

## *The process of interruption in Spanish judicial contexts. A pragmalinguistic approach*

### *El proceso de interrupción en los contextos judiciales españoles*

Susana Ridao Rodrigo

Universidad de Almería

Recibido el 25 de septiembre de 2009

Aprobado el 25 de octubre de 2009

**Resumen:** En este artículo nuestros objetivos se basan en analizar los contextos judiciales españoles desde una perspectiva pragmalingüística; más específicamente queremos hacer una contribución a los distintos estudios sobre el fenómeno de la (des)cortesía, en particular en el proceso de interrupción. El género del interrogatorio judicial se caracteriza por un cambio de hablante muy rápido, por ello creemos interesante analizar este género enfocando nuestra atención en las interrupciones. Así, después de una pequeña introducción, comentamos estudios que están relacionados con este tema y ofrecemos una sistematización de las interrupciones más peculiares que tienen lugar en los contextos legales, basando nuestra argumentación en la taxonomía ofrecida en Bañón (1997). Finalizamos el artículo con una conclusión general: las interrupciones que tienen lugar durante los interrogatorios se consideran más o menos descorteses en función del papel del interruptor.

**Palabras clave:** Interrupción. Lingüística forense. Lenguaje judicial. Relaciones de poder.

**Summary:** In this paper our aims are based on the analysis of Spanish judicial contexts from a pragmalinguistic perspective; more specifically we want to make a contribution to the various studies on the phenomenon of (im)politeness, particularly the process of interruption. The genre of judicial interrogation is characterized by a rapid change of speaker, so we believe it interesting to analyse this genre focusing our attention on interruptions. Thus, after a brief introduction, we comment on studies that are related to the topic and we offer a systematization of more peculiar interruptions that take place in legal contexts, basing our argument on Bañón's taxonomy (1997). We end the paper with a general conclusion: Interruptions which occur during interrogations are considered rather rude depending on the role of the interrupter.

**Key Words:** Mig Interruption Forensic linguistics. Judicial language. Power relations.

## **0.- Introduction: About data and methodology.**

In recent decades, the study of pragmatics has attracted the attention of many linguists. This discipline undoubtedly enables us to explain a series of discursive phenomena that are fundamental in describing the communicative context of the analysed genre. In this study, we examine various trials that took place in the Criminal Court No. 1 in Almería (Spain) in the years 2001 and 2002. We have a corpus of audiovisual recordings, whose exact duration is five hours, six minutes and nine seconds; we must clarify that for security reasons the camera focuses solely on the witnesses and not on the lawyers involved in such communicative acts. More specifically, our point of interest is the analysis of interruptions that occur in this situation. In the course of this investigation, we use ethnomethodology and other related disciplines. Within the study of (im)politeness, the process of interruption provides us with key data to understand the relationship between the various actors involved in legal contexts. In particular, we guide our study using BAÑÓN'S (1997) classification of interruptions in conversations.

As we are aware, in trials we see two sides with conflicting interests. On the one hand, we have the defendant, who has the right to be defended by a lawyer, either chosen personally or by officials, to conduct his defence. On the other hand, we find the prosecutor, whose role is to prove the guilt of the defendant. In private prosecution trials, in addition to the figure of the public prosecutor, this group is reinforced by an accusing citizen and the lawyer who represents him or her. Both sides have as their mission to convince the judge of their position; for this purpose they deploy an interesting rhetoric. However, on this occasion, we shall focus on the analysis of judicial interruptions.

### **1.- Background.**

In the field of Hispanic studies, the history of language has been the discipline that has most frequently investigated legal language, thus the vast majority of works are based on a written corpus. Nevertheless, in the Anglo-Saxon field of study is much more fruitful. Since the seventies various investigations have been published using a spoken corpus that focuses on the analysis of judicial situations from a preferably linguistic perspective, although it was during the eighties, the nineties and into the twenty-first century that we observed the publication of most investigations on this topic.

In terms of pragmatics, there are various studies that have been carried out, among which are: LEGAULT (1977), WALKER (1982), SINCLAIR (1985), MERTZ (1987), PENMAN (1987), EMMISON (1989), EMMISON (1990), JACQUEMET (1992), EADES (1993), JAWORSKI (1993), FULLER (1994), KURZON (1995), CASANOVA (1997) and RIDAO (2008). Some of these investigations will be looked at in more depth. Penman (1987) examines Grice's theory of maxims about the cooperative principle, applying it to the judicial context, and indicates the possible flaws of this theory in this sphere. In the Spanish context, CASANOVA (1997) explores pragmatics by using various examples to discuss judicial decisions. Furthermore, RIDAO (2008) defends the idea that pragmatics has an interesting line of research in the courts. The author proposes a distinction between *traditional interrogations* and *pragmatic interrogations*, with their difference lying in the intonation used, given that in both cases the intention of the speaker is that the interrogatee provides the necessary information.

Similarly, some publications have investigated in particular the theory of speech acts: MORRIS (1960), HANCHER (1980), KEVELSON (1982), KURZON (1986), SCHANE (1989), LORENZO (1991), PARDO (1994) and ZUNZUNEGUI (1994). PARDO (1994) turns to the semiotics of Peirce and in the paragraph concerning speech acts, she incorporates the ideas of Bentham and Habermas, without forgetting those of Austin. ZUNZUNEGUI (1994) put forward a most interesting thesis, which may be summarized in the following idea: To know whether statements are assertions, promises or declarations, among others, we must interpret the intentions of the issuer, and what provides us with such interpretative keys is the communicative situation - both text and context.

Some studies focus on investigating features concerning (im)politeness: FONTAINE and EMILY (1978), KERR (1982), HARRIS (1984), BERK-SELIGSON (1988), ADELWÄRD (1989), BERK-SELIGSON (1989), LAKOFF (1989), PENMAN (1990), KURZON (2001) and CARRANZA (2007). HARRIS (1984) studies threats, firstly from a linguistic and communicative approach, and then uses numerous transcriptions to contextualize threats in the judicial context. BERK-SELIGSON (1988) confirms that listeners react subjectively to many features of an individual's way of speaking such as their dialect, pronunciation or voice. She verifies that politeness plays an important role in forming impressions of deponents; she also points out that the judicial translator can alter the politeness of the witness, and, hence, influence the impression that a jury might have of the deponents. The author asserts that the politeness of the testimony is based on features such as conviction, competence, intelligence and honesty. ADELWÄRD (1989) believes that in a trial the distribution of power among the speakers is very asymmetric. Moreover, politeness strategies can favor the speaker on certain occasions.

«The role of register in the bilingual courtroom» (BERK-SELIGSON, 1989), in relation to the work that this author published a year earlier, is another contribution to the study of the possible significance of linguistic register used in legal areas with two languages: English and Spanish. LAKOFF (1989) deals with the subject of politeness and uses two different discursive contexts: Therapeutic and judicial. In both contexts, conflict is an intrinsic element, and this work demonstrates that in two areas not very polite behaviour may be somewhat routine and normal. We should mention KURZON'S study entitled «The politeness of judges: American and English judicial behaviour» (2001). It is a review of politeness strategies in American and English judicial opinions; at the end of this study Kurzon alludes to an extensive use of impoliteness, including when there is disagreement. In the chapter «Face, social practices, and ideologies in the courtroom», CARRANZA (2007) makes an approach to the field of politeness relying on Lavandera, Eelen and Wasson's theories; she also explores specific manifestations of impoliteness in judicial discourse.

As BAÑÓN indicates (1997: 11), the study of conversational interruption has been addressed by researches on oral discourse and politeness, because the works concerned with the distribution of turn-taking were interested in overlaps and interruptions. Many of the publications about interruption have observed the connections between language and gender; this trend was not only a characteristic of the seventies and eighties, but has also continued to be investigated in more recent studies: ZIMMERMAN and WEST (1975), BEATTIE (1982), MURRAY AND COVELLI (1988), BENGOCHEA (1993), TANNEN (1994), BRESNAHAN and CAI (1996), JAMES and CLARKE (1997), ANDERSON and LEAPER (1998), CROWN and CUMMIS (1998), BRADY (2003) and REZNIK (2004). Other works about the speech of children take an interest in the processes of interruption in familiar contexts in which minors are present; one example is O'REILLY (2006), who concludes that relatives accept children's interruptions if it regards an important input. Certain investigations confirm that interruption is heavily influenced by a cultural element. For example, LI (2001) presents the results of an experiment conducted using eighty people, forty of them Canadians and the other forty Chinese, in simulated doctor-patient interviews. The experiment shows that in the interactions among Chinese individuals there were *collaborative interruptions*, whereas when the Canadians acted as the doctor, there were more *competitive interruptions* than *collaborative interruptions*. This point is also exemplified in intercultural interviews. From another approach, GUILLOT (2005) calls for the identification and the categorization of acts of interruption in intercultural studies, and uses non-native and native English and French speakers. This work analyses conversations and weighs up the problems that arise when making generalizations and when we have pre-conceived ideas of private investigations.

