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Interjections in American and Danish courtroom interaction: A linguistic and legal cultural comparison

Sune Sønderberg Mortensen
Roskilde University
sunes@ruc.dk

Abstract: This study compares the use of interjections by the defence lawyers in an American and a Danish criminal trial during their direct-examination of their clients, i.e. the defendants. Through quantitative and qualitative analyses it is shown that the Danish lawyer uses interjections much more frequently than the American lawyer, and that the interjections used by the American lawyer tend to have different interactional functions than those used by the Danish lawyer. Thus, while the American lawyer practices a composed and transactional style of interaction, the Danish lawyer adopts a fairly loose and casual style. The interactional styles of the two lawyers, as seen through their use of interjections, are discussed and explained as reflections of central cultural traits of the two countries' legal traditions, drawing, amongst others, on the basic divide between common law adversarialism and civil law inquisitorialism.

1. Introduction[1]

1.1. The no longer so neglected part of speech

After the groundbreaking treatment of interjections in a 1992 special issue of *Journal of Pragmatics* (e.g. Ameka 1992), studies of interjections seem to have been gradually accepted as linguistics proper – at least in branches of linguistics concerned with meanings and socio-cultural functions (see e.g. Wierzbicka 2003; Hansen & Heltoft 2011; Velmezova 2011; Goddard 2013; Pei-Jung Lee 2017; Le Grezause 2017). While the traditional negligence of interjections may still constitute an important lesson for linguistics, the question these days is not so much – or at least should not be – whether interjections are important

or not, but rather what they mean, how they are used, what we can learn from them, and so on. This paper deals with aspects of these questions in the special context of criminal trial procedures.

Interjections are widely held to reflect cultural values, perhaps more densely than other parts of speech, e.g.:

> … far from being universal and 'natural' signs which don't have to be learnt, interjections are often among the most characteristic peculiarities of individual cultures. (Wierzbicka 2003:285)

Not only are the semantics of individual interjections steeped in culture, the norms of how and when to use various kinds of interjections may also be seen as reflections of cultural values and practices, or as Wierzbicka has it:

> … no definitions of the kind provided by […] conventional dictionaries […] would teach the reader in what situations *wow*, *gee*, *ah* or *phew* would be inappropriate. (Wierzbicka 2003:287)

1.2. Comparing legal cultures through interjections

The language of courtrooms is regulated by special institutional, legal and social norms, as well as strategic considerations of the trial parties (e.g. Atkinson & Drew 1979; Drew 1992; Gibbons 2003; Mortensen & Mortensen 2017). Such features are constitutive elements of what we may consider the cultural practices of the courtrooms, embedded in broader languacultural (Agar 1996) and indeed legal cultural traditions:

> As such, law in any country is formulated, construed and enforced through language. Under each legal system, the language that has developed for hundreds of years for the purposes of a particular legal system reflects the idiosyncratic traits of that legal system and legal culture. (Bednarek 2014:32-33)

Thus, the norms of language use in a trial hearing, including for example the norms of how and when to use (or avoid) interjections, reflect aspects of the legal culture in question. Differences between the legal traditions of e.g. the American and the Danish society may be traced in numerous ways in the interactional styles employed in the courtrooms, especially by the professionals representing the legal institution. In this paper I investigate one such linguistic trace, as I compare the use of interjections by the defence lawyers in an American and a Danish criminal trial during their examination of their clients, i.e. the defendants. On the basis of quantitative and qualitative analyses of their use of interjections, I discuss how the differences between the lawyers' interactional styles reflect aspects of the legal cultures of the two countries and jurisdictions.

2. Courtroom interaction in the USA and in Denmark

2.1. The American adversarial courtroom

The two major Western legal traditions are the common law system on the one hand, which employs what is known as the adversarial system of trial and is associated mainly with Anglophone countries, including the USA, and the civil law system on the other hand, which employs the inquisitorial system of trial and is associated with most of Continental Europe (e.g. Damaška 1997; Komter & Malsch 2012; Jackson & Summers 2012; Bednarek 2014). Differences in ideology, form and practice between the two systems abound, one significant aspect being the implications of adversarialism and inquisitorialism for how the purpose of truth-seeking is conceived:

> Adversarial and inquisitorial procedures are structured around different normative views of the trial. Under the adversarial ideal the law is a game, courts are where the contest takes place, and the goal of criminal procedure is to make sure the outcome is fair, even if the prosecution does not uncover the truth […] Under the inquisitorial ideal, the goal of the law is fact finding, and the criminal trial is a search for truth. (Kahn 2004:13)

Truth, then, under the adversarial system of trial, has been dubbed "formal legal truth", to be distinguished in principle from actual or "substantive truth":

> I define as "formal legal truth" whatever is found as fact by the legal fact-finder (judge or lay jurors or both), whether it accords with substantive truth or not. (Summers 1999:498)

Bednarek (2014), comparing American and Polish (inquisitorial) courtroom interaction, discusses aspects of how the adversarial formal legal truth approach is reflected in the courtroom examination style:

