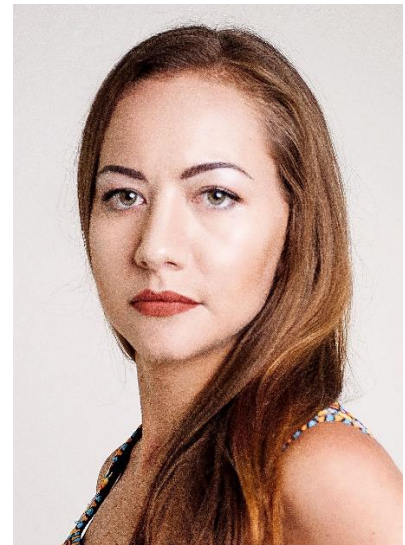


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FORENSIC TESTIMONY AS A GENRE OF NARRATIVE DISCOURSE

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Abstract

Previous narrative researches have never focused on witnesses as the primary tellers of events in courtroom, but rather on lawyers. It stipulated the need to foreground the role of the witnesses who have first-hand knowledge of these events. To that end, this paper explores forensic testimonies from a new perspective and suggests to consider this type of institutional discourse as a separate kind of the narrative genre.

In order to classify forensic testimonies as a genre of narrative discourse it was essential to provide a systematic review of contemporary literature related to the problem of genre definition with the aim of determining relevant criteria for assigning discourses specific generic affiliation. These criteria include: the institutional roles of the participants in courtroom context, the pragmatic goals of the lawyers and the witnesses in co-construction of the story within the testimony, as well as the constraining nature of courtroom context. Further the results of theoretical analysis of genre definition were mapped on major narrative dimensions (tellership, tellability, linearity, embeddedness and moral stance) in institutional context of courtroom hearings.

The findings of this research showed that witness narratives in testimonies are fragmented, characterized by nonlinear chronology and nonlinear causal logic of events presentation; even though the witnesses are restricted in what and how they tell, the stories they tell are highly relevant for the fact detection in court; testimonies are of dialogical nature, with the lawyers inevitably becoming co-tellers of the witness story; testimonies are embedded into power-asymmetrical 'question-answer' pattern of examination; the identity of the witness (and their credibility) is constructed and deconstructed throughout the testimony.

Keywords: witness testimony, forensic setting, genre, narrative, discourse.

1. Introduction.

Since 1990's an ever growing interest of academia in narrative has resulted in multiple studies of stories arising in courtroom discourse (cf. Griffin, 2013; Harris, 2001; Harris, 2005; Heffer, 2005; Heffer, 2010; Heffer, 2012; Jackson, 1988; Jackson, 1991; Matoesian, 2010; Mazzocco & Green, 2011; Snedaker, 1991; Wagenaar, 1996). However, it is predominantly the lawyer, who appears in the limelight of research, and has been proclaimed the primary narrator, who starts presenting the story in opening statements, supports it with evidence during examination phase, and, finally, summarizes it in the closing arguments. As for the witnesses, the researchers tend to undervalue their role as storytellers. The role attributed to the witness is that of “a form of evidence”, a mediator, through or despite whom the lawyers develop their stories (cf. Heffer, 2005, p. 42). However, theoretically, if witnesses offer simply a piece of evidence meant to support the story constructed by the lawyer, their testimony can be presented to the jury and the court without their presence in the courtroom whatsoever, for example, in a form of written statement, or report.

The trial as a whole can be seen as a story, which includes unfolding trial events and is often referred to as a “trial story” (Heffer, 2005, p. 69) or “story of the trial” (Jackson, 1988, pp. 65–88). “Trial story” is distinguished from “crime story” (Heffer, 2005, p. 69) or “story in the trial” (Jackson, 1988, pp. 65–88). The crime story is constructed by the Prosecution and is supported through witness testimonies during examination. However, the Defense constructs another version of a story, which has to oppose the one of the crime offered by Prosecution. Therefore, it would be more appropriate to call “crime story” (in Heffer's terms) “Prosecution story” as opposed to “Defense story”.

