

Marcela Alina Fărcașiu, *Language in the Courtroom: A Comparative Study of American and Romanian Criminal Trials*, Casa Cărții de Știință, Cluj-Napoca, 2015, 302 p.

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Language is used to communicate meanings, not only in ordinary settings, but also in professional ones. An important professional setting where language plays a key role is represented by the legal field and its related sub-fields. The *language of the law*, also termed *legal discourse*, refers to both spoken and written types (Tiersma, 1999). In order to distinguish them, the specialised literature uses *language in the courtroom*, *language of the courtroom proceedings* or *courtroom discourse* for the spoken legal discourse, and *legal texts*, for the written counterpart (Archer, 2005; Cotterill, 2002).

As the “law is a profession of words” (Mellinkoff, 1963, p. VII), it is no wonder that the language of the law has caught the attention of many scholars. The language used in the courtroom has been studied for more than 30 years, and has been approached from several perspectives, such as linguistic (Maley, 1994), sociolinguistic (Cotterill, 2001), pragmatic (Danet, 1980), stylistic (O’Barr, 1982) or anthropological (Conley *et al.*, 2005). Focus has been paid also to the cultural particularities and differences in the courtrooms by researchers such as Martinovski (2001), Innes (2001), Eades (2002) and de Klerk (2003), to mention just a few.

Narrowing the discussion to the Romanian culture and language, there has been little interest in this field until recently. Attention has been paid mainly to written texts, approaching them from linguistic, legal and/or interdisciplinary perspectives. Zafiu (2003), for example, draws attention to the style of legal texts, Danciu & Badea (2017) focus on their terminology, Stoichițoiu-Ichim (1990, 2002) interprets their semantics and semiotics, Șuș (2016) compares them across cultures, whereas Ghimpu (1978) is concerned with the legal texts understanding by laypeople. Regarding the actual language used in courtrooms, there is only a study dedicated

to Romanian, which dates back to 1930. Dimiu’s (1930) book presents an interdisciplinary study of courtroom proceedings, combining ethnographic, linguistic and sociolinguistic perspectives.

Within this framework of little research in the Romanian legal discourse, in general, and in spoken legal discourse, in particular, Fărcașiu’s book, entitled *Language in the Courtroom: A Comparative Study of American and Romanian Criminal Trials*, stands as an important contribution to the field. Apart from focusing on the Romanian legal system, the author also compares it to the American one, bringing thus valuable insights into the topic, useful to lawyers, linguists, translators, interpreters, students and/or researchers. Marcela Alina Fărcașiu analyses the language used by legal practitioners and witnesses in two different systems of justice, i.e. American and Romanian, paying particular attention to witness examination in courtrooms. The main objective of her research is to study the adjacency pairs used during the witness examination stage in the two system of justice from formal, functional and positional points of view. This is rather innovative as little attention has been paid to such aspects in the national literature.

The book is well-structured, cohesive and coherent. It contains seven chapters and two appendixes. Chapter 1 briefly states the premises for the study, and introduces the entire analysis to the reader. Since the speech event of witness examination is part of the speech situation of the criminal trial, the author continues by referring to the factors that have a direct influence on the string of language. As such, Chapter 2 describes the extralinguistic factors that may influence the communication process. First, it presents the systems of justice, and compares the American adversarial one to the Romanian inquisitorial one. Then, it turns to the criminal trial, continuing the

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comparison between the two. Going from general to particular, the author focuses on the actual setting, in this case, the courtroom, highlighting the symbolism of the seating arrangement of the participants and of the court attire in both cultures.

After clearly delimiting the topic of her study, Fărcașiu sets a theoretical background in Chapter 3, by referring to previous studies in the field. She presents a detailed specialised literature dealing with the topic of her book, and clarifies the terminology used in her research. The wide array of studies is related to both written and spoken legal discourse in both American and Romanian research, from several different approaches, such as linguistic, stylistic, sociolinguistic and pragmatic. The author also points out studies carried out in other cultures than the two focused. Aiming to provide the reader with a broad picture, Fărcașiu highlights that the research conducted in the field is extremely extensive in the American culture, but almost inexistent in the Romanian one. This chapter is important as it indicates the scarcity of recent studies, in general, and of those focusing on Romanian, in particular, hence the importance and novelty of the book *Language in the Courtroom: A Comparative Study of American and Romanian Criminal Trials* by Marcela Alina Fărcașiu.

Chapter 4 directs the reader to the actual study, by introducing the methodology and the corpus of the research carried. The methodology intends to cover both the macro- and micro-levels of discourse, presenting first the ethnography of communication (Hymes, 1962), which considers communicative patterns as part of cultural knowledge and behaviour, and analyses them through participant observation, and then conversation analysis (Goffman, 1959), which examines language as social action. Within this methodological framework, Fărcașiu focuses on sequential organisation in conversation, i.e. turn-taking (Sacks *et al.*, 1974), in two large corpora. The American corpus covers 100 pages of transcripts of three important American criminal trials taken from an online source. The Romanian corpus, instead, has been collected by the author herself from various criminal trials she attended, which extends also for 100 pages. The difficulty of collecting the corpus is emphasised by the author. Fărcașiu also transcribed manually both corpora relying on standardised transcription notations (Jefferson, 2004).