> In the United States, the process of examining witnesses and the search for the truth may be compared to the process of storytelling, owing to the fact that the prosecution and defense are allowed to present two different constructs of the events related to the crime, versions obtained through meticulous questioning of their witnesses. However, the process of examining witnesses and the search for the truth in Poland may not be compared to the process of telling a story […] the examination of witnesses is conducted by an impartial judge who represents neither the injured person nor the defendant. Such procedure is to guarantee an impartial trial and search for the objective truth. (Bednarek 2014:215)

Another consequence of the adversarial system of trial is a relatively high level of combativeness between the parties:

> 'Discrediting the witness', 'disgracing the witness', 'attacking' the witness's testimony, 'pouncing' if contradictions arise during the witness's testimony [...] are typical aggressive actions characterizing the activity of the cross-examiner. (Biscetti 2006:216-217)

The formal and aggressive mode of interaction is linguistically visible on many parameters, including, it seems, parameters relating to interjections:

> The whole point of the exchange is to solicit a response that will inform the jury, who are watching and listening and will eventually pass judgment on the case. This state of affairs is confirmed and reinforced by the attorney's practice of not responding to the answers with "oh", or indeed with any kind of receipt object (*yeah*, *uh huh*, etc.). (Heritage & Clayman 2010:175)

Examples of the prototypical aggressive adversarial examination style can be found in the O.J. Simpson trial transcripts from the 90's, as illustrated in Example 1:

Example 1:

Lawyer:	Now, in 1989, when you had this altercation with Nicole, you had beaten Nicole in the past, hadn't you?
Simpson:	No.
Lawyer:	And in this 1989 incident, it was the last straw for Nicole, wasn't it?
Simpson:	No.
Lawyer:	And she told you that, didn't she?
Simpson:	No.
Lawyer:	You had beaten her in the past, and on one occasion, you and she went to a doctor and lied about what happened, true?
Simpson:	No.
Lawyer:	And told the doctor that she fell off a bicycle. True?

Note the salient lack of acknowledging response from the lawyer, who even introduces several questions by *and*, bluntly treating Simpson's negative replies as if they were in fact affirmations.

2.2. The Continental inquisitorial courtroom

Civil law jurisdictions in Continental Europe are known to offer a less aggressive and more relaxed courtroom atmosphere than that of the adversarial courtroom, although such characterisations are typically based on personal experiences and general observations, rather than e.g. linguistic documentation:

> Anglo-American observers of the court scene are regularly struck by the rarity and the subdued nature of challenges to the witnesses' credibility. If such a challenge occurs, it mainly focuses on the witness's reliability with respect to facts to which he has been deposed and seldom escalates into a general attack on his character or reputation for truthfulness. With apparent insouciance, Continental courts freely rely on uninterrupted narrative accounts – the testimonial yield of relatively mild, unpenetrating interrogations. (Damaška 1997:80-81)

2.3. The Danish hybrid courtroom

The Danish system of trial is often characterized as a kind of hybrid between the adversarial and the inquisitorial system, since, on the one hand, Danish trials are organized in an adversarial-style participation pattern featuring two actively opposing sides and a fairly passive, impartial judge (Jacobsen 2002). On the other hand, the general atmosphere of the trials are less combative and perhaps more inclined to cooperation across sides in search for the truth:

> [Some] civil law countries, including Italy and Denmark, provide for [an] extensive questioning regime, which bears some resemblance to adversarial cross-examination, although the judge retains very close control over the questions posed and generally ensures that witnesses are treated with respect. Most commentators agree that questioning is much less aggressive in form… (Doak, McGourlay & Thomas 2018:31)

While very little research exists on Danish courtroom interaction (see however Jacobsen 2002; Mortensen & Mortensen 2017), anecdotal reports seem to indicate that the examination style in Danish courts is unaggressive and casual:

> … one of the salient differences [noticed by visiting judges from five European countries] is how informal everything is. You don't have to ask for permission to speak or stand up, and there's far more dialogue throughout than any of the visitors are used to from their home countries. It's almost snug [orig. "hyggeligt"]. [My translation]. (Kæraa 2011:25-26)

Still, observations of this kind remain more or less undocumented. The most extensive direct comparison of the interactional styles of the adversarial and the inquisitorial courtrooms is probably Bednarek (2014), quoted earlier. Bednarek employs three different linguistically oriented approaches for the comparison, but none of them seem to address the questions of formality or aggressiveness. Moreover, the comparison seems at risk of being skewed, as the American data are taken from the O.J. Simpson murder trial, while the Polish data are from a highly different petty robbery trial featuring a 17-year-

old defendant. In what follows I will show how an investigation of lawyers' use of interjections may illuminate key cultural differences, as discussed above, between the legal systems of the USA and Denmark. First, I will outline how interjections may be defined and understood in relation to the courtroom context.