We have also found some studies that deal with the process of interruption in legal contexts: SHUY (1995), EADES (2000) and EL-MADKOURI (2008).

Shuy's article, published in the prestigious journal *Discourse and Society* under the title «How a judge's *voir dire* can teach a jury what to say» (1995), analyses the position of the jury in trials. From a linguistic standpoint, this paper studies the questions formulated by lawyers, semantic features, interruptions and the asymmetrical power of the actors when interacting with one another. It constantly refers to transcriptions to exemplify the exposed theories, while performing a semantic interpretation of them. In «*I don't think it's an answer to the question: Silencing aboriginal witnesses in court*» (2000), EADES takes an interest in the fields of sociolinguistics and translation. This investigation examines the participation of aboriginal people in the criminal justice system; the analysis is based on the syntactic structure of the questions, using interruption as a way to silence witnesses and the metalinguistic commentaries on how to formulate questions. In this paper the author claims that on numerous occasions the defence lawyers interrupt to prevent the witness from saying something detrimental to the defendant.

In addition, in the journal *Tonos Digital*, EL-MADKOURI (2008) published the article «Lengua oral y lengua escrita en la traducción e interpretación en los servicios públicos», from which we would like to stress his point on pragmatic variables, i.e. discursive silence, phonetic variation, syntactic structure, humour, politeness and discursive indecisions and interruptions. With particular reference to interruptions, the author claims that approximately 75% of instructors resort to this strategy in their discourse. He also notes that interruption is culturally marked, and that on numerous occasions in the legal field, there are foreigners that are limited to answering what they have been asked and do not have the linguistic capacity to interrupt the speaker.

## 2.- The study.

### 2.1.- Preliminary features.

In this study we use as a base BAÑÓN'S (1997) exhaustive taxonomy on interruptions in conversations. Before starting the study of this topic, we believe it interesting to clarify the role of the actors and their verbal participation in this specific context. As we know, the judge is the actor with the most powerful role, because not only is he responsible for controlling turn-taking, it is also he who makes the subsequent judgement. For this reason, the interventions of the rest of the participants are aimed at making the judge believe what they are saying. We must not forget that, despite his high profile, paradoxically the actor is the one who intervenes least. Due to the focus of this investigation, it is vital to indicate that the judge is the only participant with the power to interrupt the rest of the actors if he deems the judgements issued as inappropriate. In the Spanish judicial system, the prosecutors and the defence do not hold the power to interrupt each other; albeit

the jurists often interrupt the speech of the interrogatees when they realize that what they are saying may affect the interests of the interrogators.

Thus, we must distinguish between the interrogators and the interrogatee, because the former are in a more powerful position to interrupt than the latter. All this configures a particular communicative framework, as the group Val.Es.Co. has stated: «Note that in oral trials there is immediacy, but turn-taking is predetermined, so in these cases it is impossible to use the term ‘conversation’ strictly speaking» (1995: 29).

## 2. 2. Results and interpretation.

We are going to start with the analysis of processes of interruption that occur in judicial context based on the work *La interrupción conversacional. Propuestas para su análisis pragmalingüístico* (BAÑÓN, 1997).

### 2.2.1. *Styles of high involvement and styles of high consideration.*

From the beginning we should distinguish between *styles of high involvement* and *styles of high consideration*. In the legal context, both styles are present, but we should especially emphasize the latter. In verbal interactions that occur in such areas, we can note that the moments of silence between each person's speeches are irrelevant in most cases, and also that overlaps in speech are very common, because the actor who interrupts begins to talk before the speaker has finished. Moreover, a trial is a communicative context in which turn-taking is predetermined. In considering judicial acts in terms of interruption, we must distinguish between the fragments in which the judge distributes turn-taking, in which the interruption is a very low resource, and the fragments in which interrogations are produced.

In the second part of the study, referring to the corpus that we use, we appreciate that the interrogatee repeatedly dares to interrupt the interrogator, as opposed to what we could believe *a priori*, because it is very common to understand that in courts turn-taking is fully respected during discourse. Occasionally, this is explained by the underprivileged socio-cultural background of the witnesses, who may even dare to interrupt the judge, despite creating a negative image of themselves. This also occurs when the speakers believe that interrupting is a risk worth running; they are convinced that the information they give will be beneficial enough to their situation to compensate for the possible damage that their interruption may have on their image.

### 2.2.2. *Exogenous interruptions and endogenous interruptions.*

In our corpus there are no examples of *exogenous interruptions*, i.e. caused by the intervention of agents (people or not) outside the interrupted conversation; we

must bear in mind that these meetings are very formal and that access to the courtroom, albeit a public event, is controlled by the judicial agent. As a result, interruptions that occur are *endogenous* -originating from the intervention of agents (people or not) that are part of the interrupted conversation. We should clarify that in trials, when there are interrogations, the judge assigns the roles of interrogator and interrogatee, and if in such cases someone present were to speak, who were neither the interrogator nor the interrogatee, it would be interpreted as an infraction, that is to say, the judge would immediately reproach his intervention. Therefore, these actors are recipients, and must wait for their turn to speak.

The rate of turn-taking is rapid and, thus, we frequently observe processes of interruption, as detailed below. We have noted that in judicial acts, we can rarely find examples of the *declarative-qualitative attenuators* (referring to the act of interruption), and *declarative-quantitative attenuators* (referring to the length of time that the speakers intended the interruption to use, the number of subjects they intended to talk about or the number of interruptions that they think they will carry out). This is because we are studying situations in which interruptions are very common during interrogations; however, in fragments in which the judge is responsible for distributing turn-taking, interruptions are scarce.

### 2. 2. 3. *Macrointerruptions* and *microinterruptions*.

*Macrointerruption* (a definitive end to the conversation), as we mentioned above, can only be made by the judge. We shall now look at a few examples in which, as a mandate of this actor, the theme of the discourse will change:

Example 1:

- 144- LAWYER: no pertenece a ese puesto / y otra cosa ¿ES NORMAL ciertos TRAPICHEOS entre toda esa gente queee son consumidores habituales para conseguir dinero tales como malbaratar alguna eehh eehh ((sede))? §
- 145- CIVIL GUARD: yo no §
- 146- LAWYER: PRESTAR §
- 147- JUDGE: no [es procedente la pregunta
- 148- CIVIL GUARD: yo no no]
- 149- JUDGE: =NO ES [PROCEDENTE NO
- 150- CIVIL GUARD: yo no puedo contestar a ello
- 151- LAWYER: no no no nada más]
- 152- JUDGE: =de acuerdo ¿nada más? / se puede marchar usted señor / ¿se renuncia al otro agente? /// (2<sup>o</sup>) muchas gracias / {name and first surname} /// (9<sup>o</sup>) [Trial 2]

- 144- LAWYER: you don't belong to this post / and another thing IS IT NORMAL that there were certain CONSPIRACIES between all those people whooo are common consumers in order to get money like underselling any eeeh eeeh ((headquarters))? §
- 145- CIVIL GUARD: I can't §
- 146- LAWYER: LENDING §
- 147- JUDGE: no [the question is proper
- 148- CIVIL GUARD: I can't can't]
- 149- JUDGE: =IT IS NOT [PROPER NO
- 150- CIVIL GUARD: I can't answer this
- 151- LAWYER: no no no nothing else]
- 152- JUDGE: =all right nothing else? / you can leave now sir / the other agent declines? /// (2<sup>o</sup>) thank you / {name and first surname} /// (9<sup>o</sup>) [Trial 2]

### Example 2:

- 180- PROSECUTOR: pues no / la verdad es que no / yo me estoy enterando ahora mismo [(( ))
- 181- LAWYER A: perdone] su señoría que se le exhiba a la denunciante la página tercera §
- 182- JUDGE: no es procedente señora letrado / la marcaaa –el sistema que tengan de venta es indiferente para el tribunal / nos interesa si hubo apropiación /
- 183- LAWYER B: [aja aja
- 184- JUDGE: o si] no existió ¿eh? / límitese a hacer preguntas [en ese sentido
- 185- LAWYER A: °(muy bien)°] / su ordenador tuvo varias averías / lo llevó a a [reparar [Trial 4]