“The Prosecution story” and “the Defense story” are often seen in literature as a “cognitive template or skeleton structure” (Heffer, 2010, p. 119) which is filled in by instances of narrative discourse in witness testimonies. Researchers who have developed this idea propose the opposition of “macro” vs. “micro” narrative (Cotterill, 2003), “master” vs. “witness” (Heffer, 2005), “core” vs. “sub” (Gibbons, 2003), “kernel” vs. “satellite” (Snedaker, 1991). Whereas the first element in the above oppositions always represents the narrative constructed by lawyers and manifested in opening statements and closing arguments, the second element – refers to the narratives produced by the witnesses during examination.

Thus witness stories are often seen as used to “fill out, elaborate, and extend” the stories constructed by lawyers (Snedaker, 1991, p. 134). They seem to fall into a range of communicative practices of minor importance to most researchers. According to studies conducted by Heffer (2005, pp. 116–17; 2010, p. 206) only 12% to 15% of lay witness turns are minimally narrative. ‘A minimal narrative’ is understood (following Labov & Waletzky, 1967) as a sequence of two temporally ordered clauses, in which a change in the order of these sequences immediately leads to a change in semantics (Heffer, 2005, p. 100; Heffer, 2010, p. 206). Witness narratives are seen in such studies as narratives proper, which transpire within one communicative turn.

However, this seems to be inaccurate view of the problem. “The Prosecution” and “Defense stories” are analyzed from a narrative perspective as macro-narratives, which develop through a considerable amount of time and talk (from opening statements to examination and closing arguments), they are fragmented, lack linearity, do not strictly follow the Labovian-style story structure, and make extensive use of other voices (in Bakhtinian terms) – i.e. witness testimonies, reading out and referring to the transcripts of interviews and previous proceedings. If such macro-chunks of discourse are analysed as narratives, then, quite logically, witness testimonies can be considered as narratives too.

They are also fragmented, lack linearity, do not follow a Labovian-style structure and refer to other voices. However, it cannot be said that they exist on their own; on the contrary – witness stories are heavily dependent on logic and institutionally-driven discursive rules of examination, and are entextualized into larger stories (those constructed by lawyers, especially during direct examinations) and recontextualized in the instances of cross and further rounds of examinations.

2. Aim and Objectives.

The aim of this research is to substantiate testimonies of witnesses in courtroom hearing as a separate kind of narrative discourse genre.

Objectives are as follows: (1) to specify the definition of ‘genre’; (2) to identify the criteria to classify a sample of discourse as a genre; and (3) to analyze witness testimonies within the framework of specifically narrative dimensions.

3. Results.

3.1. Specification of the Notion ‘Genre’.

Genre definition remains a disputable issue in modern linguistic science. The relations between the abstract category of genre and a sample of discourse (an empirical object representing certain genre) raise a number of problems of epistemological and methodological nature. Among the major issues which researchers face are: (1) the criteria to classify genres; and (2) the methods and strategies of describing pieces of discourse as belonging to a certain genre.

It is noteworthy that we can talk about typology of genres as such; this is basically grounded in our inherent knowledge of culture and different social contexts and, this is why “the variety of genres found within and across societies corresponds to the variety of social contexts that those genres help establish and control” (Duranti, 2011, p. 41). In this way, genres can be used to classify and explain the logic of social behaviour (Fowler, 1985, p. 286).

Moreover, our inherent knowledge of cultural and social contexts helps us distinguish easily between poetry, fairy tale, advertising, news report, curriculum vitae, etc. Such categories are traditionally called genres. Genres, in their turn, belong to the so-called “registers” (a term introduced by Halliday, McIntosh & Strevens (1964)). Registers combine styles typical for certain areas of social human activity, among them: religious, legal, technical language, the language of medicine, etc. Register, as a functional language variation, is a contextual category that refers groups of linguistic features (including pronunciation, intonation patterns, specific lexical choice, syntactic constructions, morphology and even gestures) with some recurrent situational characteristics, which are associated with specific social practices and people who engage in them (Duranti, 2011, p. 42; Gregory & Carroll, 1978, p. 4). Thus, legal register, for instance, includes language of legislation in legal documents (contract, covenant, summons, etc.), language of court (opening statements, closing arguments, direct examination, cross-examination, verdict, etc.), language of textbooks on law, professional communication of lawyers, etc. (Trosborg, 1991, p. 4).

