Telling Stories

Published by Georgetown University Press


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The two terms in the title of this chapter, “truth” and “authorship,” have long been central topics in narrative research. They remain ineludible because they are not only core elements of narrativity but also raise key questions about the roles of narrative in social life. The chapter seeks to show how truth and authorship are shaped by the path taken by witnesses’ depositions within the institutional meanders of the justice system. It does so by focusing on the multilateral character of storytelling in institutions and the complex processes of entextualization, decontextualization, and recontextualization.

Historical truth and claims of veracity have been classical preoccupations in narrative studies (Barthes 1981) that have not been confined to the discourse of history or the study of historiography. White (1980), for example, establishes a link between a moral authority and the truth claims inherent in the narrativized world of any account of reality. Based on the understanding that “narrative truth” in the storyworld is dependent on point of view or perspective, analysts of literary narrative have distinguished between an author/storyteller’s, narrator’s, and character’s reliability (Phelan and Martin 1999). Conversely, Doležel (1999) argues that truth in nonfictional narrative, as in history, is expressed in constative speech acts contingent on the historian’s ability to gain evidence about the past and to make plausible conjectures that are scrutinized by the scientific community. The treatment of truth has also surfaced in studies of autobiography. Schulster (2001), for instance, ascertains the lack of historical truth and the effect of mythical self-presentation in an autobiographical account, which itself constitutes a historical document with real consequences for the construction of identity. Likewise, in criminal law, the construction of a given version of the past as real and true reflects the essence of storytelling and its products—the texts.

Issues of authorship can be seen to comprise an extremely wide range of facets, from the multiplicity of voices in the text (Bakhtin 1981) to the social actor’s changing footing in the production of a text (Goffman 1981; Levinson 1987). In studies of conversation, Duranti’s (1986) article on the audience as coauthor is emblematic of interactional discourse analysts’ long-standing awareness of the fact that the textual
surface, the plot, and the interpretation of a story are joint achievements. For more than a decade, narrative phenomena, like many other objects of research, were mostly considered in scenarios of interactional cooperation and friendly interpersonal relationships, mostly based on solidarity. Although confrontation and conflict over different versions of the past have been less investigated or explained, they can have tangible and long-lasting effects on a person’s life as a citizen and on his or her relations with state institutions. To complicate matters further, the authorship of stories told in institutions involves additional dimensions, such as the storyteller’s social responsibility for parts of content, selection of the facts, composition of the form, reproduction of the text, change of medium, and so on. In the administration of criminal justice, these aspects of storytelling have concrete legal consequences for the institutionally defined storyteller, the individuals presented as characters, and sometimes others as well.

The joint and coordinated generation of an emergent text is viewed here as a process that is conditioned by the identity, the resources, and role of participants in the social encounter. Particularly useful here are the insights provided by Bauman and Briggs (1990) and Briggs and Bauman (1992) on social actors’ agency and the ways in which intertextual strategies reflect and reproduce social power. In institutional contexts, the rights of different categories of interactants to narrate and to transform what was said condition the processes of entextualization, decontextualization, and recontextualization. Therefore, the network of social positions and the specific power relations have to be part of the present analysis of story trajectories in the administration of criminal justice. The data I present come from a very large corpus of oral criminal trials for homicide in a large city of a Spanish-speaking country. All the trials were observed and recorded from beginning to end, and in each case, a copy of the dossier was collected.

Some direct antecedents of the present study of textual trajectories are found in work by Blommaert (2001) on asylum seekers’ narratives in bureaucratic procedures in Belgium and in work by Briggs (1997) on the construction of an indigenous woman’s “confession” in Venezuela. Like those studies, the present one deals with communicative situations in which there are deep gaps between the participants’ communicative skills and experiences, and in which the power asymmetry conditions the way in which utterances circulate across institutional contexts. The specific research questions considered in this chapter are, Where is truth? Who is its author in a criminal trial? The search to answer them takes us onto a path similar to Kroskrity’s (2000) and Silverstein’s (1998) and leads us to deal with ideologies about texts.