- 180- PROSECUTOR: well no / to tell you the truth, no / This is the first time I'm hearing about it [(( ))
- 181- LAWYER A: please allow me] my Lord to show the deponent the third page §
- 182- JUDGE: this is not appropriate Mrs. Lawyer / the companyyy –the sales method is indifferent to the court / we want to know whether there was theft /
- 183- LAWYER B: [aha aha
- 184- JUDGE: or if] there wasn't, all right? / limit your questions [in this sense
- 185- LAWYER A: °(all right)°] / her computer had several breakdowns / she took it to to [be repaired [Trial 4]

### Example 3:

- 279- LAWYER: aja eeeh ¿está usted seguro de que es el señor {name and first surname of the accused} el que está presente aquí / el que es el autor de los hechos? §



280- JUDGE: no es procedente la pregunta / eso es una cosa que nos lo aclarará el tribunal §

281- LAWYER: eh no hay más preguntas señoría § [Trial 1]

279- LAWYER: aha eer are you sure that it is the man {name and first surname of the accused} who is present here / the author of the actions? §

280- JUDGE: the question is not appropriate / this is something the court will clarify §

281- LAWYER: er, there are no more questions my Lord § [Trial 1]

In these three fragments we can note that the judge's intervention changes the topic of the interrogation. Although this actor does not participate actively in this act, he is obliged to interrupt the discourse if he deems that the questioned features are not appropriate for the course of the trial. Thus, in the first instance the judge interrupts the lawyer, because he is asking for confidential information from the civil guard; in the second transcription this actor believes that the question raised by the lawyer is irrelevant to the clarification of the conflict; while in the last example the judge says that the lawyer's interrogation of the witness is inappropriate, as this subject should be clarified by the court.

We can also find situations in which the public prosecutor or the lawyer interrupt the witness to change the topic, because they consider that what the deponent is saying is irrelevant to the course of the trial, or that such utterances do not respond to the interests of jurists. We have not interpreted these cases as *macrointerruptions*, but rather as part of the particular rules of the analysed subject.

Furthermore, *microinterruption* is frequently used. In this sense it is very interesting to comment that, on occasion, the power relationships that arise in these situations are not understood by all the participants. Interruption is one of the informative points of this situation; some witnesses dare to interrupt the public prosecutor, the lawyer or the judge. We recall that in these acts the distribution of the turn-taking is pre-established; we refer specifically to the judge's allocation of the roles of interrogator and interrogatee; in these —micro-dialogues— the protagonists frequently interrupt each other.

#### 2.2.4. *Irruptions and disruptions*

In this sphere it is unusual for there to be a rude or unexpected involvement of a new speaker, in other words, a *disruption*; however, we found one case in which the defendant interrupts the lawyer's interrogation of the witness, which leads to the judge giving this actor a warning:

## Example 4:

139- FATHER: de la puerta del bar eso se lleva cincuenta metros escasos / de de donde empieza a faltarme se lleva [cincuenta metros

140- ACCUSED: (( ))]

141- JUDGE: vamos a ver eh cálese / se calla o a la próxima vez lo tengo que echar ¿eh? continúe señor letrado §

142- LAWYER: vale / entonces tienen ustedes un incidente en el {name of a bar} / y eeh / su hijo coge un cepillo de un carro de un barrendero § [Trial 3]

139- FATHER: from the door to the bar there are barely fifty meters / from from where he started to insult me there are [fifty meters

140- ACCUSED: (( ))]

141- JUDGE: let's see eh be silent / be silent or the next time I'll have to throw you out eh? continue Lawyer §

142- LAWYER: ok / then you had an incident in the {name of a bar} / and eeer / your son took a broom from a sweeper cart § [Trial 3]

This corpus provides us with several examples of *disruptions*, that is, when someone makes an interruption in order to leave. In this act of communication, in which the judge decides the entry and the exit of witnesses, we can consider the following transcriptions as samples of *disruption*:

## Example 5:

208- JUDGE: gracias se puede marchar §

209- NATIONAL POLICE 1: con su permiso /// (5<sup>ca</sup>) (*another national police comes*)

210- JUDGE: pase por favor siéntese § [Trial 1]

208- JUDGE: thank you - you may leave §

209- NATIONAL POLICE 1: with your permission /// (5<sup>ca</sup>) (*another national police enters*)

210- JUDGE: come in please sit down § [Trial 1]

## Example 6:

137- JUDGE: gracias] / se puede marchar usted señor §

138- LOCAL POLICE 2: gracias §

139- JUDGE: ¿documental por produ[cida? [Trial 5]

137- JUDGE: thank you ] / you may leave sir §

138- LOCAL POLICE 2: thankyou §

139- JUDGE: documentary evidence as repro[duced? [Trial 5]

## Example 7:

223- LAWYER: no hay más] preguntas §

224- JUDGE: gracias / se puede marchar señora §

225- PROSECUTOR: °(sí)° §

226- JUDGE: {name and surnames} (*the judicial agent calls the next witness*) pase usted señora a la silla verde § [Trial 6]

223- LAWYER: there are no more] questions §

224- JUDGE: thank you / you may leave, madam §

225- PROSECUTOR: °(yes)° §

226- JUDGE: {name and surnames} (*the judicial agent calls the next witness*) Madam come over to the green chair § [Trial 6]

As we can see, the deponent does not decide to leave voluntarily, it is the judge who tells him to leave the room after having been questioned, and in this moment this actor monopolizes the turn-taking. In these three examples, the witness does not leave the courtroom without making a comment, as would be customary in the corpus we are using; he utters a few words when it is the judge's turn to talk.

We should note that this is a bureaucratic context in which access to the courtroom is monitored, so no external agent can interrupt these sessions. In the judicial field we believe that interrupting acts and interrupted acts are very interesting to study from a linguistic standpoint.

### 2.2.5. *Self-interruptions.*

*Self-interruption* is understood as the limitation of the speaker's own speech; there are many examples in our corpus. We must point out that all actors' interventions are usually quite short, a feature that hinders the abundance of *self-interruptions*. Sometimes this phenomenon takes place because the speakers have noticed that they have made a grammatical mistake; in contrast, on other occasions, this tactic is used as often by the public prosecutor or by the lawyers in order to vary the course of their speech; that is, they consider that by phrasing their questions differently, the interrogatee may give an answer that is beneficial to the position of the jurist. Altogether, we found 135 *self-interruptions*:

<b>ACTORS</b>	<b>REAL NUMBERS</b>	<b>PERCENTAGES</b>
Judge	3	2.222 %
Public prosecutor	41	30.370 %
Lawyer	51	37.777 %
Accused	10	7.407 %
Prosecutor	6	4.444 %
Witness	24	17.777 %
Total	135	100 %

*Table 1*

The lawyer is the person who interrupts himself most frequently, followed by the public prosecutor and the witnesses; in addition, in order of frequency, we have the accused, the accuser and the judge. We should clarify that this corpus has a total of fifteen trials, two of which are private prosecutions, which justifies the low rate of this group. To be able to interpret the data provided in table 1 accurately, we believe it necessary to know the total number of interventions carried out by each participant:

<b>ACTORS</b>	<b>REAL NUMBER OF INTERVENTIONS</b>	<b>PERCENTAGES</b>
Judge	288	11.740 %
Public prosecutor	479	19.527 %
Lawyer	631	25.723 %
Accused	307	12.515 %
Prosecutor	111	4.525 %
Witness	635	25.886 %
Total	2453	100 %

*Table 2*

The witnesses are the actors with highest intervention rate, followed by the lawyer, the public prosecutor, the accused, the judge and the accuser. These rates show that deponents do not often interrupt themselves; the lawyer and the public prosecutor, on the other hand, do so. Being the participants whose role is to interrogate the defendant, the prosecutor and the witnesses, they repeatedly reword their interrogations.

### 2.2.6. *Protointerruptions and warned interruptions.*

A *protointerruption* is when an interruption occurs before the person has started to talk; it originates in the silence immediately preceding the start of an actor's speech. We recall that in legal context, interaction between actors is directed by the judge. Thus, examples 8 and 9 can be interpreted as cases of *protointerruption*.