3. The functions of interjections in courtroom interaction

Hansen & Heltoft (2011:213) employ several criteria for their basic definition of interjections, displayed here in my adaptation:

- They are a word class with no inflectional options
- They can function as separate speech acts or as modifications of surrounding speech acts
- They can be incorporated in the far left periphery of a sentence

While interjections as a word class may often be associated with more or less uncontrolled expressions of emotion, e.g. *ah*, *ugh*, *phew* (Quirk et al. 1985:67), *wow*, *yuk*, *phew* (Matthews 2014), such outbursts are not the typical kinds of interjections observed in a courtroom. Rather, basic response words such as *yes* and *no* seem to prevail, since they are in many cases the default answers expected from witnesses and defendants during questioning. However, interjections, including response interjections, are also used by the examining lawyers themselves, which is the focus of this study. One way lawyers may use interjections is for evaluating the defendant's answer by adding a third part to a question sequence (a practice first described for school teachers, cf. Sinclair & Coulthard 1975). Gibbons (2003) provides an example of this from a courtroom context:

> Evaluative third parts may be used in legal settings to support or challenge answers to questions, for example:
>
> C: Would you agree with me that to be able to complete that process the Defendant needs to read or understand English?
> P: The Defendant didn't read the record of Interview.
> C: **No** that wasn't my question with respect. Questions at large ... (Gibbons 2003:124)

Moreover, based on Swedish courtroom data, Adelswärd, Aronsson & Linell (1988) comment on the supportive function such feedback signals may serve:

> Courtroom examinations are, of course, rather constrained in that judges and lawyers keep asking questions and seldom comment on defendants' answers or reciprocate information, whereas defendants respond to questions and only rarely take any kind of communicative initiative.

> However, judges and lawyers do sometimes confirm or acknowledge defendants' responses before moving on to their next question. The relative frequency of such feedback may therefore serve as one type of index of positive attention on the part of the legal professionals. (Adelswärd, Aronsson & Linell 1988:271-272)

To account for this social aspect of the interjectional functions, I invoke the general notion of foregrounding vs. backgrounding of "positive relational goals", as discussed in relation to doctor-patient interactions by Coupland, Coupland & Robinson (1992).

To distinguish between general functions of interjections, the semantic scope properties of interjections are a relevant criterion. Aijmer (2002), for instance, discusses two different functions of *oh* based on whether *oh* relates to preceding utterances or the following/current utterance:

> Backwards-looking *oh* is typically a response marker (reception marker) with information management tasks such as acknowledging and accepting new information or recognizing a correction. […] The forwards-looking particle *oh* can be associated with affect and has a reinforcing or intensifying function. For example, when *oh* occurs in the lexicalized combination *oh God*, the effect is stronger than if the speaker uses the simple *God*. (Aijmer 2002:99)

Hansen & Heltoft (2011) employ the notion of scope to account for such backward and forward operating orientations of interjections, and on this basis identify a plain response function of interjections as one involving simple backward scope:

> Thus, in the function discussed so far, the response words are said to have scope to the left, anaphorical scope, as it were (Hansen & Heltoft 2011:1121, my translation)

Moreover, like Aijmer, they identify an emotive/affective function of interjections, in which the interjection (if not used in isolation) has forward scope over the utterance it introduces. However, this interjectional function is not present in the data studied here.

Hansen & Heltoft furthermore delimit a group of interjections used by the speaker to indicate how adjacent utterances are to be understood in relation to each other or to points of view assumed present in the discourse (Hansen & Heltoft 2011:1131-1132). They provide the example *jamen*, a Danish interjection best translated as *but* (although *but* is a conjunction, not an interjection), which may be said to have bi-directional scope, in that it establishes a relation between discursive units. This is one of the key functions associated with the

notion of discourse markers (Schiffrin 1987) and, following Aijmer (2002:98), I will refer to it as the *discourse-organizing* function of interjections.

Finally, Hansen & Heltoft identify a more peripheral *phatic* function of interjections, exemplified with hesitation markers such as *æh* and *øh* 'er'/'uh', used for governing the interactional 'floor', i.e. essentially the communication channel (Jakobson 1960). Phatic interjections stand out by having no scope relations to the preceding or ensuing discourse.

Thus, a working typology of general interjectional functions based on scope relations may be outlined as in figure 1:

Interjectional functions	**Scope relations**
Plain response function	Backward scope
Emotive function	Forward scope
Discourse-organizing function	Backward and forward scope
Phatic function	No scope relation

Figure 1: Interjectional functions and scope relations

It is important to note, however, that these categories are fuzzy, in that interactional contributions are arguably always related somehow to aspects of the preceding and ensuing or expected discourse. In other words, no interjection is likely to be used for only one function and with a completely unambiguous scope relation in authentic interaction. For example, a plain response interjection, defined here as having backward scope, is often followed by an utterance confirming the response, e.g. 'Are you married? Yes, I am / No, I'm single', in which case it may be said to actually have bi-directional scope (Hansen & Heltoft 2011:1118). However, the words following the interjection are then restricted to conveying the same meaning as the interjection itself – a case of semantic reduplication, as it were – otherwise they would rather form a separate utterance, beyond the interjection's scope, e.g. 'Are you married? Yes, why do you ask? / No, I prefer living alone'. While for this reason I exclude 'semantic reduplication' from the notion of scope employed here, certainly borderline cases with unclear scope relations may still emerge, e.g. 'Are you married? Yes, I'm afraid I am'. In the data analyses presented below, my categorization of interjectional functions and scope relations necessarily involves a great deal of interpretation, and is based on what I regard as the most plausible or salient readings in each interactional context. The examples provided help illustrate how individual analyses have been carried out.

