see Chapter 8, Figure 12).

The general structure of epistemic repeat sequences is:

1. Statement of degree of certainty by examined
2. Check of certainty (repetition) by examiner
3. Confirmation by examined
4. Presentation of a puzzling circumstance (contrast indication) or a suggestion of doubt resolution by examiner
5. Confirmation of initial position by examined / continuation by examiner

A general tendency is that the more certain the witness is about a piece of evidence the stronger is the device used to confront or challenge this certainty. Thus, in cases of certainty, in the turn presenting the puzzle, one may observe the employment of references to previous statements of the speaker or of other speakers that contradict the newly given evidence. In cases of uncertainty (when the witness is not very sure of his testimony or after reports of insufficient memory) the examiners retreat to less challenging tactics, such as the suggestion of

alternative interpretations. However, in both cases, the witnesses do not change their testimony. In some cases they are given the opportunity to express that but, in others, such as the drop-it sequences, the examiners continue directly after the presentation of the doubt-awakening circumstances. The drop-it sequences typically appear after an expression of uncertainty or lack of memory and thus it is not strange that the witness does not have much to add to the fact that he does not possess the requested knowledge.

Invitations to resolution of doubt, which characteristically follow displays of unresolved doubt, may be realized with devices of different degrees of explicitness. In the Swedish courts, the examiner may simply pause and allow room for a confirmation, but when repetitions/reformulations are involved he uses one of the four devices on the scale in Figure 12, Chapter 8. The reaction of the examinee depends on the degree of explicitness of the examiner's indication of contrast, such as prolonged vowels, feedback words and full anaphoric answers, repetition/reformulation, and self-repetition (see Figure 13, Chapter 8). Confirmation may appear before the indication of contrast and may influence the type of challenging device the examiner will choose. Again, the stronger the display of certainty, the stronger the eventual challenge usually is. Since all these sequences are recurrent, one may conclude that both participants have expectations of certain reactions to their contributions. In this sense, the repetitions function as challenging pre-doubt devices, which multiply the examinee's opportunities to elaborate on his/her testimony and facilitate the examiners in presenting doubtful pieces of evidence to the listening court of judges.

12.3.3. Mitigation theory

In relation to actual defensive behavior I introduced a framework for analysis called mitigation theory (the term introduced by Danet *et al.*, 1978)(see Chapter 9 and 1.3.). The two basic defense processes of minimization and aggravation of guilt are realized by a number of defense moves and actions following certain defense lines. I have studied four reactions to implicit, explicit or anticipated allegations related to repeat sequences, namely admissions, denials, lack-of-memory answers, and volunteered utterances.

Being typical joint actions, admission sequences tend to involve at least four utterances, as pointed out earlier in Chapter 7, but they may also follow the two-step pattern if presented by the legal representative of the defendant or during direct examinations. The general model describing the individual act of admission in court is the following:

confirmation item + account (i.e. excuse or justification) + hesitation items + admission

The accounts are either justifications or excuses and may be presented as a narrative or a statement of opinion or own reasoning; they realize the different defense lines on which the examinees are building their argument. This basic format has one qualitatively different version, namely, the one in which the examined is admitting without reference to defense lines or when the account follows the initial admission (see Chapter 9). This change in the format does not depend as much on the immediate context as on the juridical relationship between the interactants mentioned above because such sequences typically occur when the examiner is examining the party represented by him/her (i.e. direct examination) or when the examiner is responding to the judge instead of the examinee. Despite the fact that the prosecutor in the

Swedish system is supposed to have an objective and not party-oriented relation to both actors in the trial, the defendants show more energetic combative defense behavior towards the prosecutor and more cooperative behavior towards his defense counsel, and the plaintiff and the witnesses on his side use more counterattacks and prolepsis in their answers to the defense counsel and are more prone to admissions and agreement when interrogated by the prosecutor. Thus the more trustful the relationship between the actual interactants is the more likely it is to get single or initial admissions, i.e. less mitigated admissions. There are few cases to draw any conclusions with regard to the Bulgarian examination style but the Bulgarian witnesses and defendants deliver admissions and evidence in highly mitigated styles following the first model, which is more characteristic of cross-examinations. This means once again that, despite the objective judicial role of the examining judge, the verbal behavior of the examinee exhibits a constant anticipation of danger.

In lack-of-memory/knowledge answers the defense lines, consisting more often of excuses than justifications, come after the direct answering part of the act and they may be offered without the initial confirmatory items characteristic of the admissions (see Chapter 9).

In such contexts we find preventive anticipatory work by the examinees. It is especially curious that even witnesses (both Swedish and Bulgarian), that is, actors who should have less fear of challenges and accusations, use prolepsis and precautions, defending their credibility and/or competence.

Thus the accounts or (more seldom) the counterattacks can be realized as 'volunteers', i.e. voluntarily initiated utterances the sole purpose of which is defense. They tend to appear after display-of-doubt repetitions by the examiner and before a reconfirmation sequence or after it.

In denials there is a mixed combative-cooperative style in both corpora. They are mixed because, in contrast to admissions with justifications, here there are no initial confirmation items, which is a feature of the combative style in examinations, and at the same time the examinees avoid explicit denials and prefer to formulate them in a positive manner. However, they are more prone to offer denials when examined by the legal representative of their party, thus showing more trust in the examiner.

12.3.4. Mitigation of truth and mitigation of guilt

The problem of the knowable and the truthful relation between the said/thought and reality is common to both philosophy and law. The two basic claims associated in philosophy with ontological realism and idealism can be formulated as:

1. There is a reality, which is independent of our beliefs and interpretations.
2. There is no reality, which is independent of our beliefs and interpretations.

A legal process is not only an application of prescribed laws, but also a process of seeking the true course of events in order to apply the laws in a just way. Thus the concept of justice is directly dependent on the concept of truth and if we follow a standard interpretation of

correspondence theory of truth there is no belief in reality independent of our interpretations. That is why the concepts of doubt and certainty are so crucial in a trial. A lie is a consciously made statement which does not correspond to the speaker's belief. If a lie is discovered then there is a reason to believe that the liar has a reason to manipulate reality. He/she may do that because he/she is afraid and guilty or afraid and not guilty. We believe also that fear comes (among other things) from a sense of guilt and thus it is more probable that a guilty person is lying than that a non-guilty person is lying. For this reason it is convenient to look for lies because we then have a stronger indication of guilt. However, in order to discover a lie, we must have established a belief that we consider to be true. This interdependence of the discovery of a lie and the establishment of the truth causes the need of non-witness-based evidence, or hard evidence, which can help in the process of establishment of true belief. The plaintiff's party must prove their statements to be true and the defendant's party may challenge these statements or the evidence by casting doubt on them or by disproving them. In the former case, the doubt case, there are reasons to disbelieve the statements, but there is no ready or clear alternative interpretation. In the latter case, the disproving of evidence, there are not only reasons for disbelief but also provable alternative interpretations. That is the reason that expressions of doubt simply challenge statements and delay their statements. However, they are not supposed to exchange such statements with other statements. In the best case they may be followed, as shown in the analysis of doubt sequence by suggestions of alternative interpretations (see Chapter 8), but suggestive behavior is considered manipulative and thus is not accepted as a strategy in the truth-finding process. So, if the challenging party has no hard or very strong evidence, as in most cases (and especially in cases where something has happened a long time ago and where memory is not considered as a reliable source of evidence), casting doubt or finding strategies for casting doubt without suggestions of alternative interpretations is a very important and vital component of a court examination. It follows also that doubt-casting is not only part of the process of establishing truth and applying justice; it is also a mitigation of the impossibility to present counter-evidence and consequently a mitigation of the truth. In this sense repetitions/reformulations are a safe way of expressing doubt and, as shown in this thesis, is quite productive. Thus we have not only mitigation of guilt but also mitigation of truth. The immediate purpose of the mitigation theory developed in Chapter 9 (Figures 16 and 17) is to organize the analysis of defensive behavior, part of which are the repeat sequences involving expressions of certainty. This theory can also be applied to the doubt sequences since they are also forms of mitigation. Thus the ultimate purpose of the mitigation scheme is to study how truth and guilt are treated in discourse. This is how discourse analysis may contribute to the more general concern of the relation between linguistic data (which in forensic linguistics is also evidence) and conceptualization of discourse. A distinction was made between number of discourse means of mitigation such as prolepsis, concessions, counter-attacks and various communicative acts, as well as between different types of mitigation lines, such as reliance on authority, reliance on shared knowledge, etc. Thus discourse analysis in this case of interaction in courts is a form of dialogical or collective introspection into social processes and human understanding of truth, knowledge, and justice. By empirical descriptive and not prescriptive or abstract analysis of human treatment of concepts such as knowledge, truth, and guilt, we may gain a better understanding of the judicial process and overcome contemporary shortcomings in the practice and application of the law.

12.4. Activity, Language and Culture

The distribution of functions shows that repetitions and paraphrases contribute to the identification of different discourse registers, which indicate the speakers' functions in the activity. We may also conclude that it is the activity as such that to a great extent defines the function of these features.

For both languages i.e. Swedish and Bulgarian the interrogative intonation is not a necessary condition-marking questioning (see e.g. 11.1.1.3). In Swedish examinations repetitions/reformulations with interrogative intonation (or similar types of intonation, this aspect of the study needing more detailed analysis) tend to be used as displays of doubt if the previous utterance is pronounced with interrogative intonation. However, without interrogative intonation, they may function as pre-objections, where the objection follows directly in the same turn. Specific to the Bulgarian data, except for the dictation, is that the examinees often take the chance to express attitudes such as protest, indignation, etc. by the use of rhetorical repetitions with rising intonation and that there are cases of simultaneous questioning by two examiners (see e.g. 7.2. and 11.1.1.2).

In both corpora the examinees repeat more often than the examiners (excluding the dictations, see Table 69 in 11.1.3). However if we also exclude the oath-taking repetitions it follows that the Swedish examinees' repeat less often than the Swedish examiners, whereas the Bulgarian examiners do not repeat at all, apart from the dictations. It follows that the activity and its specific subactivities employ repetition as a function of the law or the legal procedure but, apart from that (and keeping in mind the expectation that repetition is associated with lower status and reception of instructions (Günthner, 1995; Goldberg, 1995; see also 2.3.3.)), we have good reason to conclude that the power distance (Hofstede, 1995: 43) in Bulgarian courts is much greater than in Swedish courts. With respect to reformulations, the Bulgarian examinees reformulate less than the examiners whereas the Swedish examiners are reformulated more by the examinees than the reverse, which is also suggested by the higher frequency of co-occurring corrections and reformulations (see Table 54 in 11.1.2.1.). This result once again confirms the impression that the Swedish examinees are more confident than the Bulgarian examinees and that the Bulgarian examiners are more prone to interactive demonstrations of power, which is also due to the legal procedure as such.