Example 8:

5- JUDGE: señora fiscal §  
 6- PUBLIC PROSECUTOR: °(sí con la venia señoría)° /// (2°)  
 7- LAWYER: °(con la venia señoría como ((( )))°  
 8- JUDGE: sí  
 9- LAWYER: +( °(a esta parte] =quería de nuevo solicitar la prueba potencial del médico forense que fue denegada porque al iniciar el juicio vuelvo a solicitar que se practique la primera prueba denegada)°)+ § [Trial 3]

5- JUDGE: Mrs. Public Prosecutor§  
 6- PUBLIC PROSECUTOR: °(yes with your permission my Lord)° /// (2°)  
 7- LAWYER: °(with your permission my Lord as ((( )))°  
 8- JUDGE: yes  
 9- LAWYER: +( °(to this part] = I would like to ask again for the potential evidence from the forensic surgeon that was refused at the start of the trial, I again request that the formerly refused first evidence be practised)°)+ § [Trial 3]

Here we can note that the judge has given the floor to the prosecutor so she can begin her interrogation; however, as the prosecutor remains silent, the lawyer takes advantage to ask the judge to bring forward the potential proof of the forensic surgeon. On other occasions, a *protointerruption* come about due to the uncertainty of the seating arrangement:

Example 9:

39- JUDGE: gracias / siéntese en el banco de atrás §  
 40- ACCUSED 1: ¿a mí? §  
 41- JUDGE: sí a usted {name of the accused 1} vaya para la silla de al lado / conteste a las preguntas de la señora fiscal § [Trial 7]

39- JUDGE: thank you / sit on the back bench §  
 40- ACCUSED 1: me? §  
 41- JUDGE: yes you {name of the accused 1} go to the next chair / answer the questions of the the public prosecutor § [Trial 7]

In transcription 9 the judge has told the defendant to change seat, but he does not fully understand the directions, so he usurps the judge's turn to speak in order to check the information. The *warned interruption* is unusual in this context, because the distribution of interventions is well-established. Despite this, we can interpret this fragment as a *warned interruption*:

Example 10:

159- JUDGE: nueve treinta /// (14<sup>6</sup>)

160- LAWYER: °(por favor si me permitís ummm sólo tiene estas copias ¿no?)° §

161- JUDGE: °(¿sólo?)° yo le he da(d)o las copias que nos han dado que nos han dado ellos en el anterior juicio § [Trial 2]

159- JUDGE: nine thirty /// (14<sup>6</sup>)

160- LAWYER: °(please if I may ummm there are only these copies, are there?)° §

161- JUDGE: °(only?)° I have given you the copies that they have given us that they have given us in the previous trial § [Trial 2]

This case is somewhat strange, as the trial has already finished and all the lawyers are gathering their belongings. In fact, during fourteen seconds there are no interventions, because all consider the trial to have finished. At this stage it is not usual for a jurist to speak, but if someone were to do so, it would be the judge. Suddenly, the lawyer, in a very low voice, addresses the judge requesting more documentation. We can note that the lawyer uses very polite language, when he intervenes as he asks permission to make the request.

### 2.2.7. *Competitive interruptions and collaborative interruptions.*

In our corpus there are usually *competitive interventions, interruptions or overlaps*, in which the interruption is accompanied by a particularly loud tone of voice that seeks to impose itself. Some such cases appear in the following transcriptions:

Example 11:

41- PUBLIC PROSECUTOR: bueno pero por lo menos sabrá si [había sido

42- ACCUSED: sé que] fuimos a dar una [vuelta

43- PUBLIC PROSECUTOR: PARTE DE LA NOCHE § [Trial 2]

41- PUBLIC PROSECUTOR: well but at least you will know whether it [had been

42- ACCUSED: I know that] we went for a [walk

43- PUBLIC PROSECUTOR: PART OF THE NIGHT § [Trial 2]

## Example 12:

41- PUBLIC PROSECUTOR: y no es cierto queee en otra ocasión cogió usted un cepillo de un carro de basura que había por [allí

42- ACCUSED: no bueno]

43- PUBLIC PROSECUTOR: =Y LE PROPINÓ UN GOLPE CON [ESE CEPILLO [Trial 3]

41- PUBLIC PROSECUTOR: and is it not true thaaat on another occasion you took a broom from a sweeper cart that was [there

42- ACCUSED: no well]

43- PUBLIC PROSECUTOR: =AND YOU GAVE HIM A BLOW WITH [THAT BRUSH [Trial 3]

## Example 13:

51- PUBLIC PROSECUTOR: ah que usted tiene un pasado que su padre le ha afecta(d)o mucho y dice usted que nooo lo [que no perdona ¿no?

52- ACCUSED: claro creo yo creo yo] CREO –digo yo que será por ahí § [Trial 3]

51- PUBLIC PROSECUTOR: ah so you have a past greatly affected by your father and you say that you don't [forgive him, is that right?

52- ACCUSED: of course I think I think I] I THINK –I suppose it must be that § [Trial 3]

In the first two fragments it is the private prosecutor who retains the floor; this we consider normal in an interrogation because, as we know, the public prosecutor has more power than the witness in this sphere. However, we can see that in the latter case it is the defendant who raises his tone of voice to monopolize the floor, understanding that the provided information is very beneficial for the person who is interrupting. This is a trial in which the father accuses his son of threats and aggression; therefore, the defendant, in the presence of the public prosecutor's attacks, wishes to clarify that his father has reproached him for several years for being a drug addict, an information that will be in his favour. In other situations we find interruptions that are intended to put an end to someone talking, using the same words as the speaker, uttered at the same time. They are called *interruptions of collaborative turns*:

## Example 14:

- 18- LAWYER: revuelto deee revuelto [deee  
 19- ACCUSED 1: re]vuelto de cocaína de (( )) / [Trial 7]
- 18- LAWYER: mixture ooof mixture [ooof  
 19- ACCUSED 1: cocaine mixture] of (( )) / [Trial 7]

In this example the defence has brought to light a favourable issue, as drug addiction is considered an exculpatory cause of crime. Furthermore, in the fragment that we have transcribed it is the defendant who interrupts the lawyer, to indicate the exact type of drug that he had consumed.

### 2.2.8. *Interruptions with overlaps and interruptions without overlaps.*

At first, we could think that the turn-taking in a trial is well-established and that interruption is unusual. However, this initial belief is contradicted by the data. We must also point out that the vast majority of these interruptions take place during the interrogations, and that it would be unthinkable to interrupt in other phases of the trial, such as the reading of the final interventions of prosecutor and defence. Above, we have outlined several examples of *interruptions with overlaps*. In contrast, cases of *interruption without overlaps* are less frequent, because in this context the actors speak very quickly.

In the following transcription it is the judge who provokes the process of *interruption without overlap*:

## Example 15:

- 329- LAWYER: °((( )))] ¿lo llevó –lo llevaron en varias ocasiones a reparar[lo?]°  
 330- WITNESS 2: sí] sí /  
 331- JUDGE: hable fuerte señor / hable fuerte §  
 332- WITNESS 2: bien / [Trial 4]
- 329- LAWYER: °( (( )))] did you take it–was it taken on several occasions to be repaired? °  
 330- WITNESS 2: yes] yes /  
 331- JUDGE: speak up sir / speak up §  
 332- WITNESS 2: alright / [Trial 4]



In this passage we observe the lawyer's interrogation of the witness; even so, the judge decides to interrupt to tell the deponent to raise his voice so that he can be heard by all those present in the room. Here we have another transcription:

Example 16:

385- LAWYER 1: del año dos mil / ¿se acuerda? §  
 386- LAWYER 2: perdón señoría es que no (( )) §  
 387- JUDGE: hable más fuerte / hable fuerte § [Trial 4]

385- LAWYER (WOMAN): of the year two thousand / do you remember? §  
 386- LAWYER (MAN): sorry my Lord it's that it isn't (( )) §  
 387- JUDGE: speak up / speak up § [Trial 4]

This example is very similar to the previous one, but this time it is the judge who interrupts to ask the witness speak up.