The ideas of Systemic-Functional Linguistics developed by Halliday became the basis for an approach which encompasses global text structuring and linguistic properties at the clause level as associated with a certain field of social activity, relations of the participants, and the communication channel of a certain discursive event. In simpler words, such an approach to defining genres takes into consideration the context, the wording and the structure of a piece of discourse. It is known that some genres have quite stable structural characteristics. A good example here is structuring of narrative as offered by Labov (1972),

van Dijk (1980), Ochs and Capps (2001), and Hymes (1998). A piece of discourse with structural parts such as exposition, complicated action and resolution can be qualified as a narrative; however, this same model (possibly with some variation) can be found in a parable, a fairy tale or an anecdote from life; it can be written or oral; produced in monologue or in dialogue; on television, in church or in courtroom.

It is also impossible to define a piece of discourse as belonging to a certain genre based solely on its formal lexical and grammatical characteristics. For example, even though narratives tend to include a frame of temporally ordered events, which are described by the succession of grammatical forms of the same type (e.g. by verbs in the past tense), and are connected by specific elements (such as conjunction “then”), it is not whole discourses which are characterized by stable morphological, syntactic and lexical features, but rather some fragments of discourse, types of presentation, or types of texts, like narrative, descriptive, expository, instructive or argumentative, all of which may arise within the boundaries of a single piece of narrative discourse, making it highly heterogeneous.

Another way to define a genre is grounded in the sociopragmatic nature of this concept. The researchers who favour this approach seek to explain genres through the notion of communicative events as characterized by “their communicative purposes and by their different patterns, structure, style, content and audience” (Swales, 1990, p. 58). Considering the concept of genre, Swales (1990) makes emphasis on (1) socio-rhetorical context; (2) categories of discursive community; and (3) communicative purpose (Swales, 1990, p. 44). According to Swales (1990), content, morpho-syntactic or lexical homogeneity of texts is not enough to allocate the texts in a genre; it is above all, the communicative purpose, the relationship between the speaker and the recipient, and the rules of the genre that are more important (p. 3). The main feature that brings together a set of communicative events into a genre is a common communicative purpose, which is the prototype criterion for genre definition and it is the communicative goal which drives speech activity in a discursive community (Swales, 1990, p. 10). This idea was further developed by Bhatia (1993), who agrees that it is the common set of communicative goals which defines a genre and results in its internal structure. A significant change in the communicative goal, according to Bhatia (1993), may lead to the genre change/switch, while less significant changes or modifications may result in gradation of subgenres, even though it is difficult to draw a clear distinction between genres and subgenres (p. 14).

Recognizing that there is a range of other contextual factors such as the content, form, intended audience, information channels, all of which affect the nature of a genre, Bhatia (1993) also sees a close connection between the communicative goals of a particular genre and its typical cognitive structure and organization (p. 13). If the factors relevant to the mode (including the channel and the nature of participation in communication) and content of the discourse (including status and social distance between the interlocutors) remain stable, but the communicative purpose changes, it inevitably brings about change of genre. Moreover, differences in communicative goals require different strategies and different cognitive structuring in various genres (Bhatia, 1993, pp. 21–22).

Thus, the definition of genres has to be approached by analyzing pieces of discourse according to a number of criteria. As noted by Bakhtin, utterances reflect specific conditions and goals, they have certain thematic subject, specific composition and style (Bakhtin, 1986). When identifying a particular genre of discourse, it is necessary for the researcher to take into account its composition, formal lexical and grammatical features, thematic component, as well as socio-rhetorical context, the relationship between the interlocutors and their communicative goals.

