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Linguistic analysis of gender asymmetry in courtroom interaction discourse. Analysis of questioning strategies in domestic violence trials in Italy*

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LINGUISTIC ANALYSIS OF GENDER ASYMMETRY IN COURTROOM INTERACTION DISCOURSE. ANALYSIS OF QUESTIONING STRATEGIES IN DOMESTIC VIOLENCE TRIALS IN ITALY

ABSTRACT: The article conducts an exploratory analysis of questioning strategies in Italian trials of domestic violence cases. The aim is to compare the questioning of complainants (survivors) and defendants (alleged aggressors) to determine whether gender asymmetry exists (i.e., differences in the treatment of complainants and defendants). The dataset collected includes three cases involving four hearings where complainants and four where defendants were witnesses. The analysis builds on Archer (2005) and Mortensen (2020) and is carried out through a quantitative (turn-taking, words spoken, average number of words per turn) and qualitative (morphosyntactic question types) analysis. Quantitative results show that complainants are asked more questions and can speak less in their answers. Regarding their morphological question types, in direct examination, high-control question types are asked more to defendants; in cross-examination, the opposite occurs. According to these findings, it may be said that a situation of gender asymmetry exists.

ANÁLISIS LINGÜÍSTICO DE LA ASIMETRÍA DE GÉNERO EN LA INTERACCIÓN ORAL EN LA SALA DE VISTAS. ANÁLISIS DE LAS ESTRATEGIAS DE INTERROGATORIO EN LOS JUICIOS POR VIOLENCIA DOMÉSTICA EN ITALIA

RESUMEN: El artículo realiza un análisis exploratorio de las estrategias de interrogatorio en juicios italianos de violencia doméstica. El objetivo es comparar el interrogatorio de denunciantes (supervivientes) y acusados (presuntos agresores) para determinar si existe asimetría de género (es decir, diferencias en el tratamiento de denunciantes y acusados). Los datos recopilados incluyen cuatro audiencias en las que las denunciantes y cuatro en las que los acusados fueron testigos. El análisis se basa en Archer (2005) y Mortensen (2020) y se lleva a cabo mediante una perspectiva cuantitativa y cualitativa (morfosintaxis). Los resultados cuantitativos muestran que a los denunciantes se les hacen más preguntas y pueden hablar menos en sus respuestas. En cuanto a la morfosintaxis, en el interrogatorio directo se hacen más preguntas de alto control a los acusados; en el contrainterrogatorio ocurre lo contrario. Según estos resultados, puede que exista una situación de asimetría de género.

ANALYSE LINGUISTIQUE DE L'ASYMÉTRIE DE GENRE DANS L"INTERACTION AU TRIBUNAL. ANALYSE DES STRATÉGIES D"INTERROGATION DANS LES PROCÈS POUR VIOLENCE DOMESTIQUE EN ITALIE

RÉSUMÉ : L'article propose une analyse des stratégies d'interrogation dans les procès pour violence domestique en Italie. Il vise à comparer l'interrogatoire des plaignantes et des défendeurs afin de déterminer s'il existe une asymétrie de genre (traitement entre les sexes). L'ensemble des données collectées comprend trois cas impliquant quatre audiences où les plaignantes étaient des témoins et quatre où les défendeurs étaient des témoins. L'analyse s'appuie sur Archer (2005) et Mortensen (2020) et est réalisée grâce à une analyse quantitative (prise de parole, mots prononcés, nombre moyen de mots par tour) et qualitative (types de questions morphosyntaxiques). Les résultats quantitatifs montrent que les plaignantes se voient poser plus de questions et parlent moins. En ce qui concerne les questions, lors de l'interrogatoire direct, des questions à contrôle élevé sont davantage posées aux défendeurs ; lors du contre-interrogatoire, c'est l'inverse. D'après ces résultats, on peut dire qu'il existe une situation d'asymétrie de genre.

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KEYWORDS: forensic linguistics; gender asymmetries; courtroom interaction discourse; domestic violence trials; Italy.

PALABRAS CLAVE: lingüística forense; asimetrías de género; interacción en tribunales; juicios por violencia doméstica; Italia.

MOTS-CLÉS : linguistique judiciaire ; asymétries de genre ; interaction dans la salle d'audience ; procès pour violence domestique ; Italie.

1. Introduction

Understanding the scope of Gender-Based Violence (from now GBV) in Italy is difficult due to the lack of recent data. Since 2000, only two official studies have been carried out by the Italian National Institute of Statics (Istat): one in 2006 and one in 2014. In both cases, GBV is dealt with as violence against women. According to the 2014 study, violence against women in Italy is a pervasive phenomenon affecting the lives of 31.5 % of individuals (six million and 788 thousand) between 16 and 70 years of age. Generally, violence is exerted by partners or former partners[1]; it is often defined as severe or extremely serious: 37.8 % of women reported physical injuries, and 36.1 % feared for their lives. When considering femicide, Istat (2018) highlights that the total number of victims[2] has remained stable through the years, whereas the number of murders has been steadily decreasing.

To deal with this problem, Italy has been promoting 19 national legal measures between 1990 and 2022 (without mentioning the local ones adopted by regions and autonomous provinces[3]). At a national level, the most critical initiative is the so-called "Codice Rosso," i.e. Law n. 69/2019, and at a European level, the Convention of Istanbul, ratified by Italy in 2013 (GREVIO, 2020).The former is the last relevant law implemented by the Italian government: on the one hand, it aims at speeding up the time for action from legal officers: when a woman reports violence, the judicial sector is provided new tools to act timely; on the other hand, it introduces new typologies of crimes, e.g., revenge porn. The latter represents a global framework of reference to eradicate GBV, considering different approaches such as prevention through civil society, protection for the victims, monitoring the phenomenon, and punishment for defendants.

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[1] While acknowledging that GBV includes many different dynamics, this article focuses on traditional heterosexual relationships.

[2] In its research, Istat considers the relationship between victims and defendants; therefore, it is possible to speak about femicides, not general murders.

[3] See Appendix 1 for more information.

Despite the legal means, conviction rates are meagre and take a long time. This is partly due to the low rate of women entering the judicial system (Istat, 2014); according to the last available data on verdicts, in 2018, only 3,462 men were convicted because of ill-treatment within the household[4]. A further problem is the length of time: on average, complainants need to wait around 30 months for the sentence in the first degree and 63 months for the definitive one (Istat, 2018). The duration of legal proceedings has been a long-lasting and well-known problem that prevents the administration of justice not only regarding GBV cases – even though consequences to the mental health of complainants can be more significant than in other crimes. Given the seriousness of GBV crimes, the long duration of the process and the low conviction rates, it becomes paramount to understand the dynamics of courtroom interaction to explore if and how such dynamics might be detrimental to the delivery of justice. Questions arise regarding how GBV crimes, such as domestic violence, are dealt with in Italian court hearings and whether complainants and defendants are treated fairly (even considering their different roles in the process). This article is an explorative study to provide answers by comparing questioning strategies with complainants and defendants in three cases of domestic violence brought to court between February 2017 and July 2022. The debate about the definition of domestic violence is ongoing; therefore, for this article, domestic violence refers solely to the violation of Art. 572 of the Italian penal code, i.e. Ill-treatments against family members or persons living in the same household. Salient aspects regarding courtroom interaction (Bellucci, 2005; Heffer, 2005; Eades, 2010) will be introduced to move on to questioning, especially in direct and cross-examination (Atkinson & Drew, 1979; Gibbons, 2003). Subsequently, an analysis of power dynamics within the courtroom will be carried out (Luchjenbroers, 1997; Benevieri, 2022), and gender asymmetries (Tannen, 1993); followingly, the dataset and the methodology will be introduced to deal with the results and the discussion.

