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Narratorial Techniques in Tunisian Police and Court Transcripts: A Forensic Linguistic Approach

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(Article begins on next page)

**UNIVERSITY OF SFAX, FACULTY
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Text and context

**Edited by
Mounir Zekri**

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Table of Contents

Introduction	Maître de Conférences Mounir Zekri	9
Mounir Triki et Moncef Mahfoudi « Towards a Pragmatics of Biblical Exegesis: The Palestinian-Israeli Controversy as a Case Study »		31
Mounir Zekri « Le Texte et le Contexte en Fonction de la Formule C-L/L-C (Culture-Langue/Langue-Culture) »		65
Akila Sellami-Baklouti, « Text, Context and Choice: Towards a Probabilistic Approach »		91
Chokri Smaoui « Communication Strategies in a Cartoon Verbalization Task »		119
Douha Choukaer « Effects of laughter in education »		129
Mohamed Abidi « Agency Foregrounding and Backgrounding in Blair's Political Discourse: A Contextual Analysis »		139
Fatma Benelhadj « Influence of context on the choice of adverbs in scientific discourse: A functional interpersonal perspective »		169
Wafa Ben Salah Jendoubi « The Role of Critical Reading Strategies in Readers' Interpretation of Texts and Contexts »		197
Samir Mestiri « Reading Signs and Killing Bias : «Murdering Words» in Don DeLillo's The Names »		207
Nestine Triki « Narratorial Techniques in Tunisian Police and Court Transcripts A Forensic Linguistic Approach »		219

Narratorial Techniques in Tunisian Police and Court Transcripts A Forensic Linguistic Approach

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0. Introduction

Police and court transcripts are believed to be a verbatim reproduction of the original statements and interrogatory processes of investigations. While transcribing those minutes and hearings, the reporter has a wide variety of options from which s/he can choose. Non-linguistic studies, however, would not suspect that the reporter's choice of a particular reporting strategy is intentionally and pragmatically motivated (2, 2001; 8, 2004).

As a matter of fact, there is a pressing need to relativise the notion of reported speech in terms of the following parameters while dealing with police and court transcripts in a Tunisian context:

The first parameter is the generic properties of legal discourse, mainly its subgenre (trial transcripts) and its text types (interrogations, testimonies, decisions...). It is expected that

different sections will exhibit diverse manifestations of the use of reporting strategies. Therefore, separating communicatively different sections so as to scrutinize their respective inherent properties seems vital.

The second parameter is the specificity of Arabic language. It is interesting to see whether we can talk about a universal model of discourse reporting. Semino and Short (8, 2004) claim that they have come up with unified scales for Speech Writing and Thought Presentations. It is, therefore, fundamental to test the applicability of those scales on a different corpus involving different (sub) genres and different languages.

The third parameter that might affect reporting preferences could be that of the social and institutional contexts. Both police and courts use the narrative techniques to record the trial hearing processes. So, one might wonder whether reporting could be framed by those institutional factors.

Relying on the previously mentioned parameters, this paper extends the use of the latest model by Semino and short (8, 2004) and seeks to unveil the strategic choices made by Tunisian police and court reporters during the transcription processes of legal cases. In addition, I will argue that reporting strategies can give fruitful results in deciding for the degree of objectivity/subjectivity of reporters and the repercussions this may lead to in a forensic linguistic context.

The paper is made up of three major sections. The first provides a theoretical background to the study of narratorial techniques and some related issues. The second describes the methods and tools used to analyze the corpus. The paper then details the results of the annotation phase. At this level, interpretation of the major findings will be discussed with special

focus on the correlation between the choice of the narrative categories and the faithfulness claims linked to legal discourse.

1. Theoretical Background

This first part of the paper provides the state of the art linked to discourse representation with a special focus on the model of Speech, Writing and Thought presentation scales provided by Semino and Short, on the one hand, and the faithfulness cline linked to this model on the other hand.

1.1. Narratology

To refer to what other people have said, thought or written, there are wide varieties of forms from which one can choose. Those techniques and forms of narration or reporting, often referred to as *techniques of discourse presentation* have been widely investigated and studied in different disciplines, and were applied on different text-types and genres (6, 1981; 1, 1982; 12, 1989; 4, 1993; 10, 1994; 2, 2001; 9, 2002; 11, 2002). Throughout these works, the main purpose was to distinguish between the various strategies used in the pieces of narratives, their distinctive features (in terms of linguistic and discursive forms) but, most importantly, to account for the reasons behind opting for one strategy at the expense of another in different contexts. That is, which reporting technique is best/more used in similar contexts and what is the function performed by these various techniques? The purpose of studying these reporting strategies in the present research has to do with an issue far more important. In a legal context, what category to choose and how to use it can lead to serious repercussions on either of the litigants.

Collins (2, 2001, p. 2) asserts that in any action of reporting there is always an “intentional” mechanism underlying this action.

In addition to intentionality, there is also the aspect of “creativity”. The meaning of creativity entails giving from one’s self, that is, creativity is a conscious and voluntary mechanism. Thus, the reporter, in addition to reporting other participants’ speech, adds certain things that have nothing to do with the original speaker’s speech event. It remains to say that these reporter interferences could be explicitly stated or implicitly integrated within the different levels of speech, from the morpheme level to the larger units of sentence and discourse.