### 2.2.9. *Interrupting overlaps and non-interrupting overlaps.*

As we have already commented on several occasions, judicial interrogations are characterized, from the perspective of discourse analysis, by the fast-paced exchanges in turn-taking. Furthermore, interventions are usually very brief; this fact frequently causes difficulty for recognizing the existence of some interruptions. In transcription 17 the witness provokes an overlap with the words of the public prosecutor, he wants to give accurate information that he had not properly clarified previously. Moreover, in example 18 the deponent's words overlap with those of the lawyer, and he repeats the negative adverb three times in order to immediately clarify that his aim was to recover his pet and that he had no intention of denouncing the person responsible for the offence:

Example 17:

16- PUBLIC PROSECUTOR: le sustrajo mil pesetas y le quitó una car –cartera también / le quitó la cartera conteniendo ese dinero §  
 17- WITNESS: jum §  
 18- PUBLIC PROSECUTOR: eh ¿por qué [le agredió?  
 19- WITNESS: la car –la cartera] no / sólo las mil pesetas § [Trial 8]

16- PUBLIC PROSECUTOR: you stole a thousand pesetas from him and you took his wa –wallet too / you took the wallet containing that money §  
 17- WITNESS: eer §

- 18- PUBLIC PROSECUTOR: ay - why did you [hit him?  
 19- WITNESS: not the wa –the wallet] / only the one thousand pesetas § [Trial 8]

Example 18:

- 174- LAWYER: ¿y usted quiso realmente denunciar o solamente re[coger?  
 175- WITNESS: no no no yo] quería na(da) más que recoger mi perra / yo no quiero –yo no quería ni quiero buscarle problemas a nadie / yo solamente quiero una cosa que yo la compré yyy (( )) que yo quiero saber na(da) § [Trial 9]
- 174- LAWYER: and did you really want to denounce or just recuperate?  
 175- WITNESS: no no no I] on(ly) wanted to recuperate my dog / I don't want –I didn't want to put anyone into trouble / I only want one thing, I bought it aand (( )) that I want anything else to do with any(thing) § [Trial 9]

In examples 19 and 20 we can note that the actor who provoked the overlap does not intend to continue talking, but rather his intervention takes on a phatic function; i.e. he confirms that he understands the message of the speaker:

Example 19:

- 87- PUBLIC PROSECUTOR: que también se la quitaron en ese momen[to  
 88- WITNESS: sí  
 89- PUBLIC PROSECUTOR: las] =dos mil pesetas § [Trial 1]
- 87- PUBLIC PROSECUTOR: that they also took it at that mo[ment  
 88- WITNESS: yes  
 89- PUBLIC PROSECUTOR: the] =two thousand pesetas § [Trial 1]

Example 20:

- 58- PROSECUTOR: hombre me tiré en la puerta casi una hora / pe[ro  
 59- PUBLIC PROSECUTOR: eso  
 60- PROSECUTOR: co]mo no me no me dejó entrar § [Trial 10]
- 58- PROSECUTOR: I waited at the door for almost an hour / [but  
 59- PUBLIC PROSECUTOR: exactly  
 60- PROSECUTOR: since] he didn't he didn't let me in § [Trial 10]

We insist that in this context it is not always easy to identify the purpose of provoking an overlap, although the intention of taking or not taking the floor is

more obvious. We should recall the importance of words and statements in court. For this reason, the lawyers' talent in phrasing their questions or timing of their interruption of the witness when the latter is hindering the position of the interrogator are very important factors. To this we must add that interrogators have extensive experience in this field and that, as a consequence, they have developed the ability to interrupt the deponent at the very moment he provides information that is not favourable for the interests of the lawyer.

## 2. 2. 10. Processes prior to interruption: *Request for interruption* and *encouragement or provocation of interruption*.

In this corpus we have not found any examples of an explicit request for an interruption; there are however occasions in which we can appreciate a certain *encouragement or provocation of an interruption*:

Example 21:

28- PUBLIC PROSECUTOR: es decir que ¿se separó usted y ya se despidió de él? §

29- ACCUSED 2: bajó a pasear al perro y si ya nos veíamos nos veníamos juntos paaa(ra) pa[(r)aa

30- PUBLIC PROSECUTOR: y fue] a a partir de ese momento cuando de –decide usted sustraer [el vehículo [Trial 12]

28- PUBLIC PROSECUTOR: in other words,you separated and you had already said goodbye to him? §

29- ACCUSED 2: he went to take the dog for a walk and if we met each other we would come back together to, to

30- PUBLIC PROSECUTOR: it was] at at that moment when you de –decided to steal [the vehicle [Trial 12]

Example 22:

44- ACCUSED: no no no [no no

45- LAWYER: en nin]gún momento [Trial 1]

44- ACCUSED: no no no [no no

45- LAWYER: at] no time [Trial 1]

Example 23:

49- JUDGE: se puede ir usted / ¿leen las definiti[vas]?

50- PUBLIC PROSECUTOR: las de]finitivas § [Trial 8]

49- JUDGE: you can leave / are you going to read the fi[nals]?

50- PUBLIC PROSECUTOR: the fi[nals] § [Trial 8]

In the first two cases we can see that the repetition of the same word by the accused provokes the interrogator to overlap him, as he senses that the interrogatee will not provide new information. We shall take a closer look at this last example, in which there is a request for the reading of the last interventions of prosecutor and defence, as usual, by the judge; this phase of the trial usually takes on an even faster pace, so there are overlaps between the voices of the judge, the public prosecutor and the lawyer.

### 2. 2. 11. Reactions following the interruption: *Process of abandonment, process of rectification, process of continuation and process of ratification or confirmation.*

There are several occasions in which we observe a *process of abandonment*. Thus, in the following examples we can notice that the recovery of the floor shows no direct relationship with the interruption. In transcription 24, the judge, hearing that the defendant does not plead guilty for the offence, immediately proceeds to open the questioning made by the public prosecutor. However, in examples 25, 26 and 27 the interrogators speed up the pace of their speech to announce that they have completed the interrogation.

Example 24:

1- JUDGE: juicio {number of trial} del año dos mil uno // por delito de robo contra {name and first surname of the accused (woman)} y {name and first surname of the accused (man)} / ¿se consideran ustedes CULPABLES [del]?

2- ACCUSED: no]

3- JUDGE: =pues {name of the accused} véngase a esta silla y conteste a las preguntas que le haga la señora fiscal /// (2<sup>ca</sup>) [Trial 2]

1- JUDGE: trial {number of trial} of the year two thousand and one // for the offence of theft against {name and first surname of the accused (woman)} and {name and first surname of the accused (man)} / do you consider yourselves GUILTY [o?]

2- ACCUSED: no]

3- JUDGE: =then {name of the accused} come to this chair and answer the public prosecutor's questions /// (2<sup>o</sup>) [Trial 2]

Example 25:

30- PUBLIC PROSECUTOR: y fue] a a partir de ese momento cuando de –decide usted sustraer [el vehículo

31- ACCUSED 2: sí]

32- PUBLIC PROSECUTOR: =<sup>o</sup>(no hay más preguntas)<sup>o</sup> § [Trial 12]

30- PUBLIC PROSECUTOR: it was] at that moment when you de –decided to steal [the vehicle [Trial 12]

31- ACCUSED 2: yes]

32- PUBLIC PROSECUTOR: =<sup>o</sup>(there are no more questions)<sup>o</sup> § [Trial 12]

Example 26:

82- PUBLIC PROSECUTOR: y entonces inmediatamente van ustedes al hospital y ven que efectivamente el padre llevaba una brecha abierta por un golpe [¿no es así?

83- NATIONAL POLICE: exactamente]

84- PUBLIC PROSECUTOR: =<sup>o</sup>(ninguna pregunta más)<sup>o</sup> § [Trial 3]

82- PUBLIC PROSECUTOR: and then you immediately went to the hospital and you saw that in actual fact the father had an open gash from a blow [is that right??

83- NATIONAL POLICE: exactly]

84- PUBLIC PROSECUTOR: =<sup>o</sup>(no more questions)<sup>o</sup> § [Trial 3]

Example 27:

204- LAWYER: de acuerdo [vale

205- FATHER: eso es hijo]

206- LAWYER: =eso es todo señoría § [Trial 3]

204- LAWYER: all right [o.k.

205- FATHER: that is exactly it]

206- LAWYER: =that is all my Lord § [Trial 3]

In the corpus we see several examples of the *process of rectification*, that is, when someone starts to talk again changing the words or the meaning of what was said. This process is very common in legal contexts because frequently, during

interrogations, the same actor will intervene again and again with the aim of clarifying a certain feature that had not been made clear in previous statements; in other words, thematic changes during interrogations often occur gradually, linking some interventions with others, and it is the interrogator who often introduces such changes. We will find some in the following transcriptions:

Example 28:

115- LAWYER: ummm eeh eeh ¿notó usted si esa persona que le que le agredió era coherente en sus expresiones si se tambaleaba o si eh le notó [alguna?]

116- WITNESS: sí tenía síntomas

117- LAWYER: algunos movimientos] =extraños § [Trial 1]

115- LAWYER: mmm eer eer did you notice whether that person who who assaulted him expressed himself coherently, if he was staggering or if er you noticed [any?]

116- WITNESS: yes he had some symptoms

117- LAWYER: some strange] =movements § [Trial 1]

Example 29:

157- PUBLIC PROSECUTOR: aja aja y cuando usted terminó la detención o no [¿sabe?

158- NATIONAL POLICE 1: ¿eh?]

159- PUBLIC PROSECUTOR: =¿usted intervino en la detención de este señor [o no? [Trial 1]

157- PUBLIC PROSECUTOR: aha aha and when finished arresting him or [don't you know?

158- NATIONAL POLICE 1: what?]

