

The Role of Pragmatic Strategies in Interrogation in Legal Discourse: The Case of Shiraz

Research Article

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Abstract

Questions are the most important and the most common feature of legal talk. Questioning is the weapon that is used to test or challenge statements made by lay people and it is considered as a tool to make accusations. Based on syntactic and formal features of questioning, which are important parts of any linguistic analysis, questions are categorized into two classes: closed and open questions. The criteria for choosing one form over the others is determined by pragmatic factors. In other words, the questioner chooses one form of questions on the base of pragmatic strategies that s/he adapts during questioning. This article is dedicated to exploring the crossroads where structural and pragmatic features of questions come together to achieve this goal. To this end, we combined

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two quantitative and pragmatic approaches. The data of the present research was gathered from four cases during interrogation processes in the court of Shiraz. The research findings indicate that pragmatic strategies determine the types of question forms and, also, closed questions have the most application in the interrogation process because they have a high level of control that can challenge the addressee's statements.

Keywords: forensic linguistics, legal talk, questioning, question forms, pragmatic strategy.

Introduction

Forensic linguistics in a simple definition is an attempt to explore the way relationships between people in legal contexts are constructed through language. "Few professions are as concerned with language as is the law" (Tiersma, 1993). "Our law is a law of words" (Tiersma, 1999, p.1). So, what we are dealing with in forensic linguistics in general is the analysis of legal writing or legal talk. The present study focuses on legal talk in interrogation, specifically questioning in trial. As Holt & Johnson (2010) point out, questions are important because they are mainly used in a range of forensic setting such as police interrogation, attorney/lawyer and client interactions and judge and defence/ accused/ witness during examination and cross-examination in court. Danet (1980b) argues that questions are weapons that are used to challenge statements made by people such as the witness or accused (or lay people in general) and describes questions as means to make accusations. Gibbons (2003) considers questioning in two aspects. One deals with the elicitation of information and the second one is to obtain confirmation. "The first type - real information gathering - is in a sense 'unmarked', it is what we normally assume when the topic of questioning is raised" (p. 95). Cooke (1995, p. 73) describes the questioning in a trial as a strategy used by the questioner in order to negate or discredit answerer testimony. It also serves to challenge answerer's personal credibility.

Two important parts or aspects of questions that must be considered during linguistic analysis of any kinds are formal and syntactic features of questions. The two mentioned features are important parts of any linguistic analysis. In a widely accepted categorization of questions, they are divided into open and closed questions (Huddleston & Pullum, 2002). Open questions are Wh-questions (e.g. 'What is it?'), and generally seek for information from the addressee. Closed questions are alternative questions ('Is it black or white?'), yes/no questions ('Is it black?'), tag questions (e.g. 'It's good, isn't it?') and declarative questions ("This is it?"). Besides their information-seeking role, closed questions are used for seeking confirmation from the addressee. Such classification of questions rests on the formal features of questions or their syntactic structure, and the type of answers expected (Tkáčuková, 2010).

Our focus in the present study is not only on form, but also on pragmatic use of questions during interrogation. For this purpose, questions will be discussed according to pragmatic strategies. Gibbons (2003) distinguishes between idea-

targeted and person-targeted pragmatic strategies. Idea-targeted pragmatic strategies challenge the content or statements of the answerer, whereas person-targeted pragmatic strategies tackle the personal characteristics of the answerer. Although Gibbons lists some strategies for each of person-targeted and idea-targeted tactics, in fact, the boundary between these two is so overlapping that a strategy (from each one) can be used to target both character or statement of the addressee. Based on the topics discussed in this article, the authors seek to answer the following questions:

- 1) What makes the interrogator choose one form of question over another?
- 2) How can the interaction between structural and pragmatic aspect of questions best be captured?

It should be noted that the data of the present study are recorded from the interrogation of four cases in the magistrate's court of Shiraz.

Review of Literature

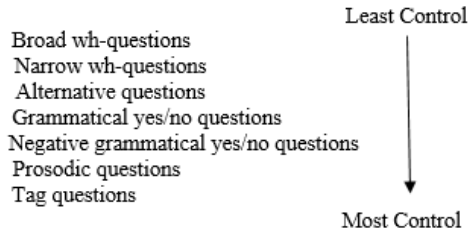
Linguistic research on interrogation questioning (or cross-examination in courts) falls into several approaches (such as quantitative, qualitative, pragmatics, CA, CDA, etc.) towards different question types. Danet & Kermish, (1978), Danet, (1980a, 1980b) have developed a typology of question forms according to the degree to which they coerce or constrain the answer in disputing in legal process: declaratives, interrogative yes/no, open-ended. Declaratives, also called prosodic questions in Woodbury (1984), as the name suggests, have the declarative form and include question hints that may be intonational, or are followed by a tag question or other contextual cues ("You didn't return home that night, did you?"). Danet (1980a) believes declarative are the most coercive because they tell more than they ask. Interrogative yes/no or choice questions call on the answerer to consent or deny the proposition expressed by the questioner ("Did you do it? / Did you leave at nine or at ten o'clock?"). Open-ended questions include wh-questions (who-what-where-when-why questions: "What did you do that night?"). He also considers "requestions" as the least coercive and most indirect and polite that superficially inquire about the witness's willingness or ability to answer but indirectly request information ("Can you tell us what happened?")

Woodbury (1984) adopts a quantitative approach and concerns the coerciveness existing in the formal or syntactic structure of questions. She explores the distribution and pragmatic properties of question-types in courts. She believes that a questioner in interrogation or trial has two main objects: 1) controlling and considering the proofs or testimony the jury obtains from the answerer, 2) supplying the output of current information appropriately in context. To meet these two objects, question-types should be selected strategically. She also divides question types into six categories structurally as broad wh-questions, narrow wh-questions, alternative questions, grammatical yes/no questions, negative grammatical yes/no questions, prosodic questions, and tag questions (see Figure 1). She uses the notion of 'control' to refer to the degree

to which the questioner can impose his own interpretations on the evidence and takes the control of the interrogation by using the more controlling question type.