Most importantly, the author argues that the “fundamental shift that occurs when an utterance is transferred from its original context and into a new one has consequences for a whole range of categories concerning the network of interrelationships between the quoted words and their new surroundings, addressee, quotee, referents, etc.” (ibid). In legal transcripts, such a mess can easily occur if reporters do not select the appropriate reporting technique which should be the most reliable and the most successful in faithfully reproducing litigants’ and witnesses’ testimonies. Those techniques that reporters can choose from are described in the following section.

1.2. The Speech, Writing and Thought Models

Any choice that the police and court reporters would make should normally fall under Semino and Short’s (8, 2004) model of Speech, Writing and Thought presentation. The authors have come up with a genuine and comprehensive framework for the analysis of their corpus of narrative texts. While annotating their corpus, they did not only develop the framework of speech and thought presentation proposed by Leech and Short (6, 1981), they also found it necessary “to talk about ‘speech, thought and writing presentation’, as there are specific forms and functions associated

with reports of written language." (8, 2004, p. 12). In fact, the present study will be based on the framework advocated by them. The following are the new scales proposed by Semino and Short (8, 2004, p. 49):

[N]	NV	NR	SA	IS	FIS	DS	(FDS)
[N]	NW	NR	WA	IW	FIW	DW	(FDW)
[N]	NI	NR	TA	IT	FIT	DT	(FDT)

**Figure 1: Speech Writing and Thought Presentation Scales
in Semino and Short (8. 2004)**

This figure illustrates the different degrees of narrator's intervention in the characters' speech, writing and thought activities. As one moves towards the left extremity, the narrator/reporter's intervention becomes more and more significant. These scales are designed such that the distinction between the different categories does not merely rely on formal linguistic features, but also on the degree of involvement or detachment of the reporter/narrator.

On the other hand, the occurrence of speech, writing or thought presentation is to a large extent governed by genre and text-type preferences. Naturally, readers would develop some expectations about genre and text-type manifestations. Hence, any failure to meet those conventions would be pragmatically significant. Accordingly, it is expected that the present case study will be affected by the intertwined parameters affecting the choices of speech, writing and thought presentation. As will be demonstrated in the following sections, the thought presentation scale, for instance, will be almost absent in the corpus. This has to

do with the factor of genre exigencies of the legal discourse in transcription settings, which, in turn, should be concerned with “faithfulness” and verbatimness more than any other field.

1.3. Narrative Techniques and the Faithfulness Claim

While reporting other people’s discourse, reporters would try to make their reports accepted and believed by the readers. Therefore, a quest for faithfulness to the original speech event would be most needed. The degree of faithfulness or verbatimness of the reports differs according to the parameters of text-types and genres. People would not bother if the narrator in a fictional work, for instance, did not report exactly the same message of a particular character. In a legal case, however, it is expected that the transcripts should be the exact reproduction of the original speakers’ or writers’ words. Collins (2, 2001) cleverly highlights this generic characteristic that governs the narrative mechanisms. He maintains that the extent of directness is affected by the reporter’s degree of involvement in and around the represented speech. He ascertains that genre constraints frame whether verbatimness is considered as a central concern. For instance in fictional texts, authors do not have the intention of faithfully reproducing the words of the original speaker.

As previously mentioned, the Leech and Short scales (6, 1981), as well as the Semino and Short (8, 2004) ones, are organized such that, when one moves from the right to the left, the reporter/narrator’s involvement in the original speech event increases. Thus, in Leech and Short’s speech presentation scale, (free) direct strings would be considered as the ones that are more faithful and verbatim, whereas NRSA categories would represent more reporter involvement and subjectivity. Semino and Short’s speech cline has come up with a new category (NV) which is

thought to represent more narrator/reporter involvement. What is also worth mentioning, concerning the faithfulness claim of the reporting techniques, is that the Writing presentation categories are more faithful than their parallel speech counterparts. Thus, DW is more faithful than DS and IW is more faithful than IS.

It would be safe to conclude that, from a pragmatic perspective, “speech reporting is treated as intentional activity” (2, 2001, p. 49). Thus, genre, text-types, the communicative purpose of the reporting activity, as well as the reporter’s own intentions and purposes, would favour the choice of the degree of faithfulness whenever a choice is available. When put in a legal setting of forensic linguistic investigation, the conflicting views about the degree of faithfulness of each reporting strategy can affect the reliability of some transcripts. Actually, the problem of faithfulness and verbatimness gains more prominence in the context of legal transcripts, which in turn, can only be investigated using empirical methods and approaches.

2. Methodology

This section of the paper provides details about the corpus studied as well as the tools and the methods used in order to best approach discourse representation in Tunisian transcripts and test the faithfulness claims related to legal discourse in particular.

2.1. Corpus Description

The chosen case could be a typical example of a forensic linguistic study as it includes all the criteria issued in Olsson (7, 2004). The corpus is a set of written transcripts and records of a criminal setting (police/courtroom interrogations, testimonies, decisions and the verdicts).

The case investigated is made up of 32 texts (almost 22,000 words). Nine of these texts are the transcripts of the police interrogations. The court of First Instance transcripts extend throughout 16 texts, and those of the Court of Appeal are 7 texts.

It is to be noted that, for ethical reasons, the real names of litigants and witness were altered into fictive ones. Those of lawyers, judges, police and court investigators and reporters were deleted; their respective grades or professional titles were preserved for clarity reasons. The Tunisian legal system grants Privacy Laws for persons. Unreal names are, therefore, used not to infringe those rules.