Although the description of genres is a disputable issue, given that, first of all, one has to take into consideration multiple criteria, and, secondly, the theoretically infinite number of genres, it is still possible to find suitable methodological strategies and instruments applicable to their analysis. The first and foremost task is to classify the text under analysis into one of the registers, for example, legal, educational or therapeutic. The next step would include the analysis of communicative roles of the interlocutors, speaker(s) and recipients, in a certain communicative context, along with the analysis of their shared (or divergent) communicative purposes. The analysis of communicative roles and communicative purposes may involve references to field-specific professional literature (as in case of trial discourse, where the researcher inevitably needs to explore some legal notions, laws and procedures), as well as the pieces of discourse themselves, which contain certain linguistic features, reflecting (often implicitly) the peculiar features of communicants and their pragmatic goals. These linguistic features may be referred to as genre markers, and, as offered by Coutinho & Miranda (2009), can be split into two broad categories: self-referential and inferential (p. 42). Self-referential markers “express in an explicit form the generic category of the text” (ibid.). These can appear (1) as labels in peritexts: “police report”, “subpoena in an administrative hearing”, “film review”, etc.; or (2) as explicit references to the genre in the body of text: *we are happy to invite you for our wedding reception...* (invitation), *I would like to congratulate you on...* (congratulation), etc. While the self-referential markers explicitly indicate the genre, the inferential markers, as noted by Coutinho & Miranda (2009), may need more interpretative work, because they require that the interpreter (receiver) has certain experience in dealing with the genre in question (p. 42). The inferential markers can appear on the level of lexical choice, syntax, structural organization, etc. For example, inferential markers in a fairy tale are *once upon a time* at the beginning, or *they lived happily ever after* at the end of a narrative; visual organization of (especially) unrhymed poetry, etc.

However, when identifying genres, basing analysis solely on genre markers as discussed above seems to be often insufficient. The example below represents a genre of holiday wishes/greetings:

MERRY CHRISTMAS DISCLAIMER

Please accept without obligation, expressed or implied, these best wishes for an environmentally safe, socially responsible, low stress, non addictive, and gender neutral celebration of the winter solstice holiday as practiced within the most enjoyable traditions of the religious persuasion of your choice (but with respect for the religious or secular persuasions and/or traditions of others, or for their choice not to practice religious or secular traditions at all); and further for a fiscally successful, personally fulfilling, and medically uncomplicated onset of the generally accepted calendar year (including, but not limited to, the Christian calendar, but not without due respect for the calendars of choice of other cultures). The preceding wishes are extended without regard to the race, creed, colour, age, physical ability, religious faith, choice of computer platform, or sexual preference of the wishee(s). (Author Unknown, URL: <https://lawdiva.wordpress.com/2013/12/25/a-lawyers-merry-christmas-and-happy-new-year-wishes/>)

This text includes some self-referential wishes/greetings genre markers in peritext: *Merry Christmas*; and in the body: *please accept... best wishes, the ... wishes*. The peritext, however, includes the legal term “disclaimer”, which settles the whole text in a genre of legal disclaimers, not wishes/greetings. Moreover, the whole text is overloaded with legalese style expressions: *without obligation, expressed or implied...; as practiced; with respect for; fiscally; including, but not limited to...; but not without due respect for; the preceding; extended without regard to*, with a word *wishee* finishing the whole message. Even though the number of legal genre markers prevails over the wishes/greetings genre markers, the

whole text, ironically, still belongs to the genre of wishes. This proves that genres can mix and different texts can often take on features pertaining to multiple genres simultaneously, creating endless n-tuples of genres and texts within them. As noted by Prior (2009), “genre analysts have been moving from a focus on genres as isolated phenomena to a recognition of how specific types of texts are formed within, infused by, and constitutive of systems of genres” (p. 17).

3.2. *Witness Testimonies as a Genre.*

It should be mentioned that when analyzing literature on forensic linguistics, there has been noted a tendency to distinguish between narrative genres of pre-trial (police) interrogation, examination in court and courtroom/trial narrative. The genre of pre-trial interrogation is defined as a genre close to the interview, which is characterized by certain specific strategies aimed at revealing the facts of certain events by encouraging witnesses to narrate with the aim of then using their testimony to present the case in court (Momeni, 2011; Johnson, 2004; Russel, 2004). Examination in court is predominantly seen as a narrative genre in which the main narrator appears to be the counsel for Defence or the counsel for Prosecution (prosecutor) who has to present before the court (the judge and the jury in the Anglo-American tradition) a story about the events, involving witnesses and the Defendant as co-narrators to reinforce their (lawyer’s) reasoning during examination and cross-examination (Heffer, 2012, p. 272). In a wider sense, court or trial narrative is understood as a communicative situation, which is structured by a combination of communicative actions of all the participants of court proceedings: the judge, lawyers, witnesses and Defendants. In other words, it is viewed as a whole, a legal case, or a story, which is constructed by multiple speakers (Heffer, 2012). However, given that notion of the communicative goal is vital in defining a genre (Bhatia, 1993; Bhatia, 1995; Bhatia, 2008; Swales, 1990), it seems reasonable to shift attention to the role of the witness, as their communicative aim may and does differ from that of lawyers (Russel, 2004, p. 113). A witness has a personal story to tell, a narrative of personal experience and have first-hand knowledge of it. In addition, they may have specific communicative goals: such as pleading not guilty, or inculpatory, blaming or accusing others. Thus, forensic testimony narratives are constructed by specific discursive strategies (e.g. presenting their own version of events), and tactics (e.g. an attempt to show oneself in better light, to arouse compassion and sympathy, to mislead, etc.). They also have specific lexical and grammatical characteristics, which are bound to the strategies, tactics and communicative roles of participants in examination. In other words, they are bound by inclusion of these narratives in dialogue with a lawyer, a professional who applies certain interrogation techniques. Thus, it is possible to speak of forensic testimony as a genre which is characterized by certain invariant as well as variable micro- and macrolevel structural, cognitive, pragmatic and linguistic features, which are constitutive of multi-party narrative discourse production. These features find their realization in narrative dimensions such as tellership, tellability, embeddedness, linearity, and moral stance (cf. Ochs & Capps, 2001).

