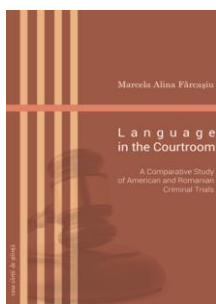


Crossing Legal Languages and Systems: Marcela Alina Fărcașiu, *Language in the Courtroom: A Comparative Study of American and Romanian Criminal Trials*

Andrea Kriston*



The courtroom is an austere place. It rests on the main pillar, justice, and is surrounded by trial, sentence, crime, conviction, guilt, innocence, etc. Its language, on the contrary, is powerful and many court terms raise fear in the participants to trial. Legal language has long been considered an important field of study that is shared by both legal and lay participants. In the present book, Fărcașiu states that ‘the courtroom is the arena for the study of spoken legal language, which depends on special rules of language use, very different from ordinary conversation’. (35)

Marcela Alina Fărcașiu’s book aims at studying two opposing justice systems (American, called *adversarial* and Romanian, called *inquisitorial*) from the perspective of speech acts, also known as witness examination. The interrogation of witnesses is an elementary aspect of court proceedings carried out by the counsel who performs the cross-examination. The examination of witnesses has been discussed a lot under many aspects, including the linguistic one; still, the importance of the book consists in its approach from the Romanian angle, a lot less scrutinised. Despite many possible directions, the main focus is drawn to the study and comparison of the language pairs from formal, functional, and positional points of view in the two opposing systems of justice.

The book contains six well-structured chapters (including the introduction) that follow a logical sequence. The book also comprises conclusions, a bibliography and two annexes that make up the corpora.

* Assistant Lecturer PhD, Department of Communication and Foreign Languages, Faculty of Communication Sciences, Politehnica University of Timisoara, andrea.kriston@upt.ro

The content of the book is developed from the author's interest in the area of courtroom and specialised languages (legal language). The study is well-explained and well-balanced; it has a clear progression and coherence, and it comprises numerous real-life examples from both languages (American criminal trials for the American corpus, and studies of spoken discourse for the Romanian corpus).

Chapter 2 presents an ethnography of the courtroom by placing in opposition the legal procedures between the Anglo-American and European jurisdictions from the perspective of the criminal justice system and trial. It mainly focuses on the extra-linguistic factors that are essential in the witness examination. They are supported by legal literature in order to make the reader understand the relations between language and the legal field. It also presents the actual setting, the constraints imposed by the setting, the courtroom, with its rule- and power-governed behaviour.

Chapter 3 deals with the terminology of the field and language of law, 'an overwhelmingly linguistic institution' (Gibbons, 2003: 1). Many scholars (Philbrick, Millinkoff, Maley) state that the core element of those who work in this area is undeniably language. The chapter makes reference to some of the first insights on law and language as an academic field and discusses the wide range of English studies compared to the few Romanian ones. The interest in this field of study is then moved to a very important aspect, language in the courtroom, where Fărcașiu minutely analyses the two systems by concretely concentrating on numerous perspectives: linguistic (with their subdivisions: lexical, narrative, forensic linguistics), socio-linguistic, pragmatic and cultural. Such an overview is very comprehensive and also relevant for a comparative study, as the reader can observe the relevant differences between the systems of justice. The importance of the chapter is enhanced also with many examples taken from the Romanian spoken discourse in the courtroom, as it is uttered by laypeople, thus Fărcașiu exploring an almost unfathomed territory.

Chapter 4 discusses the methodological approaches based upon the ethnography of communication and conversation analysis. The former functions at the macro-level of discourse, while the latter at the micro-level. The ethnography of communication is thoroughly observed from different units of analysis, while conversation analysis examines the notion that language should be primarily regarded as a form of social action. Being a comparative study, the second half of the chapter introduces the reader to the two corpora that make up the practical part of the study. The American corpus is based on transcripts found on a website, while the Romanian corpus was collected by the author herself, by audio-recording the trials and then transcribing them.

Chapter 5 analyses the question-answer pairs in the court. This chapter delves deeply into the question-answer adjacency pairs. First, a theoretical background is provided to present what a question and answer stand for in jurisdiction from different points of view, i.e. structural, semantic, pragmatic and discursal. They are then completed by a study from a syntactic and a functional perspective. After having provided the corpora, the author provides several question types in the courtroom for both opposing systems, studying them as the micro-discourse in the witness interrogation.

Finally, chapter 6 is divided into two parts. The first part considers the sequential organisation of question-answer speech events, that is, the organisation of basic sequences, as well as the positioning of questions and answers so as to form patterns. Every pattern is described in detail with its corresponding sub-pattern according to the communicative acts in the effort to offer a better view of the speech event of witness examination, from a linguistic and a conversational point of view. There is an utmost balance between the theoretical approach and courtroom evidence based on real trials and facts. The second part of the same chapter offers a closer insight at the sequence patterns found, by revealing some features characteristic of the participants in the trial, namely lawyers and witnesses (in the American trial) and judges and witnesses (in the Romanian trial), in terms of questions and answers. These features make reference to the questioning techniques used by lawyers/judge (in American/Romanian justice system) and to the answering techniques used by witnesses in both courtrooms.

Fărcașiu's comparative study about the American (adversarial system) and the Romanian (inquisitorial system) is thoroughly documented and comprehensive in accordance with its purpose. The research contains an important number of parallels between the two languages studied, presented from former times until the modern days of the courtroom. The two systems of justice are presented from a linguistic, pragmatic and conversational point of view.

Language in the Courtroom: A Comparative Study of American and Romanian Criminal Trials is very well written, very logically organised, user-friendly and highly readable and it undoubtedly provides a lot of useful information for any student, teacher, researcher or scholar who would like to improve their skills in legal language both in the American and European systems. I would highlight the importance of this comparative study as it provides us with a lot of interesting insights into peoples' cultures, especially in the field of institutional interaction and intercultural communication.