Independent of language, the weaker the certainty of the utterance the more probable it will be recycled by doubt-displaying or other repetitions/reformulations; the stronger the certainty is, the more improbable such an utterance will be repeated (see Chapter 9 and 11.1.2). This indicates that repetitions/reformulations function as certainty-amplifiers and sequence closures, although there is a tendency that the pro-form anaphoric answers typical of Germanic languages do not always successfully fulfill this function. Generally, in both corpora, typical defense acts such as excuses/justifications, corrections, objections, and narratives are frequent sources in repeat sequences and, in both corpora, the most deontic or commissive acts such as warnings, permissions, requests do not involve repetitions/reformulations (see 11.1.2). Similar to requests, imperative sentences are seldom repeated or reformulated, indicating a tendency towards subordination and avoidance of hostility in both types of speakers. In Bulgarian the short answers (see 6.2.1.2.1. and Table 64

in 11.1.2.2.) are more frequently sources than repetitions/reformulations and are often turned into full sentences by the judge during the dictations. The Swedish pro-form copying answers tend to be less successful as markers of certainty or as sequence closures than the Bulgarian repetition/reformulation-based answers are (see 7.2. and 11.1.2.3.). This could be due to the assuring power of copying answers, but it might also be a result of the non-interactivity of the Bulgarian examinations (see 7.2 and 11.1) since the judge there most often communicates his/her impression to the report than to the examined person (there is practically no time for elaborated interactive feedback).

Disjunctive questions are often responded to by the examinee in both corpora with positive or negative simple feedback words prefacing or following a repetition/reformulation, which in some cases may indicate an anticipation of the answer preferred by the examiner (see 7.2, 10.3, 10.4). The frequent declarative questions (see 11.1.2, Table 64 and Table 63), narratives and invitations as well as the comparatively few utterances with interrogative intonations (see 11.1.1.2.) suggest that Swedish examinations are comparatively more conversation-like, interactive occasions. Despite the indication that narratives are more common in Swedish hearings it must be recalled (see e.g. Chapter 7) that many of them are performed by the examiner, not by the examinee, and in this case they are more manipulative. They can be used to discover rehearsed portions of testimony (we studied many examples of such questions, see Chapters 8 and 9). Swedish court examinations prefer declarative structure for questioning and in this sense the Swedish examinations better follow the description of cross-examinations given in Mauet's manual for examination techniques (Mauet, 1988: 225), namely that the cross-examiner should strive to make assertions and statements of fact and the witness should simply be asked to agree with them. Thus this is an example of the manipulation-of-testimony strategy, which, according to modern criminology (Zenkov, 1998: 361-403), is to be avoided in inquisitorial systems. The examinations are controlled and manipulated in different ways in the corpora: the Bulgarian examinations use more imperatives and requests whereas the Swedish employ a greater number of declarative and tag questions. This may indicate that, in both languages, there is a need of minimization of the distorting effects of questioning and that the power distance is greater in Bulgarian courts.

When the Swedish courtroom examination talk was compared to other activities it appeared to be more rhetorical, wordier, more precise, and more ordered than e.g. dinner talk. Thus purpose of the court examination is implied by the constellation of linguistic features pointing out the emphasized caution- and objectivity-striving character of the activity.

When comparing the language corpora we found that the Bulgarian court talk tends to be more stereotypical but also more lively than the Swedish court talk. Bulgarian admissions are much less carefully received, since there is a greater amount of overlap, and less carefully produced, since there are fewer pauses and stressed words in comparison with the Swedish data as well as to the rest of the Bulgarian data. The questions are produced in different ways according to language. For instance, interrogative intonation is a sufficient but not a necessary criterion for marking of a question in Swedish but in Bulgarian it seems to be neither sufficient nor necessary for signaling the question status of the act.

With regard to the role of the subactivity and the speaker the corpora are both similar and different. For instance, what may be called direct examinations contain more overlap, less stress and less or a similar amount of pauses than cross-examinations, which indicates a smoother mode of interaction. Thus the examiners' interrogation style indicates a favorable treatment of the plaintiff independently of language and legal culture. Independently of language and legal culture the examiners have more and longer words, longer utterances, more pauses and stress and richer vocabulary than the examinees. In different from the Swedish participants the Bulgarian examiners and examinees are involved in almost the same amount of overlapping speech, whereas the Swedish examiners overlap much less than the examinees. This is due to the examiners' longer utterances but may also indicate an avoidance of interrupting the testimony. The dictating subactivity is specific only for the Bulgarian procedure where the Bulgarian judges use 1/4 of their interactive time for dictation and almost 1/4 of their interactive opportunities for repeating other speakers. The predominant function their repetitions/reformulations have is formulation of record, which is a very activity-specific, non-conversation-like function. Thus the repeating strategy for formulation of a record influences the total performance and trips up the initiative and innovation of the Bulgarian judges, who act both as decision makers and as examiners.

In general, the juridically more powerful and competent i.e. the repeatedly participating actors show their power also interactively but they do that in different ways, which exhibit and create cultural trends related to power distance. The activity influences strongly the interaction, in many cases stronger than the language or the national culture.

12.5. Main contributions of the thesis and perspectives for future research

In my view the application of linguistic expertise in the study of the actual practice of law has wide perspectives. Here I will point out one specific direction out of many. One of the conclusions of this study is that the court as an institution and setting, and the examinations as its function, are (stereotypically) perceived by those subjected to the legal procedure as blame- and guilt-implicative because these persons behave defensively, independently of the combativeness or non-combativeness of the examiner's style and independently of the legal system. Thus the more socially insecure the examinee is (for instance in cases of psychologically unstable people, children, or rape victims) the more unjustifiably defensive he/she is expected to be and thus the more vulnerable to manipulation he/she will be. In this sense the contemporary tendency in Great Britain and USA to relocate the examinations in other types of settings and institutions and to involve communicator roles related to therapy rather than interrogations is a necessity triggered by the coerciveness of the adversarial legal procedure. However, despite its relative non-combativeness (especially in Sweden) and because of the above mentioned observation on the behavior of the examinees, the inquisitorial system should also rethink its institutional social meaning. This is where linguistics and especially discourse analysis may play an important role.

This thesis addresses the young forensic linguistic discipline by working on the formulation of a mitigation theory and on understanding mechanisms in credibility defenses, manipulation through doubt, and methods for identification of rehearsed testimonies. The resulting evaluation of the application of the inquisitorial procedural law in Bulgaria and the hybrid

form of examination practices in Sweden is a contribution to the study of the democratic and ethical distribution of power within the respective legal systems and humanization of bureaucracy.

In the process of the empirical analysis of repetitions and reformulations I have worked on theoretical and methodological ideas, such as the functional potential analysis framework and co-occurrence analysis. The thesis aims to develop an understanding of the Swedish and the Bulgarian feedback systems and the realization of particular activity-specific communicative acts and sequences as well as to elaborate on the methodology of analysis of spoken language interaction. Future work can focus on the area of integrated qualitative and quantitative approaches to communication.

The thesis is also a contribution to the field of intercultural communication and to Bulgarian spoken language corpus linguistics and interaction analysis.

References

A

Adelswärd, Viveka, Karin Aronsson, Linda Jönsson, & Per Linell (1987) The Unequal Distribution Of Interactional Space: Dominance And Control In Courtroom Interaction. *Text* 7: 313-46.

Adelswärd, Viveka, Karin Aronsson & Per Linell (1988) Discourse Of Blame: Courtroom Constructions Of Social Identity From The Perspective Of The Defendant. *Semiotica* 71: 261-284.

Aijmer, Karin (1977) Partiklarna ju och väl. *Nysvenska studier* 57: 205-216.

Aijmer, Karin (1978) Epistemic Modal Auxiliaries In English. *Odense University Studies In Linguistics* 3: 161-168.

(1996) Swedish Modal Particles in a contrastive perspective. *Language science* 18 (1-2): 393-427.

Ainsworth, Janet E. (1993) *In A Different Register: The Pragmatics Of Powerlessness In Police Interrogation* 103. Yale L. J. Pp. 259-322.

Allan, Keith (1986) *Linguistic Meaning*. Vol. 1. London: Routledge & Kegan Paul.

Allen, James F. & George Ferguson (1994) Action And Events In Interval Temporal Logic. *Journal Of Logic And Computation* 4(5).

Anderson, A.H., M. Bader, A. Isard, E.G. Boyle, G. Doherty, S. Garrod, S.S. Isard, J. Kowtko, J. Mcallister, J. Miller, C. Sotillo, H. Thomson & R. Weinert (1991) The HCRC Map Task Corpus. *Language And Speech* 34(4): 351-366.

Allwood, J. (1976) *Linguistic Communication As Action And Cooperation*. Gothenburg Monographs In Linguistics 2. Göteborg: University Of Göteborg, Department Of Linguistics.

(1977) A Critical Look At Speech Act Theory. In Östen Dahl (Ed.) *Logic, Pragmatics And Grammar*.

(1978a) *On The Analysis Of Communicative Action*. Gothenburg Papers In Theoretical Linguistics 38. Göteborg: University Of Göteborg, Department Of Linguistics.

(1978b) A Bird's Eye View Of Pragmatics. In K. Gregersen (Ed.) *Papers From The Fourth Scandinavian Conference Of Linguistics*. Denmark: Hindsgavl.

(1979) *Ickeverbale Kommunikation*. Papers In Anthropological Linguistics (PAL) 1. Göteborg: University Of Göteborg, Department Of Linguistics.

(1985) On Relevance In Spoken Interaction. In S. Bäckman & G. Kjellmer (Eds.) *Papers On Language And Literature*. Acta Universitatis Gothoburgensis 60. Göteborg: University Of Göteborg, Department Of Linguistics.

- (1986) Some Perspectives On Understanding In Spoken Interaction. In *Logic And Abstraction*. Acta Philosophica Gothoburgensia 1. Göteborg: Department Of Linguistics, University Of Göteborg.
- (1988a) (Ed.) *Feedback In Adult Language Acquisition*. Göteborg & Strasbourg, Unpublished Report.
- (1988b) Om Det Svenska Systemet För Språklig Återkoppling. In P. Linell, V. Adelswärd, T. Nilsson, & P.A. Pettersson, (Eds.) *Svenskans Beskrivning* 16. SIC: 21a. University Of Linköping, Department Of Communication Studies.
- (1992) *On Dialogue Cohesion*. Gothenburg Papers In Theoretical Linguistics 65, Göteborg.
- (1993a) The Academic Seminar As An Arena Of Conflict And Conflict Resolution. Gothenburg Papers In Theoretical Linguistics 67. Göteborg: Department Of Linguistics, University Of Göteborg.
- (1993b) Feedback And Language Acquisition. Gothenburg Papers In Theoretical Linguistics 68, Göteborg.
- (1994) Obligations And Options In Dialogue. *Think* 3. May 1994, ITK, Tilburg University.
- (1995) *An Activity Based Approach To Pragmatics*. Gothenburg Papers In Theoretical Linguistics 76. Göteborg: Department Of Linguistics, University Of Göteborg. Forthcoming In Bunt & Black (Eds.) *Approaches To Pragmatics*.
- (1996) Are There Swedish Patterns Of Communication? (Unpublished)
- Allwood, J, J. Nivre & E. Ahlsén. (1990) Speech Management - On The Non-Written Life Of Speech. In *Nordic Journal Of Linguistics* 13.
- (1992) On The Semantics And Pragmatics Of Linguistic Feedback. *Journal Of Semantics* 9: 1-26. NIS Foundations.
- Allwood, J., E. Ahlsen, J. Nivre, & S. Larsson (1997) *Own Communication Management. Kodningsmanual V1.0*. [Http://www.Ling.Gu.Se/SLSA/Sisabody.html#Tools](http://www.ling.gu.se/SLSA/Sisabody.html#Tools). 06.05.2000.
- Andenaes, J. (1968) The Legal Framework. In N. Christie (Ed.) *Scandinavian Studies In Criminology* II: 9-17. Oslo & London: Unversitetsförlaget & Tavistock.
- Argyle M. & Cook M. (1976) *Gaze And Mutual Gaze*. Cambridge: Cambridge University Press.
- Aronsson, Karin, Linda Jönsson & Per Linell (1987) The Courtroom Hearing As Middle Ground. *Journal Of Language And Social Psychology* 6 (2): 99-115.
- Asher, R. E. (1994) *The Encyclopedia Of Language And Linguistics*. Oxford, New York, Seoul, Tokyo: Pergamon Press. Pp. 4455-4457.
- Atkinson, J.M. & Drew, P. (1979) *Order In Court. The Organisation Of Verbal Interaction In Judicial Settings*. London: MSSRC.
- Atkinson, M. J. & Heritage, J. (1984) Public Speaking And Audience Responses: Some Techniques For Inviting Applause. In Atkinson, J.M. & Heritage, J. (Eds.) *Structures Of Social Action*. Cambridge: Cambridge University Press. Pp. 370-411.