Ochs & Capps (2001) suggest that narrative as a genre and communicative activity should be analyzed within a set of gradable “dimensions”, i.e. parameters with varying degrees of intensity and variability. These dimensions and their variations can be used for the analysis of how the interlocutors draw up their stories and how events are structured into a narrative (ibid., p. 19). The researchers offer the following scale of polar characteristics of the following dimensions: tellership, tellability, embeddedness, linearity, and moral stance (Table 1):

Table 1

Narrative dimensions and possibilities (by Ochs and Capps, 2001, p. 20)

Dimensions	Archetype (genre invariant)	Variables
Tellership	One active teller	Multiple active co-tellers
Tellability	High	Low
Embeddedness	Detached	Embedded
Linearity	Closed temporal and causal order	Open temporal and causal order
Moral stance	Certain, constant	Uncertain, fluid

Archetypal narrative of personal experience comprises the following characteristics: one active teller/narrator, high tellability of the story, relatively detached narrative from the surrounding conversation and actions, linear temporal and causal organization, and constant/unchanging moral stance/position of the narrator. The best example of the archetypal narrative could be a fairy tale, where there is one narrator, the story is relevant (as there is a listener/reader, usually a child, who would not listen/read if the story is of no interest), the story is quite detached from the real world and the context (situation) where it is read, the order of events is linear, and the moral stance is stable, encoded in culture by generations. However, narratives produced in a dialogue, be it a story told in everyday communication contexts, or in legal settings, are more likely to contain variables. Full of doubts, clarifications and considerations of alternative points of view, narratives are much more difficult to analyze.

Tellership. Narratives arising in witness testimonies are discursive patterns of dialogic nature. For example, in the process of narrative production in pre-trial interviewing or interrogation it is a witness or a suspect and the detective(s) who are involved in unfolding the story about events in issue, while in court examinations it is the claimant/victim/witness/Defendant and lawyers for Prosecution and Defense. The detective or the lawyer does not only pose direct questions, but also comments, evaluates, casts doubt on what was said, paraphrases and summarizes the received information about the events under consideration, as well as, having additional information from other investigation materials, injects into the narrative other events and their details, actors which have not been mentioned before, changes the topics, etc. (Russel, 2004, p. 114). An interviewer (a detective) or an examining party (a lawyer) compensates the limited ability of the interviewee (a witness, a Defendant) to produce complex and detailed narrative by asking meaningful questions (Johnson, 2004, p. 100), thus becoming a co-narrator (*ibid.*, p. 91). It should be noted that communicative turns of a plaintiff/witness/Defendant, in addition to answering questions and giving account of the events, may also include an evaluative component, consent, doubt and questions (Russel, 2004, p. 114). Thus, forensic testimony narratives take the form of “negotiations” between the interlocutors, who are sharing the common goal of establishing the ‘real’ course of events, reaching relative agreement as to the circumstances surrounding events in question, which results in creation of a coherent story.