Figure 1

Continuum of Control, (Adapted from Woodbury, 1984)



Woodbury (1984) finally represents the function of each types of questions in court cross-examinations. For example, she claims that the questioner can elicit a story or narrative version of events by using broad Wh-questions, she/he uses narrow Wh-questions for checking consistency, and applying yes/no questions, the questioner forces the answerer to word the evidence or give a fragmented reply, etc.

In a similar vein, Harris (1984) views questions as a means of control in trial or the same situation like magistrates' courts and examines the occurrence and distribution of questions in court discourse. She considers utterances as questions a) with interrogative syntax (polar, disjunctive, tags and WH-interrogatives), b) moodless items (items with level or rising pitch), and c) declaratives (B-event information and confirmation which can be frameless or with a frame). She points out that questions in a court are information seeking or the means of making an accusation. These two functions are often overlapping. She proposes three components of "propositional content, context, and syntactic form" (p. 9) which all contribute to the relationship of questions to specific functions, though in varying and relative degrees. She also considers that highly conducive forms of questions (e.g. tag questions) are prevalent in a courtroom situation and they employ both to obtain information and to accuse particular forms.

Luchjenbroers (1997) studies barrister questioning strategies in Supreme Court murder trial (sixty different barrister-witness dialogues) based on variables including: (1) legal phases, (2) kinds of witnesses, (3) question types, and (4) answer types. The findings from this study show that witnesses provide not much informational input to the jury and show what little scope witnesses have in affecting a barrister's line of reasoning, and also give real evidence that not all witnesses are treated equally during either phase of testimony.

Heffer (2005) pays attention to narratives constructed by the interactors in judicial process. He claims questions and responses together contribute to

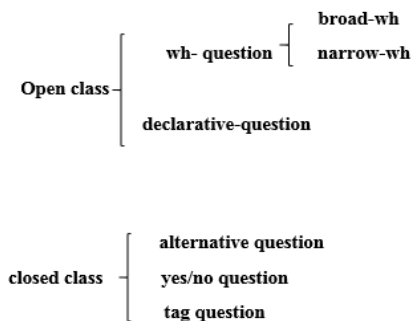
make narratives by interlocutors in a trial discourse (for example prosecution and defense). He explains how Wh- questions are used to elicit narratives while most of such questions in trial interaction or in police interrogation are used to ask for certain information.

Tkac̣uková (2010) tries to show how lay people represent themselves in cross-examination by questioning strategies in a trial. Steel and Morris (the defendants as lay people) were accused in a writ by McDonalds UK and US (the plaintiffs) of bringing to public a booklet which accused McDonalds of weak practice in relation to some parts. The two defendants (litigants-in-person) did not have any previous experience of judiciary discourse or legal proceedings, and they were confronted with an expert lawyer representing McDonalds (Mr. Rampton QC). Tkac̣uková (2010) first adopts a quantitative approach towards different question types and categorizes them to the most important formal question types: wh-questions, yes/no questions, declarative questions, and tag questions, then tries to relate question forms to pragmatic strategies. As she points out, “It is a strong understanding of the interaction between meaning, context, and communication that helps counsels to corner witnesses effectively” (p. 339) and relate the two inseparable parts of cross-examination question forms to pragmatic strategies. The author follows Gibbons’ (2003) differentiation between idea-targeted and person-targeted pragmatic strategies and tries to show the differences between the counsel and the lay litigants-in-person in the use of pragmatic tactics. The other studies that focus on language in legal process are as follows Coulthard et al. (2017), Archer (2005), Matoesian (2005), Shuy (1987), and Harris (1984).

Among the researches that have been done on the relation between interrogation process and linguistic devices in Iran, some of them are worthy to note. Najafi & Haghbin (2019) have examined questioning in the interrogation process. They categorize the types of interrogation forms as follows: broad wh-questions, narrow wh-questions, alternative questions, yes / no questions, declarative questions, and affirmative questions (Figure. 2).

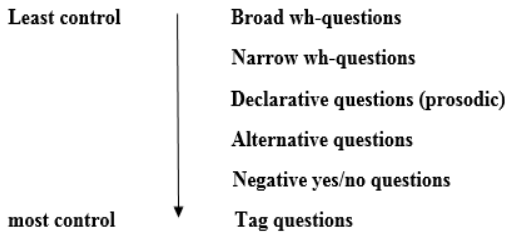
Figure 2

Questions Classification from Najafi and Haghbin (2019)



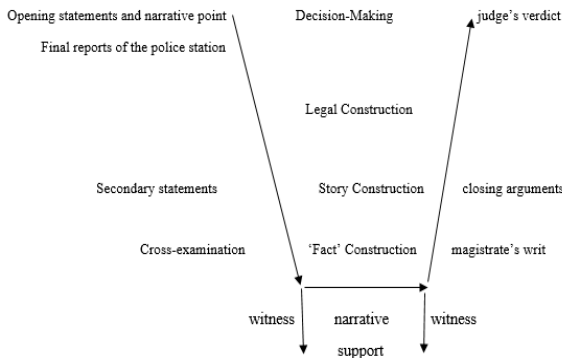
They have also taken into account the pragmatic role of the "controlling" in the investigations. The analysis confirms that the distribution of question types in the interrogation discourse differs significantly from one another in that, among the six types of question forms, narrow wh-questions and broad wh-questions respectively are most frequently used and are the least controlling (Figure. 3). This can be attributed to the context and the space of the interrogation phase, where the investigator intends to gain as much information and evidence as possible for the subsequent trial process. Other findings of this study also indicate that the declarative questions that generally fall into the category of close questions in most of the studies are classified as open questions.