159- PUBLIC PROSECUTOR: =were you involved in the arrest of this man [or not? [Trial 1]

Example 30:

21- PUBLIC PROSECUTOR: que si son ciertos esos hechos [que he dicho

22- ACCUSED: que va]

23- PUBLIC PROSECUTOR: =¿en absoluto? ¿nunca ha tenido usted ningún problema con ella? / [Trial 13]

21- PUBLIC PROSECUTOR: are they true, those facts [the ones I have mentioned

22- ACCUSED: no way]

23- PUBLIC PROSECUTOR: =not at all? have you never had any problem with her? / [Trial 13]

There is a *process of continuation* when someone carries on talking as if nothing had happened; that is, the speaker continues from the exact point at which his discourse was interrupted. In these examples we can note that, although the actors are interrupted, this process does not cause changes in the delivered statement; in example 31 it is the prosecutor who carries on speaking, and in example 32 it is the defendant:

Example 31:

55- PUBLIC PROSECUTOR: y también hacen constar en el atesta(d)o queee que les manifestó / a ustedes que esta[ba

56- CIVIL GUARD: bueno vamos a ver

57- PUBLIC PROSECUTOR: acompañando] aaa a la otra persona § [Trial 12]

55- PUBLIC PROSECUTOR: and also they declared in the state(m)ent thaaat that they told you that he [was

56- CIVIL GUARD: well let's see

57- PUBLIC PROSECUTOR: accompanying] thee the other person § [Trial 12]

Example 32:

74- ACCUSED: no re[cuerdo

75- PUBLIC PROSECUTOR: °(esa noche)°

76- ACCUSED: muy] =bien § [Trial 2]

74- ACCUSED: I don't re[member

75- PUBLIC PROSECUTOR: °(that night)°

76- ACCUSED: very] =well § [Trial 2]

The *process of ratification or confirmation* occurs when someone repeats the end of the previous discourse and continues talking. The following transcriptions are cases of this phenomenon:

## Example 33:

4- ACCUSED: °((( ))° porque como ahora mi padre está enfermo y yo soy el mayor tengo que trabajar [pa(ra)]

5- JUDGE: de acuerdo

6- ACCUSED: pa(ra)] =comer § [Trial 14]

4- ACCUSED: °((( ))° because as my father is ill now and I am the eldest I have to work [fo(r)]

5- JUDGE: all right

6- ACCUSED: fo(r)] =a living § [Trial 14]

## Example 34:

153- FATHER: ah bueno el [día treinta y uno

154- LAWYER: vamos a ver]

155- FATHER: =pues del día treinta y uno no puede ser na(da) más que eso § [Trial 3]

153- FATHER: ah well the [thirty-first

154- LAWYER: let's see]

155- FATHER: =well on the thirty-first, it can only be that § [Trial 3]

## 2. 2. 12. *Topic-changing interruptions* and *topic-conserving interruptions*.

About the interactive *topic-changing interruptions*, we can note that instead of abrupt topic changes, which are uncommon in trials, previously provided information is linked with new evidence, because in a judicial context the subject of the discourse is limited. Here's an example:

## Example 35:

65- FORENSIC SURGEON: =no lo puedo constatar [la verdad

66- LAWYER: sí ya] entonces eeh / yo lo que quiero remarcar es que él aunque estuviera haciendo un hecho ilícito no podía inhibirse de [hacerlo ¿no?

67- FORENSIC SURGEON: sí estaba] en el brote [agudo

68- LAWYER: jum jum]

69- FORENSIC SURGEON: =normalmente [no puede

70- LAWYER: no puede inhibirse

71- FORENSIC SURGEON: en caso] =de conocerlo porque la mayor parte de las veces [no no lo conoce –las –no alcanza a a conocer la ilicitud del acto [Trial 11]



- 65- FORENSIC SURGEON: =I can not confirm it [to tell you the truth  
 66- LAWYER: yes alright] then eer / I want to stress that although he was performing an illicit action he couldn't refrain himself from [doing it, could he?  
 67- FORENSIC SURGEON: if he was at] the acute [stage  
 68- LAWYER: hmm hmm]  
 69- FORENSIC SURGEON: =usually [he cannot  
 70- LAWYER: he cannot refrain himself  
 71- FORENSIC SURGEON:if] =he realises it because most times [he doesn't doesn't realise –the –he doesn't realise the unlawfulness of his action [Trial 11]

At this point it would be interesting to recall that *macrointerruptions* can only be made by the judge. We are now going to examine the interactive *topic-conserving interruption*. When studying this subject, it is important to note that we are analysing an interrogation, in which the change in theme is introduced by the interrogator; however, the possibility of the interrogatee changing the topic is minimal, especially considering that in this corpus the questions raised are very specific. Even so, there are some cases in which the answers of the deponents substantially vary the theme of the interrogation. Below is an example in which it is the public prosecutor who controls the topic of communicative exchange:

#### Example 36:

- 13- PUBLIC PROSECUTOR: ¿usted llevaba también un dinero encima / llevaba eh mil pesetas yyy y un billete de mil y otro billete de dos mil? §  
 14- ACCUSED: [eso ya  
 15- PUBLIC PROSECUTOR: ¿de ese dinero] se acuerda o no se acuerda? §  
 16- ACCUSED: eso sería a lo mejor porquee le pedí a gente / porque yo me dedico nada más que a pedir yo nooo yo no me dedico a robar ni nada de eso §  
 17- PUBLIC PROSECUTOR: ¿usted no no se lo había quitado a esa –a esas dos personas que yo le digo / ese dinero? /  
 18- ACCUSED: °(no lo sé)° §  
 19- PUBLIC PROSECUTOR: ¿usted fue um se acuerda que le llevaron aaal al médico la policía o [tampoco se acuerda?  
 20- ACCUSED: sí me llevaron] verás me llevaron porquee llevabaaa aquí una especiee deee puntos y cosas y no sé de qué me vino a mí eso § [Trial 1]
- 13- PUBLIC PROSECUTOR: you were also carrying money / you were carrying er a thousand pesetas aaand and a thousand pesetas note and another two thousand pesetas note? §  
 14- ACCUSED: [this already

15- PUBLIC PROSECUTOR: this money] do you remember it or don't you remember it? §

16- ACCUSED: perhaps that would be because I asked people for it / because I only ask for money I don't I don't steal anything like that §

17- PUBLIC PROSECUTOR: did you not not steal it from –from those two people that I mentioned / that money? /

18- ACCUSED: °(I don't know)° §

19- PUBLIC PROSECUTOR: were you um do you remember that the police took you tooo to the doctor or [do you not remember this either?

20- ACCUSED: they took me], you see, they took me because here I had some soooort oof stitches and things and I don't know how that happened to me § [Trial 1]

### 2.2.13. *Coincident interruptions and discrepant interruptions.*

A method which is frequently employed by the interrogator and the defendant consists of the former asking the latter questions so that they take the same standpoint. In this way, they succeed in creating a positive image of the deponent, and, hence, make the recipients believe that the deponent is telling the truth. In transcription 37 the defendant rushes to express his opinion, having already planned this with his lawyer and incites a *coincident interruption*. In example 38 we see another case of this type, in which the interrupter is also of the same standpoint as the speaker; more specifically the judge's action benefits the public prosecutor, because he doesn't allow the report to be presented as requested by the lawyer:

#### Example 37:

16- LAWYER: ¿y está usted conforme?] ¿está usted conforme [cooon

17- ACCUSED 2: sí] estoy conforme yo lo hice estoy conforme § [Trial 12]

16- LAWYER: and do you agree?] do you agree [wiith?