Tellability is a narrative dimension which is defined by Ochs & Capps (2001) as the extent to which the speakers “convey a sequence of reportable events and make a point in a rhetorically effective manner” (p. 33). The logical construction, the confidence of the witness in their testimony, their reputation, and credibility of statement may appeal to moral values and compassion (Shuy, 2004, p. 6), which is of paramount importance, especially in context of jury trials.

Embeddedness is the dimension where narrative is defined with regard to its surrounding discourse (previous, current and following). Embeddedness of a narrative in interaction is evident in specific organization of communicative turns (where the turn

patterns are discursively pre-allocated as question-answer dyads), thematic content, and rhetorical structuring (Ochs & Capps, 2001, pp. 36-37). This property in forensic testimony narratives is bound, above all, to the nature of the institutional environment with its strict rules, bylaws and regulations.

In addition, in the situation of interviewing, interrogation or examination embeddedness arises as a result of asymmetric relations between communicants. This asymmetry is based both on the institutional rules and laws, and is realized through specific techniques that are used by representatives of the law (trained in applying these techniques) to reveal events and circumstances of which the plaintiff/witness/Defendant for some reason would often prefer to remain silent (Johnson, 2004, p. 91). Therefore, it is the investigator/detective or the lawyer (for Defense/Prosecution) who usually constructs and amends the unfolding of the narrative, leads the audience and the main narrator to the most important or critical points, changes the subject if necessary, offers evaluation of the relevance and credibility of the story elicited, casts doubts, and encourages the witness/Defendant to give clarifications (Johnson, 2004, pp. 91-107).

The psychological pressure, caused both by specific linguistic and psychological strategies that are employed by lawyers, and by institutional discursive situation in which the interaction unfolds, along with possible psychological vulnerabilities of the witness, may (even) result in formation of false memories of the events in question in the mind of the person under interrogation/examination, and lead, for example, to false confessions (Chapman, 2013; Gyuill, Madon, Yang, Lannin, Scherr, & Greathouse, 2013; Kelly, Miller, & Redlich, 2013; Perillo & Kassin, 2011), or false testimony.

Linearity is another narrative dimension which is explained in terms of chronology and causality. Narratives which are produced, or rather, co-produced in dialogue are often nonlinear: where the primary narrator can start a story, basing on certain logic of events scenario, and then can reject it (Ochs & Capps, 2001, p. 43). Moreover, the linearity of chronological narration is broken through interactional asymmetry, i.e. the dominance of the investigator/detective or the lawyer (for Defense/Prosecution) in interaction, who can suddenly turn to the issues demanding specification of the surrounding circumstances of events in issue, ask for clarifications, introduce a new episode, turn back to previously discussed episode, or even open up the way to a completely new story. This often results in frequent episode change and highly fragmented testimony (cf. Heffer, 2012, p. 271).

Narratives produced in witness testimonies, albeit often fragmented in terms of chronological and causal linearity, remain coherent. As stated by Leitch (1986), “constitutive feature of narrative development is the sequence of the audience’s perceptions, projections, and reintegrations of the story, typically following a line of development from illusion to disillusionment, and for this purpose plot in the sense of a temporal or causal sequence of events is clearly not necessary” (p. 130). This idea seems to be even more viable in trial context, where counsel and witnesses co-narrate a version of certain events to the jury.

Moral stance. Narratives of personal experience in general do not represent an objective course of events, but only a certain version of events, which brings them closer to an interpretation rather than the reflection of reality. People evaluate themselves and others with respect to standards of morality, which are deeply rooted in the traditions (in the commandments, laws, literature and movies, etc.). They praise, condemn others or sympathize with others basing their judgments on such traditions (Ochs & Capps, 2001, p. 45). In other words, they form their judgments on prejudices and bias, which is especially dangerous for decision-making of juries in trials. As forensic testimony narratives are about certain events which are directly or indirectly connected with some wrongdoing where a protagonist has violated certain rules of social morality, they inevitably contain an evaluative

component. The narrator explicitly or implicitly reveals their approval or condemnation of someone's actions, whereas the narrator's own behaviour always appears as justified enough from a moral standpoint (Ochs & Capps, 2001, p. 47). Moreover, the identity of the witness is constantly constructed and contested in terms of propriety, capacity and veracity (Heffer, 2005, p. 133, Iegorova & Ypsilandis, 2020). In this way the narrator constructs their identity throughout the process of storytelling by describing self and others: either providing character attributions or giving accounts of their actions and behaviours.