Figure 3
Continuum of Control, Adapted from authors (2019)



Hagbhin et al (2016) studied the role of "narration" in the space and the discourse of the court (based on twenty-six criminal cases in all three stages of the police station, public prosecutor's office, and the court of Shiraz). They emphasized the complex nature of the genre of the trial space and finally represent a pattern of trial discourse, as shows in Figure 4, which is consisted of complex genre. By the use of complex genre, the authors meant to use narrative with anti-narrative genres together.

Figure 4
A Model of Jury Trial as Complex Genre



Najafi & Haghbin (2020) also examine a variety of verbal strategies in interrogation. They include verbal strategies such as *question formulation, repeated questioning, quotation marks, contrasting, the use of the phrase "khob" as a discourse maker marker*.

Razavian & Jalil (2018) have studied the spoken features of the robbery defendants in court. They attempted to explore the discourse of robbery defendants in the judicial system from the forensic linguistics' point of view. Their findings show that the defendants, by using many linguistic principles such as high modality, activism deletion, infelicitous utterance, and illocutionary act, try to gain interrogators confidence and also use linguistic principles differently, and finally, the authors give the distribution and percentage of each principle. Results suggest that paying attention to linguistic features like low modality, contradiction in speech, activism deletion, presupposition, implicature, middle voice construction, and Gricean cooperative principles can help investigators and judges in crime detection.

The other researches that concern language in legal discourse in Iran are as follows: Rovshan & Behboudi (2009), Momeni (2011, 2012), Momeni & Azizi (2011, 2015).

Theoretical Framework and Methodology

The data of the present research have been gathered from four cases during the interrogation process in the court of Shiraz. After recording the interrogation process in court, the authors analyzed the question forms and classified them in six categories (quantitative analysis). Then based on pragmatic strategies, it was attempted to make a relation between question forms and their distribution with pragmatic criterion.

Quantitative Analysis of Question Forms

A widely accepted typology of questions based on syntactical and structural features of questions (Biber et al., 1999; Huddleston & Pullum, 2002; Woodbury, 1984;) is the categorization of questions into open and closed questions. Open questions consist of Wh-questions whereas closed questions include alternative questions, yes/no questions, declarative questions, and tag questions. According to Woodbury (1984), Wh-questions are divided into broad Wh-questions and narrow Wh-questions.

Broad wh-questions: The questioner chooses broad wh-questions (which have the least amount of controlling among wh-questions) when s/he tries to extract new information from the addressee. Such questions have a range of possible answers. They include wh-words such as how, how, why, etc. which generally demands long answers which often have a narrative structure. (M: magistrate, D: defendant)

1) M: *Chetor serghate mosalahane tala va javaherat ra anjam dadid?*

How did you commit the armed robbery of gold and jewelry?

D: *Man Yasuj budam. Man ahle Gachsaranam. Abbas Rad zang zad va goft bayad berim Shiraz, Kurosh barash ye moshkeli pish umade.....*

I was in Yasuj. I am from Gachsaran, Abbas Rad called and said that we should go to Shiraz, Kurosh is in trouble

Narrow wh-questions: these kinds of questions elicit details which are scene setting (time, place, participants, etc.).

M: *Che mashini? Ba che vasilei?*

What was the car? By what means?

D: *Azera bud.*

It was an Azera car.

M: *Mashin male ki bud?*

Whose car was it?

D: *Male yeki az dustam.*

The car belonged to a friend of mine.

M: *Ranande ki bud?*

Who was the driver?

D: *yeki az dustam be name Ahmad Zarrinfard.*

One of my friends was named Ahmad Zarrinfard.

Alternative questions: They are placed between yes/no and wh-questions. The addressee is limited to choosing between two or more options.

M: *Nemiduni mikhast bekhare ya nakhare?*

Do you know if he wanted to buy or not?

D: *Agar be man gofte budan ghasd kharid dashtan hala nakhardide dige man nemidunam.*

If he had told me he was going to buy it, now, I don't know if he buys it or not,

M: *Na be shoma goft ghasde kharid daram ya nadaram?*

No. Did he tell you he was going to buy it or not?

D: *Bale goftesh goft mikham.....*

Yes, he said. He said he wanted to

Yes/no questions: They ask the addressee to agree or disagree with the statements made by the speaker.

M: *aya shahede dargiri Abbas ba Masoud va shakian budid?*

Did you see Abbas and Massoud clash with the plaintiffs?

D: *Na man nadidam. Man didam kurosh yeki az shakian ro zad.*

No, I didn't see it. I saw Kurosh hit one of the plaintiffs

Prosodic questions (also called declarative questions): They are declarative sentences including question hints that may be intonational. The speaker's point of view represented by a prosodic question. the speaker believes in the truth of the proposition in prosodic question. . See Figure 5 for the distribution of question types in the data.

M: *shoma ke gofti in khanumo hich vaght tu Chamran nadidi.*

You said that you have never seen this lady in Chamran.

D: *Migam dige faghat ye bar tu Chamran didamesh, ye chandta massage bude....*

I have told that, I saw her onec in Chamran, it was just a few massage...