4. Lawyers' use of interjections in trial examinations

4.1. Data and method

The data collected for this study consists of transcribed audio/video recordings from a Danish as well as an American criminal trial, both related to physical violence. The Danish trial was conducted in August 2015 at the Court of Frederiksberg, Copenhagen, after which a copy of the court's automated audio recording was provided to me. Prior to questioning the participants were asked for, and gave their, consent to the recording being used – in full anonymity – for linguistic research purposes. The American trial was conducted in March 2007 at the Oakland County Circuit Court, Michigan. The trial was video recorded and parts of the video recording were later made public by the defence lawyer's firm on YouTube (ambroselawfirm 2008), from where I collected them. In the USA, court recordings are public domain material, meaning the video footage can legally be used for e.g. the present purpose, without the explicit individual consent of the participants.[2]

For both cases, only data from the interaction between the defendant and his lawyer in direct examination were chosen for analysis. Thus, in the Danish case, the entire direct examination of the defendant was chosen, whereas for the American data, approximately the first half of the examination was chosen[3], roughly corresponding in total number of words spoken, see figure 2 below.

	Words spoken[4]	**Duration in seconds**
DK data, total	1170	320
Defendant	516	
Lawyer	654	
US data, total	1053	405
Defendant	513	
Lawyer	540	

Figure 2: Data overview

The chosen excerpts were transcribed using CLAN transcription software, employing orthographic conventions as far as possible (cf. appendix 1). While orthographic transcription involves generalization, and therefore the risk of misrepresentation, it offers the benefit of allowing for quantitative analysis and comparison.

All interjections spoken by the defence lawyers in the Danish and the American data sets were manually singled out and individually coded for interjectional functions, based on the typology outlined in figure 1 above. Interjections with unclear functions or functions not clearly covered by the typology were assigned to a residual category labelled 'Indeterminable/other function'.

In the following sections, for each of the two data sets I first present a quantitative overview of the defence lawyer's use of interjections, and then provide examples illustrating how the interjections function in interaction. Finally, I compare main characteristics of the American and the Danish lawyer's use of interjections.

4.2. The American defence lawyer's use of interjections

4.2.1. Quantitative overview

Beginning with the American defence lawyer, his use of interjections corresponds well with the claim made by Heritage & Clayman (2010), as discussed in section 2.1., that receipt objects are not part of the typical register of trial examinations. Out of a total of 540 words spoken, the lawyer uses a mere 8 tokens of interjections, corresponding to 1.5 interjections per 100 words. The interjections are: *okay* (x2), *yeah*, *oh*, *so*[5] (x2) and *now* (x2). Figure 3 shows the 8 interjections and how they are distributed across interjectional functions:

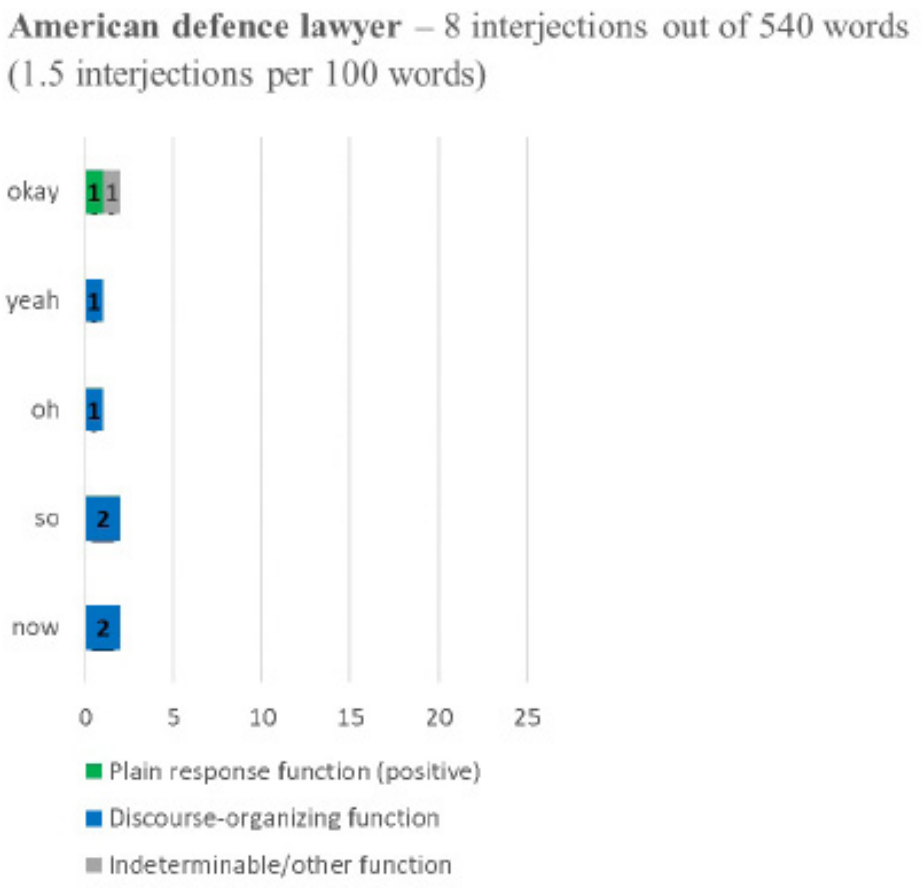

Figure 3: Interjections across functions – American data

4.2.2. Plain response function – *okay*

As figure 3 illustrates, most of the interjections used by the American lawyer are used for discourse-organizing functions, while only one can be said to convey a plain response to the defendant's statement, i.e. one of the occurrences of *okay*.[6] This interjection is displayed in example 2:

