

“The exact words of the child’s testimony were not included”: A Sociopragmatic Study of Speech and Writing Transmodality in Late Modern Flemish Courtroom Records

Witness depositions are considered *speech-based texts*, as they originate from real-life speech events and are likely to contain authentic traces of previous speech (Culpeper & Kytö 2010). This holds particular significance in historical contexts, where (in the absence of audio or video recordings) written documents serve as the primary representation of speech from the past. However, much of the research into speech-and-writing transmodality indicates disparities between spoken communication and its written renditions (Culpeper & Kytö 2000). This arguably prompts an inquiry into the extent to which historical written records are able to faithfully capture original spoken communication from the past.

This study delves into an 18th and 19th century corpus of witness depositions delivered in criminal cases held in Flemish courts. The research is comprised of four case studies investigating speech-and-writing transmodality. First, we examine linguistic traces of speech preserved in written witness depositions, using orality and literacy markers as diagnostics. Second, we study entextualization processes, zooming in on narratives of individual speakers and tracing how they change at different stages of the proceedings. This allows us to determine how the institutional context of the trial shapes the written documents and what new meanings it can attribute to original narratives. Thirdly, we examine strategies of speech reporting to ascertain what communicative purposes they serve and how close they were meant to be to the spoken original. Finally, we study linguistic ideologies that arguably act as “filters” between spoken and written discourse to assess their influence on shaping historical written courtroom records (cf. Eades 2012).

Preliminary findings suggest that some traces of spoken language were preserved in written records, but the degree of orality varies along sociolinguistic lines. Significant temporal differences were identified, indicating a shift towards more verbatim speech renderings from the 18th to the 19th century. The evidence suggests that the institutional context of legal proceedings seems to have direct influence on the drafting process and the attribution of meaning. Additionally, the historical importance of written recordings of speech appears to be varied; some of them might have been drafted with procedural, short-term goals in mind, rather than as an attempt to accurately preserve the actual words of the deponents. Finally, the process of producing documentation in the courtroom is also an ideological one, built on various moral and personal beliefs, rather than an automated, unbiased replication of past utterances.

References

- Culpeper, Jonathan & Merja Kytö. 2000. Data in Historical Pragmatics. Spoken Interaction (Re)cast as Writing. *Journal of Historical Pragmatics* 1(2). 175–199.
- Culpeper, Jonathan & Merja Kytö. 2010. *Early Modern English Dialogues: Spoken Interaction as Writing*. Cambridge: Cambridge University Press.
- Eades, Diana. 2012. The social consequences of language ideologies in courtroom cross-examination. *Language in Society* 41(4). 471-497.