Figure 5
Distribution of Question Types in Interrogation

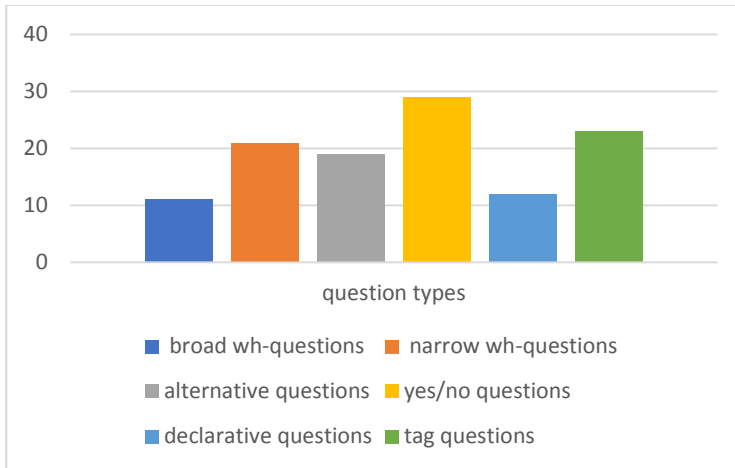


Figure 5 shows that the total number of closed questions is more than the open questions. This can be due to the more controlling feature of closed questions. The question that arises here is: “what makes the interrogator prefer the choice of a question form over other question forms?”. The authors believe that the reason for preferring a linguistic form over others is determined by the pragmatic criterion. According to Gibbons (2003), the interrogator uses pragmatic strategies which are called person-targeted and idea-targeted. The first one triggers personality of the lay people (defendant, witness, plaintiff, etc.), and the second one targets their statements and challenges them in court.

Pragmatic Strategies in Using Question Forms

Gibbons (2003) makes a distinction between idea-targeted and person-targeted pragmatic strategies. As he points out:

One category consists of tactics that influence or discredit testimony by shaping perceptions of the person giving the testimony, often by enhancing or diminishing their credibility ('person targeted'). The other category is targeted at the portrayal of events itself ('idea targeted'). The boundary between these two categories can be fuzzy, and there are times when they are entwined, but it can still be useful to ask whether it is the message or the messenger that is being supported or undermined (p. 139).

Each category consists of some strategies or tactics and illustrates the range of linguistic devices used in questioning.

Person-Targeted Strategy. Status manipulation: Rather than attacking and challenging the content of the witness's testimony, this strategy attacks the witness's character or personality for two purposes. As Gibbons states, "It may serve to portray the witness as in some way unreliable: It is an attack on credibility. Alternatively, particularly if the person subjected to this strategy is the plaintiff or defendant, it may render them more worthy of their plight or punishment, thereby changing the portrayal of events" (p. 140).

Address forms: Another person-targeted strategy is the tactical use of address forms. For example, Bulow-Moller (1991, p. 43) mentions that a photography expert is addressed as Mr. Kirk by the prosecution, but as Sergeant Kirk by the defence, in order to highlight his status as part of the 'system'.

Personal pronouns: Using personal pronouns is a means of closing or increasing communicational (or social) distance between interlocutors in cross-examination in trials. Brown & Gilman (1960) say the effective use of pronouns gives rise to solidarity and inclusiveness or to effect distance and exclusiveness. O'Barr (1982, p. 37) suggests that 'we' can be used to a jury to appeal to common values; that 'you' can be ambiguous between collective jury and individual members, so they may feel personally addressed; and that 'they' can be used to refer to an unknown or external group, marking them as social outsiders. He gives this example of the repeated tactical use of 'you'.

Contrast: Drew (1990, 1992), by exploring features of witnesses' answers and lawyers' (or attorney) questions, describes a technique by which a questioner (lawyer or attorney) tries to create contrasts between claims made by the answerer that seem to make them contradictory and weaken their reliability. For example, he notices when conflicting a version of stories or events offered in the questioner's questions, the answerer can use contrast to refrain from giving explicit correction preceded by 'No'. By suggesting a substitute version, the answerer lessens the risks associated with disagreement (Holt & Johnson, 2010).

Distorting modality and the infallibility trap: This strategy concerns the ways that the interrogator (police, attorney, counsel, etc.) tries to take advantage of modality in addressee's claims. As Gibbons (2003) points out, it may involve attempting to force a witness (defendant) to express certainty about something that is best left modalized (e.g. 'Please answer yes or no'), or else the witness's modalizations may be distorted as vagueness or full uncertainty. Bulow-Moller (1991, p. 55) says, "The witness can be made to appear evasive, unsure, or ... ludicrously over-confident," which is called the 'infallibility trap'.

Accommodation: In general, it deals with changes that people impose upon their language to be more like their addressee's language. As Giles and Powesland (1975) state accommodation makes people language more like that of an interlocutor in order to reduce social distance, or make their language less

similar in order to increase social distance. This may involve a change in style or accent, or a switch to another language (Gibbons, 2003).

Turn taking: Levinson (1992, p. 86) defines turn taking as follows, "Allocating fixed questioner/answerer roles shapes a turn-taking system that permits the questioner to take the control of interaction during cross-examination in trial". Kryk-Kastovsky (2000) considers turn-taking as a feature of 'orality' which is closely related to spoken language as responding to the interlocutor, power relations, and the use of performatives and discourse markers. She investigates the turn-taking tactics used by the two groups of interlocutors in trial discourse who confronted with each other on opposite sides of the bar, what she calls the 'interrogators' (who normally control the turn-taking) and the 'interrogated'.

Exploiting bias: Gibbons (2003) gives no complete or exact definition (or any documentation) of this strategy. All he states is "I have observed counsel deliberately exploiting the cultural and ethnic biases of jurors" (p. 172).