Example 2:

Lawyer:	is there any time when the c- (.) when your car is actually stopped (3.7)
Defendant:	yeah i- yeah it is stop and go there is times when the car is stopped (0.4)
Lawyer: →	**okay** (1.3) and at any time do you (1.1) the car that's stopped in front of you does (.) does somebody get out of the car in front of you

The interjection *okay* is (in)famously multifunctional (cf. e.g. Mortensen & Mortensen 2009; Gaines 2011) and may express, amongst others, the simple acceptance of new information (e.g. 'okay, I see'), or an attempt to close/pause the topic at hand and introduce a new/intermediary topic (e.g. 'okay, I need to go'). In example 2, while the topic is certainly developing, i.e. from the defendant's stopped car to the stopped car in front of him, the lawyer clearly indicates, through the conjunction *and*, that his questions are to be understood as connected and belonging to the same line of reasoning. Hence, *okay* is not to be understood as a topic shifter, but as a simple expression of acknowledgment of what the defendant says. Its scope, then, is backward (over the defendant's statement), which warrants the 'plain response function' categorization. Moreover, the fact that the nature of the response is acknowledgment rather than rejection is indicated by the subcategorization 'positive'. The topic shifter variant of *okay*, on the other hand, which is not present in the American data, but in the Danish data, would constitute a 'discourse-organizing function', due to having both backward and forward scope.

4.2.3. Discourse-organizing function – *yeah* and *oh*

While the interjections *yeah* and *oh* may often be used in plain response functions (cf. Aijmer's analysis, section 3 above), their use in this context is somewhat different. In addition to expressing the reception of the defendant's previous utterance, they both serve to reorientate the interaction, as illustrated in examples 3 and 4:

Example 3:

Lawyer:	and (.) what do you see when (0.5) they get out of that car (1.6)

Defendant:	they get out of the car they get out and they start walking back (0.5) towards my car stop the car (0.9) XXX then they get out and start walking back towards my car
Lawyer: →	**yeah** I'm gonna ask you to (.) sit (1.1) in the seat up to the left (0.9) so you (1.2) can show the jury (1.1) what the driver does when he gets out of the car

Example 4:

Defendant:	it's a Monte Carlo (1.5) it's a: (.) eighty mid-eighties model (4.7)
Lawyer:	these (0.6) how many people get out of the c- out of that Monte Carlo (0.7)
Defendant:	two people (0.8) two guys (2.2)
Lawyer:	this would represent XXX
Defendant:	XXX (indicating confusion)
Lawyer: →	**oh** the the car in front of you (pointing) (.) and your car okay (0.9)
Defendant:	okay

In both examples, the interaction revolves around a car (a Chevrolet Monte Carlo) that stopped in front of the defendant's car, and the lawyer has his client sit on chairs arranged as car seats to illustrate how individuals were located during the incident. In example 3, the lawyer uses *yeah* (pronounced with a vowel reduction and glottal stop) to assure his client that he is listening, while at the same time disrupting his testimony to direct him to a different chair. In example 4, the lawyer is explaining some details of the chair arrangement, and is interrupted by his client's (inaudible) expression of confusion. The lawyer then uses *oh* to express that he has understood his client's expression of confusion/query for clarification, and to signal that his following utterances are to be understood as clarification.

Thus, while both the interjections contain some kind of acknowledgment of the defendant's talk, this is not their only or main function, as they basically serve a more transactional discourse-organizing purpose.

4.2.3. Discourse-organizing function – *so* and *now*

The two remaining types of interjections used, twice each, by the American defence lawyer also occur in discourse-organizing functions as they, like *yeah* and *oh*, have both backward and forward scope. They differ, however, by not featuring explicit acknowledgment; all they do is steer the examination forward, in different ways, as illustrated in example 5:

Example 5:

Lawyer:		and when you see him do that (.) can you hear what he's saying to you
		(.)
Defendant:		no
		(1.2)
Lawyer:	→	and **so** (1.1) the driver (2.3) gets out of the car (.) walks back starts motioning saying something what do you do
		(1.0)
Defendant:		I crack my (.) door my driver's side door (1.3) XXX I can't roll my window down cause it's broken so I crack the door to hear what he's saying
		(1.1)
Lawyer:		and when you crack your win- you crack your door (.) are you able to hear what he's saying
Defendant:		yes
		(.)
Lawyer:	→	**now** what is he saying
Prosecutor:		[prosecution] calls for hearsay

In the beginning of example 5, the lawyer uses *so* to introduce a summing up of what his client has told the court so far, in order to arrive at the next, minute steps of the recount. After having established that the defendant cracked his door open and was able to hear the words of the person standing there, the lawyer then uses *now* to alert the court and his client of the pivotal status of his follow-up question. A similar function of *now* has been described as the marking of "proximization of threat" (Abuarrah 2016). Indeed, evoking a sense of fear and imminent threat to his client is a plausible defence strategy, which leads the prosecutor to interrupt the examination by objecting to the question.

Overall, the American defence lawyer's direct examination of his client is characterized by limited use of interjections and the preponderance of discourse-organizing interjectional functions, all consistent with a fairly transactional style of examination, where positive relational goals are backgrounded.