2. Courtroom interaction

Courtroom hearings have been studied in different fields, notably sociology (e.g., Carlen, 1976b) and ethnomethodology (e.g., Garfinkel, 1967). As to courtroom interaction itself, its discourse has been approached using several perspectives, such as conversation analy-

[4] Specific data are lacking; however, an attempt to cross-analyse police statements by complainants with conviction rates is possible. As an approximate example, in 2014, there were 13,261 cases of domestic violence reported to the police; since, on average, in order to reach a sentence, around 3-5 years are needed, this data can be compared with the conviction numbers of 2018. While it is only an approximate estimate that does not consider all factors, it gives an idea of how many domestic violence cases end up with no punishment.

sis (Atkinson & Drew, 1979), critical discourse analysis (e.g., Ehrlich, 2001), forensic linguistics (e.g., Gibbons, 2003), sociolinguistics (Eades, 2010). In this section, firstly, courtroom interaction as a genre will be addressed; secondly, the language and communication challenges it involves will be dealt with; and lastly, studies focusing on courtroom interaction regarding GBV cases will be illustrated.

Firstly, according to Heffer (2005), trials are a "complex genre"; this is so, both because trials are complex and because they comprise three phases (genres): the procedural, the adversarial, and the adjudicative. From these genres, several sub-genres arise, depending on the activities performed; all genres and sub-genres together shape the discourse of the trial. The procedural genre involves the sub-genre of the jury selection, the calling and swearing-in of witnesses and the indictment; the adversarial genre includes opening speech, witness examination, and closing argument; the adjudicative genre includes summings-up, deliberation, and sentencing (Heffer, 2005: 67). This article focusses on the adversarial genre; here, while the prosecutor (and the civil party, in this dataset) provides a story, the defence generally either provides a different story or rejects the prosecutor's one; that is, whatever the prosecutor will try to construct, the defence will try to de-construct – in a strategic contest between the opposing legal professionals (Heffer, 2005). The competing stories will then be used over and over again throughout the adversarial phase (from opening statements to closing arguments), either with narrative or argumentation means (Heffer, 2005: 69). Within the adversarial genre, several studies have been focusing on its different sub-genres: for example, Hobbs (2008) deals with the analysis of the opening speech of a defendant representing himself at his murder trial, exploring the relationships between language, personality, and identity in the construction of legal persuasion. Chaemsaithong (2019) focuses on the opening speeches given by the prosecution and the defence of a mass shooter and exposes the strategies used by the different sides through functional linguistics. Regarding closing statements, Rosulek (2014) focuses on silencing, de-emphasising and emphasising as means to construct different versions of reality – and hence, how the prosecutors and the defence lawyers concentrate on different elements to convince the jury. This article focuses on the witness examination – the part of the trial concerned with presenting the evidence in the case, which is controlled discoursally mainly by lawyers (Heffer, 2005: 67); section 2.1 is devoted entirely to this sub-genre.

Secondly, the language and communication challenges involved in criminal trials are related to the fact that, for their very nature, trials are emotionally charged linguistic events (Bellucci, 2005: 188) where goal-oriented legal stories are told. Such stories, on the one hand, deal with the reconstruction of the crime and, on the other hand, with the

construction of a case (Heffer, 2005: 65). This implies a continuous tension between legal and lay discourse, especially during the phase of examination and cross-examination of witnesses. Within courtroom studies, a great emphasis has been placed on this interaction. The difficulty lies both in the courtroom talk and the legal procedure itself. As to the former, courtroom talk is essential "fairly ordinary language being put to special use. Institutional participants are expert users, whereas the lay participants – in this article, complainants and defendants – are not. Since the key resource is the highly controlling institutional exploitation of the interrogative turn or question, institutional users are equipped to exploit the special pragmatic uses that language can be put to, making legal talk a potent source of institutional control" (Holt & Johnson, 2010: 24). As to the latter, speakers are expected to fully know the rules of discourse governing the event (Woodbury, 1984: 3) and yet for lay people that may not always be the case. According to Pallotti (1998: 14), the specificity of procedural and conversational languages at play during trial is such that lay actors are disadvantaged in that they are familiar neither with the language used nor with the procedure; hence, different actors access a different degree of understanding regarding what is happening (Bellucci, 2005: 152).

Lastly, as to GBV and trial discourse, previous studies have been focusing primarily on rape and sexual assault (mainly, but not limited to: Matoesian, 1995; Ehrlich, 2001; Cotterill, 2007b) and, to a lesser extent, to domestic violence and murder (Cotterill, 2001; 2003a). As to the former, while recognising that these specific crimes present some differences compared to the broader concept of domestic violence, which is at the core of the dataset collected (e.g., rape can be carried out in a different context and by one or more defendants), they are still valuable for that on one hand, power asymmetry and gender bias are at work; on the other hand, they mostly happened within the household. As to domestic violence, this is in itself a highly emotive issue (Cotterill, 2001: 294) involving several biases; the O. J. Simpson Trial that the author analysed is quite a paradigmatic case as to stereotyped gender roles: on one side, the prosecutor claimed the murder was committed after years of domestic abuse; on the other side, the defence claimed that the victim was a manipulative and promiscuous woman; finally, the jury perceived the relationship as a mutually violent one. Not only gender-based stereotypes as to supposed reciprocity in a violent relationship are to be found in these studies, but also as to how a victim should be and act. Some interesting examples are found also in Wells (2012), who used discourse analysis to analyse the sentencing of battered women who kill their partners. The author indicates that women must be "credible, sweet and helpless victims whom tyrannical men brutalise" (Wells, 2012: 12); her findings suggest that

abused women who do not fit traditional stereotypes are given less sympathy within the courtroom. What is considered to be typical behaviour of a victim was also included in the strategy used by defence lawyers in rape cases, according to Rosulek (2014: 134). Here, while focusing on strategies related to silencing, de-emphasising, and emphasising information, the author found that "the defence emphasised the victim's agency during the crime even more than the prosecution did because they constructed her as an active participant rather than a victim" (2014: 148).

These dynamics brought about heavy criticism during the years, especially regarding the impact that this kind of administration of justice has on victims (Matoesian, 1995; Conley & O'Barr, 2005), who often suffer secondary victimisation (Queralt & Benedetti, 2023). In this sense, Ehrlich (2010: 265), who analysed rape trials, convincingly argued that the failure to deliver justice to victims lies not in the crime itself but in the details of legal practice. Satisfying solutions are yet to be found; this article's comparative analysis considers domestic violence cases and how complainants and defendants are interrogated during courtroom hearings, mainly in direct and cross-examination. Therefore, in the next section, these aspects will be deepened.

2.1 Direct, cross, and re-examination in the Italian legal system

The Italian judicial system has some differences from the Anglo-Saxon system; these will be addressed at the beginning of this section. Followingly, characteristics related to the three examinations will be considered, with some general considerations leading to the following section on questioning.