Austin, J. L. (1975) *How To Do Things With Words*. Oxford: Clarendon.

B

Bakhtin, M. M. (1986) *Speech Genres And Other Late Essays*. Austin, Texas: University Of Texas Press.

Barwise J. & Perry, J. (1983) *Situation And Attitudes*. Cambridge, Mass: MIT Press.

Barwise J. & Perry J. (1985) Shifting Situations And Shaken Attitudes. *Linguistics And Philosophy* 8:150-161.

Beattie, G. W. (1978) Floor Apportionment And Gaze In Conversational Dyads. *British Journal Of Social And Clinical Psychology* 17: 7-16.

(1979a) Planning Units In Spontaneous Speech: Some Evidence From Hesitation In Speech And Speaker Gaze Direction, In Conversation. *Linguistics* 17-1/2. 61-78.

(1979b) Contextual Constraints On The Floor-Apportionment Function Of Gaze In Dyadic Conversation. *British Journal Of Social And Clinical Psychology* 18: 391-392.

(1980) *Verbal And Nonverbal Signals In Its Regulation And Management. Analysis Of Social Skill*. London: Plenum Press.

(1980) The Skilled Art Of Conversational Interaction: Verbal And Nonverbal Signals In Its Regulation And Management. In W. T. Singleton, P. Spurgeon & R. B. Stammers (Eds.). *The Analysis Of Social Skill*. New York: Plenum.

Berk-Seligson, Susan (1990) *The Bilingual Courtroom: Court Interpreters In The Judicial Process*. Chicago: The University Of Chicago Press.

Beun, Jan-Robbert (1989) *The Recognition Of Declarative Questions In Information Dialogues*. Ph.D. Thesis. Holland.

Biber, Douglas (1988) *Variation Across Speech And Writing*. Cambridge: Cambridge University Press.

(1993) The Multi-Dimensional Approach To Linguistic Analyses Of Genre Variation: An Overview Of Methodology And Findings. In *Computers And The Humanities* 26: 331-345.

Biber, D., S. Conrad & R. Reppen (1994) Corpus-Based Approaches To Issues In Applied Linguistics. *Applied Linguistics* 15 (2). Oxford.

Bogoch, Bryna (1994) Power, Distance And Solidarity: Models Of Professional-Client Interaction In An Israeli Legal Aid Setting. *Discourse And Society* 5(1): 65-88.

Brody, Jill (1994) Multiple Repetitions In Tojolab'al Conversation. In Barbara Jonstone (Ed.) *Repetition In Discourse. Interdisciplinary Perspectives* 1: 3-15. Norwood, New Jersey: Ablex Publishing Corporation.

(1986) Repetition As A Rhetorical And Conversational Device In Tojolaban (Mayan). *International Journal Of American Linguistics* 52: 255-274.

Brown, G. & Yule, G. (1983) *Discourse Analysis*. Cambridge: Cambridge University Press.

Brown, P. & S. C. Levinson (1988) *Politeness. Some Universals In Language Usage*. Cambridge University Press.

Brunner (1979) Smiles Can Be Back Channels. *Journal Of Personality And Social Psychology* 37(5): 728-734.

Buber, Martin (1989) *Skuld Och Skuld-känsla*. Ludvika: Dualis.

Buber, Martin (1995) *Det Mellanmänskliga*. Ludvika: Dualis.

Buber, Martin (1997) *Jag Och Du*. Ludvika: Dualis.

C

Casanovas, Pompeu (1998) *Pragmatics And Legal Culture: A General Framework*. Workshop "Pragmatics And Sociology Of Law". Oñati International Institute Of Sociology Of Law.

Chafe, Wallace. (1979) *The Flow Of Thought And The Flow Of Language*. In Talmy, Givon (Ed.) *Discourse And Syntax*. (Syntax And Semantics 12) New York.

(1980) *The Development Of Consciousness In The Production Of A Narrative*. In Wallace Chafe, (Ed.) *The Pear Stories: Cognitive, Cultural, And Linguistic Aspects Of Narrative Production*. Norwood, NJ: Ablex. Pp. 9-50.

(1987) *Cognitive Constraints On Information Flow*. In Russel Tomlin, (Ed.) *Coherence And Grounding In Discourse*. Amsterdam: Benjamins. Pp. 21-51.

(1988) *Linking Intonation Units In Spoken English*. In John Haiman & Sandra A. Thompson, (Ed.) *Clause Combing In Discourse And Grammar*. Amsterdam: Benjamins. Pp. 1-27.

(1992) *Intonation Units And Prominence In English Natural Discourse*. Proceedings Of The IRCS Workshop On Prosody In *Natural Speech* 41-52. Institute For Research In Cognitive Science Report No. 92-37. Philadelphia: University Of Pennsylvania.

(1993) *Prosodic And Functional Units Of Language*. In Jane A. Edwards & Martin D. Lampert, (Eds.) *Talking Data: Transcription And Coding Methods For Language Research* 33-34. Hillsdale, NJ: Lawrence Erlbaum.

(1994) *Discourse, Consciousness, And Time: The Flow And Displacement Of Conscious Experience In Speaking And Writing*. Chicago: University Of Chicago Press.

Charniak (1985) *Introduction To Artificial Intelligence*. Reading: Mass. Addison Wesley.

Chung, Huang Hoon (Forthcoming, Projected Completion Date: December 1995) *Separate And Unequal: The Linguistic Legitimation Of Legal Ideology*. Ph.D Dissertation. University Of Texas At Austin.

Clancy, P.M., S.A. Thompson, R. Suzuki, & H. Y. Tao (1996) *The Conversational Use Of Reactive Tokens In English, Japanese, And Mandarin*. University Of California At Santa Barbara. *Journal Of Pragmatics* 26: 355-387.

Clancy, P.M. (1999) *The Socialization Of Affect In Japanese Mother-Child Conversation*. *Journal Of Pragmatics* 31: 1397-1421.

- Clark, Herbert H. & Edward F. Schaefer (1989) Contributing To Discourse. *Cognitive Science* 13: 259-294.
- Clark, Herbert H. & Richard Gerrig (1990) Quotations As Demonstrations. *Language* 66 (4): 764-805.
- Clark, Herbert H. (1999) *Using Language*. Cambridge: Cambridge University Press.
- Clarke, M.A., A. Losoff, M. McCracker, M. Dickenson & D.S. Rood (1984) Linguistic Relativity And Sex/Gender Studies: Epistemological And Methodological Consideration. *Language Learning* 34 (2): 47-67.
- Cohen & Perrault (1979) Elements Of A Plan-Based Theory Of Speech Acts. *Cognitive Science* 3(3): 177-212.
- Cohen, P. R., & H.J. Levesque (1991) Confirmations And Joint Actions. In *Proceedings IJCAI*. Pp. 951-957.
- Cook, M. & Lalljee, M. G. (1972) *Verbal Substitutes For Visual Signals In Interaction*. *Semiotica* 6: 212-221.
- Cronheim, Alan J. & Andrew H. Schwartz (1978) Non-English Speaking Persons In The Criminal Justice System: Current State Of The Law. *Cornell Law Review* 61: 289-311.

D

- Danet, Brenda, (1980) Language In The Legal Process. *Law And Society Review* 14: 445-564. Version of this paper also presented at the "Ninth World Congress of Sociology", Uppsala, Sweden, August 1978.
- (1985) Legal Discourse. In T. Van Dijk, (Ed.) *Handbook Of Discourse Analysis*. Vol. 1: 273-291. Amsterdam: North-Holland.
- Danet, Brenda, Kenneth B. Hoffman, Nicole C. Kermish, H. Jeffrey Rafn, & Deborah G. Stayman (1976) An Ethnography Of Questioning In The Courtroom. In Roger W. Shuy & Anna Shnukal (Eds.) *Language Use And The Uses Of Language*. Washington, D.C.: Georgetown. Pp. 222.234.
- Danet, Brenda & Nicole Kermish (1978) Courtroom Questioning: A Sociolinguistic Perspective. In L. Massery (Ed.) *Psychology And Persuasion In Advocacy*. Washington, D.C.: Association Of Trial Lawyers Of America, National College Of Advocacy. Pp. 412-441.
- Davidson, Judy. (1984) Subsequent Versions Of Invitations, Offers, Requests And Proposals Dealing With Potential Or Actual Rejection. In Atkinson, J. M. & J. Heritage (Eds.) *Structures Of Social Action*. Cambridge: Cambridge University Press.
- Davidson, Judy (1990) Modifications Of Invitations, Offers And Rejections. In George Psathas (Ed.) *Interaction Competence*. Washington, DC: University Press Of America.
- Day, R.R. (1970) Kinesics And Bilingualism: An Experiment In Non-Verbal Communication. *Pacific Speech* 4: 33-35.
- Dittman, A. T. (1972) Development Factors In Conversational Behavior. *The Journal Of Communication* 22: 404-423.