To continue, Chapter 5 narrows the field of discussion to question-answer adjacency pairs, which are described in detail, so that they are further analysed in the corpora from a structural, semantic, pragmatic and discursal point of view, on the one hand, and, on the other, from a syntactic and functional perspective. In other words, the author focuses on bits of data found in the corpora, and then links them to the communicative acts expressed, thus, deriving their pattern(s). She describes the characteristics of questions and answers, and analyses them in both languages. The analyses indicate particular patterns of sequential organisation and several conversational strategies used by lawyers, judges and witnesses, which are presented in detail in Chapter 6.

Finally, the conclusions of the conducted research are formulated in Chapter 7, focusing on three different aspects. First, the various analyses carried out have shown that the form and function of the questions used during witness examination is more or less the same in both American and Romanian courtrooms, the only difference being the frequency of certain types. The same can be said about the answers to the questions. The most visible difference is the presence of negative yes/no questions and their respective answers only in the American corpus.

Second, considering the overall organisation of the questions-answers sequences, several sequential patterns have been identified. In the American corpus, both direct-examinations and cross-examinations have the same main sequence pattern, namely the witness' lawyer requests information or confirmation and the witness answers by providing information or confirmation. This may have three possible variations, such as the sequence patterns in which the opposite lawyer raises objection, and gives reason for objection, and the judge replies by accepting or rejecting the objection. Furthermore, the presented sequence pattern may vary in six different ways, as for example, the judge accepts the objection, and also requests action from the questioning lawyer. In the Romanian corpus, in turn, the sequential organisation of witness examination is very different from the American one, due to the differences in the systems of justice, especially due to the role of the judge. The main sequence is the same, just that the witness' lawyer is replaced by the judge. The sequence also presents four possible variations, such

as the post-expansion by which the judge dictates the reformulated information or confirmation to the court clerk. This variation may also have two sub-patterns, e.g. after the judge dictates to the court clerk, the witness provides clarification to the mentioned information or confirmation, then the judge again dictates the corrected information to the court clerk.

Third, Marcela Alina Fărcașiu has reached some conclusions related to the conversational strategies used in the two courtrooms. Lawyers in the American courtroom use the ‘question cascade’ technique, which confuses the witness, as well as the multi-unit questioning, which narrows the object of questioning, suggesting the answer. In the Romanian courtroom, in turn, the lawyer, not being allowed to address directly the witness, uses embedded questions to ask the judge to request information or confirmation from the witness. Here, the judge is the one who uses questions, but only the multi-unit ones, being thus more explicit. S/he also reformulates the witness’ story so that the court clerk type, leaves the question unfinished and/or repeats the witness’ answer. As for the witnesses, both American and Romanian ones behave in the same way, fighting back with their own resources by counter-questioning strategies and/or dispreferred and non-responsive answers.

The two annexes of the book present samples of the two corpora, bringing further evidence to Fărcașiu’s research and conclusions.

All in all, the book *Language in the Courtroom: A Comparative Study of American and Romanian Criminal Trials* by Marcela Alina Fărcașiu deals with a relative new topic on the Romanian research stage, that of spoken legal language, bringing thus an important and innovative contribution. The contribution to the field is done also by the methodological approach which aims first, to analyse spoken legal discourse combining macro and micro

perspectives, such as ethnography and conversation analysis, and then to compare it across two cultures and languages, namely American and Romanian. Moreover, the length of the corpus selected is quite large, making the study representative in terms of analysis and conclusions. The method of collection and transcription of the corpora, apart from showing the thorough hard work of the author, stands as an example for future researchers, and facilitates a possible replicability. Finally, the extensive and accurate analyses have led to significant conclusions regarding the form and function of the questions and answers, their sequential pattern and the interlocutors’ communicative techniques. The comparison of the witness examination in two different systems has shown interesting insights into the field of institutional communication that often varies from culture to culture.

To conclude, understanding spoken legal discourse is very important both to professionals and laypersons, as it has very specific rules, and relies on hierarchy and power roles, which can pose problems within the same culture, as well as cross-culturally. Apart from communicating meaning, language in the courtroom also works in “the service of regulating social behaviour” (Maley, 1994, p. 11). *Language in the Courtroom: A Comparative Study of American and Romanian Criminal Trials* by Marcela Alina Fărcașiu reveals similitudes and differences between the language of the courtroom in American and Romanian criminal trials, being one of the few linguistic studies dealing with the language employed in a Romanian court of law. Therefore, the book is a wonderful resource for all those interested in the linguistic and extralinguistic features defining the spoken interaction taking place during the witness examination stage, such as lawyers, laypeople, researchers, linguists, translators, interpreters and/or students.

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