Regarding the differences between the two systems which are relevant for this article, the first to be highlighted is that according to the Italian legal system, defendants have the right to remain silent[5] and also not to perjure themselves – i.e., the right not to incriminate oneself prevails. Secondly, the role of judges differs: in the Italian system, they may question witnesses, but only after prosecutors and lawyers have concluded[6]. However, this is not always the case – as emerged from the dataset, where judges participated in the trial according to their assessment (no sanction by the Italian legal system is foreseen). The number of lawyers involved represents another variable. It is not uncommon to have more than one defence lawyer coming from the same law firm; as for the civil party, however, this is seldom the case. This may be partially explained by the fact that, according to the Ita-

[5] Personal communications with lawyers specialized in GBV cases highlighted defendants usually do not participate in trials at all. Such statement is also partially found in Rosulek (2014: 138) when dealing with rape trials.

[6] Art. 506 of the Italian penal code.

lian legal system, complainants of GBV crimes have the right to free legal support, which is paid for by the Italian state. The same does not apply to defendants; thus, depending on the financial situation of defendants, they may hire one or more lawyers to have what might be perceived as a "strong" defence. It could also happen that the complainant decides not to proceed as a civil party and may thus be called in as a witness only by the prosecutor. In these cases, if defendants are to testify, no questions from the civil party arise - simply because there is no civil party. From a procedural point of view, the examination phase of the trial begins with the witnesses called by the prosecution, then the witnesses called by the civil party and finally, the witnesses called by the defence. The first to speak are complainants and witnesses supporting complainants; then, it is the turn of defendants and witnesses supporting defendants In domestic violence trials, declarations given by the complainants are considered legal evidence; not so for the declarations by defendants.. A witness may be questioned in three stages: i.e. direct, cross, and re-examination.

During the direct examination, lawyers will start eliciting all or part of the story when interrogating their clients. Here, a balance needs to be found between asking their witnesses to speak freely since spontaneity has been connected to a greater degree of trust (Stone, 1995: 95) and taking them step by step through evidence in framed questions (Stone, 1995: 94). According to Gibbons (2003: 1893), moving more in one or the other direction depends on to the extent which the lawyer has faith that the witness will produce the desired story. The main goal of the direct examination is to introduce "new information" (Bellucci, 2005: 190), building the narrative and clarifying aspects related to the case (Galatolo, 2002: 143).

"Cross-examination is an adversary sequence in which an attorney questions an opposing witness, ostensibly to test his or her veracity, accuracy, or bias" (Hobbes, 2003: 501). That is, during cross-examination, the lawyers" aim differs radically: the primary goal of the cross-examination is to verify, confirm, or contradict (Bellucci, 2005: 190), i.e., to challenge the narrative created and build a new one (Galatolo, 2002: 143); therefore, the questioning strategy changes accordingly. Gibbons (2003) highlights how the lawyer's work consists of either discrediting the content of what witnesses say or discrediting witnesses themselves. This may be done through questions that are introduced by statements to provide the counter-narrative (e.g., According to the police report… do you agree?) or polar questions to threaten the consistency of the story told by the witness (e.g., did or did you not decide to go out with the defendant?). According to Luchjenbroers (1987: 483), the use of closed questions reinforces the lawyer's control of both the witness and the information presented; it also makes the witness appear recalcitrant or inarticulate. Other tools might also be

used: for example, pausing. Pausing usually happens following the answer of a witness (i.e. the completion of a pair in conversation turns); this is often seen as an interactional strategy from the lawyer in order to express disbelief or scepticism (Atkinson and Drew, 1979: 68). Unfortunately, transcripts provided for the analysis in this article do not include this type of information, as they are official court transcripts.

After cross-examinations, there may be a re-examination, aiming at establishing the credibility of the testimony again (Gibson, 2003: 1890), further clarifying some aspects, or re-establishing the first version of the story (Bellucci: 2005: 190). This may lead to a further cross-examination to underline consistencies or discrepancies in the witness's story: the whole tension between direct and cross-examination still at play, in a similar pragmatic functioning.

As previously stated, in each stage, the prosecution and the defence will have different goals (Atkinson & Drew, 1979: 35; Rosulek, 2014: 51) and, thus, different conversation agendas (Fernández León, 2019); during the trial, they will work to create positive or negative impressions about witnesses and their credibility (Luchjenbroers, 1997: 484). Witnesses may know or perceive this and act accordingly, e.g. through resisting strategies (Galatolo & Drew, 2006) and/or vague language (Cotterill, 2007a). No matter the resisting strategies, lawyers will need to elicit a testimony that fulfils the need for detail, clarity and exactitude (Cotterill, 2007b: 98). As highlighted before, besides supporting judges in understanding what happened, when witnesses are questioned, other goals may arise. For instance, when the complainant is testifying, the lawyer of the civil party could also establish her credibility and highlight consistencies throughout her story-telling. When the defence lawyer asks complainants a question, the aim could be precisely the opposite: the core of the strategy is building a counter-narrative, thus invalidating what has been said before through several means. When the defendant is testifying, the situation could be inverted. In Heffer's words (2005: 129), "the examiner presents what happened; the cross-examiner claims that this presentation is not accurate nor reliable".

During direct, cross, and re-examination, lawyers will tend to elicit specific information, ask for confirmation of something that has been said (Gibson, 2003), and avoid asking questions when they do not know or are unsure about the answers (Ponterotto, 2007: 107). As it has been pointed out, since during the three phases, the legal actors have different goals, the questioning strategy changes: as to the distribution of sequences (e.g., facts may be established progressively to end up in an accusation, sometimes presenting the information as part of police reports) and as to the type of questions which might be asked (e.g., more or less controlling) (Atkinson and Drew, 1979:

115). Throughout the different stages of the trial, blame allocation becomes an essential part of the story (Gibbons, 2003: 1773). Blame is often allocated while exploiting gender-based biases (particularly in cross-examination) to distort the narrative provided by complainants (Erhlich, 2003: 136). This emerges through questioning; the following section deals with the topic.

2.1.1. Questioning

According to Heffer (2005: 111), during the adversarial phase, lawyers tend to ask witnesses three main actions: to confirm the proposition stated in their elicitation, to specify given details, and to narrate what happened. This can be done through different legal and linguistic means; in this section, firstly, an illustration of the Italian legal limits as to questions is given; then, a linguistic perspective (both as to morphosyntax and pragmatics) is provided.

From a legal perspective, the *Italian Code of Criminal Procedure* (1988) includes only one special provision regarding questions that may or may not be asked in GBV cases – and this regards mainly victims of different crimes related to sexual violence. According to Art. 472 (3a), questions about the private life or sexuality of the offended person are not allowed in legal proceedings unless they are necessary to reconstruct the fact. No further special provisions are foreseen for GBV victims. Generally speaking, relevant articles as to the testimony are n. 194 (subject and limits of the testimony); and art. 499 (rules as to the delivery of the testimony).

According to the former, witnesses can be examined only as to the facts and not the morality of the accused - except if they are suitable for qualifying their character concerning the offence and social dangerousness. Testimony on facts that could help in defining the personality of the person offended is admissible when the fact of the defendant is to be assessed concerning the conduct of that person. Rumours are not admitted unless it is impossible to separate them from the testimony on the facts.