4.3. The Danish defence lawyer's use of interjections

4.3.1. Quantitative overview

Turning to the Danish data, a quite different picture emerges, as the Danish defence lawyer uses no less than 74 interjections out of 654 words spoken, amounting to 11.3 interjections per 100 words. The interjections are: *ja* 'yes' (x17), *nej* 'no'/'right' (x10), *mh* 'mh'/'uh-huh' (x5), *okay* 'okay' (x21), *altså* 'I

mean'/'you know' (x9) and *øh* 'er' (x12). Figure 4 shows the 74 interjections and how they are distributed across interjectional functions:

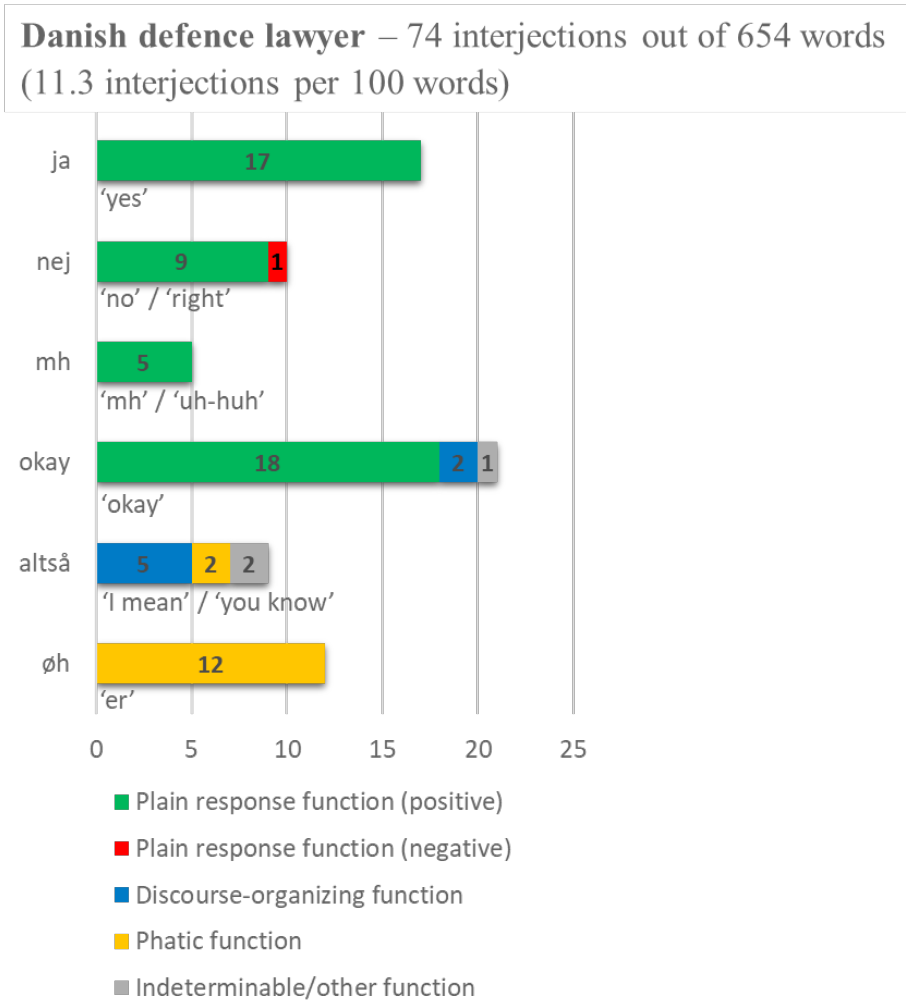

Figure 4: Interjections across functions – Danish data

4.3.2. Plain response function – *ja, nej, mh* and *okay*

As illustrated, the majority of the interjections used by the Danish lawyer occur in various plain response functions – they include *ja* 'yes', *nej* 'no'/'right', *mh* 'mh'/'uh-huh' and most occurrences of *okay* 'okay', all illustrated in example 6:

Example 6[7]:
Lawyer: then you say s- ask can I pass through or something
Defendant: yes
Lawyer: → **ja** (.) do they react?
(.)

Defendant: no
Lawyer: → **nej**
Defendant: like they didn't hear me
Lawyer: → **okay** and then you just walk through like you said before ⌜that (.) you pressed⌝ through
Defendant: ⌊that's right yes⌋
yes
(0.5)
Lawyer: could it be that you made some movement with your foot or something you kno-
Defendant: no
(0.6)
Lawyer: → you didn't do that **nej** (.) ⌜**okay**⌝
Defendant: ⌊I just⌋ XXX
wanted to go away from there
Lawyer: → **ja** (.) okay (.) then you get down to the end of the stairway
Defendant: uh-huh
Lawyer: and we'll also see in the video camera shortly that you get a couple of metres away
Defendant: yes I told ⌜them⌝ to check ⌜the video camera⌝
Lawyer: → ⌊**ja**⌋ ⌊**ja**⌋
Defendant: because it: ⌜I knew⌝ there were
Lawyer: → ⌊**okay**⌋
Defendant: video cameras ⌜there⌝
Lawyer: → ⌊**mh**⌋ (.) then you said before that various things were shouted at you ⌜among others⌝ I'll kill you or something
Defendant: ⌊yes⌋
yes I'll kill you ⌜I'll⌝ kill you
Lawyer: → ⌊**ja**⌋