**The Emergence of the Official Tale (Coding Time 1)**

A person who has witnessed a crime or alleged crime produces a deposition before a member of the police department or before an assistant to the investigating attorney in the court. The verbal interaction between them is carried out with the witness spinning a narrative—interrupted and at times guided by questions—whose pace allows the clerk to type what will become the official record of the oral version. The institutional role of the police or court clerks entitles them to direct the interaction. In that respect, they are the superordinate participants.
The deponents can possess a varied range of linguistic resources and communicative skills, but they seldom have familiarity with the resources and skills that this institutional environment sanctions as normative. Then, there is usually an asymmetrical relationship between deponents and court clerks regarding their competence in the register that is typical of police or court depositions.

The dynamic process of generating the deposition makes the clerk the composer (Levinson 1987) of the form. Most of the deponent’s utterances are not registered word by word—only those that stand out for their importance for the assignment of responsibility or the peculiarity of the deponent’s lexical choice. Expressions that assign responsibility, or seem idiosyncratic, are captured as a textual quote between inverted commas. The rest of the content—or more precisely, the “denotational text,” to use Silverstein’s (1993) term—is presented as indirect reported discourse introduced by fixed formulas. Thus, the composer may present the deponent as having said, for example, that a suspect was “de rasgos fisonómicos normales sin señas particulares [of normal physiognomic features without particularities].” Most of the utterances display a syntax that is typical of the written medium in the institutional register, with multiple subordination and abundance of gerunds, among other features. Most of the lexical choices are those of the clerk doing the writing.

As a result, the genre known as deposition (by a witness or defendant) has a heterogeneous style that combines expressions that are characteristic of the institutional bureaucracy with expressions that have a colloquial or even vulgar tone. The process of entextualization involves mechanisms of relexicalization, explicitation, and completion of the utterances produced by the deponent.

If we take into account the multiple ways of being an author, we must admit that the role of composer (Levinson 1987) does not fully belong to the deponent, who gets defined, however, as the principal (Goffman 1981) or responsible social actor on account of their signature. The “artifact text” (Silverstein 1993) becomes an object that enlarges a file in a bureaucratic system and a document that legally binds the deponent with its “denotational text” (content). In addition, it fixes a version of the story about the past events. If the criminal suspect is eventually brought to trial, around two years have elapsed between the speech event in which this fixed version of the tale is produced and the courtroom session presided over by a judge in which it becomes interactionally and legally relevant.

Authorial Self versus Authorial Self (Coding Time 2)

The juridical doctrine inculcated in lawyers’ education, and incorporated by the law professionals into their perception of the criminal procedure, upholds the advantages and virtues of orality and the principle of immediacy or copresence. The latter prescribes the physical copresence of the judge, accusers, defenders, and defendant in order to gain the best possible knowledge of the facts through the possibility of inferring the degree of certainty in the answers, cross-examining witnesses, getting clarifications, and the like.

In the negotiation between the trial lawyer and the witness (who may be cooperative or uncooperative) over the emergent text, the witness, author of the testimony in progress, is confronted as author of a previous text: the deposition. The procedure
of reading this text in the courtroom is called “incorporation of the deposition by its reading,” and it is regulated by the Code of Criminal Procedure, which allows it in two types of situations: to help the witness’ memory and if the witness contradicts himself or herself.

The reading is not carried out in a nonstop flow, and it is subject to selective segmentation and reentextualization. Sometimes lawyers would alternate from reading isolated fragments to reformulating what they can see on the page. In every instance, this reentextualization serves the lawyer’s communicative goal, which is getting the witness to confirm some specific elements of the story version that is favored by the lawyer.

Particularly during the cross-examination of witnesses for the defense, some questions by the prosecutor anticipate an imminent reentextualization of the written deposition. The most usual shape those questions take is “Do you remember what you said at the police station?” This seems to transfer the center of relevance in a testimony from memories and knowledge about the defendant’s actions to the memories and knowledge about the text attributed to the witness.

When the reentextualization of the written text does not develop in the direction sought by the interrogator, and the confrontation between incompatible authorship commitments leaves the witness no way out, the trial lawyer often poses a dilemma of the following kind: “Did you lie then or are you lying now?” The witness is well aware of their legal responsibility incurred by taking the oath “to tell the truth and nothing but the truth.” In the negotiation about the favored story version, the interrogator usually allows the witness to save face by asking “When did you remember better, then or now?” The earlier written text is always near in time to the facts investigated in the trial, the witness’s cognitive states and memory conditions at that moment of entextualization are taken for granted, and the witness provides the commonsense answer—“Then”—interactionally collaborating in this way to make the written text prevail.