17- ACCUSED 2: yes] I agree I did it, I agree § [Trial 12]

#### Example 38:

10- JUDGE: ¿quiere alegar algo la señora fiscal? / es una prueba denegada porque con el informe de la [prisión

11- PUBLIC PROSECUTOR: hay suficiente

12- JUDGE: el médico de la prisión] / =este tribunal se considera ilustrado § [Trial 3]

10- JUDGE: does the public prosecutor want to invoke anything? / it is denied evidence because with the report from [the prison

11- PUBLIC PROSECUTOR: that is enough

12- JUDGE: the prison doctor] / =this court is considered informed § [Trial 3]

In these spheres, hostile situations are very common. In fact, we can see two sides with completely conflicting objectives, and if the judge were to believe one of them, he would directly imply that the other side has lost the case. As a result, *discrepant interruptions* are also present in judicial contexts. We shall present some transcriptions in which the defendant was not pleased with the words of the public prosecutor, although we stress that the jurist emits negative statements in order to interrogate the defendant; we must not forget that both actors have different interests:

#### Example 39:

35- PUBLIC PROSECUTOR: usted no es cierto que le haya amenaza(d)o / con un cuchillo §

36- ACCUSED: [no señoría

37- PUBLIC PROSECUTOR: diciéndole] que lo tenía que matar § [Trial 3]

35- PUBLIC PROSECUTOR: is it not true that you threate(n)ed him / with a knife §

36- ACCUSED: [no my Lord

37- PUBLIC PROSECUTOR: telling him] that you had to kill him § [Trial 3]

#### Example 40:

25- PUBLIC PROSECUTOR: que no se [acuerda de nada

26- ACCUSED: no es que niego no] es que no me acuerdo de eso § [Trial 1]

25- PUBLIC PROSECUTOR: so you don't [remember anything

26- ACCUSED: it is not that I am denying anything, no] it's that I don't remember that § [Trial 1]

#### 2.2.14. *Predictable interruptions and unpredictable interruptions.*

We have *predictable interruptions* when the interrupted person produces repetitions, lengthened syllables or *self-interruptions*. In judicial context, interrogators deploy their rhetorical strategies in order to benefit the position of their client. At the same time, the interrogatees are wary of what they say, because they are aware that their interventions are crucial for the subsequent judgement. We shall take

examples in which the defendants predictably cause their interrogators to interrupt, either by *self-interruptions* (example 41), or by repeating the same word (example 42):

Example 41:

23- PUBLIC PROSECUTOR: en la calle eso eso ocurrió unos días después / yo le estoy hablando ahora mismo del veintisiete de marzo §

24- ACCUSED: ya está –sería –o le digo [que

25- PUBLIC PROSECUTOR: no es cie] eh escúcheme un momento / ¿no es cierto que el día veintisiete de marzo sobre las once del –de la mañana –las once horas se acercó usted a la CALLE al domicilio de su padre sito en la CALLE {NAME OF THE STREET}? § [Trial 3]

23- PUBLIC PROSECUTOR: in the streeet that that happened a few days later / I'm now speaking of the twenty-seventh of March §

24- ACCUSED: that's enough –it might –or I'm saying [that

25- PUBLIC PROSECUTOR: is it not tru] hey listen to me a moment / isn't it true that on March the twenty-seventh at eleven o'clock in –in the morning –at eleven o'clock you approached the STREET and the home of your father located on the STREET {NAME OF THE STREET}? § [Trial 3]

Example 42:

44- ACCUSED: no no no [no no

45- LAWYER: en nin]gún momento [Trial 1]

44- ACCUSED: no no no [no no

45- LAWYER: at no] time [Trial 1]

Moreover, due to the idiosyncrasy of the judicial genre, interruption is unpredictable when those interrupted are the jurists and the interrupters are the witnesses. As we have stated on several occasions, distribution of power is asymmetrical in trials, meaning that if an interrogator interrupts the interrogatee, this is perceived differently than if it were the inverse situation, i.e. when the interrogatee interrupts the interrogator. In the following examples the interrogatee takes the floor, particularly in transcription 44 when the local policeman interrupts the public prosecutor.

## Example 43:

70- WITNESS: que al final tenía un abrelatas

71- PUBLIC PROSECUTOR: [yyy

72- WITNESS: no] un abrelatas no / unnn abrebotellas § [Trial 1]

70- WITNESS: that finally he had a can opener

71- PUBLIC PROSECUTOR: [aaand

72- WITNESS: no] not a can opener / aaa bottle-opener § [Trial 1]

## Example 44:

16- PUBLIC PROSECUTOR: +(y ustedes le encontraron los instrumentos [que (( )))+

17- LOCAL POLICE 1: en el furgón] [Trial 5]

16- PUBLIC PROSECUTOR: +(and you found on him the instruments [that (( )))+

17- LOCAL POLICE 1: in the van] [Trial 5]

### 2.2.15. *Relevant interruptions and irrelevant interruptions.*

Considering the importance of speech delivered in judicial contexts, we can claim that most of the interruptions that occur are *relevant*. The change in turn-talking is fast-paced, resulting in a large part of the interruptions not being interpreted as extremely rude. We shall now look at a fragment that we consider a *relevant interruption*, in the question-answer frame:

## Example 45:

18- LAWYER: con el doctor don {name and first surname} [¿no?

19- ACCUSED: exactamente [Trial 11]

18- LAWYER: with the doctor Mr {name and first surname} [isn't?

19- ACCUSED: exactly [Trial 11]

## Example 46:

1- JUDGE: juicio {number of trial} del año dos mil uno // por delito de robo contra {name and first surname of the accused (woman)} y {name and first surname of the accused (man)} / ¿se consideran ustedes CULPABLES [del?

2- ACCUSED: no] [Trial 2]

1- JUDGE: trial {number of trial} of the year two thousand and one // for the offence of theft against {name and first surname of the accused (woman)} and {name and first surname of the accused (man)} / do you consider yourself GUILTY [of?

2- ACCUSED: no] [Trial 2]

Thus, in transcriptions 45 and 46 the defendants are quick to give an answer, so their words overlap with those of the lawyer and those of the judge respectively. On other occasions, we can find examples of *irrelevant interruptions*; in the next transcription we observe that the lawyer provokes an overlap with the forensic surgeon, by means of a brief intervention when he says that he understands the technical terms used to deliver the message, so his involvement is therefore limited to confirming the phatic function of language. Although this actor provokes an overlap, he has no intention of continuing his discourse:

## Example 47:

57- FORENSIC SURGEON: si está en] el episodio depresivo si los conoce no los puede inhibir y difícil y la mayoría de las veces no los conocen / estan[do

58- LAWYER: aja] [Trial 11]

57- FORENSIC SURGEON: if he is in] a depressed state of mind, if he knows them he cannot refrain himself and it is difficult and most of the time they don't know them / they [are

58- LAWYER: aha] [Trial 11]

### 3. Some conclusions.

Judicial spheres are characterized by a predetermined distribution of discourse, which directly affects the way in which we should interpret interruptions. The judge, despite being the actor who intervenes least, has the power to establish turn-taking, to decide the sentence or even to interrupt the speaker if he deems the discourse irrelevant; that is, he can provoke *macrointerruptions*. Power relations existing in such contexts are not symmetrical, because the interrogators have more

power than the interrogatee. As a direct consequence, interruptions which occur during interrogations are considered rather rude depending on the role of the interrupter. We understand that in trials we do not note *lateral or homo-actantial interruptions*, as we believe that each participant possesses a different actantial role; hence we think that all *interruptions* are *front or hetero-actantial*, i. e., among actors with different actantial-communicative role.

In this paper, we have noted that the change in turn-talking in a judicial interrogation is very fast-paced, which makes it difficult, in some cases, to establish whether it is a voluntary interruption or not. In the context of judicial interrogation we can only find *contiguous interruptions*. We must bear in mind that the witness is questioned by the judge, the prosecution and the defence, and that the interrogation is usually quite short. Besides, in order to identify whether the interruption is abrupt or courteous, it is essential to analyse the power relationships between the actors in such situations; if the interrogator interrupts the interrogatee it is more acceptable than if it were the other way round.

## Acknowledgements.

This research would have been impossible without the contributions of Antonio Miguel Bañón Hernández, Javier Fornieles Alcaraz, Luis Columna Herrera and the ECCO (Critical Studies about Communication) research group. Undoubtedly, none of the above individuals is responsible for the ideas presented in this article.

## References.

Adelswärd, Viveka. —Defendants' interpretations of encouragements in court: The construction of meaning in an institutionalized context *Journal of Pragmatics*, 13, 1989, págs. 741–749.

Anderson, Kristin; Leaper, Campbell. —Meta-analyses of gender effects of conversational interruption: Who, what, when, where, and how || *Sex Roles*, 39 (3-4), 1998, págs. 225–252.

Bañón, Antonio Miguel. *La interrupción conversacional. Propuestas para su análisis pragmalingüístico*, Servicio de Publicaciones de la Universidad de Málaga, Málaga, 1997.

Beattie, Geoffrey. —Turn taking and interruption in political interviews: Margaret Thatcher and Jim Callaghan compared and contrasted *Semiotica*, 39 (1-2), 1982, págs. 93–103.

Bengoechea, Mercedes. —La interrupción entre jefas y subordinadas/os ||, in *Actas de las Primeras Jornadas Internacionales de Lingüística Aplicada*, Autores Varios (Eds.), Servicio de Publicaciones de la Universidad de Granada, Granada, 1993.

Berk-Seligson, Susan. —The impact of politeness in witness testimony: The influence of the court interpreter *Multilingua*, 7 (4), 1988, págs. 411–439.