Idea-Targeted Strategy. Vocabulary choice: Heffer (2005) believes strategic choice of words plays an important role during interrogation because the effect of guilt or innocence constructs gradually through ongoing clause-internal evaluation is powered by the technical use of words. Loftus (1979, p. 74) claims that even small differences in wording can affect the meaning or content of answers, and also the memory of events. She says the exact questions asked during the interrogatory are central, since small changes in their wording can result in different narrations of events or answers. Follow this point, Danet (1980) explains how, in a manslaughter trial, the opponent side construct an alternative version of the same reality; an unborn child was referred to as 'fetus' and 'embryo' (detached medical terms) by the defence, and as a baby boy (emphasizing the potential future life) by the prosecution. Gibbons (2003) believes that this is because the death of a fetus is less likely to worth a verdict of manslaughter than the death of a baby, so by the use of vocabulary, the same act was depicted as a not punishable offence by a word choice.

Hedging: Many researches (e.g. Jacquemet, 1996; O'Barr, 1982) consider hedging (such as: maybe, allegedly, apparently, almost, approximately, about, conceivably, generally, arguably, likely, etc.) as a feature of the language of doubt or uncertainty. Heffer (2010) also states that a weak answerer, unlike powerful ones, uses some features in his/ her speech that represents an unreliable witness. These features include hedging, hesitation, intensification, etc.

Repetition: O'Barr (1982, p. 36) confirms the usefulness of using repetition to emphasize on something in speech but he also points out that it should be used with care. Questioners (lawyer, attorney, counsel, etc.) may repeat their own questions for different purposes. Maley & Fahey (1991) give a number of examples of hostile counsel repeating questions, and they suggest that the purpose is to make some incongruity between replies to the same question which can then be used to distrust the answerer. It can also serve to put pressure on

the answerer and underscore the counsel's mistrust of the answer (Gibbons, 2003).

Reformulation: This strategy normally is used by questioners (lawyer, magistrate, attorney, etc.) to sum up, giving a 'gist' or 'upshot' of what was said. Gibbons (2003, p. 175) says, "sometimes, the reformulation is flagged by the use of linguistic signals such as: in other words; so, it is true to say that; so, you're saying that"; and the markers demanding for more clarity in replies. Watson (1990) also describes 'so' as a reliable device used by the police or any questioner to reformulate the 'gist' of an addressee's previous long replies or narration of events.

Reformulation as a speech act label: This strategy explains a situation in which witness's statement is reformulated by means of a speech act label (*lied*). For example, when the questioner reformulate his/ her question as follows: 'Are you suggesting that the expert witness *lied* to the court?' where a witness had queried the accuracy of an expert testimony. Here the reformulation with 'lied' puts the witness in a difficult spot said by Gibbons (2003). Gibbons also states that using a speech act label in reformulating questions (by questioner) casts doubt on the credibility of the witness's testimony.

Presuppositions: Presupposition is a well-known and well-defined topic in semantics. Lambrecht (1994) gives the following definition of pragmatic presupposition:

The set of propositions lexicogrammatically evoked in an utterance which the speaker assumes the hearer already knows or believes or is ready to take for granted at the time of speech (p. 52).

Gibbons (2003) believes using presupposition as a tactic has the potential to confuse witnesses and misguide hearers by inserting as given content something that is new or disputed. While many researches (e.g. Archer, 2005; Woodbury, 1984) consider yes-no questions as the most controlling, Ehrlich (2010) states questions with presuppositions more controlling than yes-no questions. She clarifies the contrast between the questions with and without presuppositions in (2) and (3) (from less "controlling" to more "controlling").

(2) Yes/No questions without presuppositions, for example; she had argued with you, didn't she?

Example (2) presupposes that the addressee had argued with some woman.

(3) Yes/No questions with presuppositions, for example; when she had argued with you, she said something to you, didn't she?

Example (3) presupposes that the addressee had argued with a woman.

Natural narrative structure: O'Barr (1982) considers narrative versus fragmented testimony as a linguistic variable (as they are aspects of the power of speech style in the courtroom) in his study on "law and social control". He argues that answers which are narrative are more convincing than fragmented ones. And to keep high control over answerer during cross-examination, s/he

should have more opportunity to give longer narrative version of their testimony and as Gibbons (2003, p. 123) says, "Lawyers follow *natural narrative structure* to help the jury follow the 'story' - in other words they use a story-like structure, particularly in summing up after testimony, in order to naturalize their version of events". Sometime after giving a strong or complicated narrative (by the witness or lawyer), the questioner (as opposed lawyer, attorney, etc.) may narrow down it to short phrases and use unnatural narrative orders to elicit inconsistent answers from hostile witnesses by disrupting their schemas and prepared stories. The lawyer may also use a series of questions which limit the response (usually yes-no questions) to accumulate a portrayal of events that is not that of the witness, yet which the witness is not given the opportunity to challenge.

Negative suggestions: This tactic is used when a witness is hostile and reluctant to tell the truth. In this situation, the questioner asks the reverse of what s/he wishes to discover. For example, if you want him/ her to say it was dark when the murder took place, ask him/ her if it was not true that it was light when the murder took place. S/ he is apt to say, "No, it was dark."

Three-part structures: On studying the techniques that the questioner may use in trying to challenge the answerer's version of events, Drew (1990) suggests 'three part structure' strategy. As he states, this tactic is the use of a *three-part list* to describe scene setting component or interlocutors in events, and gives the following example:

C: Mr R. had the audacity to stand up here and tell you about the most serious crime in Florida, in the United States, and in the Bible, the Bible which says THOU SHALT NOT KILL!

Gibbons (2003, p. 125) also considers 'Three-part structures' as a device which is used to cast doubt on exactness of statements:

C: all right, what speed did your speedometer register?

W: it was thirty-five

C: Exactly 35?

W: That's right

C: Not 36 or 34?