- Dittman, A. T. & Llewellyn, L.G. (1968) Relationship Between Vocalizations And Head Nods As Listener Response. *Journal Of Personality And Social Psychology* 9(1): 79-84.
- Drew, Paul (1985) Analyzing The Use Of Language In Courtroom Interaction. In *Handbook Of Discourse Analysis*. Vol. 3. London: Academic Press.
- (1987) 'Open' Class Repair Initiators In Response To Sequential Sources Of Troubles In Conversation. *Journal Of Linguistics*. 28: 69-101.
- (1990) Strategies In The Contest Between Lawyer And Witness In Cross-Examinations. In *Language In The Judicial Process*. Levi, J. & A.G. Walker (eds.) New York: Pleum Press.
- Drew, P. & Heritage, J. (1992) *Talk At Work. Interaction In Institutional Settings*. Cambridge University Press.
- Drummond, Kent & Robert Hopper (1993) Backchannels Revisited: Acknowledgement Tokens And Speakership Incipency. *Research On Language And Social Interaction*, 26: 157-212.
- Dry, Helen Aristar (1995) Ethics Or Advocacy: The Linguist As Expert Witness. *Paper Presented At The Colloquium On Linguistics And Social Responsibility*. American Association Of Applied Linguistics. Long Beach, CA.
- Du Bois, John W. (1991) Transcription Design Principles For Spoken Discourse Research. *Pragmatics* 1: 71-106.
- Du Bois, John, Stephan Schuetze-Coburn, Danae Paolino, & Susanna Cumming (1993) Outlines Of Discourse Transcription. Santa Barbara Papers In Linguistics 4. Santa Barbara: University Of California, Department Of Linguistics; and In Jane A. Edwards & Martin D. Lampert, (Eds.), *Talking Data: Transcription And Coding Methods For Language Research*. Hillsdale, NJ: Lawrence Erlbaum.
- Dumas, Bethany K. (1994) Humpty-Dumpty And The Law: Definitions In The Judicial Process. *Terminet News: Journal For International Cooperation In Terminology*. 45:21-23.
- Duminescu, D. (1996) Rhetorical Vs. Non-Rhetorical Allo-Repetition: The Case Of Romanian Interrogatives. In *Journal Of Pragmatics* 26(3): 321-355.
- Duncan, S. (1972) Some Signals And Rules For Taking Speaking Turns In Conversations. *Journal Of Personality And Social Psychology* 23: 283-292.
- (1974) On The Structure Of Speaker-Auditor Interaction During Speaking Turns. *Language In Society* 2: 161-180.
- (1975) Interaction Units During Speaking Turns In Dyadic, Face-To-Face Conversations. In A. Kendon R.M. Harris, & M. Ritchiekey (Eds.) *Organization Of Behavior In Face -To-Face Interaction*. Paris: Mouton, The Hague.
- Duncan, S. & Fiske, D. (1977) *Face-To-Face Interaction: Research, Methods And Theory*. Hillsdale, N. J.; Erlbaum.
- (1985) *Interaction Structure And Strategy*. Paris: Cambridge University Press.
- Dura, Elzbieta (1998) *Parsing Words*. Göteborg: Novum Grafiska AB.

E

Eades, Diana (1995) *Language In Evidence: Issues Confronting Aboriginal And Multicultural Australia*. Sydney, Australia: University Of New South Wales Press Ltd.

Edmondson, W. (1981) *Spoken Discourse. A Model For Analysis 3*. London: Longmans.

Edwards, Alicia B. (1995) *The Practice Of Court Interpreting*. Amsterdam/ Philadelphia: John Benjamins Publishing Company.

Ekman, P., Friesen, W.V. (1969) The Repertoire Of Nonverbal Behavior: Categories, Origins, Usage, And Coding. *Semiotica* 1: 49-98.

Erickson, Rrederick & Jeffrey Shultz (1982) *The Counselor As Gatekeeper*. New York: Academic Press.

Ervin-Tripp, S. (1964) An Analysis Of The Interaction Of Language, Topic, And Listener. In Gumperz, J.J. & Hymes, D. (Eds.) *The Ethnography Of Communication*. Measha, WI: American Anthropological Association.

(1972) On Sociolinguistic Rules: Alternation And Co-Occurrence. In Gumperz, J. J., & D. H. Hymes, *Directions In Sociolinguistics*. New York. Pp. 301-324.

F

Fakhri, Ahmed (1998) Narration In Journalistic And Legal Discourse. *Text* 18(4): 445-465.

Ferguson. N. (1976) Interruptions: Speaker-Switch Non-Fluency In Spontaneous Conversation. Edinburgh University. Dept. Of Linguistics. *Work In Progress* 9: 1-19.

(1977) Simultaneous Speech. Interruptions And Dominance. *British Journal Of Social And Clinical Psychology* 16: 4: 295-302.

Ferrara, Kathleen (1994) Repetition As Rejoinder In Therapeutic Discourse: Echoing And Mirroring. Barbara Jonstone (Ed.) *Repetition In Discourse. Interdisciplinary Perspectives* 1: 66-84. New Jersey, Norwood: Ablex Publishing Corporation.

Fiteva, M.(1998) Evidentiality In Bulgarian. Paper Presented At The 6th International Pragmatics Conference In Reims, France.

Ford, Cecilia E. & Sandra A. Thompson (1996) Interactional Units In Conversation: Syntactic, Intonational, And Pragmatic Resources For The Projection Of Turn Completion. In Elinor Ochs, Emanuel Schegloff, & Sandra A Thompson (Eds.) *Grammar And Interaction*.

Frake, Charles D. (1980) *Language And Cultural Description: Essays*. Stanford.

Fraser, Bruce (1980) *The Role Of Language In Arbitration*. Chapter 2 In Proceedings Of The 33th Annual Meeting Of The National Academy Of Arbitrators. Pp. 19.44. (Also a version from 1976).

Fries, Charles G. (1952) *The Structure Of English*. New York: Harcourt Brace.

G

- Gallois, C. & Markel, N. N. (1975) Turn Taking: Social Personality And Conversational Style. *Journal Of Personality And Social Psychology* 31: 1134-1140.
- Goffman, Erving (1967) Where The Action Is. In E. Goffman, (Ed.) *Interaction Rituals*. Garden City, N. Y.: Harper & Row.
- (1976) Replies And Responses. In *Language In Society* 5: 257-313.
- (1981) *Forms Of Talk*. Philadelphia: University Of Pennsylvania Press.
- (1983) The Interaction Order. *American Sociological Review* 48: 1-17.
- Goldberg, A. (1975) A System For Transfer Of Instructions In Natural Settings. *Semiotica* 14 (3): 269-296.
- Goldman, Lawrence (1992) *The Culture Of Coincidence: Accident And Absolute Liability In Huli*. Oxford: Clarendon Press.
- Goodwin, Charles (1981) *Conversational Organization: Interaction Between Speakers And Hearers*. New York: Academic Press.
- (1986) Between And Within: Alternative Sequential Treatments Of Contours And Assessments. *Human Studies* 9: 295-217.
- Goodwin, Charles & A. Duranti (1992) (Eds.) *Rethinking Context: Language As An Interactive Phenomenon*. Cambridge: Cambridge University Press.
- Goodwin, Marjorie H. (1980) Processes Of Mutual Monitoring Implicated In The Production Of Description Sequences. *Sociological Inquiry* 50: 303-317.
- Goodwin, Charles & Marjorie H. Goodwin (1987) Concurrent Operations On Talk: Notes On The Interactive Organization Of Assessments. *IPRA Papers In Pragmatics* 1.1:1-54.
- (1992) Context, Activity And Participation. In Peter Auer & Aldo Di Luzo, (Eds.) *The Contextualization Of Language* 77-99. Amsterdam: Benjamins.
- Grice, Herbert Paul (1975) Logic And Conversation. In Cole, Peter & Jerry L. Morgan, (Eds.) *Speech Acts* 41-58. New York: Academic Press.
- (1989) *Studies In The Ways Of Words*, Harvard University Press.
- Gruber, Helmut (1998) Disagreeing: Sequential Placement And Internal Structure Of Disagreements In Conflict Episodes. *Text* 18(4): 467-503.
- Gu, Y. (1990) Politeness Phenomena In Modern Chinese. *Journal Of Pragmatics* 14: 237-257.
- Gumperz, Johan J. (1982) *Discourse Strategies*. Cambridge University Press.
- Gunnell & Rosenfeld (1971) Distribution Of Nonverbal Responses In A Conversational Regulation Task. *Paper Presented To Western Psychological Association*. California: San Francisco.

Günthner, Susanne (1993) Cultural Differences In Recipient Activities: Interactions Between Germans And Chinese. In: Vandermeeren, S. (Ed.) *Intercultural Communication*. Frankfurt: Peter Lang.

(1995) German-Chinese Interactions Differences In Contextualization Conventions And Resulting Miscommunication. *Pragmatics* 3:3: 283-304. International Pragmatics Association.

Göteborg Spoken Language Corpora (2000-04-18) [Http://www.ling.gu.se/SLSA/SLcorpus.html](http://www.ling.gu.se/SLSA/SLcorpus.html).

H

Hansen, Maj-Britt Mosegaard. (1997) Alors And Donc In Spoken French: A Reanalysis. *Journal Of Pragmatics* 28: 153-187.

Hashemi- Sofkova, S. & Joakim Nivre (06.05.2000) *Transcription Standard (Version 5)* [Http://www.ling.gu.se/SLSA/SLcorpus.html](http://www.ling.gu.se/SLSA/SLcorpus.html).

Hashemi- Sofkova, S. & Joakim Nivre (06.05.2000) *Modified Standardotography (MSO5)* [Http://www.ling.gu.se/SLSA/SLcorpus.html](http://www.ling.gu.se/SLSA/SLcorpus.html).

Hayashi, T., & Hayashi, R. (1990) Back Channel Or Main Channel; A Cognitive Approach Based On Floor And Speech Acts. *Paper Presented At The Meeting Of Fourth Annual International Conference On Pragmatics And Language Learning, IL*.

Heritage, J. (1984) A Change Of State Token And Aspects Of Its Sequential Placement. In J. M. Atkinson & J. C. Heritage (Eds.) *Structures Of Social Action*. Cambridge: Cambridge University Press. Pp. 299-345.

(1989) 'Current Developments In Conversation Analysis,' In Roger, D. & Bull, P. (Eds.) *Conversation: An Interdisciplinary Perspective*. Clavendon: Multilingual Matters. Pp.238-258.

(1995) Conversation Analysis: Methodological Aspects, In Quasthoff, U. (Ed.) *Aspects Of Oral Communication*. Berlin: Walter De Gruyter.

(1991) *Intention, Meaning And Strategy: Observations On Constraints On Interaction Analysis* (RLSI) 24: 331-332.

(1999) Conversation Analysis At Century End: Practices Of Talk-In-Interaction, Their Distribution, And Their Outcomes. *Research On Language And Social Interaction* 32 (1-2): 69-76.

Heritage, J., G. Button & P. Drew (1986) Interaction and language use. *Human Studies: A journal for philosophy and the Social sciences*. Netherlands: Dordrecht.

Hess L. J., & Johnston, J. R. (1988) Acquisition Of Backchannel Listener Responses To Adequate Messages. *Discourse Processes* 11 (3): 319-335.

Hiltunen, Risto (1990) *Chapters On Legal English: Aspects Past And Present On The Language Of The Law*. Helsinki: Suomalainen Tiedekatemia.

Hinds, J. (1982) Japanese Conversational Structures. *Lingua* 57: 301-326.

Hjelmslev, Luis (1969) *Prolegomena To A Theory of Language*. Bloomington, Ind.: Indiana University.

Hofstede, Geert (1991) *Culture And Organizations. Software Of The Mind*. Mcgraw-Hill Book Company: Cambridge.

Hymes, Dell (1964) *Language In Culture And Society*. (Ed.) Harper & Row.

(1972a) Models Of The Interaction Of Language And Social Life. In J. Gumperz & D. Hymes (Eds.) *Directions In Sociolinguistics*. New York: Holt, Rinehart, And Winston. Pp. 35-71.

(1972b) On Communicative Competence. In J. B. Pride & J. Holmes (Eds.) *Sociolinguistics*. Harmondsworth: Penguin.

(1974) *Foundations In Sociolinguistics: An Ethnographic Approach*. Philadelphia: University Of Pennsylvania Press.