As example 6 illustrates, throughout the examination the lawyer frequently offers affirmative feedback while his client speaks, i.e. through backchannelling, as well as in turn transitions, i.e. in the form of evaluative third parts. In all cases the lawyer's responses are positive, except for one occurrence of *nej* 'no', in which the lawyer corrects the defendant's misunderstanding of his question, as shown in example 7:

Example 7:
Lawyer: how was it (.) you know ⌜said⌝
Defendant: ⌊yes⌋
Lawyer: or yelled or something
Defendant: how I know
Lawyer: → er **nej** I'm saying er was it yelled loudly
Defendant: it was yelled loudly XXX

4.3.3. Discourse-organizing function – *okay* and *altså*

Like the American lawyer, the Danish defence lawyer occasionally employs interjections for discourse-organizing functions. This is the case for two occurrences of *okay* 'okay' and five occurrences of *altså* 'I mean'/'you know'. Both types are represented in example 8:

Example 8:

Defendant:	I was just scared they mustn't come near ⌜me⌝
Lawyer:	⌊mh⌋
→	okay but **altså** couldn't you have run away
	(1.8)
Defendant:	no: that could they might also run after me right
Lawyer: →	yes (0.6) **okay** and then
	(0.7)
Defendant:	then he comes and is like (hissing sound) turns around what do you want

The lawyer emphasizes the severity of the fear felt by his client through suggesting the possibility of fleeing, thus 'testing' the defendant's statement. Introducing the suggestion by *altså* 'I mean'/'you know' (in combination with the adversative conjunction *men* 'but') serves to mark the utterance as – ostensibly – opposing the defendant's point of view.

After accepting the defendant's explanation of why he did not run, the lawyer pauses and finally asks the defendant to continue his recount, employing the topic-shifter *okay*.

4.3.4. Phatic function – *øh* and *altså*

Finally, a group of interjections in the Danish data set are categorized as having phatic function, as they do not have scope over the surrounding discourse. This function is realized mainly by *øh* 'er', as well as two occurrences of *altså* 'I mean'/'you know'. Both these types are represented in example 9:

Example 9:

Lawyer: →	and **øh**:: you said before that you didn't think there was any blood on it (referring to the defendant's ring)
Defendant:	there is nothing at all ⌜on it⌝
Lawyer: →	⌊no⌋ (0.6) but **altså**
→	**øh**:: let me just ask whi-
	which hand did you wear the ring on

The lawyer's frequent use of phatic interjections may be seen as indicative of a fairly loose and unscripted mode of examination, which is consistent with his general examination style. The interjections used by the Danish defence

lawyer predominantly function as plain positive responses, serving to support his client's testimony and to approximate – within the limits of the fairly rigid question-answer format – conversational norms characterizing more casual interviewing or conversation. Although the interpersonal relation between the lawyer and his client cannot be described as decidedly hearty, the lawyer's extensive use of positive response interjections contributes to creating a talkative atmosphere, backgrounding the transactional goals of the interaction.

5. Conclusive comparison – from a legal cultural perspective

It has been commonly observed that Continental European courtroom interaction is of a far less aggressive and formal nature than that of Anglophone adversarial courtroom interaction. Studying the interjections used by professional representatives of the two different legal systems helps confirm, document and explain this picture. Whereas the American defence lawyer serves his client's interests by addressing him in a composed, professional and highly transactional manner, the Danish defence lawyer draws to a higher degree on relational resources, overtly displaying his acknowledgment of his client's statements and motives.

This difference reflects the cultural values of the two legal systems in various ways. Obviously, the aggressive and confrontational nature of the adversarial system of trial is not as immediately visible in friendly direct examination discourse as it might have been if cross-examination had been the object of study. Still, the formal and composed transactional style featured in the American examination, as opposed to the relatively loose and casual Danish examination style, reflects the strong combative nature of American adversarialism, as the lawyer's tight control of the interaction can be understood as a way to protect his client. Any unscripted piece of testimony may reveal weaknesses that can be exploited in damaging ways by the opposing party. In the Danish trial, the fact that the opposition is not likely to be as aggressive and directly confrontational seems to ease the atmosphere and reduce the lawyer's urge for interactional control.

The two lawyers' use and avoidance, respectively, of interjections may furthermore be understood in relation to the *storytelling* conception of adversarial courtroom examination, as pointed at in section 2.1. By expressing positive response and recognition throughout his examination, the Danish lawyer frames the defendant's contributions as generally new and informative, although he – and the rest of the court – is likely to know most of the details in advance. In the American examination, on the other hand, the testimony is treated not so much as actual information being exchanged but, embracing the fact that most of the participants know the evidence already, rather as artefacts, as it were, i.e. pieces of a story being recited and put to display.