Evaluative third parts: Sinclair & Coulthard (1975) suggest that questioning is not merely a two-part 'question-reply' structure, but there is a third part in which the questioner normally evaluates the reply. The evaluation can be speaker-argeted ('good girl') or idea-targeted ('that's right'). Berry (1981) has also pointed out that such third parts are frequently found in situations of unequal power (such as doctor-patient consultations and business meetings). In such contexts, evaluation is usually idea targeted, since the evaluation of adults may lead to a face-threatening action.

Timing of speech rhythm and pace, interruption, silence: O'Barr (1982) argues that some features of speech as rhythm and pace, interruption, and silence can play an important role during the trial process. He proposes the following

techniques of timing of speech for both lawyer and witness as follows (Table 1). O'Barr focuses on meaning and interpretation of silence in adversarial discourse. He points that silence can be investigated according to some aspects; the first one deals with legitimate feature of silence which is the right to stay silent, the result of avoiding to obey the usual rules regarding silence in courts, and the matter of "silencing" the official record. The second one considers the focus shifts to the interactional level. For example, the interaction between the lawyer and the witness includes several types of silence that differ in terms of results. Finally, the means of resolving the uncertainty of silence and the strategies for attempting to manage its interpretation in the courtroom conflict needs to be investigated.

Interruption: It refers to the situation when the questioner interrupts the answerer's talk. (In the following example the sign ✕ represents the interruption)

M: *In tika ro motvaje nashodam, che jur umad tuye khune filmhaye arusie to ro dozdid?*

I didn't understand this part, how did he come to the house and steal your wedding videos?

D: *Vaghti klas budam, rafte budam klas vase gavahiname*

When I was in class, I had gone to class for driver's license ✕

M: *Khob chetor umade dakhel?*

Well, how he came in?

Results and Discussion

In the present section, an extract of each cases will be analyzed:

Case 1.

1 M: *In khanum ro az koja mishnasi?*

How do you know this lady?

2 D: *Man in khanumo nemishnasam, mavadforush nabudam, hich jorme kerifari nadaram.*

I don't know this lady. I wasn't a drug dealer. I don't have any criminal offenses.

3 M: *Pas gofti in khanumo nemishnasi?*

So you said you don't know this lady?

4 D: *na*

No

5 M: *Serie ghabl ke gofti mishnasamesh.*

But last time you said that you know her.

6 D: *Na aslan*

Not at all

7 M: *Gofti un moghe kenar daste man neshaste bud.*

You said she was sitting next to me at the time

8 D: *Man unja neshaste budam goftam behetun, unja neshaste budam nemishnasamesh, ba ham sohbat kardim.*

I was sitting there and I told you I was sitting there, I don't know her, we talked

9 M: *Yaani tu Chamran kenar daste to nashaste bud?*

You mean she wasn't sitting beside you in Chamran?

10 D: *Jan?*

What?

11 M: *Tu Chamran kenar daste to nashaste bud?*

Wasn't she sitting beside you in Chamran?

12 D: *Chera, kenare ham ru nimkat neshaste udim hata tu hamun komite akhlaghi ham goftan ke ma ro be khatere hichi....*

Yes, we were sitting on the bench next to each other. Even in that ethics committee, they said to us that it wasn't for ethical issues.

13 M: *Shomare shoma ro az koja ovorde?*

Where did she get your number?

14 D: *Shomare man ro az koja avarde? Yadam nemyad ba ham dige hala dar hade sms dust budim.*

Where did she get my number? I don't remember, we were just about pen pal.

15 M: *Shomarato az koja avarde?*

Where did she get your number?

16 D: *Shomaramo.... khodam behesh dadam...are khodam behesh dadam.*

My number.... I gave it to her, yes, I gave it to her

17 M: *Shoma ke gofti in khanumo nemishnasi.*

You said you didn't know this lady

18 M: *Koja (shomare dadi)?*

Where (did you give your number to her)?

19 D: *khiabune Qodusi ...hamun vara.*

Qodusi street ...just around there.

20 M: *shoma ke gofti in khanumo hich vaght tu Chamran nadidi.*

You said that you have never seen this lady in Chamran.

Case (1) is about a man and a woman who have been arrested for buying and selling drugs. During the initial interrogation, the woman confessed that the drugs belonged to her and the man was released. But after a day in detention, she confessed that the drugs belonged to the man. During interrogation in magistrate court, the man did not admit that he knew the woman, and the magistrate tried to make him tell the truth. The magistrate tries to target the defendant's statements and challenge their correctness. In (1), the magistrate asks a question which is a broad wh-question (*How do you know this lady?*). This question has a presupposition in it that the defendant already knew the lady, but the defendant doesn't give an expected answer and the magistrate has to repeat his question. In this type of question which is called "repeating question", the interrogator deliberately tries to use the defendant's words and phrases in the form of quoting himself (*So you said you don't know this lady*). These questions mostly begin with "pas/so" and "gofti/you said". Holt & Johnson (2006) mention four frequent features of repeating questions: 1) They are usually prefaced by "so"; 2) Their structure is not like a question form (gram-

matically); 3) They repeat elements of the answerer's statements and normally bring several elements together; 4) They ask for confirmation.

The magistrate uses declarative forms (the last time you said that I know her/ You said she was sitting next to me at the time) in lines (5) and (7), respectively, and contrasts the defendant's previous statements with his current statements to reveal the contradiction between his statements and represents some quotes from the defendant himself which have been recorded. He then, in lines (9) and (11), uses the presupposition tactic and asks yes/no questions which include a presupposition (*didn't she sit beside you in Chamran?*) that makes it difficult for the defendant to deny it (being in Chamran street), and in response, the defendant admits that he was sitting on a bench next to the woman. Questions with presuppositions are very controlling and Ehrlich (2010) considers them as more controlling than yes-no questions, suggesting that they cannot be easily denied by the addressee.