I

Ilie, Cornelia (1999) Question – Response Argumentation In Talk Shows. *Journal Of Pragmatics*. 3 (8): 975-999.

Ilieva-Baltova, P., Predoeva, A., & Penkova, I. (1997) *Aspekti Na Rechevata Komunikazija*. Tilia: Sofia.

Inger, G. (1986) *Svensk Rättshistoria*. Lund: Liber Förlag.

J

Jackson, Bernard S. (1995) *Making Sense In Law: Linguistic, Psychological And Semiotic Perspectives*. Liverpool: Deborah Charles Publications.

Jacobson, Roman (1960) Closing Statements: Linguistics And Poetics. In T. Sebeok (Ed.) *Style In Language*. Cambridge, MA: MIT Press. Pp. 350-77.

Jacquemet, Marco (1992) If He Speaks Italian It's Better: Metapragmatics In Court. In *Pragmatics* 2(2): 111-26.

(1994a) T-Offenses And Metapragmatic Attacks: Strategies Of Interactional Dominance. In *Discourse & Society* 5(3): 297-319.

(1994b) On Anger & Shame: Moral Assessments Through Affective Posturings. In J. Bergamn & P. Linell (Eds.) *The Moral Dimensions Of Communication*. Hemel Hempstead: Harvest Wheatsheaf.

James, D. (1972) Some Aspects Of The Syntax And Semantics Of Interjections. *Papers Fromt He Eighth Regional Meeting Of The Chicago Linguistic Society*. Pp. 162-172.

Jefferson, Gail (1984) Note On A Systematic Development Of The Acknowledgement Tokens "Yeah" An D"Mm Hm". *Papers In Linguistics* 17: 197-216.

Jefferson, Gail & E. A. Schegloff. (1975) Some Orderly Aspects Of Overlap In Natural Conversation. *Paper Delivered To The 74th Annual Anthropological Association. San Francisco*.

(1981) *The Abominable "Ne?": A Working Paper Exploring The Phenomenon Of Post-Response Pursuit Of Response* (Occasional Paper No. 6). Manchester: University Of Manchester, Department Of Sociology.

Jefferson, Gail, Sacks, Harvey & Schegloff, Emanuel A. (1984) On Laughter In Pursuit Of Intimacy. Working Papers, C (135) 1-20. Centro Internazionale De Semistica E Di Linguistica, Urbino, Italy. Full Version In Graham Button & John R. Lee (Eds.) *Talk And Social Organization*. (1987) Clevedon, UK: Multilingual Matters. Pp. 152-205.

Jonstone, Barbara (Ed.) (1994) *Repetition In Discourse. Interdisciplinary Perspectives*. Vol. 1. New Jersey, Norwood: Ablex Publishing Corporation,

Joseph, John E. (1995) Integrational Linguistics And The Law. *Proceedings Of The XVth International Congress Of Linguists*. Quebec: Universite Laval.

Jönsson, Linda (1988) *Polisförhöret Som Kommunikationssituation*. Studies In Communication 23. Linköping: Department Of Communication Studies.

Jönsson, Linda & Per Linell (1991) Story Generations: From Dialogical Interviews To Written Reports In Police Interrogations. *Text* 11 (3): 419-440.

K

Keenan, Elinor Ochs (1976) On The Universality Of Conversational Implications. *Language In Society* 5: 67-80.

Kendon, A. (1967) Some Functions Of Gaze Direction In Social Interaction. In *Acta Psychologica* 26: 22-63.

Kerbrat-Orecchioni, C. (1997) A Multilevel Approach In The Study Of Talk-In-Interaction. *Pragmatics* 7: 1-20, IPA.

Klinge, Alex (1996) The Impact Of Context On Modal Meaning In English And Danish. *Nordic Journal Of Linguistics*. 19: 35-54.

Komter, Martha L. (1994) Accusations And Defenses In Courtroom Interaction. In *Discourse And Society* 5(2). Amsterdam.

(1995) The Distribution Of Knowledge In Courtroom Interaction, In Paul Den Have & George Psathas (Eds.) *Situated Order*. Washington, D.C. Pp.105-128.

Kotthoff, Helga (1993) Disagreement And Concession In Disputes: On The Context Sensitivity Of Preference Structures. *Language And Society* 22: 193-216.

Krause, Rainer (1992). The Study Of Stuttering. In *Advances Of Social Psychology Of Language*. Cambridge: CUP.

Kubota, Mayumi. (1991) *The Use Of Back Channel Behaviors By Japanese And American Bilingual Persons*. Dept. Of Speech Communication, Indiana University.

Kurzon, Dennis (1985) Clarity And Word Order In Legislation. *Oxford Journal Of Legal Studies* 5: 269-276.

L

- Labov, W. (1972) *Language In The Inner City*. Philadelphia, PA: Pennsylvania Press.
- Labov, W. & D. Fanshel (1977) *Therapeutic Discourse*. New York: Academic Press.
- Lafrance, M & Mayo, C. (1976) Racial Differences In Gaze Behavior During Conversations: Two Systematic Observational Studies. *Journal Of Personality And Social Psychology* 33, 85: 547-552.
- Lakoff, Robin. (1973) *The Logic Of Politeness; Or Minding Your P's And Q's*. CLS 9: 292-305.
- Lakoff, R. (1975) *Language And Woman's Place*. New York Harper & Row.
- Leathers, Dale G. (1979) The Informational Potential Of The Nonverbal And Verbal Components Of Feedback Responses. In *Southern Speech Communication Journal* 44: 331-354.
- Leech, G. N. (1983) *Principles Of Pragmatics*. London And New York: Longman.
- Lerner, Gene H. (1989) Notes On Overlap Management In Conversation: The Case Of Delayed Completion. *Western Journal Of Speech Communication* 53: 167-177.
- Leto Defrancio, V. (1991) The Sounds Of Silence: How Men Silence Women In Marital Relations. In *Discourse & Society* 2(4): 413-423.
- Levi, Judith N. (1991) *Linguistics, Language, And Law: A Topical Bibliography*. Bloomington: Indiana University Linguistics Club.
- Levi, Judith N. & Walker Anne G. (1990) *Language In The Judicial Process*. New York & London: Plenum Press.
- Levinson, S. (1983) *Pragmatics*. Cambridge: Cambridge University Press.
- Linda W. L. Young (1994) *Cross-Talk And Culture In Sino-American Communication*. Cambridge University Press.
- Linell, Per (1991) Accommodation On Trial: Processes Of Communicative Accommodation In Courtroom Interaction. In *Context Of Accommodation. Development In Applied Sociolinguistics*. Cambridge: Cambridge University Press.
- (1995) The Dynamics Of Contexts In Discourse. In Millar, S & Mey, J (Eds.) *Form And Function In Language*. Odense: Odense University Press. Pp. 41-67.
- (1996:7) *Approaching Dialogue. Talk And Interaction In Dialogical Perspective*. Arbetsrapporter Från Tema K.
- (2000) *Dialogue Grammar*. Speech At NorFA Workshop On Discourse Particles In Uppsala, January 14-16, 2000.
- Linell, Per & L. Gustavsson (1987) Initiativ och respons: Om dialogens dynamik, dominans och koherens 15. Linköping: Department of Communication.
- Linell, Per & Linda Jönsson (1991) Suspect Stories: Perspective-Setting In An Asymmetrical Situation. In Markova, I & K. Floppa (Eds.) *Assymetries In Dialogue*. Hemel Hempstead: Harvester Wheatsheaf. Pp. 75-100.

Linell, Per, Lotta Alemyr & Linda Jönsson (1993) Admission Guilt As A Communicative Project In Judicial Settings. *Journal Of Pragmatics* 19: 153-176. (I refer to a revised unpublished version from 1992.)

Linell, Per & Ivana Markova (1995) Coding elementary contributions to dialogue: individual acts versus dialogical interpretations. *Journal for the theory of Social Behavior* 26 (4): 353-373.

Loftus, Elisabeth F. (1997) Creating False Memories. In *Scientific American*.

(1998a) The Price Of Bad Memories. In *The Skeptical Inquirer*.

(1998b) Advertising's Misinformation Effect. In *Applied Cognitive Psychology*.

Loftus, Elisabeth F. & John C. Palmer (1974) Reconstruction Of Automobile Destruction: An Example Of The Interaction Between Language And Memory. *Journal Of Verbal Learning And Verbal Behavior* 13: 585-9.

Lokal & Kelly (1986) Projection And 'Silence': Notes On Phonetic And Conversational Structure. In *Human Studies* 9: 185-204.

Luchjenbroers, June (1997) 'In Your Own Words...': Questions And Answers In A Supreme Court Trial. *Journal Of Pragmatics* 27: 477-503.

Lyons, J. (1977a) *Semantics*. Vol. 1. Cambridge: Cambridge University Press.

(1977b) *Semantics*. Vol. 2. Cambridge: Cambridge University Press.

M

Maley, Yon & Rhondda Fahey. (1991) Presenting The Evidence: Constructions Of Reality In Court. *International Journal For The Semiotics Of Law* 4 (10): 3-17.

Maley, Yon (1994) The Language Of The Law. In *Language And The Law*. Gibbons, John (Ed.) London, England: Longman.

(1995) From Adjudication To Mediation: Third Party Discourse In Conflict Resolution. *Journal Of Pragmatics* 23, 1: 93-110.

Malinowski (1922) *Argonauts Of The Western Pacific: An Account Of Native Enterprise And Adventure In Archipelagoes Of Melanesian New Guinea*. Preface By J.G. Frazer. London: Routledge & Kegan Paul.

(1923) The Problem Of Meaning In Primitive Languages. In C.K. Ogden & I.A. Richards (Eds.) *The Meaning Of Meaning*. New York: Harcourt, Brace, & World. Pp. 296-336.

Marková, I. (1990a) Introduction. In Markova & Floppa (Eds.) *The Dynamics Of Dialogue*. New Hemel Hempstead: Harvester Wheatsheaf. Pp. 1-22.

(1990b) A three-step process as a unit of analysis in dialogue. In Marková & Floppa (1990). Pp. 129-146.

Martinovski, Bilyana (1996) *Speech Style Analysis*. Gothenburg Papers In Theoretical Linguistics.