2.2. Corpus annotation

The process of annotation was the most difficult and delicate part in the present study. There was a necessity to tag, re-tag and cross-tag over and over again because such an analysis does not only involve discursive and syntactic features but it also necessitates contextual and pragmatic inferencing. Expert informants in narratology (English language and Arabic language informants) were often consulted to determine the environmental manifestations of particular discourse presentations. It is to be noted that, despite efforts to be as precise as possible, some categories could have been tagged differently. This is due to the ambiguity and fuzziness of certain discourse stretches, which makes tagging an un-straightforward process. Particular strings of discourse presentations were so ambiguous that one could not say for sure whether they are cases of speech, writing or thought presentation.

In some other cases, it was almost impossible to apply the Semino and Short taxonomy on Arabic language. These discrepancies were mainly related to the distinctive features of

some discourse categories, mainly the free indirect categories. While the distinction of free indirect categories is mainly based on linguistic parameters (e.g: no tense backshift) such a distinction could not be applied on Arabic language because it lacks a wide range of tense taxonomy (3, 2001).

2.3. The Adopted Tag Set

While applying Semino and Short's model on the corpus studied, some categories were not found; therefore they had to be ignored. The following table provides a clear description of the tag set adopted. The table shows the linguistic and semantic criteria upon which the tags were dependent.

Table 1: Categories of Discourse Presentation and their Distinctive Features

Tags	Distinctive Features
N: Narration	When no speech, thought or writing representations are identified.
NRS: Narrator's Report of Speech.	It introduces any type of speech presentation category. It is the equivalent form for reporting structures (clauses, adjuncts, nominalizations...) All categories of NRS should be followed by a speech representation category.
NV: Narrator's representation of Voice	A speech presentation more minimal than NRSA. The reader is informed that a person is involved in a verbal activity, but s/he is not told about the speech act performed nor about the form and content of the speech event.
NRSA: Narrator's Representation of Speech act	No distinction between a reporting and a reported clause

Tags	Distinctive Features
IS: Indirect Speech	The reported clause is syntactically subordinated to the reporting clause tense and deixis shift
FIS: Free Indirect Speech	no reporting clause The discourse quoted appears in the form of a non-subordinate clause. retains subjective constructions and expressions, question forms, exclamation marks, speaker emphasis, etc
DS: Direct Speech	often placed within quotation marks Tenses and pronouns are wholly independent of the deixis of the quoting discourse.
FDS: Free Indirect Speech	no reporting clause and sometimes no quotation marks
NRW: Narrator's Report of Writing	It is the reporting signal for strings of writing representation. It could be in the form of finite verbs, gerunds and nominalizations. Similar verbs used for NRS could also be identified as NRW, depending on whether the original is speech or writing.
NW: Narrator's representation of Writing	The reporter mentions that someone engaged in a writing activity but with no further details about the content or forms used to deliver it.
NRWA: Narrator's Representation of Writing Act	It is the parallel for the NRSA category but it involves a writing presentation. It could be in the form of finite verb, a nominalization...
IW: Indirect Writing	IW is introduced by an NRW tag to which it is subordinate. We have tense and deixis shift.

Tags	Distinctive Features
FIW: Free Indirect Writing	Either there is no reporting signal or no tense and deixis shift
iT: inferred thought	reporters do not have any kind of direct access to the thoughts of the persons they are reporting. They are loaded with propositional attitudes such as think, know...rather than verbs of saying.
“p” with topic	This subcategory is applicable on NRSAAs and NRWAs when long and extremely detailed are given
“e” embedded	Embedded subcategories refer to the cases where anterior discourse is present in any category of speech, writing or thought presentations.
“q” quotation	This subcategory is similar to the DS category. However, what is different is that “q” forms are grammatically and semantically dependent to the reporter’s words
“I” inferred	The reporter has no direct access to what he reports. This form tends to be introduced by hedging devices.
“h” hypothetical	The reported discourse does not occur in real world. It refers to what people would say in the future or to what they might have said.

It is to be noted that some new categories emerged while tagging the corpus. Their explanations will be introduced in section [3,5]. The overall results together with their interpretations and discussions will be detailed in the following section.

3. Results and Discussion

For a better understanding of the narratorial techniques adopted by police and court reporters, I will focus on the distribution of the narrative categories in the different text-types of every section in order to look for any possible correlation between the choice of the categories and the function they perform in a specific context. The sub-categories together with the ambiguous and new ones will be discussed separately as they further boost the claims of this paper.

3.1. Text Type Distribution

This section details the quantitative results of the annotation procedure and provides explanations and interpretations of the most relevant features marking police and court transcripts and their respective text-types.

3.1.1. Police Transcripts:

Table 2 shows that the police reporters opt for different reporting strategies to transcribe the various text-types. It is noticeable that the speech categories are the dominant reporting options. Despite the fact that the number of occurrences of NRSAs is more important than the other categories this does not mean that it is the dominant strategy when word count is taken into consideration.

While transcribing the testimony of the litigants, police reporters opt for the DS strategy. It is to be noted that those DS strings extend over long sentences and paragraphs (the mean word length is 54.97 words in (F)DS categories v.s 7.63 for NRSAs).