According to the latter, and most interestingly for the article, some limits are established on the type of questions allowed during the examination (but not cross-examination). First, a witness can be asked questions only on specific facts; then, questions that could impair the sincerity of the answers are prohibited. Suggestive questions are also prohibited in the examination conducted by the party requesting the witness and the party with a common interest. However, suggestive questions are allowed – and used – during cross-examination.

Moving on to a linguistic perspective, questions can be used for different purposes; in court, through questions, speakers exercise control or offer deference (Harris, 1984); they are a means of obtaining

information or a confirmation of a particular version of events that the lawyer has in mind (Gibbons, 2003: 1187). As Harris (1984: 21) highlights, questions can also function as an accusation – no clear-cut separation exists. In this sense, it is essential to underline that actions, such as accusations, challenges, justifications, denials, and rebuttals, can come in the form of questions and answers (Atkinson & Drew, 1979: 70). The range of acceptable answers tends to be more or less constrained (Harris, 1984: 6); since blame allocation plays a key role it is difficult, for witnesses, to see questions simply as a mean to obtain information. Because of the social nature of the actors involved, questions can and are indeed perceived as a way of allocating blame throughout the process. At the same time, comments or statements uttered by lawyers are perceived as questions – without necessarily being put in the interrogative form (Bellucci, 2005: 201); that is, "questioning is not limited to the use of standard interrogative forms (e.g. a rising intonation in Italian; inversion of subject and verb in English); the critical feature is that the function of the utterance is a request of information" (Gnisci & Pace, 2016: 34).

Since very often trials have been described as a competition between lawyers (Woodbury, 1984: 4) – rather than a means to support the court discovering facts (Gibbons, 2003: 1194), several studies focused predominantly on questioning techniques during witness examinations and cross-examinations (Atkinson & Drew, 1979; Woodbury, 1984; Chang, 2004; Aldridge & Luchjenbroers, 2007); and on the different strategies adopted by witnesses in order to resist lawyers (Drew, 1990; Gnisi & Pontecorvo, 2004; Galatolo & Drew, 2006). Studies on questioning strategies have been mainly focused on morphosyntax (Harris, 1984; Luchjenbroers, 1997; Archer, 2005; Olanrewaju, 2009; Seuren, 2019) and pragmatics (Woodbury, 1984; Gibbons, 2003), or both (Mortensen, 2020).

Regarding morphosyntax, the choices made during questioning can be more or less controlling as regards the answer they are eliciting, as was previously highlighted (Harris, 1984: 7). In this sense, starting from Woodbury (1984), several scholars have been working on hierarchical typologies of questions forms, placing control on a continuum. According to these studies, the most controlling questions are yes/no questions (e.g., did you see a man?); followingly, yes/no questions with tags are to be found (e.g., you saw a man, didn't you?); at the other end of this continuum, there are the least controlling questions, which are the broad wh-questions (e.g., what/whom did you see?) (Eades, 2010: 44).

Regarding pragmatics, Gibbons (2003) highlights a range of devices used so that an interpretation of the facts is more powerful than another. Here, question strategies aim at discrediting the witness (strategy targeting the person) or the narrative provided (strategy targeting

the idea); strategies can overlap as there is no clear-cut (2003: 1382). Strategies also depend on witnesses: a witness with an expansive style needs little prompting, while a restricted style may cause repeated and explicit requests (Heffer, 2005: 125). According to Gibbons (2003), some person-targeted pragmatic strategies are status manipulation (status support or reduction), sarcasm, and address forms, while some idea-targeted pragmatic strategies are vocabulary choice, hedging, repetition, and reformulation. As to questioning techniques, Mortensen (2020) analyses the speech act functions in direct and cross-examinations, comparing US American and Danish trials – considering mainly regulative, constative, and communicative functions.

Since in questioning, a great deal happens as to coercion and control when eliciting the testimony, in the following section, an analysis of power and control is provided – followed by considerations on gender asymmetry within courtroom interaction.

3. Power and control in the courtroom

According to Bellucci (2005: 155) and Benevieri (2022: 49), courtroom interaction is an institutional and asymmetric event: institutional because of specific roles (e.g., judges, lawyers) and asymmetric because of the imbalances in power. Bellucci, in particular (2005: 158), explicitly states how asymmetrical interactions are characterised by the specific frame within which they occur, whereby some participants assume the role of leading figures or directors of the interaction – while others may simply react. Asymmetry leads to power and control; when it comes to power and its definitions, Eades (2010: 122) points out that scholars have taken different stances: On one hand, those who see the power in the courtroom as unidirectional control over witnesses by lawyers; on the other hand, those who see power as something which is negotiated every time by speakers. Either way, power asymmetries in courtroom discourse (leading to interaction asymmetry) have been at the core of several studies in applied linguistics. To mention a few of them, they appear in Atkinson & Drew (1979), who applied the elements of ethnology and conversational analysis to courtroom interaction while dealing with turn-taking as to direct examination, justifications and excuses during cross-examination; the sequencing and court rituals; as well as the management of the accusations. Power asymmetries are further explored in the art of questioning performed by lawyers in Woodbury (1984), referring to direct and cross-examination. Woodbury analyses the different degrees of control exerted by questions on witnesses in a criminal trial, depending on the morphosyntax used. Adelswärd et al. (1987) analysed 40 recorded Swedish trials, revealing how several dimensions of interactional asymmetries are present – and, thus, how multifaceted dominance

and control in trial discourse can be. Luchjenbroers (1997) analysed questions and answers in a six-day Supreme Court murder trial involving sixty examinations between lawyers and witnesses. The results have shown that most of the crime narrative is provided by the lawyers and that the questioning strategies primarily serve the goal of raising sympathies for their witnesses.

Regarding the different types of power which can be exerted in trials, Bellucci (2005: 158-160) and later Benevieri (2022: 52-56) distinguish among four types of imbalances within courtroom discourse, which they call dominance: 1) quantitative dominance (the length of speech); 2) interactional dominance (who takes the initiative in the dialogue); 3) semantic dominance (who decides the topics); and 4) strategic dominance (the hidden agenda of the actors involved). Hidden agendas, in particular, have been dealt with by Bellucci (2005: 161), who stated how they are especially apparent during cross-examination and how the role of the judge is to render them as explicit as possible to avoid inferences and, thus, sometimes, misunderstandings. As can be noticed within the courtroom, the four types of dominance are usually exerted by legal professionals, especially lawyers; quantitative dominance may vary, and it will be assessed using the data collected.

The four types of dominance have also been studied in forensic linguistics. According to Gibbons (2003: 2441), "the courtroom is a place where power is unequally distributed, being overwhelmingly in the hands of the legal professionals"; taking this conclusion a step further, Luchjenbroers (1997: 477) argues that "courtroom discourse is unilateral in that barristers enjoy a one-sided topic control of discourse". The impression is that lawyers are the real protagonists in court, being the primary and authoritative tellers in the trial (Cotterill, 2003: 149) – while witnesses are reduced to puppets in their hands (Luchjenbroers, 1997), with events narrated mostly by lawyers while questioning (Cotterill, 2004: 514). Eades (2010: 52) provides a list of linguistic mechanisms that show how power asymmetry works, e.g., witnesses speaking very little compared to lawyers, with no possibility to interrupt or remain silent, or how lawyers can reformulate and manipulate what the witnesses said.

Power asymmetry within the courtroom has been addressed; adding the variable related to gender might bring about further reflections. Since dynamics related to gender influence what is happening outside and inside the court, and considering the role of such dynamics, especially within GBV cases, in the next section, the concept of gender asymmetry is further explored and expanded.

