

## **The indeterminacy of adverbs in criminal proceedings: A corpus-aided analysis of judicial discourse at Austrian criminal courts**

Criminal proceedings as a goal-focused sequence of mediated communicative events may be characterized as embedded in a system of discursive patterns and interactions, which are associated with the “recontextualization” of meaning (Linnel 2002). During police interviews a transformation of spoken into written text takes place, whereby statements made by victims, witnesses or suspects are rarely transcribed verbatim by the interviewer, but rather paraphrased with the intention to retain all relevant information. While section 97 subsection 1 StPO does allow for audiovisual recording of police interviews, the majority of such statements are not recorded, but are summarised in writing by the interviewer and subsequently returned as a copy to the interviewee. If the suspect is indicted, it is the court’s responsibility to ascertain the facts of the case during the main proceedings. The course of the proceedings is documented unilaterally by the court reporter and, if necessary, complemented by the judge or the parties. These court records are highly significant in appellate proceedings if the court’s ruling is challenged. The written word is therefore the most significant medium in legal discourse (Spitzmüller & Warnke 2011: 56), particularly in that of criminal law. The intertextual chain from police interviews to the main proceedings is shaped by the linguistic choices of various stakeholders. The features of the case perceived as contextually relevant (Widdowson 2004: 166) are first gathered during the preliminary investigation and subsequently re-introduced in the main proceedings, which potentially changes, removes or replaces initial functions of the communicative acts recorded (Mehan 1996, Blommaert 2005: 76-77). Following Blommaert (2005), this process may be understood as operative in three functional phases, i.e. the “decontextualization”, “recontextualisation” and “entextualisation” of texts and discourses. Applying a multi-layered model of analysis (DIMEAN, Spitzmüller & Warnke 2011), this project explores the socio-pragmatic functions of adverbial indeterminacy in judicial discourse at an Austrian criminal court by means of a jurisprudentially informed corpus analysis of defendant statements. It is argued that the notion of discourse cannot be restricted to the textual layer only, but is co-determined by criminal procedure as a form of highly regulated social action and the layer of transtextuality (Spitzmüller & Warnke 2011).

**Word count: 374 words**

### **References**

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