- (1998) *Interactive Mechanisms In Swedish And Bulgarian Courtroom Interrogations*. Presented At The 6th International Pragmatics Conference, Reims, France.
- Matsumoto, David & Tsutomu Kudoh (1993) American-Japanese Cultural Differences In Attributions Of Personality Based On Smiles. In *Journal Of Nonverbal Behavior* 17(4).
- Matsuda, Mari J. (1991) Voices Of America: Accent, Antidiscrimination Law, And A Jurisprudence For The *Last Reconstruction*. *Yale Law Journal* 100: 1329-1407.
- Mauet, Thomas (1988) *Fundamentals Of Trial Techniques*. Little, Brown & Company.
- Maynard, S. K. (1986) On Back-Channel Behavior In Japanese And English Casual Conversation. *Linguistics* 24 (6): 1079-1108.
- (1990) Conversation Management In Contrast: Listener Response In Japanese And American English. *Journal Of Pragmatics* 14: 397-412.
- McEnery & Wilson (1996) *Corpus Linguistics*. Edinburgh: Edinburgh University Press.
- McLaughlin, M.L. (1984) *Conversation: How Talk Is Organized*. Beverly Hills: Sage.
- Mizutani, N. (1982) The Listener's Response In Japanese Conversation. *Sociolinguistic Newsletter* 13: 33-3.
- Modeér, K.Å. (1977) Den offentlige försvararen. In *Rättshistoriska Studier Tillägnade Gösta Hasselberg*. Band 5. Serie II. Lund: Carl Bloms Boktryckeri.
- (1994) *Den Svenska Domarkulturen – Europeiska Och Nationella Förebilder*. Lund.
- Moerman, Michael. (1991) *Exploring Talk And Interaction*. *Research On Language And Social Interaction* 24: 173-187.
- Morris, Marshall. Ed. (1995) *Translation And The Law: American Translators Association Scholarly Monograph Series*. Vol. VIII. Amsterdam/Philadelphia: John Benjamins Publishing Company.
- Mårtensson, E. (1986a) Det Nya Niandet. In *Nordlund* 10. Lund: Institutionen For Nordiska Språk. Pp. 35-79.
- (1986b) När Myndigheterna Blev Du Med Oss. Om Informalisering Av Det Offentliga Språket. In *Nordlund* 13. Lund: Institutionen For Nordiska Språk. Pp. 25-73.
- N**
- Nikolova, Zvetanka. (1987) *Chestoten Rechnik Na Bulgarskata Razgovorna Rech*. Sofia: Nauka I Izkustvo.
- Nolt, John, Grayfred B. Gray, Bruce J. MacLennan, & Donald R. Ploch. (1995) A Logic For Statutory Law. *Jurimetrics Journal* 35: 121-151.
- Norén, K. (1999) *Gender & Gender. On Classification In Language And In Society*. (Forthcoming).
- Norrby, C. (1997) Kandidat Svensson, Du Eller Ni – Om Utvecklingen Av Tilltalsskicket I Svenskan. In *svenska som andraspråk och andra språk*. Festskrift Till Gunnar Tingbjörn. A-B Andersson et al. (Eds.) Göteborg: Institutionen För Svenska Språket, Göteborgs Universitet. Pp. 319-328.

O

O'Barr, William (1982) *Linguistic Evidence, Language, Power, And Strategy In The Courtroom*. San Diego: Academic Press, INC.

O'Donnell-Trujillo & N., & Adams, K. (1983) 'Heheh' In Conversation: Some Coordinating Accomplishments Of Laughter. *The Western Journal Of Speech Communication* 22: 189-195.

Ogawa, D. M., & Welden, T. A. (1972) Cross-Cultural Analysis Of Feedback Behavior Within Japanese American And Caucasian American Small Groups. *The Journal Of Communication* 22: 189-195.

Oreström, Bengt. (1983) *Turn-Taking In English Conversation*. (Lund Studies In English 66) Lund: CWK Gleerup.

Ohta, A.S. (1999) Interactional Routine And The Socialization Of Interactional Style In Adult Learners Of Japanese. *Journal Of Pragmatics* 31: 1493-1512.

P

Palmer, Derrol (1987) *The Methods Of Madness: Recognizing Delusional Talk*. Ph.D. Thesis. York: The University Of York, Departments Of Sociology And Psychology.

Palmer, F.R. (1979) *Modality And The English Modals*. London & New York: Longman.

(1986) *Mood And Modality*. Cambridge: Cambridge University Press.

Peter, A.M. & S.T. Boggs. (1986) Interactional Routines As Cultural Influence Upon Language Acquisition. In: Scheffelin, B. & E. Ochs (Eds.). *Language Socialization Across Cultures*. Cambridge: Cambridge University Press.

Philips, S. U. (1976) Some Sources Of Cultural Variability In The Regulation Of Talk. *Language In Society* 5: 81-95.

(1984) The Socialization Of Questions And Answers In Courtroom Discourse: A Study Of Changes Of Plea In An Arizona Court. *Text* 4 (1-3): 225-248.

(1985) Strategies Of Clarification In Judges' Use Of Language: From The Written To The Spoken. *Discourse Processes* 8: 421-436.

Pinchevski, Amit (2000) *An Otherless Space: Computer Mediated Communication And The Problem Of The Other*. (Forthcoming).

Pomerantz, Anita. (1978) Compliment Responses: Notes On The Co-Operation Of Multiple Constraints. In Jim Schenkein (Ed.) *Studies In The Organization Of Conversational Interaction*. Pp. 79-112.

(1984) Agreeing And Disagreeing With Assessments: Some Features Of Preferred/Dispreferred Turn Shapes. In J. M. Atkinson & J. C. Heritage (Eds.) *Structure Of Action*. Cambridge: Cambridge University Press. Pp. 57-101.

Q

Quirk, Randolph & Sidney Greenbaum (1972) *A Universal Grammar Of English*. London: Longman; New York: Harcourt Brace.

R

Robbins, O., Devoe, S. & Wiener, M. (1978) Social Patterns Of Turn-Taking: Nonverbal Regulators. *Journal Of Communication* 28: 38-47.

Roberts, M., J., & Forman, M., L., (1972) Riddles: Expressive Models Of Interrogation. In Gumperz, John & Dell Hymes (Eds.) *Directions In Sociolinguistics. The Ethnography Of Communication*. New York: Holt, Rinehart and Winston. Pp. 180-210.

Robins, R. H. (1967) *A Short History Of Linguistics*. Harmondsworth: Longmans.

Rosenfeld, H.M. (1987) Conversational Control Functions Of Nonverbal Behaviors. In A. W. Siegman, & S. Feldstein (Eds.) *Nonverbal Behavior And Communication*. Hillsdale, New Jersey: Lawrence Erlbaum Associates. Pp. 563-601.

Rosenfeld, H.M. & Hancks, M. (1980) The Nonverbal Context Of Verbal Listener Responses. In M.R. Ke (Ed.) *The Relationship Of Verbal And Nonverbal Communication*. New York: Mouton Publishers.

Rusinov, V. (1984) *Sâdebnâ retorika*. Sofia: St. Kliment Ohridski University Press.

Rutter, D. R. & Stephenson, G. M. (1977) The Role Of Visual Communication In Synchronizing Conversation. *European Journal Of Social Psychology* 7: 29-37.

S

Sacks, Harvey (1974) An Analysis Of The Course Of A Joke's Telling In Conversation. In Richard Bauman & Joel Shezer (Eds.) *Explorations In The Ethnography Of Speaking*. Cambridge: Cambridge University Press. Pp. 337-53.

(1975) Everyone Has To Lie. In Ben Blount & Mary Sanchez (Eds.) *Sociocultural Dimensions Of Language Use*. New York: Academic Press. Pp. 57-80.

(1987) On The Preferences For Agreement And Contiguity In Sequences In Conversation. In Graham Button & John R. E. Lee (Eds.) *Talk And Social Organization*. Clavendon: Multilingual Matters. Pp. 54-69.

(1992a) *Lectures On Conversation: Volume One*. Jefferson, G. (Ed.) Oxford: Blackwell.

(1992b) *Lectures On Conversation: Volume Two*. Jefferson, G. (Ed.) Oxford: Blackwell.

Sacks, H. Schegloff, E. A. & Jefferson, G. (1978) A Simplest Systematics For The Organization Of Turn-Taking For Conversation. In Jim Schenkein (Ed.) *Studies In The Organization Of Conversational Interaction*. New York: Academic Press.

Sadock, J. M. & A. M. Zwicky (1985) Speech Act Distinctions In Syntax. In *Language Typology And Syntactic Description I*. Clause Structure: 155-196. Shopen-Timothy (Eds.) Cambridge: Cambridge University Press.

- Sapir (1949) *Language: An Introduction To The Study Of Speech*. New York: Harcourt, Brace & Co.
- Saussure, F. de (1916) *Cours De Linguistique Générale*. Paris: Payot. English Translation: *A Course in General Linguistics*. New York: Philosophical Library.
- Saukkonen, Pauli (1988) Perspective As A Source Of Style. *Language And Style* 21: 1. New York, Flushing: Queens College Press.
- Schane, Sanford A. (1989) A Speech Act Analysis Of Consideration In Contract Law. In Paul Pupier & José Woehrling (Eds.) *Language And Law: Proceedings Of The First Conference Of The International Institute Of Comparative Linguistic Law*. Montreal: Wilson & Lafleur. Pp. 581-589.
- Schegloff, E. A. (1967) *The First Five Seconds: The Order Of Conversational Openings*. Ph.D. Dissertation. Berkeley: University Of California, Department Of Sociology.
- (1970) Openings Sequencing And Answers. In *The Social Organization Of Conversational Openings* (MS).
- (1972) Sequencing In Conversational Openings. In J. Gumperz & D Hymes (Eds.), *Directions In Sociolinguistics*. New York: Holt, Rinehart & Winston.
- (1979) Identification And Recognition In Telephone Conversation Openings. In George Psathas (Ed.) *Everyday Language: Studies In Ethnomethodology*. New York: Irvington.
- (1982) Discourse As An Interactional Achievement: Some Uses Of "Uh Huh" And Other Things That Come Between Sentences. In Deborah Tannen, (Ed.) *Analyzing Discourse: Text And Talk*. (Georgetown University Round Table On Language And Linguistics 1981.) Washington: Georgetown University Press.
- (1986) The Routine As Achievement. *Human Studies* 9: 111-51.
- (1988) On Actual Virtual Servo-Mechanism For Guessing Bad News: A Single Case Conjecture. *Social Problems* 35: 442-57.
- (1992) *Talk At Work*. (Eds.) Drew, P. & J. Heritage.
- (1995) Parties And Talking Together: Two Ways In Which Numbers Are Significant For Talk-In-Interaction. In P.T. Haves & Psathas (Eds.) *Situated Order*. Washington, D.C.: International Institute Of Ethnomethodology And Conversation Analysis & University Press Of America. Pp. 31-42.
- (1996) Turn Organization: One Intersection Of Grammar And Interaction. In Elinor Ochs, Emanuel Schegloff & Sandra Thompson, (Eds.) *Interaction And Grammar*. 52-133. Cambridge: Cambridge University Press.
- Schegloff, E. & Sacks, H. (1973.) Opening Up Closings. *Semiotica* 8: 289-327.
- Schegloff, E., Jefferson, G. & Sacks, H. (1977) The Preference For Self-Correction In The Organization Of Repair In Conversation. *Language* 53: 361-382.
- Scheffelin, B. & E. Ochs. (1986) *Language Socialization Across Cultures*. Cambridge: Cambridge University Press.