3.1. Gender asymmetry

The previous section analysed power asymmetry within courtroom interaction, focusing on institutional actors and their roles. In this section, a variable is added – namely, gender. When studying power, solidarity, gender and dominance in casual conversation, Tannen (1993) adopts a cross-cultural approach to dealing with men and women's different conversation styles. She believes that "power governs asymmetrical relationships where one is subordinate to another; solidarity governs symmetrical relationships characterised by social equality and similarity" (1993: 167). When analysing courtroom interaction through the lenses of the concepts of symmetry/asymmetry and power/solidarity, a focus on how defendants and complainants are treated is essential in order to detect if (and to what extent) these dynamics are at play - besides the courtroom dynamics themselves which were previously illustrated. Here, a situation of (a)symmetry may arise, in that complainants and defendants may be treated differently depending on 1) the gender of legal professionals involved (and the stereotypes thereby associated); 2) written and non-written rules governing courtroom interaction; and 3) complainant's and defendants' gender role (and the stereotypes thereby associated). As Tannen (1999: 237) points out, "speakers who exhibit gendered patterns may be unaware of the influence of gender on their styles and may resist acknowledging that influence even if they are aware of it"; therefore, studying whether such differences arise in the treatment of defendants and complainants is essential. Such potential imbalances are labelled under "gender asymmetry".

Regarding the first aspect, namely how the gender of legal professionals may affect courtroom interaction, it is to be noted that gender is a vast concept that also involves the concept of personal identity(s); people interact according to their roles in different situations, representing only a part of their (perceived) identities. Without entering into details as to the concept of identity, it suffices to say that this is shaped through the judgments and appraisals made by others in response to specific behaviours (Bogoch, 1999: 331). Both professional and gender identity play an essential role for each actor involved and, in the interaction stemming as a result. In her study, Bogoch (1999) showed that in Israeli courtrooms, women lawyers were perceived by their male counterparts and male witnesses (such as the defendants in this dataset) as women (e.g., lower power status); on the other hand, their self-perception went in the direction of being lawyers, before being women (e.g., higher power status). When carrying out their work, their language styles matched the one required by court dynamics. However, several obstacles were placed by the other actors, whether lay or professionals (e.g., the higher number of interruptions by the

counterpart and uncooperative male witnesses). Bogoch (1999: 332) further states that women working as legal professionals in courts face a double bind: on the one hand, they need to adopt the (male) interaction style of the court; on the other hand, if they do so, they may incur disapprobation (e.g., coming across as too confrontational, too aggressive). Besides the obvious implication of undermining the professional identity of women lawyers, it is relevant to add that by doing this, the story they are telling will be perceived as less credible, with an obvious result on the outcome of the process (Bogoch, 1999: 369).

Regarding the second aspect - namely rules governing courtroom interaction - it is to be highlighted that "It [the court] is an institutional setting charged with the maintenance and reproduction of existing forms of structural dominance" (Carlen, 1976a: 38 in Atkinson and Drew, 1979: 14). Patriarchy itself is a structure of dominance (Bourdieu, 1998); it can be said that the court becomes the place where the patriarchal discourse of the law takes place (Conley & O'Barr, 2005). According to Ponterotto (2007: 123), the courtroom is also where lay people and professionals can be conditioned by gender stereotypes (with or without realising it, as previously stated). Another element affecting courtroom interaction is that due to different socialization, men and women communicate differently (Conley and O'Barr, 2005: 63), e.g., using relational vs. rule-oriented accounts. Relational accounts tend to emphasize the narrative of the relationships between actors and the feelings involved without following a specific order. In contrast, rule-oriented accounts follow a logical structure, telling the narrative chronologically and sticking more to the facts. In her studies, Tannen (2013: 74) illustrates the same differences in casual conversations and calls the former rapport talk and the latter report talk. The latter – the male model - adheres to the standard of narrative in court; this means that women – whether lay or professionals – need to translate their thoughts into different categories to fulfil the expectations regarding communication in court hearings. Professionals are aware of it and act accordingly; as to lay people, especially complainants in GBV trials, it is to be highlighted that guidelines have been written to support them when witnessing and expressing themselves as the court expects them to (Queralt, 2022). On the one hand, this can bring about several advantages, e.g., being prepared for it, court hearings might be a less traumatic experience for GBV complainants. On the other hand, it might be argued that such an approach could bring about symbolic violence (cf. Bourdieu, 1992 and 1998) since complainants are forced to express themselves in a way that does not necessarily suit them[7]; further studies to deepen such considerations are needed.

[7] Casual conversations with lawyers specialised in GBV crimes have highlighted that several women, for various reasons, present their testimony without any preparation at all – with all possible consequences.

Regarding the last aspect, namely the influence of gender roles on complainants and defendants, several researchers have investigated how communication occurs. First, a focus has been placed on victimhood: this is built through the interaction and the description of the facts (Bogoch, 2007: 160). Therefore, the first struggle for complainants in telling their stories to their lawyer is being understood in legal terms. Lawyers need to translate the complexity of GBV crimes in a way acceptable in legal terms; therefore, they focus on specific facts and dates – which for GBV complainants might make little sense if compared with their experience (Eades, 2010: 190). For the written affidavit to be perceived as more credible, the story can be presented according to gender-based stereotypes. Thus, this part is removed if complainants refer to lawyers about how they tried to stand up against their defendants. Complainants are presented as mere victims (Eades, 2010: 199). This may lead to struggles in the court hearing, as such discrepancies are typically used to invalidate the testimony. When complainants come to court, societal expectations concerning their behaviour and representation of the event have been studied by Ponterotto (2007) in rape trials; they are presented in Table 1. On the one hand, complainants must be perceived according to traditional gender roles concerning their identity (e.g., non-aggressive, nonassertive, indirect and passive). On the other hand, they need to speak about the violence according to what is perceived as a standard male representation (e.g., how complainants rejected the defendant actively, directly, and confrontational).

Expectations of women's self-representation	**vs.**	**Expectations of women's representation of the event**
Non-aggressiveness		Physical force
Non-assertiveness		Assertive speech
Indirectness		Directness
Passivity		Action

Table 1: Societal expectations of women's behaviour in court, according to Ponterotto (2007: 121)

Several biases concerning rape and how a complainant should be and act are underlying these expectations. Benevieri (2022: 17-18) writes a list comprising twelve items, which includes (but is not limited to): rape is actual only when a stranger carries it out in a violent way and outside the household; complainants can fight back and manage their consent – which can be assumed by the way the complainant is dressed or acts; women are responsible for putting themselves in the violent situation; real victims react emotionally when speaking about the rape, and yet they will provide a detailed description of facts. Even

though the data sample of this article focuses on domestic violence, it is interesting to notice how some biases similarly affect courtroom interaction – for example, if only violence perpetrated by strangers is considered actual violence, questions arise as to what is of the violence carried out by (ex) partners inside the household. The same consideration can be drawn as to the other aspects – e.g., fighting back, remaining in a violent relationship for several years, and being able to provide a detailed description of single episodes of the violence. The last aspect that is interesting to consider is the low conviction rate highlighted in the introduction. Bogoch (2007) analyses the language of acquittal decisions concerning sexual offences in the Israeli Supreme Court. In her study, she considers what is "the norm" and what is "the other" when it comes to actors in the court hearing; the conclusion is that the norm is to be a white Israeli man – therefore, whoever does not fit this description, is labelled as "the other", including women victim of GBV. This bears direct implications: when judges accept that the complainant is "the other", her credibility is at stake, and victimhood is denied. Since where there is no victim, there is no crime – a higher range of acquittal follows (Bogoch, 2007: 176). In sentencing, gender roles are also at play: in their study on gender in sentencing domestic violence homicide cases in Poland, Matczak and Rekosz-Cebula (2022: 287) reveal how, so as for lawyers to win their case, they present male defendants as "hard workers, breadwinners, caring fathers and providers"; and female complainants as "good mothers and caretakers".