The data indicate that although trial lawyers are mere relayers (Levinson 1987) of the written story, when they use it as a disciplinary device, the trial lawyers’ storytelling rights exercised in reading supersede the authorship privileges of witnesses. As a result, around two years after the inscription of a fixed story version, control over the tale is achieved through a use of reading in the courtroom, which leads witnesses to ratify the content and the form of what they allegedly stated at the police station or some office of the courts.

The success of the trial lawyers’ interactional strategy seems possible due to an underlying force that exceeds the limits of the institution and has the weight of common sense. Urban (1996) examines the notion of “fixed text,” which consists in the belief that there exists a single original and that any reproduction will be identical to the original. Beliefs that are widespread in society and shared by concrete coparticipants holding asymmetrical positions allow for the smooth exercise of power by the superordinate participant of the pair.

The changing self, which is endowed with an undifferentiated authorial role, is expected to behave consistently with its previous act of telling. In other words, the institution expects the witness not to change. However, as Bruner (2003, 94; my
translation) puts it, “It’s not that I cannot tell you (or tell myself) the ‘true story, the original one’ of my desolation during the sad summer that followed my father’s death. Rather, I’ll tell you (or tell myself) a new story about a twelve-year boy who ‘once upon a time.’ And I could tell it in many ways, each modeled by my subsequent life not less than by the circumstances of that summer so long ago.” Witnesses are expected to produce copies that do not depart from the original story, regardless of their own changing self, the individuals involved in the production of the original and the copy, and the distribution of roles among them.

Defining What Is Real
The second main finding of this study is that, in the practice of the oral trial, it is those previous, written texts that are perceived, represented, and used as vehicles of truth. The traditional prevalence of written texts is brought to bear in the consideration of the artifact text, which exhibits signatures and lasts over time. The institutional character of this product is enhanced in its courtroom use (although the oral testimony also has this institutional character), and its superiority in precision and exhaustiveness is taken for granted.

The idea that is at play is that of “true text,” which brings about epistemological consequences for the activity of trying. The written deposition enjoys the status of legitimated source of knowledge about the facts that motivated the trial, just like the expert witnesses’ reports, the seized objects, and the photographs of the crime scene. But in addition, it becomes a privileged source of knowledge due to the use trial lawyers make of it during the examination and cross-examination of witnesses, because the information it contains counts as true.

The speech community shares the fixed-text ideology, that is, the idea that authors are consistently capable of producing copies of their own text without considerable variations or contradictions, regardless of the context of situation and the concrete coparticipant in each particular interaction. This makes the interactional mechanism of opposing the oral text in progress with the written one even more effective for the exercise of power.

Witnesses’ communicative skills, and capacity to respond, seldom enable them to challenge the written text’s superiority. Besides, they themselves adhere to the expectations of constancy of content. Only in rare cases are witnesses capable of resisting being considered the origin of an assertion. More frequently, witnesses’ resistance to ratify certain content is easily overcome by the lawyer by referring to the witnesses’ signature on the artifact text.

The most common situation is that in which the witness admits the preeminence of the enunciation that got inscribed earlier. In the exchanges that illustrate this, the witness herself manifests the true-text ideology:

Prosecutor: Efectivamente. Usted dijo que lo— vio que ((reads deposition in the file)) “movía el arma haciéndola girar en un dedo, luego escuchó que hizo un ruido metálico,”

→Silvia: Sí, puede ser. No sé.

Prosecutor: “Como hace un policía al cargar el arma.”
Silvia: Si ((inaudible)) si está ahí, ((in reference to the file))
Prosecutor: That’s right. You said that you saw him—you saw that ((reads deposition in the file)) “he moved the gun making it turn around a finger, then she saw that it made a metallic noise;”
Silvia: Yeah, maybe. I don’t know.
Prosecutor: “in the same way that a police officer charges a gun”
Silvia: Yeah ((inaudible)) if it there, (.. ..) ((in reference to the file))

The conditional clause “if it’s there,” with its tacit, idiomatic continuation, “so it must be,” indicates the witness’s subjection to the privileged representation.

