

MICHELA GIORDANO
Courtroom Discourse in Common Law Context: Past and Present
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The genuine spirit of research and the peculiar dialogical multidimensionality of the wide variety of different ‘voices’ and ‘languages’ which characterize the book, as well as the considerable and heterogeneous data analysed from different perspectives, renders *Courtroom Discourse in Common Law Context: Past and Present* by Michela Giordano an authoritative and detailed volume combining a generous selection of classical pronouncements of courtroom discourses in Common Law contexts with challenging, more recent and contemporary trials and proceedings.

Firmly linking methodology and theoretical aspects to practical examples, the various chapters of the book comprehensively survey the complex layering of forensic linguistics examining legal language in the courtroom as a language for special purposes, evaluating the functions and characteristics, and the terminology in the establishment and in the maintenance of the interpersonal relations between the many legal actors involved in the trial. Although the volume as a whole started as a collection of independent articles drawn together as a contribution on the courtroom discourse in Common Law contexts, the book can be said to possess a substantial and solid thematic line tightly integrated through judicious cross-referencing in which each chapter is richly embedded in relevant scholarly debates.

Though solidly grounded in scholarship and although rigorously written, the book is also accessible to the non-professional reader because of the clarity of its exposition, its well-organized structure, bringing forth numerous examples carried out from different perspectives, all of which aim at displaying the various ways in which events are presented in trials and how it is progressively unthinkable to disjoin ‘historical reality’ facts from the words used to represent them. A close relationship between a qualitative analysis of authentic excerpts, taken from a wide variety of different court cases from the past to the most recent ones, and a quantitative investigation is maintained in the course of the whole book, offering, in addition, extremely rich and insightful bibliographical and editorial guidance throughout.

The volume includes seven chapters and represents the completion of many years of research. Four of these chapters were published in highly specialized journals or edited books, two of them were presented during international conferences concerning English for Special Purposes or forensic linguistics, while one was written exclusively to be included in this study.

The first Chapter (*Witness Testimony in the Old Bailey Proceedings*) deals with an interesting linguistic survey carried out both at a quantitative and qualitative level, and examines a corpus of twelve transcripts of the trial proceedings of female prisoners accused of the offence of birth concealing. The chapter adopts a sociolinguistic perspective of historical pragmatics, pinpointing the most interesting facets of linguistic behaviour including the social and cultural context in which the courtroom discourse is produced. The aim is to investigate the appraisal of veracity in language and ascertain whether and to what extent the use of indirect speech in witness narrative can be considered an example of

“distancing language” (p. 20), denoting witnesses’ resolve to distance themselves from their own statements, in alternation with quoted dialogue as a means of “associative language” (p. 20), displaying witnesses’ commitment and emotional involvement in the description of the crime.

Chapter 2 (*Transcripts of Trial Proceedings*) will be of considerable interest to scholars of genre studies, as it assumes an original perspective of considering transcripts of trial proceedings as a genre in its own right, or rather a sub-genre within legal-lay discourse and within the macro-genre of the trial. The scope of the author in this chapter is to examine whether and to what extent the court reporters’ parenthetical comments, i.e. “*witness turns to jury*”, “*no audible answer*”, etc., or, in addition, all those types of non-verbal information only noticeable in the courtroom, can be regarded as genre-specific recontextualization cues between the “Primary and the Secondary reality” (p.49), or between the two layers of actions within courtroom discourse, namely the context of the trial and the context of the narrated events.

Chapter 3, *Medical Discourse in the Historical Courtroom*, investigates in depth and elaborates medical discourse in historical criminal trials, in order to ascertain whether specific discourse practices are employed and in which context they are most directly relevant to their conception and production. Central to this chapter is the inquiry focused on the way in which specific medical lexis and phraseology (i.e. *separate existence*, *transitory mania*, *puerperal fever*, etc.) is dealt with in the embedded context of the courtroom, which is a setting and a situational context that entails clarifications and explanations of meanings unknown to the common people and to the lay jury present in the courtroom but also to the lawyers and to the judge himself. The chapter subsequently presents a more contemplative linguistic analysis and it does so by taking a cross-professional slant, showing with compelling evidence that some terminology and phraseology have different meanings and generate diverse interpretations when considered from a different professional perspective. In point of fact, the author points out that it was often the case that the inter-professional semantic constraints of the medical and biological interpretation did not correspond to the legal understanding and interpretation of certain lexis and expressions, and how these lexical-specific constraints may have created misunderstanding and equivocal interpretations when trying to ascertain ‘factual truth’ in the trials under scrutiny. The closing part of Chapter 3 exhaustively surveys the composite layering of epistemic modality and evidentiality by medical specialists, by taking into account their use of verbal and non-verbal markers simultaneously rooted in actual courtroom proceedings to show either “firm reliance on the new scientific methods or strong doubts about their own interpretation of events” (p.14).