Table 2: Distribution of the Speech and Writing Categories
in the Different Text-types

	Testimony	Interrogation	Eye-to-eye confrontation	Decision	Total
FDS	0	1	0	0	1
DS	12	2	0	0	14
IS	2	3	6	0	11
NRSA	24	5+1p	8	1	39
NV	0	0	1	0	1
IW	0	0	0	12+1e	13
NRWA	4	1	1	7	13
NW	4	1	1	1	7

This means that the statements of the litigants seem to be hardly interrupted by the investigators. Sometimes, some further clarifications are added by the speaker in the light of police questions. Consider the following example:

(1) س/ج :

فعلا يوم الواقعة الموافق للخميس 12 أوت 1999 ومساء حصل خلاف بين سليم و نزار حيث قام سليم بلطم نزار بواسطة لكمة إلا أنني تدخلت في الموضوع وحلت دون تطور الأمر بينهما وغادر كل منهما المكان حيث كنت واقفا و نزار في مدخل زنقة الحشيشة مركز الدرويش طريق قرمدة كلم 2 صفاقس لما قدم سليم على متن دراجته النارية نوع بيجو 103 سوداء اللون . قلت يومها تدخلت في الموضوع وغادر سليم ونزار المكان كما غادرته أنا باتجاه منزلي أين بقيت هناك أشاهد جهاز الفيديو ثم خرجت من منزلي بعد حوالي ثلاثة ساعات أين وجدت سليم ملقى على الأرض بداية مدخل الحشيشة والدماء تنزف منه.

س/ج : كما ذكرت لكم فاني بريء من تهمة الاعتداءات المنسوبة إلي من قبل
سليم ولا أعرف من الذي اعتدى عليه.

هذا ما تحرر عليه وبعد التلاوة والمصادقة أصر وأمضى وأمضينا والكاتب

حيث انتهى الاستتطاق في نفس يومه وتاريخه وعلى الساعة 16.00.

In example 1, the beginning of the defendant's speech 'فعلا' 'surely' or 'yes' comes to affirm somebody's previous proposition or speech event. This might mean that the defendant, actually, is not left with too much choice for his declaration. He should answer by 'yes' or 'no'; he should affirm or refute the police's own versions. If left to narrate their own versions and statements, the litigants might include personal stories and irrelevant details. Sometimes, they might even digress and make the investigations harder for the police⁽⁵⁾. Conversely, such practices might also have pragmatic implications when looked at from a forensic linguistic perspective.

The fact that police reporters prefer DS reporting may be explained by the faithfulness claims related to the use of DS. As previously mentioned, such a choice is also rooted in the quality and background of police and court reporters. This idea is echoing in Triki (13, 2001) where he argues that filtering particular strategies "is not solely determined by the urge for adequation to type but is also a function of the ideological drives of the reporter". The general tendency of police reporters to use DS might be due to their belief that it is the most appropriate strategy for a verbatim reporting.

5) Courtesy of Mr Mohamed.Miled, Police Inspector and Sheriff of the county of 'El Ain'(sfax)

DS is proved to be at the right extremity of the Speech Presentation Scales of both Leech and Short (6, 1981) and Semino and Short (8, 2004). It is the strategy whereby the narrator has the least personal intervention in, and control over the original speech event. Yet, this does not seem to be the case in the present study. Despite the use of reporting signals, quotation marks etc...the direct string can by no means be a verbatim, word for word reproduction of the litigant's statements. What looks like a verbatim DS is originally uttered in Tunisian Arabic and has been adapted to meet transcription traditions in a police context.

To push the argument further, the police transcripts also include sections where the reporter blends narratorial discourse and reported ones:

(2) س/ج : الذي أفيدكم به في قضية الحال أني تقدمت بعريضة في نفس الغرض إلى السيد وكيل الجمهورية لدى المحكمة الابتدائية بصفاقس وتمت إحالتها على فرقة الأبحاث والتفتيش بصفاقس وتم بحثي في الغرض هناك وتمت إحالة القضية على السيد حاكم التحقيق بالمكتب الثالث تحت عدد...كما أفيدكم أيضا وأن المشتكى بهم "زياد بل بسام وفوزي" تم الاحتفاظ بهما من أجل حفظ القضية وموجودان حاليا بالسجن المدني بصفاقس على ذمة التحقيق

(3) س/ج : أؤكد لكم وأني شاهدت بأم عيني بسام ونزار وزياد يعتدون بالعنف على سليم كما شاهدت بسام ينتزع من سليم قلادة كان يضعها في رقبته وشاهدته أيضا أي بسام يستولي على الدراجة النارية التابعة لاسكندر ويغادر المكان...

In examples (2) and (3), the police reporter insists on incriminating the suspect "Bassem" "زياد بل بسام وفوزي" "وشاهدته" "أي بسام أيضا". In the latter, the antecedent of the relative pronoun "هـ"

clearly refers to the previous proper noun "Bassem". Yet, the reporter adds the non-restrictive clause "that is Bassem" so that he guarantees there would not be any doubt that it is "Bassem" and not anybody else who stole the motorbike.

The cases of NRSA identified in the police transcripts are of two types. The first type encompasses those cases where the NRSA categories refer to the litigants or the witnesses' speech acts. They are identified in the different text types: e.g:

(4) وبعد الحلف وبعد التلاوة والمصادقة أصر نافيا عن نفسه ما نسبه له الشاكي
مؤكدًا على براءته من ذلك

Those NRSAs are used mainly in the nominative form. Thompson (10, 1994) advocates that the use of nominalized (gerund) forms at the expense of verbal ones has to do with the reporter's own understanding and view of the original speech event. Conversely to Thompson's view about nominalizations, Collins (2, 2001, p. 84) argues that "gerunds convey less grammatical information than finite verbs and hence are iconically appropriate for presenting speech acts that are not perceived as central or full-fledged events."