In line (13), the magistrate asks a narrow wh-question (*Where did she get your number?*) but the defendant doesn't give an appropriate answer and in line (15), the magistrate asks the question again. This kind of repeating question without any change in its form shows the questioner's insistence on what s/he wants to get and it has a high rate of coercion and forces the defendant to provide a clear answer.

The magistrate also uses strategies that target the defendant's personality. For example, the alternative use of the personal pronouns "to (second person, singular)" and "shoma (second person, plural)" can be mentioned. This distinction is corresponding to tu/vous in French respectively. It seems that by using the personal pronoun "shoma", the magistrate aims to create a distance between himself and the defendant along with a serious tone and formal style, and when he recognizes that he can achieve more information by reducing the distance, his tone will be more intimate and his style will be more informal and also uses the second person singular pronoun "to". Also, in the last line (20), the magistrate, using the contrast tactic, contrasts the defendant's previous statements with his current statements and implicitly portrays him as a liar and his statements as unreliable.

21 M: *Tu resturan chi shod? Chi goftin?*

What happened in restaurant? What did you talk about?

22 D: *Tu resturan boroshuri ke dashtamo taghdimeshun kardam vase moshakhasat mashin, emkanatesh inke har soali ke dashte bashin...*

At the restaurant, I presented the brochure I had for the car's specifications, its features or any question you have....

23 M: *Hala khodavakili naharetuno khordin tamum shod raft? Doroste? Hich etefaghe digei nαιοftad?*

Now, honest to God, you ate lunch and it was over, but nothing else happened?

24 D: *Na*

No

25 M: *Goft mikham shabihe mashine khodet bekharam?*

Did he say I want to buy something like your car?

26 D: *Nemidunam mikhast bekhare ya nakhare, goft man a mashin khosham umade, dige man borushuro beheshun dadam, dige man nemidunam.*

I don't know if he wanted to buy or not. He said he liked the car. I gave him the brochure. I don't know anymore.

27 M: *Nemiduni mikhast bekhare ya nakhare?*

Don't you know if he wanted to buy or not?

28 D: *Agar be man gofte budan ghasd kharid dashtan hala nakhardide dige man nemidunam.*

If he had told me he was going to buy it, he wouldn't have bought it now, I don't know

29 M: *Na be shoma goft ghasde kharid daram ya nadaram?*

No. he told you I was going to buy it or not?

30 D: *Bale goftesh goft mikham man tahiye konam che jurie? Emkanatesh che jurie? Ye khurde tozih dadam un chizi ke ✱*

Yes, he said. He said he wanted to prepare. What are its features? I explained something. That's what....

31 M: *Nagoft mifrushi mashine khodet ro ya na?*

Didn't he say do you sell your car or not?

32 D: *Na, chon agar ham migoftan man ghasde forush nadashtam.*

Not because if he said so I did not intend to sell

33 M: *Ensafan to jaye man budi in harfharo bavar mikardi?*

Honestly, if you were in my place, did you believe these words?

Case (2) concerns a young man accused of fraud. In line (21), the magistrate uses a broad wh-question form (*What happened in restaurant? What did you talk about?*), which is the least controlling, to elicit new information from the defendant and gives him the opportunity to narrate the event naturally in response in line (22). The interrogator, who does not get the answer (he expects) from the defendant's narration, selects the forms of the questions that have a more controlling level, and therefore, more coercion on responding. In lines (25), (27) and (31), the magistrate uses the yes/no questions (*Don't you know..., Did he say..., Didn't he...*), in line (29) he uses alternative questions (*He told you I was going to buy it or not?*) that forces the defendant to choose one from among two possible variables. Such questions which limit the answer to a particular one are called "leading questions". As Archer (2005, p. 79) states, "trial manuals commonly refer to the most coercive question-types as 'leading questions', because of their characteristic of presupposing and/or trying to 'lead' the respondent to a particular answer." The magistrate, by using leading questions, tries to lead the defendant to confess that he had offered his car to the plaintiff.

The magistrate also uses some tactics which target the defendant's personality like "accommodation". In lines (23) and (33), he uses words (like *Khodavakili*/honest to God and *ensafan*/ honestly) that make an intimate relation between both the magistrate and the defendant. Using such words or expressions helps reducing the distance between both interlocutors. Along with lexical choice, the magistrate also changes his formal style to an intimate/ in-

formal style (*Honestly, if you were in my place, did you believe these words?*) to get more information from the addressee.

34 D: *Khoda midune be Abalfazl dorughi nadarim aghaye ghazi, valla be Abalfazl....man sarparast khunevade ham hastam. Ye Eshtebahi karadam, khataei kardam, ye nafahmi kardam.*

God knows, I swear to Abalfazl, we are not lying, Mr. Judge, I swear to Allah...swear to Abalfazl, we are also the head of the family. We made a mistake, we made a mistake, we misunderstood

35 M: *Ba Xantia budi, doroste?*

You were with a Xanita, is that right?

36 D: *Bale.*

Yes.

37 M: *Tu Postchi?*

(you were) in Postchi?

38 D: *Bale.*

Yes.

39 M: *Khob!*

Aha (go on tell me the rest)

40 D:.....(silence).....

41 M: *Ba Xantia sefid budi tu Postchi che etefaghi oftad?*

Well, what happened in the Postchi when you went there with Xantia?

42 D: *Hich etefaghi naitoftad. Ma vaysade budim hamunja کنار khiabun ishun umadan savar shodan.*

Nothing happened, we stopped there, we stopped on the side of the road when she came to ride.