4. Conclusions.

To summarise, the basis for the general framework in further analysis of witness testimonies as a separate narrative genre was provided in two steps.

First, relevant literature review made it possible to highlight main criteria used for assigning a piece of discourse certain generic affiliation. These criteria differ in the approaches discussed. While the systemic-functional approach takes into consideration the context, the wording and the structure of a piece of discourse, the sociopragmatic approach relies on a wider span of criteria: socio-rhetorical context (including intended audience, mode, status, and social distance of the participants), categories of discourse community, self-referential and inferential genre markers, and, above all, the communicative purpose. The discussion on genres concluded by outlining the criteria relevant to assign testimonies narrative genre affiliation. Among them are: the institutional roles of the participants in trial (the opposing parties, the witnesses, the judge, the jury, etc.), the pragmatic goals of the lawyers and the witness in co-construction of the story within the testimony, and the constraining nature of trial context.

Further, the framework of narrative dimensions was applied to present preliminary critique of discursive features of testimonies, which can be given as follows:

- *the testimonies are fragmented, due to the constant topic change initiated by the lawyers, resulting in nonlinear chronology and nonlinear causal logic of events presentation;*
- *narrative testimonies are highly relevant for the fact detection in trial; however, the witnesses are restricted in what and how they tell, due to the legal principle of admissibility of evidence;*
- *testimony transpiring through and within different rounds of examination is a dialogical construct, where the lawyers inevitably become co-tellers of the narrative, due to frequently occurring reformulations and summarizing;*
- *narrative testimonies are embedded into power-asymmetrical question-answer pattern of examination;*
- *the identity of the witness (and their credibility) is constructed and deconstructed throughout the testimony, being contested in terms of their capacity, veracity and propriety (often) in atmosphere of intense psychological pressure.*

Therefore, forensic testimonies can be defined as a genre due to the fact that they (1) arise within the framework of a specific institutional discursive environment, which imposes its restrictions on communicative roles, communicative moves, etc.; (2) forensic testimonies as narratives have a specific communicative purpose different from those other participants in this context have. These two factors seem to be decisive for further characteristics of this genre: high relevance of witness stories, embeddedness in discursive context, along with dialogicity and plurality of co-narrators, nonlinearity of the chronology and causal logic of events presentation, and, finally, identity construction work.

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Анотація

Попередні лінгвістичні розвідки нарративів ніколи не зосереджувалися на свідках як основних оповідачах про певні події в судовій залі, а тільки на ролі адвокатів в судовому процесі. Це заклало підвалини для висунення у нашому дослідженні на передній план саме свідка як головного оповідача історії про певні події. У статті розглядаються судові свідчення з нової точки зору і автор пропонує закріпити за цим типом інституційного дискурсу окрему жанрову приналежність – процесуальне свідчення.

Для того щоб класифікувати судові свідчення як жанр нарративного дискурсу, необхідно було провести систематичний огляд сучасної літератури, пов'язаної з проблемою визначення жанрів, з

метою окреслення відповідних критеріїв для визначення жанрової приналежності певних дискурсів. Цими критеріями є: інституційні ролі учасників комунікації в контексті судового засідання, прагматичні цілі юристів та свідка в спільній діалогічній побудові історії про події в рамках свідчення, а також дискурсивно обмежуючий характер контексту судового засідання. Результати теоретичного аналізу даних критеріїв жанрової приналежності були інтегровані з аналізом основних наративних категорій в контексті інституційного дискурсу судових засідань.

Основні результати цього дослідження показали, що наративи судових свідчень є фрагментованими, характеризуються нелінійною хронологією й нелінійністю причинно-наслідкової логіки викладу; незважаючи на те, що свідки інституційно обмежені в тому, що і як розповісти, їхні наративи мають велике значення для встановлення фактів в суді; судові свідчення мають діалогічний характер, і адвокати виступають співповідачами свідчень про певні події; наративні свідчення вбудовані в асиметричну діалогічну модель питання-відповідь; ідентичність свідків (і достовірність їх свідчень) конструюється і деконструюється протягом свідчень як при прямому, так і при перехресному допиті.

Ключові слова: судові свідчення, контекст, жанр, наратив, дискурс.