The overwhelming use of nominalization at the expense of reporting verb could be explained by several reasons. The first might be, as Collins (2, 2001) argues, that using nominalization helps in avoiding the mentioning of the original speaker or writer. There is an intentional use of nominalization by the reporters in contexts where there is reporting of legal clauses or decisions and sometimes when they are reporting judges or investigators. This is conspicuous for most of the reports of the non-litigants.

The second type of NRSA encapsulates those cases where the reporter refers to the investigators' speech acts. This category is intrinsically important as it is revealing of some unusual and strange manifestations of reporting speech acts. The NRSA is used to report the questions of the police and court investigators. This second case will be dealt with separately in section [3, 4].

On the other hand, the decision text-type is overwhelmingly marked by the use of writing categories. This sounds natural if one bears in mind that police decisions are based on the other written documents. At this phase, as will be further explained in the following sections, the police decisions have as an ultimate goal to summarize the whole investigation procedure. The same function is shared by the decisions made at the level of court decisions.

3.1.2. 1st Instance Court Transcripts

Table 3 shows that the court reporters have opted for different reporting strategies to make records of the trial transcripts. There is a remarkable difference between the distribution of the speech and writing categories among the different text types. The speech presentation category is overwhelmingly used in the testimony, interrogation and eye-to-eye confrontation transcripts. The opposite case dominates the decision transcripts where writing categories are more importantly used.

Table 3: Distribution of the Speech and Writing Categories
in the Different Text-types:

	Testimony	Interro- gation	Eye-to-eye confrontation	Court decision	Total
DS	7+1 ^e	2	15	0	25
IS	21	9	3	0	33
FIS	8	4	0	0	12
NRSA	39+1e+ 22p	28+5p	28	2+1p	126
IW	0	0	0	19+1e	19
FIW	0	0	0	1	1
NRWA	8	2	5	13+3p	31
NW	0	2	0	1	3
iT	4	0	0	1	5

Unlike the testimonies of the police transcripts that rely mainly on (F)DS categories, the court testimony transcripts are written mainly in the (F)IS categories. Some of the cases of the (F)IS have been accompanied with an intrinsic phenomenon:

(5) وأدى شهادته كما يأتي : إني أدعى نزار مولود في 30 نوفمبر 1973 بصفاقس حرفته عامل يومي قاطن بطريق قرمدة كلم 1 نهج شكيب ارسلان صفاقس.

There is a sudden slippage from the direct form of speech to the Free Indirect Speech. The underlined part was tagged as NRS. It introduces a direct speech that could be easily identified through

the use of the first person narrator. Before giving his testimony the witness is giving personal information about his identity, age and address. The emboldened word, however is rather introduced in the third person. The possessive adjective 'his' marks the slippage from the direct to the indirect. Because there is no reporting tag introducing this new category of IS it has been tagged as a case of FIS.

The possible reason for such a sudden slippage could be that the reporter, at the beginning, was filling the interrogation form on which the NRS for a direct speech is already provided. However, he chooses to change to the IS without noticing that he forgot to make the necessary changes for that choice. After scrutinizing the original copies of the court testimonies it was clear that the form already had the NRS followed by the introductory part of any witness "إني أدعى:". Those forms are made the way that best suits the court transcripts and the natural sequence of legal procedures. Law makers and regulators wanted the testimony to be in the direct speech form. The reporter deviated from that norm and opted for the IS strategy. As Collins (2, 2001, p. 13-14) points out, those cases lead to ambiguity and fuzziness. Collins claims that such instances of slippage are instances of ill-structured sentences are a characteristic of everyday language. This argument gives us insightful clues about the cognitive mechanisms working inside the reporter's mind while transcribing litigants and witnesses testimonies.

Compared with the police testimony transcripts, such instances of explicitly flouting the norms of reporting were not identified. It could be inferred, then, that court reporters give themselves wider room to manipulate the statements of the litigants and witnesses the way they think most suitable. In so doing, the court reporters would be implementing their own institutional task

which is “to communicate information about the trial in a way that would facilitate the judges’ decisions” (2, 2001, p. 35-36). The primary communicative purpose of the testimonies is to provide evidence through the statements for the ultimate goal of proving whether the defendants are guilty or innocent and to what degree this is so. Those choices were not only intentional but also purposive.

The 1st Instance section has also proved to be dependent on the categories of NRSA with 126 identified tags. The NRSA category’s primary function is to provide the speech act value of the speech event rather than the wordings and structures of the original utterance. In addition to that, the category of NRSA is used to provide “background speech information to contextualize fuller speech presentation forms” (8, 2004, p. 11). Consider the following example:

(6) ورافع الأستاذ بدر عن منوب زميله الأستاذ رشيد بما رآه مفيدا ملاحظا بالخصوص إن التهمة المنسوبة إلى منوب زميله مجردة وإن دوره اقتصر على فض خلاف نشب بين الشاكي وشخص آخر وهو ما كلفه إلى التورط في ذلك المشكل بسبب أغراض يحملها ذلك الشاكي ضده طالبا على ذلك الأساس حفظ التهمة في حقه لتجردها واحتياطيا إيقائه بحالة سراح واحتياطيا جدا سماع شهادة كل من معز ووليد الذين قدم شهادتين كتابيتين معرفتين بإمضائهما عليها.

