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SPEAKING UP
IN COURT

REPAIR AND POWERLESS LANGUAGE
IN NEW ZEALAND COURTROOMS

by

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Abstract

Law courts purport to be seats of justice, yet there is constant debate about the even-handedness of that justice and ordinary people's access to it. This thesis reports on a study of seven criminal hearings in the District Court in Auckland, New Zealand.

The study focussed on repair (as defined in conversation analysis) and various phenomena which have been identified previously as characteristic of "powerless language" (that is, the speech used by those in subordinate positions to their social superiors). These phenomena included hesitations, hedges, intensifiers, witnesses asking questions, tag questions, high rising terminal intonation, polite terms, terms of address and *well*.

The results of the analysis have led to two interesting conclusions. First, traditionally linguists have considered repair as a means of dealing with problems. As such, repair itself has often been thought of as a problem. As far as these seven hearings are concerned, it is evident that repair is being used as a highly effective interactional resource in the process of "coming to an understanding" which seems to me to be the basis of courtroom interaction.

Second, the study calls the notion of powerless language into question. While it is true that many researchers have found that people evaluate powerless language negatively, this study finds that a) the features which have been said to form the powerless style in English are not used only by the powerless people in these hearings and b) these features cannot always or necessarily be said to operate in a powerless manner during the hearings. The analysis has produced a more detailed account of the features and their use than previous studies have achieved. The results show that the notion of powerless language is highly questionable. This in turn means that further study is necessary into how people make judgements on language use and what role such judgements play in the decisions of juries.

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