Berk-Seligson, Susan. —The role of register in the bilingual courtroom: Evaluative reactions to interpreted testimony ||, *International Journal of the Sociology of Language*, 79, 1989, págs. 79–91.

Brady, Ann. —Interrupting gender as usual: Metis goes to work *Women's Studies: An Interdisciplinary Journal*, 32 (2), 2003, págs. 211–233.

Bresnahan, Mary and Cai, Deborah. —Gender and aggression in the recognition of interruption *Discourse Processes*, 21, 1996, págs. 171–189.

Carranza, Isolda. —Face, social practices, and ideologies in the courtroom ||, in *Politeness in the Spanish-speaking world*, M. Placencia and C. García (Eds.), Erlbaum, Mahwah, 2007.

Casanovas, Pompeu. —Pragmática de las decisiones judiciales: diferencias de razonamiento y lenguaje ante el jurado ||, *Cuadernos de Derecho Judicial*, 16, 1997, págs. 109–142.

Crown, Cynthia and Cummis, Debora. —Objective versus perceived vocal interruptions in the dialogues of unacquainted pairs, friends and couples ||, *Journal of Language and Social Psychology*, 17 (3), 1998, págs. 372–389.



Eades, Diana. —The case for condren: Aboriginal English, pragmatics, and the law || *Journal of Pragmatics*, 20 (2), 1993, págs. 141–162.

Eades, Diana. —*I don't think it's an answer to the question*: Silencing aboriginal witnesses in court ,||*Language in Society*, 29, 2000, págs. 161-195.

El-Madkouri, Mohamed. —Lengua oral y lengua escrita en la traducción e interpretación en los servicios públicos ||, *Tonos Digital*, 15, 2008, págs. 1-23

Emmison, Mike. —A conversation on trial?: The case of the Ananda Marga Conspiracy Tapes || *Journal of Pragmatics*, 13 (3), 1989, págs. 363–380.

Emmison, Mike. —Conversation analysis on trial: A reply to Molomboy ||, *Journal of Pragmatics*, 14, 1990, págs. 499–503.

Fontaine, Gary, Emily, Catherine. —Causal attribution and judicial discretion: A look at the verbal behaviour of municipal court judges || *Law and Human Behaviour*, 2 (4), 1978, págs. 323–337.

Fuller, Janet. —Hearing between the lines: Style switching in a courtroom setting ,||*Journal of Pragmatics*, 3 (1), 1994, págs. 29–43.

Grupo Val.Es.Co. *La conversación coloquial (Materiales para su estudio)*, Servicio de Publicaciones de la Universidad de Valencia, Valencia, 1995.

Guillot, Marie-Noëlle. —Revisiting the methodological debate of interruptions: From measurement to classification in the annotation of data for cross-cultural research || *Pragmatics*, 15 (1), 2005, págs. 25-47.

Hancher, Michael. —Speech acts and the law || *Language use and the uses of language*, R. Shuy, and A. Shnukal (Eds.), Georgetown University Press, Washington, 1980.

Harris, Sandra. —The form and function of threats in court ,||*Language and Communication*, 4 (4), 1984, págs. 247-271.

Jacquemet, Marco. —If he speaks Italian it's better: Metapragmatics in court ,||*Pragmatics*, 2 (2), 1992, págs. 111–126.

James, Deborah and Clarke, Sandra. —Women, men and interruptions: A critical review ||, in *Gender and conversational interaction*, D. Tannen (Ed.), Oxford University Press, New York/Oxford, 1993.

Jaworski, Adam. *The power of silence: Social and pragmatic perspectives*. Sage, Newbury Park, 1993.

Kerr, Norbert. —Trial participants' behaviors and jury verdicts: An exploratory study || in *The criminal justice system*, V. Konecni, V. and E. Ebbeson (Eds.), Freeman, London, 1982.

Kevelson, Roberta. —Language and legal speech acts: Decisions ||, in *Linguistics and the professions*, R. Diprieto (Ed.), Ablex, Norwood, 1982.

Kurzon, Dennis. *It is hereby performed ...: Explorations in legal speech acts*, John Benjamins, Amsterdam/Philadelphia, 1986.

Kurzon, Dennis. —The right of silence: A socio-pragmatic model of interpretation || *Journal of Pragmatics*, 23, 1995, págs. 55–69.

Kurzon, Dennis. —The politeness of judges: American and English judicial behaviour || *Journal of Pragmatics*, 33, 2001, págs. 61–85.

Lakoff, Robin. —The limits of politeness: Therapeutic and courtroom discourse || *Multilingua*, 8 (2-3), 1989, págs. 101–129.

Legault, Georges. *Le structure performative du langage juridique [The performative structure of legal language]*, University of Montreal Press, Montreal, 1977.

Li, Han. —Cooperative and constructive interruptions in inter- and intracultural dyadic discourse || *Journal of Language and Social Psychology*, 20, 2001, págs. 259–284.

Lorenzo, Guillermo. —Los actos de habla en la vida política y su reglamentación jurídica: a propósito de Herri Batasuna y su estrategia parlamentaria || *Revista de Lengua i Dret*, 16, 1991, págs. 57–73.

Mertz, Elizabeth. —Realist model of judicial decision-making: Of squatters and pragmatic contexts || *Working Papers and Proceedings of the Center for Psychosocial Studies*, 15, 1987, págs. 1–21.

Morris, Herbert. —Verbal disputes and the legal philosophy of John Austin || *UCLA Law Review*, 7, 1960, págs. 27–56.

Murray, Stephen and Covelli, Lucille. —Women and men speaking at the same time || *Journal of Pragmatics*, 12, 1988, págs. 103–111.

O'Reilly, Michelle. —Should children be seen and not heard? An examination of how children's interruptions are treated in family therapy || *Discourse Studies*, 8 (4), 2006, págs. 549–566.

Pardo, María Luisa. —La ficción jurídica desde la lingüística: actos de habla y ficción || *Revista de Lengua i Dret*, 22, 1994, págs. 25–43.

Penman, Robyn. —Discourse in courts: Cooperation, coercion, and coherence || *Discourse Processes*, 10, 1987, págs. 201–218.

Penman, Robyn. —Face work and politeness: Multiple goals in courtroom discourse || *Journal of Language and Social Psychology*, 9 (1-2), 1990, págs. 15–38.

Reznik, Deirdre. —Gender in *interruptive* turns at talk-in-interaction || *Teachers College, Columbia University Working Papers in TESOL & Applied Linguistics*, 4 (3), 2004, n. p.

Ridaio, Susana. —El interrogatorio en los contextos judiciales. Una aproximación pragmalingüística || *lin 25 años de lingüística en España: hitos y retos*, R. Monroy and A. Sánchez (Eds.), Ediciones de la Universidad de Murcia, Murcia, 2008.

Schane, Sanford. —A speech act analysis of consideration in contract law || *in Language and law [Langue et droit]: Proceedings of the First Conference of the International Institute of Comparative Linguistic Law*, P. Pupier and J. Woehrling (Eds.), Wilson and Lafleur, Montreal, 1989.

Shuy, Roger. —How a judge's *voir dire* can teach a jury what to say || *Discourse and Society*, 6 (2), 1995, págs. 207–222.

Sinclair, Michael. —Law and language: The role of pragmatics in statutory interpretation || *University of Pittsburgh Law Review*, 46, 1985, págs. 373–420.

Tannen, Deborah. —Interpreting interruption in conversation || *th, Gender and discourse*, D. Tannen (Ed.), Oxford University Press, Oxford-New York, 1994.

Walker, Anne Graffam. —Patterns and implications of co-speech in a legal setting , in *Linguistics and the professions*, R. Dipietro (Ed.), Ablex, Norwood, 1982.

Zimmerman, Donn and West, Candace. —Sex roles, interruptions and silences in conversation in *Language and sex: Difference and dominance*, B. Thorne and N. Henley, N. (Eds.), Newbury House Publishers, Massachusetts, 1975.

Zunzunegui, Edurne. —Una explicación pragmática del funcionamiento de enunciados jurídicos: el caso del Acta Única Europea || , *Anuari de Filologia*, XVII (5), 1994, págs. 91–100.

**Susana Ridaó Rodrigo** (born 1980, PhD University of Almería 2008) is a postdoctoral researcher at the Philology Department of the University of Almería (Spain). Her PhD dissertation presents a pragmalinguistic approach to conflict resolution. Her major fields of interest are pragmalinguistics, discourse analysis and phonetics. She has done research in judicial contexts, alternative dispute resolution contexts and intercultural fields.

[www.grupoecco.com](http://www.grupoecco.com)