In this example, the function of the first emboldened part is to provide the overall speech act performed by the lawyer. The NRSA category in this position comes to summarize a whole process of defense performed by the lawyer. The reporter, however, chooses to include in a subsequent position what is thought to be most important and relevant for the case under trial. This latter stretch of discourse is provided in an IS technique.

The choice of one reporting strategy at the expense of another is motivated by text-type requirements. For example, the overwhelming presence of indirect strings of discourse in the decision section is purposefully chosen. Indirect discourse, whether, spoken or written, has been proved to have more summarizing effects than the direct strings (4, 1993; 2, 2001; 6, 1981; 8, 2004). The primary communicative purpose of the decision transcripts is to recapitulate the long process of investigations made during the court hearings. Such a summary is constructed to highlight legal incriminations, defense arguments, the appropriate clauses applying in those contexts and, at the end, to draw the final conclusion of the court hearing. This final conclusion might be a need for further types of evidence on the part of the attorney general or on the part of one of the litigant's lawyers. Consequently, the reporter would not bother to reproduce the events in the chronological and linear way they were first issued.

3.1.3. Appellate Court Transcripts

Table 4 shows the distribution of the different speech and writing categories in the distinct text types of the Appellate court. The numbers demonstrate that those categories are not evenly distributed among the text-types. While speech categories are widely used in the testimony and interrogation text-types, the decision and the verdict ones rely principally on the Writing Presentation categories.

Table 4: Distribution of the Speech and Writing Categories in the Different Text-types:

	TESTI-MONY	INTERROGA-TION	DECISION	VERDICT	TOTAL
DS	1	0	0	0	1
IS	7	4	4	8+2e+1h	26
FIS	0	1	0	1	2
NRSA	8+2p	7+3p	9+1e	14+3p+3e	50
NV	0	0	1 ^e	0	1
IW	1	0	33+3e	42+10e	89
FIW	0	0	1	3	4
NRWA	0	2	12+3p	29+1p+3e	40
NW	0	4	10	6	20
iT	0	0	0	3	3

In the testimony and interrogation text-types, the reporters opt mainly for the IS and the NRSA strategies to report the litigants and witnesses. Some cases of writing presentation, however, were detected. In the testimony section, just one case of IW was identified.

(7) عملاً بالحكم التحضيري الصادر في القضية الجنائية ذات العدد يمناه والرامي

إلى سماع الشاهد سالم الرقيق

The IW tag in this context is purposefully chosen to make a link with the previous achievements of the lower court investigations and decisions. It is the starting point and the

reference on which the new Appellate Court investigations will be based. Such a reference could only be a written document.

The use of the Speech Presentation categories in these two text-types and not in the other two ones has various reasons. The first explanation could be imposed by text-type needs. In a context of testimonies and interrogations, the different participants in the process are interacting verbally. That is to say, the reporter is supposed to write down what the investigator asks and what the litigants or witnesses answer... In the **decision** and **verdict** text-types, however, the setting is totally different. Although the transcripts seem to be similar to the testimonies and interrogations, and despite the fact that we have reported utterances of those participants, those tags could not be referred to as speech presentation categories.

Indeed, in the sections of the **decision** and the **verdict**, the reporter is mainly reporting from a previously reported document. The testimonies and interrogations made at the beginning of the trial procedures in the Appeal Court serve as references for judges and jurors. They would draw their conclusions and final decisions or sentence depending on the written statements on those transcripts. Before writing the content of the decision, judges need to summarize those already given statements and types of evidence. Thus, the outcome is not a representation of what was said; it is rather a representation of what was written about what had been previously said.

3.2. Sub/ambiguous and new categories

This section focuses on the subcategories of discourse representations found in the corpus as well as the ambiguous and new ones that emerged while tagging the transcripts.

3.2.1. Subcategories

It is noticeable from the previous tables that not all the subcategories introduced by Semino and Short (8, 2004) are significantly present in the speech and writing presentation sub-tags of the corpus. Together, they amount to a total number of 71 tags, which represents about 12.26 % of all Speech Presentation categories in the corpus. The (p) form is the dominant subcategory all over the distinct sections. The results show that the NRSAp category is especially used in the 1st Instance section. The subcategory of (e) forms ranks second in terms of the frequency of its occurrence throughout the corpus. They belong to a wider range of categories: NRSA, NRWA, IS and IW. The “h” and “q” forms, however, are almost absent in the corpus as just one case for each subcategory was identified.

a. (p) forms

Court reporters tend to report the speech act performed by the interactants then they would provide some further details in the form of Narrative Report of Speech Act with topic. Eg:

(8) NRS فأجاب دون التوقف على حضور محامي

NRSA بالإنتكار التام لما نسب إليه

NRSAp نافيا أن يكون استولى على شيء من المسروق الذي يذكر الشاكي
انه استولى له عليه بما في ذلك دراجته النارية وسلسلة ذهبية ومبلغ ماليا قدره
22 دينار و600 مليم

One would ask why do court reporters opt for the strategy of NRSAp and not IS? Both forms are similar in terms of the quantity of information they provide. The only difference seems to be that IS is rather syntactically independent from the NRS, whereas