- Scherer (1980) Psychological Factors In Bureaucratic Encounters: Determinants And Effects Of Interactions Between Officials And Clients. In W. T. Singleton, P. Spurgeon, & R. B. Stammers (Eds.) *The Analysis Of Social Skills*. New York: Plenum.
- Schiffrin, Deborah (1986) Functions Of And In Discourse. *Journal Of Pragmatics* 10: 41-66.
- (1987) *Discourse Markers*. Cambridge: Cambridge University Press.
- (1994) *Approaches To Discourse*. Oxford: Blackwell.
- Schrabback, Susanna (1993) Discourse Markers In Adult-Child Interaction With Special Reference To German NA. In *Sixth International Congress For The Study Of Child Language*.
- Searle (1969) *Speech Acts*. Cambridge: Cambridge University Press.
- (1979) *Expression And Meaning*. Cambridge: Cambridge University Press.
- Searle, J. R. & D. Vanderveken (1985) *Foundations Of Illocutionary Logic*. Cambridge: Cambridge University Press.
- Severinson-Eklundh, K. (1986) *Dialogue Processes In Computer-Mediated Communication*. Linköping Studies In Arts And Science 6. Linköping: Department of Theme Research.
- Sheldon, Amy (1990) Discourse Processes. In *Locating Power*.
- Shuy, Roger (1981) Topic As The Unit Of Analysis In A Criminal Law Case. GURT: 113-126.
- Sinclair, John M. & Malcolm Coulthard (1975) *Towards An Analysis Of Discourse: The English Used By Teachers And Pupils*. London: Oxford University Press.
- Skörries, Ulrike (1998) Features Of A Blame Type Using And: An Analysis Of An Example. *Journal Of Pragmatics* 30: 49-58.
- Sollan, Lawrence M. (1998) *Serious Doubt About Reasonable Doubt*. (unpublished)
- Sorjonen, M-L. (1996) On Repeats And Responses In Finnish Conversations. In Ochs E., Schegloff E. & Thompson S. (Eds.) *Interaction And Grammar. Studies In Interactional Sociolinguistics 13*. Cambridge UP, Cambridge: Pp. 277-328.
- Stalev, Zjivko. St. (1966) *Balgarsko Prozesualno Pravo*. (Bulgarian Procedural Law). Nauka I Izkustvo:Sofia.
- Stalpers, Judith (1988) The Maturity Of Discourse Analysis (Review Article). *Language In Society* 17: 87-97. Cambridge: Cambridge University Press.
- Stygall, Gail (1995) *Trial Language: Differential Discourse Processing And Discursive Formation*. Amsterdam/Philadelphia: John Benjamin's Publishing Company.
- Sutton-Smith, Brian, John M. Roberts, and Robert M. Kozelka (1963) Game Involvement In Adults. *Journal Of Social Psychology* 60: 15-30.

T

Tannen, Deborah (1987) Repetition In Conversation: Toward A Poetics Of Talk. *Language* 63: 574-605.

(1989) *Talking Voices: Repetition, Dialogue, And Imagery In Conversational Discourse*. Cambridge: Cambridge University Press.

(1990) Gender Differences In Topical Coherence: Creating Involvement In Best Friend's Talk. *Discourse Processes* 13 (1): 73-90.

Tao, Hongyin & Sandra A. Thompson (1991) English Backchannels In Mandarin Conversation: A Case Study Of Superstratum Pragmatic 'Interference'. *Journal Of Pragmatics* 16: 209-223.

Taylor, T. & D. Cameron (1987) *Analyzing Conversation: Rule And Units In The Structure Of Talk*. Oxford: Pergamon.

Terziev, Veniamin (1987) *Sâdebnata Zashtita I Advokaturata*. Sofia: Nauka I Izkustvo.

Tiersma, M. P. (1986) The Language Of Offer And Acceptance: Speech Acts And The Question Of Intent. *California Law Review* 74: 189-232.

(1987) The Language Of Defamation. *Texas Law Review* 66: 303.

(1990) The Language Of Perjury: "Literal Truth", Ambiguity, And The False Statement Requirement. *Southern California Law Review* 63: 2. University Of Southern California. Pp. 373-431.

(1995) The Language Of Silence. *Rutgers Law Review* 48:1.

(1995) Dictionaries And Death: Do Capital Jurors Understand Mitigation? *Utah Law Review* 1.

(1993) Nonverbal Communication And The Freedom Of "Speech". *Wisconsin Law Review* 1525.

(1999) *Legal Language*. University Of Chicago Press. (I refer to the unpublished manuscript from 1998).

Traum, David R. (1994) *A Computational Theory Of Grounding In Natural Language Conversation*. Ph.D. Thesis. New York, Rochester: University Of Rochester, Department Of Computer Science.

W

White, Sheida (1989) Backchannels Across Cultures: A Study Of American And Japanese. *Language And Society* 18: 59-76.

Wiemann, J. & Knapp, M. L. (1975) Turn-Taking In Conversations. *Journal Of Communication* 25: 75-92.

Wiens, A. N., Manuagh, T.S., & Matarazzo, J.D. (1976) Speech And Silence Behavior Of Bilinguals Conversing In Each Of Two Languages. *International Journal Of Psycholinguistics* 5: 79-94.

Wierzbicka, Anna (1985) Different Cultures, Different Languages, Different Acts. *Journal Of Pragmatics* 9: 145-178.

Wittgenstein (1953) *Philosophical Investigations*. Oxford: Blackwell.

Wodak, Ruth (1980) Discourse Analysis And Courtroom Interaction. *Discourse Processes* 3: 369-380.

Wootton, A. J. (1989) Remarks On The Methodology Of Conversation Analysis. In Roger, D. & Bull, P. (Eds.) *Conversation: An Interdisciplinary Perspective*. Clevedon: Multilingual Matters. Pp.238-258.

Von Wright, G. H. (1951) *An Essay in Deontic Logic And The General Theory Of Action*. Amsterdam: North-Holland Publishing Company.

(1957, 1965) *Logik, filosofi och språk*. Lund: Nya Doxa.

Y

Yngve, V. (1970) On Getting A Word In Edgewise. In *Papers From The Sixth Regional Meeting Of The Chicago Linguistic Society*. Pp. 567-577.

Z

Zenkov (1998) *Kriminalistika*. Sofia: Ciela.

Ziccolella, Stefania (1988) *Confrontations In Italian Criminal Trials: States Of Participation In Three-Party Interaction*. Presented At Workshop On Conversation Analysis, May 1988, University Of York, York.

Zimmerman, D. H. (1993) Acknowledgement Tokens And Speakership Incipiency Revisited. *Research On Language And Social Interaction* 26: 179-194.

Zimmerman, D. H. & West. C. (1975) Sex Roles, Interruptions And Silences In Conversation. In B. Thorne & N. Henley (Eds.) *Language And Sex. Difference And Dominance*. Rowley Mass: Newbury House.

Appendix

Appendix A

Overview of the courtroom recordings

Appendix A.1

Bulgarian corpus

TABLE B Bulgarian transcriptions - sections

trial1.1.1 ill	trial2.1.1 dwarf	trial3.1.1 bzns	trial4.1.1 trafacc	trial5.1.1 firms	overall
W1, W2, E, J	D, (Pl), J, E	W1,W2, D, Pl, J, J1, P, DC	J, P, (DC)	J, P, DC	J,P,DC, W,E,PI
psychiatric case	psychiatric case	robbery	traffic case	commercial law	
@ Section: Formalia= Opening 1	@ Section: Formalia= Opening	@ Section: Formalia= Opening	@ Section: Formalia= Opening	@ Section: Formalia= Opening	@ Section: Formalia
@ Section: Instruction for truth 1	@ Section: Personal history of the defendant	@ Section: The judge is hearing the defendant 1	@ Section: Presentation by the prosecutor 1	@ Section: Request for position	@ Section: Personal history of the defendant
@ Section: Formalia= Opening 2	@ Section: The judge is hearing the defendant - test 1	@ Section: Request for admission	@ Section: Request for position	@ Section: Presentation by the prosecutor 1	@ Section: Presentation
@ Section: Instruction for truth 2	@ Section: The judge is hearing the defendant - normal 1	@ Section: The judge is hearing the defendant 2	@ Section: Presentation by the prosecutor 2	@ Section: Presentation by the defense counsel 1	@ Section: Request for position/ admission
@ Section: The judge is hearing the witness (W1)	@ Section: The judge is hearing the defendant - test 2	@ Section: The judge is hearing the defendant 3	@ Section: Conclusion by the judge	@ Section: The judge argues with the prosecutor	@ Section: The judge is hearing the defendant
@ Section: The judge is hearing the witness (W2)	@ Section: The judge is hearing the defendant - normal 2, overlap starts	@ Section: The prosecutor is hearing the defendant 2	@ Section: End	@ Section: Presentation by the defense counsel 2	@ Section: The prosecutor is hearing the defendant
	@ Section: The judge is hearing the defendant - test 3, money	@ Section: The judge is hearing the defendant 4		@ Section: The attorneys are arguing	@ Section: The counsel for the defense is hearing the defendant
	@ Section: The judge is hearing the defendant - normal 3, dogs	@ Section: The prosecutor is hearing the defendant 3		@ Section: Presentation by the defense counsel 3	@ Section: The judge is hearing the plaintiff
		@ Section: The judge is hearing the defendant 5		@ Section:	@ Section: The prosecutor is hearing the plaintiff
					@ Section: The counsel for the

	<p>1</p> <p>@ Section: The judge is hearing the defendant - normal 3, work</p> <p>@ Section: The judge is hearing the defendant - normal 3, contacts with parents</p> <p>@ Section: The judge is hearing the defendant - normal 3, dogs 2</p> <p>@ Section: The judge is hearing the defendant - normal 3, apartment</p> <p>@ Section: Request for admission 1</p> <p>@ Section: End of request for admission 1</p> <p>@ Section: The judge is hearing the defendant - normal 3, psychiatric help 1</p> <p>@ Section: The judge is hearing the defendant - normal 3, the dirt</p> <p>@ Section: The judge is hearing the defendant - normal 3, psychiatric help 2</p> <p>@ Section: The judge is hearing the defendant - normal 3, forceful arrest</p> <p>@ Section: Request for admission 2</p>	<p>@Section: The prosecutor is hearing the defendant 4</p> <p>@ Section: The judge argues with the prosecutor</p> <p>@ Section: The judge is hearing the plaintiff</p> <p>@ Section: The attorneys are arguing</p> <p>@ Section: Formalia (W1)</p> <p>@ Section: The judge is hearing the witness (W2) 1</p> <p>@ Section: The defense counsel is hearing the witness (W2)</p> <p>@ Section: The judge is hearing the witness (W2) 2</p> <p>@ Section: End</p>		<p>Presentation by the prosecutor 2</p> <p>@ Section: Conclusion by the judge</p> <p>@ Section: End</p>	<p>defense is hearing the plaintiff</p> <p>@ Section: Instruction for truth</p> <p>@ Section: The judge is hearing the witness</p> <p>@ Section: The prosecutor is hearing the witness</p> <p>@ Section: The counsel for the defense is hearing the witness</p> <p>@ Section: Conclusion by the judge</p> <p>@ Section: <i>Conclusion by the prosecutor</i></p> <p>@ Section: <i>Conclusion by the counsel for the defense</i></p>
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Appendix A.2