Because the content expressed orally by the interrogated witness is controlled by imposing on it the content and the form of the written text, the lawyer’s favored construction of reality prevails. This effect is possible because locating truth in writing is part of the institutional members’ system of beliefs, regardless of its congruence with other beliefs, and even if it is in tension with legal principles explicitly defended. It is interesting to detect the predominance of the written document even when trial lawyers expect the oral testimony to provide more and better information.

Storytelling in Social Structures
The effect of the true-text ideology, which includes the officially true story, is a component of every criminal trial; it is functional to the local exercise of power in interaction; and it molds the resolution of the confrontation of the texts attributed to a single author, to the detriment of the oral testimony. Blomaert also found effects of generalized ideologies in his study of asylum seekers’ stories in the Belgian bureaucracy; as he states, “both the power asymmetry and the conflict are socially and culturally invisible because of . . . reasons, . . . which have to do with the pervasiveness of ideologies” (Blomaert 2001, 444; emphasis added).

Consideration of ideologies and the structure of social positions leads discourse analysts to a revised conception of the storyteller. The habitual interest for the individual product, a narrative text, usually isolated from the intertextual chains of which it is made up and separated from its interactional history, has consolidated a view of the teller as an autonomous individual. This individual develops their own narrative plan and calibrates their self-presentation to an immediate copresent addressee, both being considered in a sociostructural, historical, and political vacuum. Conversely, research on more broadly contextualized storytelling has revealed, among other things, narrative variation in shifting contexts (Bauman 1986), cultural scripts (Bruner 1990, 1998), the social distribution of telling rights (Briggs 1996; Hymes 1996), the natural histories of discourse (Silverstein and Urban 1996), and the uses of narrative representation in historical struggles such as nation building (Wodak 2002).

This suggests that research on narratives in interaction risks being reductionist if it is based on a conception of the subject as an autonomous agent who freely represents their private experiences (cf. Carranza 2000), whereas attention to the ways in which storytellers are situated in social structures and their self is conditioned by normative expectations can yield quite different results. Let us notice that in the trajectories and the storytellings considered in this chapter, even the story is shown to be public in a broad sense, and what determines what is real is not the individual’s
perception and memory but an intersubjectively and institutionally ratified version. Forms of authorship in the data are assigned rather than chosen. By telling stories, creativity, expression, and resistance are laboriously achieved (if at all) by a struggling social agent as they live their life in society.

Conclusion
We have seen that institutional representatives exert control over the telling and the tales, both during the first process of entextualization at the preparatory stage of the trial and during the examination of witnesses in the courtroom. On the former occasion, the deponents ignore at least three things: They will be held responsible for the form as well as the content of the artifact text; it may become more valuable than their later utterances because it can be used to force them to rectify their oral testimony; and it will be prone to transformations if parts of it are reformulated during examination and then during the closing arguments.

In the second moment of control over the telling and the tales, the superiority of the written texts is preserved. Clearly, this is culturally convergent with the traditional prestige of writing, and it is institutionally compatible with the procedural weight that characterizes writing in other branches of the law. Despite explicit legal principles positing the opposite in the interactional dynamics of the testimony, the early deposition acquires, at a minimum, the status of the best statement that can be made of the content, and, more frequently, its use actually takes the shape of an imposition of truth upon falsehood.

The foregoing analysis suggests that only judges who direct a trial conscientiously and counterpart trial lawyers who are interactionally and legally competent can counterbalance these tendencies and give the storyteller direct, online access to the audience made up by the jurors and the judges. In sum, research on narrative benefits from the consideration of the ways stories circulate in society not only because it adds sociological insights to the uses of narrative but also because it throws light on substantial narratological research problems. When the broader social factors that condition storytelling are brought into the picture, the face-to-face interaction and its resulting narrative text are more deeply understood. The present study is a case in point. It has shown that prevalent, shared ideologies about an original text and a true text account for the interactional outcome of the story negotiated in the courtroom. Those ideologies also account for the version of the past that is most likely to be taken up by the judge’s sentence and to have effects on human lives in the future.

Transcription Notation
(... ...) intraturn pause
— self-interruption
↑ rising intonation
↓ falling intonation
→ line under analysis
(( )) transcriber’s comments

REFERENCES