NRSA(p) is dependent. In the above mentioned example we have the reporting verb ‘answered’ followed by a prepositional phrase ‘with a total denial of the charges against him’ then the second NRSAp is also dependent because it starts with a non-finite verb in the gerund form ‘denying’. The reporter, however, uses different verbs to express the same meaning of refusal and denial. Though both verbs are widely known to be approximate synonyms, The New Arabic dictionary ⁽⁶⁾ defines both verbs as:

نفى : اخبر بعدم وقوعه

أنكر : الأمر جهله الحق جرده

From that definition, we note that the first verb ‘ankara’ has, in addition to the meaning of refusal, the meaning of knowing the truth but refusing to accept it or expressing the opposite of it. The choice of such a verb to refer to the speech of the suspect would load the speech act with the implicit meaning that the suspect is lying, that he actually committed the charges against him. This meaning would not have emerged if the reporter had opted for the IS strategy. By using the NRSA the reporter intervened and to some extent changed the illocutionary meaning of the original speech event. Collins (2, 2001) avers that despite the near synonymy between some words they cannot be used interchangeably. Thus, each term would allow the reporter to guide or manipulate the interpretation process in a different way.

The presence of the “p” forms comes to demarcate the prototypical from the non prototypical usages of the NRSA and the NRWA categories. The “p” form is used in the court transcripts to give a general idea about the content of the speaker’s utterance.

6) Arabic dictionary: Alkamous Aljadid Littoleb, © The Tunisian company for Distribution and The National Company for Distribution and Publishing, Algeria.

Such additional information is needed in the transcripts to clarify possible ambiguous speech acts E.g.:

(9) يتمسك بما تضمنته شكايته المقدمة إلى النيابة العمومية بتاريخ 14 أوت

In example 9 the addition of a supplementary piece of information is necessary for the sake of clarity and precision. The embedded clause “المقدمة إلى النيابة العمومية بتاريخ 14 أوت” is vital in a legal context because the same plaintiff could have more than one plea. So, the precision of date comes to avoid any possible misunderstanding and confusion with other cases.

The additional data included comes to elucidate and summarize the exact charges against the defendant. The “p” forms serve as clues that provide the necessary context for the narrative representation of speech acts. In the context of legal narratives, the choice of “p” forms is, therefore, not always “optional” (8, 2004, p. 10). It is required in particular contexts to fulfill the needs of the genre and text-type. For instance,

(10) وأدائه اليمين بأنه لا يقول إلا الحق ولا ينطق بسواه

In this example, it is clear that the segment “بأنه لا يقول إلا الحق” is to a certain extent superfluous. It is interestingly strange that such an additional topic about the content of the oath does not figure in any of the police testimony transcripts. An analogy could be drawn between the results found by Semino and Short and those of the present study. Semino and Short (8, 2004, pp. 73-75) argue that the use of the “p” form is linked with the degree of seriousness and formality of the text genre. It could, therefore, be concluded that the court reporters are more committed to details and precision than their police counterparts. This has to

do with the reporter's respective institutionalized knowledge about legal transcription.

b. (e) forms

As far as the "e" forms are concerned, their presence in the corpus is an indicator of the multi-layered reporting strategy discussed in the previous section. Embedded structures are used to highlight the change from one level of reporting to a second, lower level. This phenomenon involves two distinct types of layering. The first includes those cases where the reporter embeds structures of the same reporting scale. The following example illustrates this claim:

(11) صرح المجيب انه يحضر للأداء بشهادته من تلقاء نفسه دون استدعائه
بطلب من والدة الشاكي سليم

The bold part is tagged as NRS Ae because it is not the witness's own speech act. The witness himself is reporting the speech act of a third party, in this context; the mother of the plaintiff. Thus we have: a first level of reporting: the court reporter reporting the witness's testimony, and a second level: the witness reporting a third person's speech event. We can, therefore, deduce that the reporter has recourse to primary (first hand) as well as secondary data. As no act of reporting can be a hundred per cent faithful we would expect this percentage of faithfulness to decrease from one level of reporting to the following one. Multilayered reporting leaves ample room for manipulation and distortion, hence the value of a pragmatic analysis of those transcripts.

3.2.2. Ambiguous Categories

Tables 3 and 4 have also shown that some instances of reporting thought were identified. Despite the fact that they were

mainly linked to instances of ambiguity and almost impossibility to decide for sure to which category they belong or to which discourse presentation they might apply, it was decided that those cases would be annotated as **inferred thought** categories. The decision for a thought presentation can only depend on inferences made on the basis of indirect evidence, such as “speech, facial expressions, and general behaviour” (8, 2004, p. 135). Hickmann (5, 1993, p. 66), cited in (8, 2004), asserts that those cases of inferred thoughts are originally speech events that do not refer to speech per se. He recognizes that they rather focus on “the speaker’s deducible internal states and processes, e.g. thought, plans and emotions”. They are loaded with propositional attitudes such as think, know...rather than verbs of saying. The following are some examples extracted from the corpus:

(12) كما أكد بأنه لم يعاين بسام يتعدى على سليم وأنه يستبعد أن يكون بسام
عنف الشاكي سيما وأنه شاهدهما وهما بصدد الحديث غير أنه لم يشاهد أطوار
المعركة