Swedish corpus

TABLE S Swedish transcriptions - sections

trättg1.1.1	trättg2.1.1	trättg3.1.1	trättg4.1.1	trättg5.1.1	trättg6.1.1	overall
W, D, Pl, DC, J, P (oath)	D, DC, P, J	W, D, J, P (oath)	W, D, J, P (oath)	D, J, P	D, Pl, DC, J, P	
felony assault via forgery	felony fraud via document	traffic case-red light	traffic accident and leaving the scene of the crime	felony fraud via document, forgery - certificate from physician	theft	
@ Section: Formalia 1	@ Section: Formalia 1	@ Section: Introduction by the prosecutor	@ Section: Introduction by the prosecutor	@ Section: Formalia 1	@ Section: Formalia	@ Section: Formalia
@ Section: Introduction by the prosecutor 1-10	@ Section: Introduction by the prosecutor 1	@ Section: <i>Introduction by the defendant</i>	@ Section: The prosecutor is hearing the plaintiff	@ Section: Introduction by the prosecutor	@ Section: Introduction by the prosecutor	@ Section: Introduction
@ Section: Request for admission by the judge 1-10	@ Section: Request for admission by the judge	@ Section: The prosecutor is hearing the defendant	@ Section: The defendant is hearing the plaintiff	@ Section: The judge is hearing the defendant	@ Section: Introduction by the plaintiff	@ Section: The judge is hearing the defendant
@ Section: Introduction by the prosecutor 11	@ Section: Introduction by the prosecutor 2	@ Section: Formalia 1	@ Section: The judge is hearing the defendant	@ Section: Personal history of the defendant	@ Section: The prosecutor is hearing the plaintiff	@ Section: The prosecutor is hearing the defendant
@ Section: The prosecutor is hearing the plaintiff	@ Section: The judge is hearing the defendant	@ Section: The witness takes the oath	@ Section: The prosecutor is hearing the defendant	@ Section: Conclusion by the prosecutor	@ Section: The counsel for the defense is hearing the plaintiff	@ Section: The counsel for the defense is hearing the defendant
@ Section: The counsel for the defense is hearing the plaintiff	@ Section: The prosecutor is hearing the defendant	@ Section: The prosecutor is hearing the witness	@ Section: The judge is hearing the defendant	@ Section: Conclusion by the defendant	@ Section: Introduction by the defendant	@ Section: The judge is hearing the plaintiff
@ Section: Formalia 2	@ Section: The counsel for the defense is hearing the defendant	@ Section: The defendant is hearing the witness	@ Section: The witness takes the oath	@ Section: Pronouncement of the sentence 1a	@ Section: The prosecutor is hearing the defendant 1	@ Section: The prosecutor is hearing the plaintiff
@ Section: The prosecutor is hearing the defendant 1	@ Section: Personal history of the defendant	@ Section: Formalia 2	@ Section: The prosecutor is hearing the witness	@ Section: Urgent message	@ Section: The counsel for the defense is hearing the defendant 1	@ Section: The counsel for the defense is hearing the plaintiff
@ Section: Conclusion by the prosecutor	@ Section: Formalia 2	@ Section: Formalia 2	@ Section: Formalia 2	@ Section: Pronouncement of the sentence 1b	@ Section: The judge is hearing the defendant 1	@ Section: The counsel for the defense is hearing the plaintiff
@ Section: The counsel for the defense is	@ Section: Conclusion by the prosecutor	@ Section: Personal history of the defendant	@ Section: Personal history of the defendant		@ Section: The prosecutor is hearing the	@ Section: The witness takes the oath
	@ Section:	@ Section:				@ Section: The judge is

<p>hearing the defendant</p> <p>@ Section: The prosecutor is hearing the witness 1a</p> <p>@ Section: The witness takes the oath</p> <p>@ Section: The prosecuotr is hearing the witness 1b</p> <p>@ Section: The counsel for the defense is hearing the witness</p> <p>@ Section: The prosecutor is hearing the witness 2</p> <p>@ Section: Formalia 3</p> <p>@ Section: The prosecutor is hearing the defendant 2</p> <p>@ Section: Personal history of the defendant</p> <p>@ Section: Formalia 4</p> <p>@ Section: Conclusion by the prosecutor</p> <p>@ Section: Conclusion by the counsel for the defense</p>	<p>Conclusion by the counsel for the defense</p> <p>@ Section: Formalia 2</p> <p>@ Section: Pronouncemnt of the sentence</p>	<p>@ Section: Conclusion by the defendant</p> <p>@ Section: Formalia 3</p>	<p>@ Section: Conclusion by the prosecutor</p> <p>@ Section: Conclusion by the defendant</p> <p>@ Section: Formalia 3</p>		<p>defendant 2</p> <p>@ Section: The counsel for the defense is hearing the defendant 2</p> <p>@ Section: The judge is hearing the defendant 2</p> <p>@ Section: The plaintiff is talking</p> <p>@ Section: Personal history of the defendant</p>	<p>hearing the witness</p> <p>@ Section: The prosecutor is hearing the witness</p> <p>@ Section: The counsel for the defense is hearing the witness (<i>@ Section: The defendant is hearing the witness</i>)</p> <p>@ Section: Conclusion by the prosecutor</p> <p>@ Section: Conclusion by the counsel for the defense (<i>@ Section: Conclusion by the defendant</i>)</p> <p>@ Section: Personal history of the defendant</p> <p>@ Section: Pronouncemnt of the sentence</p>
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Appendix B Description of measures

MLU	average number of words per utterance
TokPTok	percent of overlapped words as tokens in relation to the total amount of words as tokens in a group
PauPTok	percent of pauses in relation to the total amount of words as tokens in a group
StrPTok	percent of stressed words as tokens in relation to the total amount of word-tokens in a group
OmedPO	percent of overlap in middle position in relation to total number of overlap per language group
OiniPO	percent of overlap in initial position in relation to total number of overlap per language group
OfinPO	percent of overlap in final position in relation to total number of overlap per language group
OcomPO	percent of complete overlap in relation to total number of overlap per language group
OvePUtt	percent of overlaps in relation to the total number of utterances in a group
TokRC	percent of tokens for each speaker in relation to total amount of tokens in each language group
TokLen	the average length of the word in each speaker's speech and according to each language group
UttRC	percent of tokens in respective group in relation to total amount of tokens in both groups

$$\text{Measure of caution} = \frac{(2.\text{Pauses}) + \text{Stress} + (2.\text{OCM}) + (2.\text{FB}) + \text{Numerals} - (2.\text{Pronouns}) - (2.\text{Overlap})}{\text{total number of tokens}}$$

Appendix C

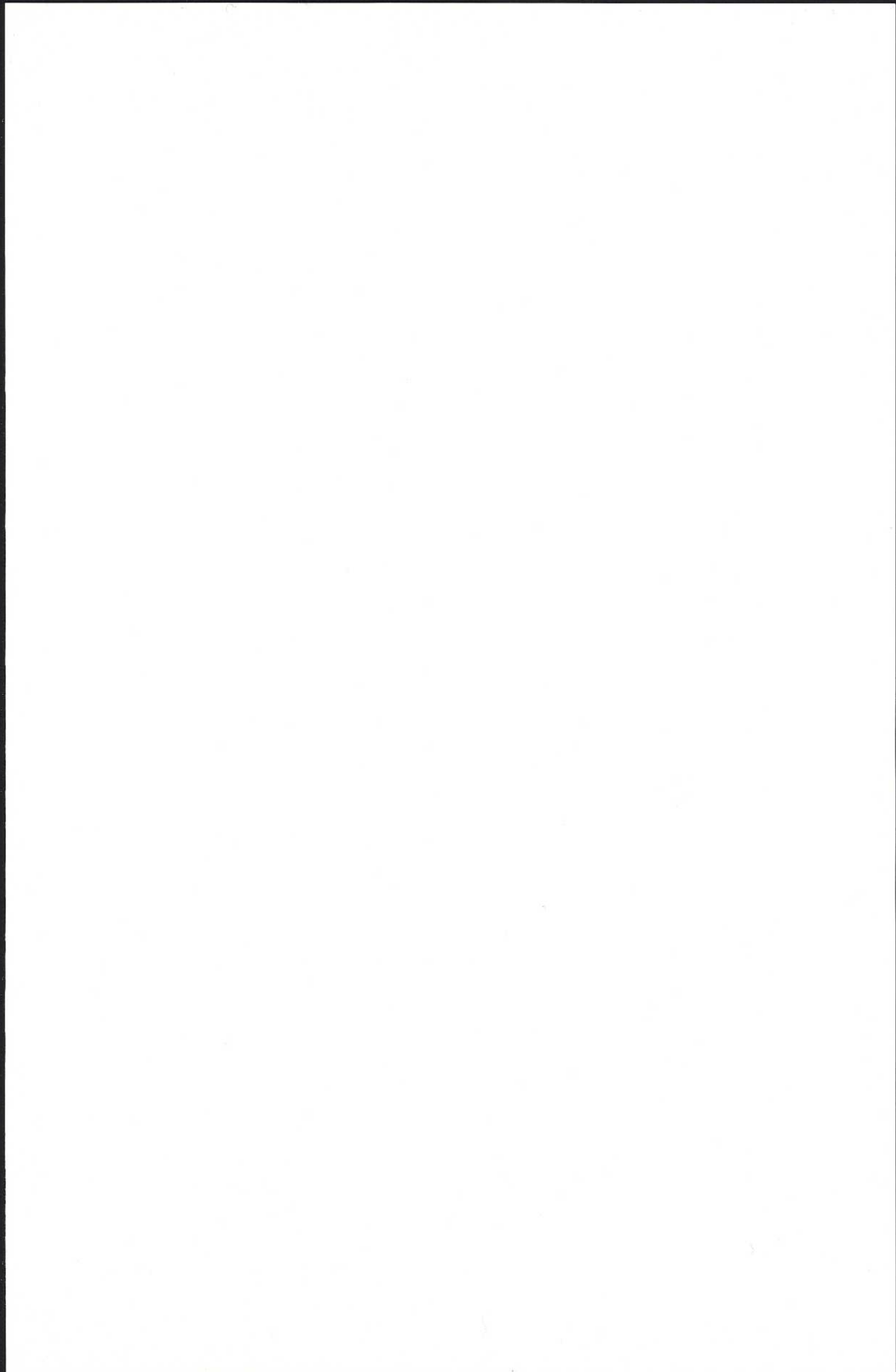
Bulgarian feedback expressions (with their frequency ranks from 1 to 802.5 in Nikolova's dictionary [Nikolova, 1987], the lower the rank number the more frequent the expression is)

Feedback-giving

Ne	(6)	
Taka, tāj	(24)	
Da	(27)	
Dobre	(66)	
Abe	(108)	
Âhâ	(142)	
Â-â	(146)	
Ami	(162,5)	
Ja	(194)	
Aha	(238,5)	(coded as interjection in Nikolova, 1987)
Lele	(346,5)	(coded as interjection in Nikolova, 1987)
Olele	(616,5)	(coded as interjection in Nikolova, 1987)
Bre	(648)	(coded as interjection in Nikolova, 1987)
Dano	(760)	
Ja sega		(not included in Nikolova, 1987, only in the court data)
Ja kazji sega		(not included in Nikolova, 1987, only in the court data)
Dobre de		(not included in Nikolova, 1987, only in the court data)

Feedback elicitation

Li	(29,5)	
Be	(32)	
Nali	(41)	
A	(61)	
De	(93,5)	
Hajde/Ajde	(101)	
Eto	(104,5)	
Dali	(261.5)	
Ma	(289)	
Ej	(402)	(coded as interjection in Nikolova, 1987)
Â	(496,5)	(coded as interjection in Nikolova, 1987)
Taka li		(not included in Nikolova, 1987, only in the court data)
Ja sega		(not included in Nikolova, 1987, only in the court data)
Sega		(not included in Nikolova, 1987, only in the court data)





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