Bearing in mind all of this, it can be said that the court is represented chiefly through male linguistic and social models within the framework of a patriarchal system (Conley & O'Barr, 2005: 63); its actors (whether lay or professionals) may be affected by gender-based biases during interaction, without necessarily being aware of it (Tannen, 1999: 237) both in the way they perceive and transmit their identity, and in the linguistic forms they choose to convey their communication. The following sections will highlight how this is reflected in the interaction between legal professionals and lay people in GBV cases of domestic violence in Italy, with a stronger focus on complainants and defendants to detect if and how they are treated differently (i.e., whether a gender asymmetry is found to exist in the interaction even considering their different role in the process).

4. Data and method of the study

The dataset was collected through collaboration with lawyers specialised in GBV crimes in Rome and Trento; it includes three domestic violence cases filed under art. 572 of the Italian Criminal Code – Ill-treatments against family members or persons living in the same

household[8]. Unfortunately, it was not possible to access the recording; the transcripts provided are the official court transcripts. In Italy, transcripts of courtroom hearings are regulated by Art. 318 et seq. of the Code of Criminal Procedure. The article states that the tapes imprinted with stenotype characters have to be transcribed in common characters no later than the day following the day on which they were formed and then attached to the trial record together with the transcript. If it is not possible for the technical staff employed by the Minister of Justice to take care of the procedure, the court can order that the transcript be entrusted to a suitable person outside the state administration. This is what happens commonly: a private company wins the tender and thus develops the job for the Ministry. Transcribers are professionals using IT tools to deal with the transcriptions; no interpretation or reformulation is provided, only what was said during courtroom hearings. Yet, as Coulthard (2011: 177) points out, even the most carefully produced verbatim will always have a degree of inaccuracy. Any kind of alterations in the flow of the speech appear only partially: in some cases, interruptions could be detected – but hesitations, false starts, prolonged syllables or pauses do not show, despite their importance in contributing to the overall communication (De Leeuw, 2007). At the same time, inconveniences may occur: e.g., participants will speak far away from the microphone or in a too-low tone of voice; voice overlapping might also take place - the transcriber will thus signal it in the transcript without further information. Despite the lack of linguistic information connected to prosody, due to their accuracy, official court transcripts provide an interesting tool for analysing turn-taking and questioning strategies with complainants and defendants.

Following Mortensen (2020), the analysis carried out is comparative, considering quantitative and qualitative data. As to the quantitative analysis, the number of words, turn-takings and the average number of words per turn-taking are considered. A further coding including cumulative questions was added, to explore the statistical relevance of this phenomenon within Italian courtroom interaction. A distinction is drawn between interactions among legal professionals and interactions between legal professionals and lay people. The dataset includes several interruptions by legal professionals while witnesses are still testifying; since it falls beyond the scope of this article to focus on these aspects, such interventions have been left out from the dataset - only a mention shall be presented in the conclusions. The qualitative analysis focuses on the morphosyntactic of questions, following the adaptation of Archer's (2005) and Mortensen's (2020) models and considering peculiarities of the Italian language and conversational style.

[8] In the Italian Penal Code, "*Maltrattamenti contro familiari o conviventi*".

The following two sections illustrate in detail the dataset (Section 4.1) and the method (Section 4.2).

4.1. Dataset

The dataset is composed of three cases of domestic violence, involving a total of 8 court hearings (named individually as C1, C2a, C2b, and C3; and D1, D2a, D2b and D3), which took place between February 2017 and July 2022. The dataset was acquired for the sole purpose of this study according to the norms included in the Italian and European privacy law[9]; access was granted through the collaboration with lawyers, who provided the official court transcripts following a process of anonymity, in compliance with the guidelines of the Research Ethics Committee of Universitat de Vic/Universitat Central de Catalunya. The research was officially approved by REC (decision n. 149/2021); in no case data allowing the recognition of the actors and the facts shall be disclosed. Moreover, the content of the examples in this article has also been slightly modified to preserve the anonymity of the speech samples.

To understand the profile of complainants and defendants, general questions have been asked to lawyers about place of birth (North, South, centre of Italy), age at the time of the court hearing, and education (high school or university degree). As stated, these questions were asked to the lawyers to avoid contact with complainants, which might have triggered some traumatic responses in remembering what happened. Table 2 shows the profile of the data collected.

Complainants		**Defendants**	
Place of birth	North (1); Centre (1); South (1)	**Place of birth**	North (1); Centre (1), South (1)
Age	37-50	**Age**	40-54
Education	University degree (3)	**Education**	High school diploma (2); university degree (1)

Table 2: Profile of complainants and defendants, own elaboration.

In the three cases examined, besides the violation of Art. 572 other accusations of different kinds of violence were also added to the charges and changed according to the specificity of each case. Another interesting aspect to consider is that even though the main topic was the accusation of domestic violence, other non-related sub-topics were addressed to counter the accusation: in two cases, children were invol-

[9] Decreto Legislativo 30 giugno 2003, n. 196, "Codice in materia di protezione dei dati personali"; GDPR 679/16; d.p.r. 445/2000.

ved (complainants were accused of preventing defendants from spending time with them); in one case, the complainant and the defendant had a business together (and the complainant was accused of having economic motives in accusing her partner[10]); moreover, in two cases the couples were married and going into divorce at the same time. Therefore, several topics were brought about from a content perspective - not merely Art. 572 related ones. As previously stated, trials took place in Rome and Trento, yet as the table shows, complainants and defendants came from different areas of Italy, providing a mild representation at a national level. The three complainants and one of the defendants completed a university degree; two defendants had a high-school diploma. As to age, the criteria used was considering how old the actors were at the time of the hearing in court; since domestic violence usually includes regular acts of violence taking place during a long and variable amount of time (in one case, around a decade before going to court), it was essential to fix the exact moment for all participants.

Regarding linguistic elements, the dataset comprised 2,967 turn-takings and 69,559 words spoken. This data includes all interactions between legal professionals and lay people (i.e., the interaction between legal professionals was left out). This is an overall presentation of the dataset collected; in order to carry out a comparative analysis between the appearance in the trial of complainants and defendants, the comprehensive dataset was then divided into two sub-datasets:

- Dataset C: court hearings where complainants were witnessing, which included 1,813 tokens for turn-taking and 41,088 tokens for words spoken;
- Dataset D: court hearings where defendants witnessed, which included 1,154 tokens for turn-taking and 28,471 tokens for spoken words.

As previously reported, the analysis carried out for this article considers the comprehensive dataset as divided into two sub-datasets; therefore, Dataset C and Dataset D bring together the three cases. In the following section, a highlight of the method followed in the analysis is illustrated.