(13) إلا أنه يرجح بأن نزار هو الذي اعتدى بالعنف على الشاكي

(14) وكان يرمي من وراء ذلك تمكينه من فرصة يقابل فيها السيد القاضي

In examples (12), (13) and (14) it is not clear whether the reporter is transcribing the speech of the defendant or whether he is making his own interpretation of the actions done by the suspect. Neither the linguistic nor the contextual clues surrounding this piece of discourse could help in deciding for sure to which category the fragment belongs. Such cases of ambiguities might frame the intended readers and interpreters’ understanding of the transcripts. For instance, the use of the verb “يستبعد”, if understood as the reporter’s own interpretation of the witness’s speech event, it

would mean that the reporter believes in what the witness says and that he is highlighting a fact rather than reporting a mere utterance

Such instances are ambiguous because the reader of the transcript cannot make a clear cut between the words of the original speaker and those of the reporter. Semino and Short (8, 2004, p. 144) aver that the inferred thought category “may lead to misleading or obscure reporting”.

Such an important distinction is blurred through the use of syntactic and stylistic choices by the reporter.

As previously specified, genre and text-type are decisive for the choice of particular structures. It is commonly agreed upon that thought presentations could only be found in fictional narratives, and to a lesser degree in press (8, 2004). To encounter them in texts other than the mentioned ones would have pragmatic implications. Legal language is highly standardized and void of any kind of personalization. The presence of such instances of thought presentation in the corpus is a further argument against the detached and totally objective aspect of legal transcripts.

3.2.3. New categories: “Q” and “Ø”

While annotating the corpus some unusual manifestations of discourse representations were encountered. The first peculiarity is linked to the use of NRSA category. There are instances where the reader has absolutely no access to the original questions issued by the interrogators. In the case of the police transcripts, the NRSA is manifested in a category which is even smaller than the “word”. NRSA's have the form of a single letter:

(15) س/ج : فعلا يوم الواقعة الموافق للخميس 12 أوت 1999 ومساء حصل

خلاف بين سليم ونزار

Instances such as the above example were repeatedly used throughout the police transcripts. The category "Q" is smaller than Semino and Short's NV. Yet, it functions as an NRSA because, in the context in which it occurs, this letter refers to a question issued by the investigator. In natural circumstances of police transcripts, the "Q" form should be tagged as NRS followed by the police question in a direct or indirect form. In the transcripts investigated, however, this simple letter stands for the speech event and the illocutionary force at the same time. Therefore, it could be said that this category would lie to the left of NV in the speech presentation scale. The occurrence of such a level of speech presentation in a legal transcript could be revealing of the police's hidden intentions to mystify and obscure their own questions during the interrogations.

In his investigations of the Derek Bentley transcripts, Malcolm Coulthard, a forensic linguist, has demonstrated that some of the defendant's answers were fabricated as they did not meet the reported police questions. In circumstances like the case under study, such a comparison is impossible due to the absence of a very important parameter which is the **questions**. The elimination from the transcripts of those police questions could have serious repercussions on the litigants.

The analysis of the police transcripts has also shown that, in two cases all that we have is the perlocution (the act performed by or as a result of saying). Such instances should be tagged as "Ø" (empty category); where there is no verbal realization of the category. Consider the following example:

(16) وبعد الحلف وإنذار طبق الفصل 241 من ق/ج أجاب : في مساء يوم
الخميس الموافق ل 12 أوت 1999 وفي حدود الساعة التاسعة والنصف

In the above example we have the reporting verb أجاب “answer” followed by the DS of the litigant. The verb “To answer” presupposes that a question has been issued. However, no traces of such a question could be found in the precedent discourse. When somebody answers a question, it is the “perlocution” or the desired effect of a particular speech act. No direct access to that speech act could be explicitly identified. It is only through inference that we can deduce the speech act. We feel the effect, we have the desired effect, but we lack the linguistic realization.

Such cases do not figure in Semino and Short’s work. They are dictated by the legal transcript as a genre in its own right (2, 2001). Nevertheless, it could be an exception that demarcates one of the Tunisian Police Transcripts. Whatever the purpose of the reporter is, the presence of such cases in a legal transcript could raise multiple questions and suspicions about the degree of faithfulness of the transcript. It further proves that the Tunisian Police Transcripts tend to be heading towards the left extremity of the faithfulness cline in their reproduction of the interrogation procedure. This proof undermines the view about legal records. In fact, they are not as faithful and objective as they are thought to be: manipulations and verballing could be found in them.

4. Conclusion

The objective of this paper was to study the narratorial techniques used by Tunisian police and court transcripts and see the extent to which they could be claimed to be faithful. The Semino and Short model of discourse representation was the starting point for the analysis. After some adaptation of this model to Arabic language specificities, the results have shown that the reporters have access to a wide range of options, and it has been proved that they are conscious about the specificity of each technique they select.

Thus, the over reliance on NRSA/NRWA categories together with the absence of reporters' questions from the transcripts and the presence of some Thought categories is revealing of the Tunisian reporters' tendency towards subjectivity and alienation from standard international norms. Reporting strategies, could, therefore, represent a fertile ground for forensic discourse analysts who long for uncovering truths about the verbatimness and faithfulness of transcripts.

Errors in transcription, whether deliberate or innocent ones, have devastating repercussions on the final sentence or verdict. Litigants in Tunisia have the right to dispute trial records in courts of higher instance (14). In some cases, it is enough for one of the litigants to prove that the transcripts do not reproduce the exact words, that some sentences were added or deleted to change the natural process of the case.

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