Closely related to Chapter 3 is Chapter 4 (*The Interaction of Law and Medicine in Court*), in which the challenge towards the problematic complexity of the research carried out, extremely rich in stimulus and information, is even more evident. In this chapter, the courtroom scenario is evoked as an embedded context which involves “the blending of different voices” (p. 107) typical of diverse discourse communities, each one with its own specific professional discourse constraints and paradigms that come together with diverse and generally competing professional knowledge, and most significantly, with distinctive professional-specific styles, methods and techniques to deal with the same phenomenon, performing in so doing a separate and well-defined institutional role. The situation produced by the inter-professional discourse between lawyers and expert witnesses reveal the tension between two different profession-specific approaches. On the one hand, there is the impersonal, objective and empirical search of scientific proof aimed at the quest for ‘historical truth’ through logical argumentation; and on the other hand, the interpersonal and

subjective portrayal of evidence of ‘juridical truth’ based on forensic strategies aimed at winning the case through communicative and performative acts leading to persuasion and legal argumentation. The texturing of the narrative to which the jury and the lay public have access to does not consist in, therefore, the real facts themselves, but multiple and often contrasting voices and narrations of the events arising from “the dialogic framework within which experts and lawyers perform their own institutional roles and tasks” (p. 15).

The rich heterogeneity of the book and the illuminating analysis of the different cases analysed is further enhanced in Chapter 5 (*The Re-Mediation of Justice in the Post-Colonial Legal Discourse*) from another interesting perspective. This chapter tackles courtroom discourse from a pedagogical viewpoint, extending the survey from the rhetorical features of the real court cases examined in the preceding chapters to the dramatization of the courtroom context represented in drama and TV series. Through the detailed analysis of the courtroom drama “Rumpole of the Bailey”, the chapter tries to demonstrate how features of reformulation and recontextualization such as intertextuality, parody, irony, metaphors and figurative language, along with metonyms and the personification of justice and the derision of the trial processes, can be conceived as genre-specific, and aimed at pedagogical purposes, in order to spread and disseminate the lay variant of scientific and specialized knowledge among the audience for the sake of greater understanding.

Chapter 6 (*Court Interpreting in Multilingual Context*), by shedding light on an essential and crucial point in court cases, reasonably promises to inspire new debates about fundamental issues. This chapter explores the intricacies of the controversial topic of court interpreting through the examination of authentic discourse from direct and cross-examinations in the multilingual Common Law context. The research presents the reader with real issues that most court interpreters face during their translation. It shows, through the results of scrupulous research studies, that the interpreting services in some cases have been inaccurate and inappropriate with all the consequences that this might have in the varying degrees of influence on the triadic discourse exchange. At the same time, the chapter highlights the extreme complexities of court interpreting in a multilingual context such as South Africa, and argues for thorough training for practising interpreters to improve their performance as well as for better understanding of their task on the part of the legal profession. Although the data is drawn upon English-Afrikaans cases, the main theoretical principles can of course be extended to any other language combination.

The closing chapter of the volume, *Metapragmatics in the Courtroom*, looks back again at the issue concerning the interaction between legal experts and medical experts in the courtroom, a subject already debated in Chapters 3 and 4, but it looks at it from the viewpoint of metalinguistics and metapragmatics, as crucial forces behind the meaning-and-pragmatic-generating capacity of language in use in courtroom trials. The chapter argues that the ways in which indicators of metalinguistic and metapragmatic awareness function in the language used in court serves not only as anchoring devices locating linguistic form in relation to context, but also as signals of the language users’ reflexive interpretation of the activities that they are engaged in. In addition, some sociolinguistic implication of metapragmatic and metalinguistic functioning are discussed in particular in relation to the language ideologies and identity-building construction employed by categories of professionals in an institutionalized context such as that of the courtroom.

In conclusion, the volume is a mature, complete and exemplary work which illustrates in an exhaustive way the thrilling field of forensic linguistics. The features which will secure the book ample consent are its clear exposition and at the same time its scientific precision; the constant and systematic recourse to methodological and practical aspects of authentic discourse excerpts related to past and contemporary court trials; and the accuracy

of the definitions that it offers. In addition, the broad range of text types which are provided as examples for analysis and further practice makes the book a valuable resource which can equip the scholar as well as the layman reader to subsequently embark on other texts.

Finally, the approach presented in the book reflects a crucial and valuable insight which is fundamental to courtroom trials and proceedings, namely that there is no one historical truth but a judicial truth of the facts: which is that there can be ‘many versions’ of reality and that a verdict is, in the end, the result of a series of different models and variants of the factual and authentic reality seen through disparate lenses involving different personal choices and different texturing of narratives on the part of the diverse legal actors (be they lay or expert witnesses, criminals or victims, judges, jurors or legal professionals) in performing linguistic acts to (re)present and (re)construct in the courtroom real life stories and events.

The book's user-friendly style, its easy-to-follow format, and its rich bibliography make it a recommended choice for readers from a range of different disciplinary fields, including scholars, students, researchers and practitioners in the areas of interpreting and comparative law, linguists and legal professionals.

ANTONIO PIGA

antoniopiga@gmail.com, antoniopiga@unica.it