4.2. Method

The analysis aimed at exploring both from a quantitative and a qualitative point of view if there are differences when GBV complainants and defendants appear before the court to testify; if so, what are these differences and if a gender asymmetry is to be found.

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[10] Very much alike in one case analysed by Rosulek (2014: 194).

From a quantity perspective, the turn-taking and words spoken in both datasets were considered from a general perspective (following Mortensen, 2020). The aim was to determine whether an asymmetry could be found. A closer look was taken considering the interaction between legal professionals and witnesses; here, besides counting the words spoken and turn-takings, a calculation of how many words were used on average per turn-taking was included. Followingly, the same analysis was conducted considering the direct and the cross-examinations; since re-examination were rare in the dataset, and considering the similarities in their aims, questions in these parts of the interaction have been accounted in direct/cross-examination. One peculiarity emerged: as it will be illustrated, both datasets showed that sometimes cumulative questions were asked in the same turn-taking. Therefore, this data was coded on a side note to detect the statistical relevance of this peculiarity.

From a quality perspective, questions were first analyzed according to Archer's scalar model (2005) while simultaneously adapting it partially following Mortensen (2020). Archer's scalar model distinguishes among seven types of questions according to their morphological structure and places them on a continuum of control, as illustrated below; despite the apparent differences in grammar between Italian and English, from a morphological perspective, the question forms used were very similar.

Type of question	Amount of control	Conducivity	Type of response question – type typically expects
1. Broad Wh-	Least	Low	- Open range
2. Narrow wh-	↕	↕	- Naming of specific variable
3. Alternative			- Choice of answers restricted
4. Grammatical yes/no			- Yes/no
5. Negative grammatical yes/no			- Anticipated response, whether affirmative or negative
6. Declarative			
7. Tagged declarative	Most	High	- Confirmation of proposition

Figure 1. Continuum of control in question types (Archer 2005:79).

To this taxonomy elaborated by Archer (2005), Mortensen (2020: 1) modifies the term "grammatical yes/no-question" into "yes/no question" to avoid misconceptions about what is grammatical and what is not; 2) avoids negative grammatical yes/no questions, as virtually

nonexistent in his data; 3) includes echo questions in declaratives; and adds a category called "other/indeterminable" including elliptical, embedded, combined, imperative constructions and otherwise syntactically ambiguous questions (Mortensen, 2020: 250-253). In this article, both aspects n. 1 and 3 were adopted; negative grammatical yes/no-questions have been included in the study due to their presence in the data; the category's name has been modified in "negative yes/no-questions". Since the category called "other/indeterminable" was extremely present (27.95 % in Dataset C and 25.38 % in Dataset D), further coding was carried out to understand what was happening in these exchanges. According to this further coding, five major question types were detected to occur: 1) impossible to decipher, 2) unfinished utterances, 3) third turns, 4) imperatives, and 5) indirect questions and polite requests. Furthermore, there were remaining which did not present homogeneous characteristics.

Questions coded as "impossible to decipher" refer to utterances that the transcriber could not understand and write down; the most common reason was that either participants were speaking far away from the microphone or their voices were overlapping. "Unfinished utterances" were considered following Bellucci (2005: 206), who distinguishes between utterances intentionally left open or utterances left unfinished because of an interruption. Unfortunately, due to the constraints of the official court transcript, it was not possible to separate the two – who were then considered jointly. "Third turns", "imperatives", and "indirect questions and polite requests" were coded following Gnisci (2000) and Bellucci & Torchia (2013). "Third turns" have no clearly-defined morpho-syntactical form; most of the time, they are a single lexical unit uttered by the lawyer (e.g., "good", "ok"), and sometimes not even that – as Hobbs (2003: 489) writes, one common example includes the physician's "mmhm". "Imperatives" refer to requests formulated as orders (e.g. Tell us what happened that night); they also appear in Adelswärd et al. (1987) under the tag "requests". "Indirect questions and polite requests" (e.g. "I would like to know what happened on that night") appear less coercive than imperatives (while still conveying an order) and were also side-coded. Here, the question is introduced by a subordinate clause introducing cognitive elements of the speaker or the interlocutor (Gnisci, 2000: 60), e.g. statements explicating what the speaker is doing (e.g., I am asking you what happened); or statements underlying the obligation to answer (e.g. Now you must tell us what you saw that night). It is to be noted that in some studies (e.g., Gnisci, 2005), imperatives, indirect questions, and polite requests are considered as one category. Given the difference in their structure and how witnesses may perceive such questions, this article has considered them separately.

The dataset collected presented two more peculiarities, which are illustrated followingly.

Firstly, the dataset showed legal professionals asking two to five questions in the same turn (17.04 % when dealing with complainants, 16.84 % when dealing with defendants). Consequently, answers were not always complete, as shown in the extract below.

(1) Cumulative questioning in the same turn-taking, C2A
Difesa: Allora, la domanda è questa, in che giorno è avvenuto, in quello che lei indica nella querela? È avvenuto in quel giorno, a che ora è successo, chi era presente?
Defence: So, the question is this, on what day did it happen, on the day you indicated in the police statement? Did it happen on that day, what time did it happen, who was present?
Parte offesa: Beh, se mi... in questa cosa mi riferisco a un giorno che era in soggiorno con... mi pare che era l'ora di cena, sì.
Complainant: Well… if I… as to this thing, I am referring to a day when I was in the living room with… I think it was dinner time, yes.

Each element was considered in the analysis: namely, in the example provided, three narrow wh-questions and two yes/no questions were counted. Because of this peculiarity, there is a discrepancy between the total amount of turn-taking and the questions asked. Since this peculiarity emerged clearly from the dataset, a side coding was implemented, as previously illustrated. Considering that it does not involve the morphosyntactic form but rather characteristics of turn-taking, this aspect was included in this quantitative section of the analysis.

Secondly, the dataset also showed legal professionals asking yes/no questions and receiving expanded answers from witnesses. Yes/no questions asked to complainants amount to 32.86 %; 15.95 % of these questions received an expanded answer. Considering defendants, they were asked yes/no questions at 26.48 %; 11.46 % received an expanded answer.

(2) Yes/no question receiving an expanded answer, C2A
PM: Senta, altri litigi in cui è stata sbattuta a terra e presa a pugni e calci se li ricorda?
Prosecutor: Listen, what about other arguments where you were thrown on the ground and punched and kicked, do you remember them?
Parte Offesa: SÌ, spesso succedevano in camera da letto, il tema è sempre lo stesso, i soldi, la casa, il risarcimento, la colpa, è sempre colpa mia e io, addirittura, mi diceva "Non si sa come hai fatto a laurearti, cioè non capisco".
Complainant: Yes, it often happened in the bedroom, the topic is always the same, the money, the house, the compensation, the guilt,

> it is always my fault, and I, he even told me, "I don't know how you graduated from university, I mean I don't understand".

In these cases, questions were coded as yes/no-questions, with a side note – again, so to detect the statistical relevance.

Finally, two analysis models were implemented: firstly, the quantitative and qualitative one, following Archer (2005) and Mortensen (2020), while bearing in mind the peculiarities emerging from the dataset – as illustrated above. Secondly, a comparative approach was adopted, following Mortensen's (2020). In his article, Mortensen compares Danish and US American court trials; following this method, a comparative analysis between the hearings that complainants and defendants witnessed was drawn. The analysis and discussion are illustrated in the following section.