43 M: *Khob!*

Aha (go on tell me the rest).

44 D: *Gushisho dar avord neshune man dad, goft age bavar nemikoni negah kon taze ezdevaj kardam moteahel hastam. Goftam khob boro be salammat. Be khoda aslan man ✕*

She showed me her cellphone and said, "If you don't believe me, look, I'm just married. I'm married." And I said ok, go well. I swear to God I never ✕

45 M: *Hamin?*

(just) this?

46 D: *Khoda shahede.*

God is the witness.

47 M: *Tu mashine zantia sefid neshaste bud va goft bia tu Postchi. Vaghti dare aghabo baz kardam umad savar shod. Goft harkat kon. Man goftam agha lotfan harkat nakon.*

(The magistrate reads from the plaintiff's words) He sat down in the white Xantia and said, "Come to the Postchi. When I opened the back door, he got on." He said, "Move." I said, sir, please don't move.

48 D: *Be Abolfal az unja tekun nakhordim, khodehsun ✕*

I swear to Abalfazl I didn't move from there, she herself ✕

49 M: *Pas chera in khanum shakit shode?*

So why has this lady filed a lawsuit against you?

50 D:(silence).....

Case (3) concerns a man accused of harassing a woman in his car. In this short piece, which is selected from the interrogation process of the accused, there are some points that can be discussed. First, the defendant mostly swears (I swear to God, I swear to Abalfazl¹), and it can be considered as a kind of hedge which is a feature of the language of uncertainty. He also has hesitation in lines (40) and (50) during the interrogation. Having hesitation and stating everything under oath portrays the speaker as a person who is lying and his statement unreliable.

The magistrate also uses the “evaluative third parts” strategy that is used in legal settings to support or challenge answers to questions. He states “*khob/right*” in lines (43) and (39) to evaluate the reply and encourages the addressee to tell the rest of the story. In lines (48) and (44), the magistrate interrupts (the sign * represents the interruption) the defendant because he (the defendant) avoids an explicit answer or raises irrelevant issues, so the magistrate interrupts the defendant and directly questions him in order to address the core of the matter. The interesting thing about the interruption of words in all cases is that the magistrate is the only one who is allowed to interrupt the audience, and the opposite is not the case. And that could be because, in legal settings, turns are pre-allocated and the duty and the kind of activity that every interlocutor has to do in their turns is prearranged. For instance, the interrogator’s function is asking question and managing the interaction and the role of the answerer is to respond.

51 M: *aya rahzani ra ghaul darid?*

Do you confess to banditry?

52 D: *Na man faghat ye serghat kardam.*

No, I just stole.

53 M: *Koja etefagh oftad?*

Where did it happen?

54 D: *Kamarbandi Abadeh.*

Abadeh ring road.

55 M: *aya kamarandi Abadeh rah nist?*

Ring road isn't a (kind of) road?

56 D: *Doroste vali man ghasde rahzani nadashtam.*

That's right, but I didn't mean to bandit

57 M: *aya kife tala va javaherat mosaferin ra be serghat nabordid?*

Didn't you steal the passengers' gold and jewelry bags?

58 D: *Serghat bude*

It was a robbery

59 M: *aya serghat dar nime shab etefagh nαιοftade?*

Didn't the robbery happen in the middle of the night?

60 D: *Bale.*

Yes.

61 M: *aya majmue raftar va eghdamate shoma rahanie shabane dar jade hamrah ba azyat va azar nabude?*

¹ He was a son of Ali (who was the first Shia Imam) and he is a holy person.

Weren't all your behavior and actions a night robbery on the road with harassment?

62D: *Man kasi ro azyat nakardam. Man nemidunam rahani chie. Man faghat serghat kardam, rahani nakardam.*

I didn't bother anyone. I don't know what banditry is. I just stole, I didn't bandit.

Case (4) concerns a man accused of banditry. The magistrate uses the word "banditry" to describe a crime committed by a defendant in line (51) (*Do you confess to banditry?*), which carries a heavier penalty in comparison with robbery. However, the defendant refused to admit the crime and claimed that what he had done was a simple robbery and not a banditry. So the magistrate uses "negative suggestions" strategy in the form of leading question (yes/no questions) in lines 55, 57, 59, and 61 to lead the responses of defendant to a point that he accept the banditry. The questioner asks the reverse of what he wishes to discover and uses negative verbs like *isn't* or *didn't*. Using yes/ no questions, especially in negative forms, makes it difficult for the defendant to deny the truth.

Conclusion

The present paper demonstrated how language is used as a tool to provide a specific version of events because all the interlocutors in a trial (judge, attorney, lawyer, defendant, witness, etc.) have a specific version of the event. Testing or challenging such versions of the event is the goal of court hearing and that goal is achieved through questioning. Thus, having proficiency in question designing plays an important role for the questioner to manage questions so that particular responses are received from the addressee. In the present study, an attempt was made to investigate the reason for choosing a linguistic form, specifically one question form, among other forms. The results suggest that the interrogator generally uses "leading questions", i.e. closed questions (alternative questions, yes / no questions, declarative questions, tag questions) which coerce or constrain the answer in disputing in the legal process and force the defendant to choose between the interrogator's chosen options. In contrast, when the interrogator recognizes that the natural narration of the story of the event is needed, he uses open questions (wh-questions, which generally seek for information from the addressee) that put less pressure on the addressee and let s/he narrate without any interruption. The important point about choosing the type of question is that this choice is influenced by pragmatic factors. The relationship between the two structural and pragmatic aspects of questions is captured through person-targeted and idea-targeted pragmatic strategies. The first one triggers the addressee's character and the other considers the addressee's statements and challenges them by using strategies like presupposition, contrast, reformulation, etc.

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