Finally, legal traditions are of course not developed and practiced in isolation from other cultural pressures. Indeed the differences observed here may also be viewed in the light of more basic languacultural traits, such as the anti-hierarchical values said to permeate Danish/Scandinavian sociality, e.g.:

> … social hierarchies are not marked. It is not good 'tone' in the Scandinavian welfare states to show off, demonstrate wealth or superiority; hierarchies (even in businesses and organisations) are largely invisible or hidden… (Fredsted 2005:159)

In any case, knowing how to act convincingly in court, whether as a law professional or as a lay person being questioned, is not only a matter of asking or answering questions in the right way, but also an exercise in understanding the culturally sensitive norms governing what goes on between the questions. This study of interjections sheds new light on these norms and the legal cultural values that shape, reproduce and accommodate to them.

Appendix 1: Transcription conventions

Pause	(0.2)
Overlap markers top	⌜ ⌝
Overlap markers bottom	⌞ ⌟
Inaudible	XXX
Anonymized item	[anonymized]
Analytically significant line(s)	→
Analytically significant expression	**okay**

Appendix 2: Original Danish examples

Example 6:

Lawyer:	så sig- s- spørger du om må jeg komme forbi eller noget
Defendant:	ja
Lawyer: →	**ja** (.) reagerer de på det
	(.)
Defendant:	nej
Lawyer: →	**nej**
Defendant:	ligesom de ikke hørte mig
Lawyer: →	**okay** og så er det at du bare går igennem som du sagde før
	⌜at (.) du pressede⌝ dig igennem
Defendant:	⌞det er rigtigt ja⌟
	ja
	(0.5)
Lawyer:	kan du have lavet bevægelse med din fod et eller andet alts-

Defendant: nej
(0.6)
Lawyer: → det har du ikke gjort **nej** (.) ⌜**okay**⌝
Defendant: ⌊jeg ville⌋
XXX bare gået væk derfra
Lawyer: → **ja** (.) okay (.) så kommer du ned for enden af trappen
Defendant: mh
Lawyer: og vi kan også se lidt på videokameraet her lidt efterfølgende du kommer et par meter væk
Defendant: ja jeg sagde ⌜de⌝ skulle se ⌜videokameraet⌝
Lawyer: → ⌊**ja**⌋ ⌊**ja**⌋
Defendant: fordi det: ⌜jeg ved godt⌝ der var
Lawyer: → ⌊**okay**⌋
Defendant: videokameraer ⌜der⌝
Lawyer: → ⌊**mh**⌋ (.) så sagde du før at der blev råbt nogle forskellige ting til dig ⌜blandt andet⌝ jeg dræber dig eller noget
Defendant: ⌊ja⌋
ja jeg slår dig ihjel ⌜jeg⌝ dræber dig
Lawyer: ⌊**ja**⌋

Example 7:
Lawyer: hvordan blev det (.) altså ⌜sagt⌝
Defendant: ⌊ja⌋
Lawyer: eller råbt eller noget
Defendant: hvordan jeg ved det
Lawyer: → øh **nej** jeg siger øh blev det råbt højt
Defendant: det blev råbt højt XXX

Example 8:
Defendant: jeg var bare bange de skal ikke komme i nærheden af ⌜mig⌝
Lawyer: → ⌊mh⌋ okay men **altså** kunne du ikke være løbet din vej
(1.8)
Defendant: nej: det kunne de kunne også løbe efter mig jo ikke
Lawyer: → ja (0.6) **okay** og så
(0.7)
Defendant: så kommer han og er sådan (hvislelyd) drejer rundt hvad vil du lige

Example 9:
Lawyer: → og **øh**:: du sagde før at du syntes ikke at der var noget blod på den

Defendant: der er ikke noget som helst ⌜på den⌝
Lawyer: ⌞nej⌟ (0.6) men
→ **altså øh**:: jeg skal lige høre hvi- hvilken hånd havde du ringen på

Notes

[1] This work has received financial support by The Danish Council for Independent Research: project ID DFF – 1321-00180.

[2] Some ethical considerations are worth mentioning in this context. Under other circumstances, collecting, studying and publishing audio/video recordings of individuals without their explicit consent is not only illegal, but unethical. In this case, in addition to being public domain material and therefore legally publishable, the video recordings were first published on YouTube by the defence lawyer; I find it safe to assume that this was not done against his client's will (the defendant and the defence lawyer are the only persons speaking in the data used for this study). Further, as all individuals who speak or are referred to in the data excerpts displayed here are fully anonymized, the privacy of the participants is maintained to a higher degree than is the case in the original unedited YouTube clips that are openly available on the internet.

[3] The main reason for cutting out the second half of the examination is that this part – available in a separate YouTube clip – consists to a large extent of physical reenactment of events, rather than the 'normal' question-answer format which is more directly comparable with the Danish examination.

[4] The word counts only include interaction between defendant and lawyer, i.e. occasional interactions involving other parties (judge and prosecutor) are left out.

[5] The two occurrences of *so* in the data could alternatively be regarded as coordinating conjunctions instead of interjections, as there is no grammatical or phonetic evidence in favour of one or the other. Since the point here is that the American lawyer uses only few interjections, I find it reasonable to include borderline cases as interjections, in order not to boost the results.

[6] The other occurrence, categorized as having an 'Indeterminable/other function', is displayed in Example 3 below, where it is placed at the end of the lawyer's last utterance, functioning as a tag question.

[7] Danish examples are displayed in English translation, except for the interjections in question. The original transcriptions in Danish are available in appendix 2.

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