5. Analysis and discussion

This section includes the results stemming from the data collected; firstly, a general presentation with some considerations as to the dataset is introduced; secondly, a focus is placed on a comparison between trials in the two datasets: turn-taking, words spoken, words per utterance, number of questions asked, and the distribution of morphosyntactic question types in the interaction with witnesses during court hearings; and thirdly, a more specific look will be taken at both direct examination and cross-examinations, following the same criteria.

As illustrated in section 4.1, the dataset includes 1,813 tokens for turn-taking and 41,088 tokens for words spoken in Dataset C and 1,154 tokens for turn-taking and 28,471 tokens for words spoken in Dataset D. In percentage, this means that considering the overall dataset, 61.1 % of turn-taking were found in Dataset C, and 38.9 % in the Dataset D. Regarding the amounts of words spoken, the ratio shows that 59.07 % belongs to the Dataset C, and 40.93 % to the Dataset D. Thus, a first and general quantitative analysis would seem to show an imbalance. It appears that when complainants witness, their testimony is more extensive compared to defendants. However, disaggregated data draws a different picture, as in the following table.

	Turn-taking, C	**Turn-taking, D**	**Words spoken, C**	**Words spoken, D**	**Average words per turn-taking, C**	**Average words per turn-taking, D**
Case 1	131 (29.74 %)	317 (70.76 %)	5,625 (49.76 %)	5,679 (50.24 %)	42.94	17.91

Case 2	1360 (66.18 %)	695 (33.82 %)	29,136 (63.16 %)	16,995 (36.84 %)	21.42	24.45
Case 3	322 (69.4 %)	142 (30.6 %)	6,327 (51.05 %)	6,067 (48.95 %)	19.65	42.72

Table 3: Disaggregated datasets, author's own elaboration.

As seen in Table 3, each case shows a different picture, presumably a portrait of how differently GBV can be treated in court. From a quantity perspective, the second case included much more data (the case involved two hearings where the complainant witnessed, two hearings where the defendant witnessed, with two defence lawyers interrogating the complainant). Here, a total of 2,055 tokens as to turn-taking and 46,131 words spoken are to be found (out of a total of 2,967 to turn-taking and 69,559 words spoken). Regarding individual differences, in the first case, complainants spoke more words (average, 42.94) in less turn-taking (131), meaning their testimony was less constrained. The opposite was true for the defendant, who spoke fewer words (average, 17.91) on more numerous occasions of turn-taking (317). In the second case, words per turn were similar (21.42 and 24.45, respectively), but the complainant spoke approximately twice as much compared to the defendant (1,360 and 695 turn-taking, respectively). In the third and last case, we have a picture that is a mirror of the first case; the defendant spoke more words (average, 42.72) in less turn-taking (142) than the complainant (average, 19.65 words in 322 turn-takings). These considerations are helpful in order to understand the limits of the present study while highlighting, at the same time, the need for more data for a deeper analysis to establish a common pattern.

5.1 Courtroom interaction: a quantitative analysis

Firstly, a quantitative analysis will be illustrated considering turn-takings, words spoken, words per turn-taking and number of questions asked by legal professionals. Then, considerations will be drawn as to the participation of complainants and defendants. Regarding the former, results are shown in Table 4.

The first aspect deserving attention is the imbalance as far as the two lawyers are concerned. In Dataset C, defence lawyers are running the cross-examination – their turn-taking amounting to 26.97 %, and the words spoken to 20.96 % of the corpus. Defence lawyers also ask more than half of questions, with a percentage of 52.59 %. A comparison can be drawn to the civil parties in Dataset D when they lead the cross-examination with defendants: their turn-taking amounts to 19.76 %, and words spoken to 12.43 % of the dataset. As to the num-

ber of questions, this amounts to 38.02 %. It might be argued that the conversation agenda of prosecutors and civil defence could, somehow, overlap – thus, the two could be considered, in very approximate terms, as a single actor. Looking at the trial in these terms, prosecutors and civil parties show a higher percentage as to turn-taking (32.15 % versus 26. 97 %) and questions asked (62.67 % and 52.59 %) – and yet even so, the amount of words spoken is higher among defence lawyers (20.96 % versus 18.73 %). Thus, from the data, defence lawyers play the leading role among legal professionals in GBV crime trials. Prosecutors seem more active in Dataset D; while judges in Dataset C, especially regarding turn-taking.

	Turn-taking	**Words spoken**	**Average words per turn-taking**	**Number of questions**[11]
Dataset C				
Judge	238 (13.13 %)	3,650 (8.88 %)	15.37	259 (21.54 %)
Prosecutor	135 (7.44 %)	2,065 (5.03 %)	15.3	174 (14.48 %)
Civil party	112 (6.18 %)	1,454 (3.54 %)	12.98	137 (11.39 %)
Defence lawyer	489 (26.97 %)	8,611 (20.96 %)	17.6	632 (52.59 %)
Complainant	839 (46.28 %)	25,308 (61.59 %)	30.16	-
Dataset D				
Judge	119 (10.31 %)	2,180 (7.66 %)	18.32	153 (21.07 %)
Prosecutor	143 (12.39 %)	1,795 (6.3 %)	12.55	179 (24.65 %)
Civil party	228 (19.76 %)	3,540 (12.43 %)	15.53	276 (38.02 %)
Defence lawyer	98 (8.49 %)	1,383 (4.86 %)	14.11	118 (16.26 %)
Defendant	566 (49.05 %)	19,573 (68.75 %)	34.58	-

Table 4: Quantitative analysis of the two datasets, including turn-taking, words spoken, words per utterance and number of questions asked. Own elaboration.

[11] As illustrated in the previous section, the dataset showed a presence of cumulative questions within the same turn-taking; therefore, the number of questions is different than the number of turn-taking.

Cumulative questioning was present throughout the dataset and deserves some considerations. Overall, 17.04 % of turn-taking in Dataset C and 16.84 % in Dataset D present this peculiarity. This data remains relatively stable in direct examination, accounting for 18.75 % of turn-taking in Dataset C and 19.39 % in Dataset D, and changes slightly in cross-examination: 19.43 % in Dataset C and 16.23 % in Dataset D. Attempting an explanation while analysing the dataset, two directions can be pointed out. On the one hand, cumulative questioning was used to encourage witnesses in their story-telling; on the other hand, it has also been used to exert pressure on witnesses. Unfortunately, detecting when it was the former and when the latter is impossible due to the limitation of official court transcripts. Whether cumulative or not, the number of questions asked to complainants and defendants is an interesting element to consider, as this could be significant in visualizing the pressure placed on witnesses when called to testify: their role is to answer (limited amount of power), while the role of legal professionals involves asking (higher power status). Since data differed depending on the case, disaggregated data regarding the number of questions asked by each actor are presented in Table 5.

	Judge	**Prosecutor**	**Civil Party**	**Defense**
Dataset C				
Case 1	17 (1.41 %)	2 (0.17 %)	29 (2.41 %)	34 (2.83 %)
Case 2	239 (19.88 %)	109 (9.07 %)	70 (5.82 %)	518 (43.09 %)
Case 3	3 (0.25 %)	63 (5.24 %)	38 (3.16 %)	80 (6.67 %)
Total Dataset C	259 (21.54 %)	174 (14.48 %)	137 (11.39 %)	632 (52.59 %)
Dataset D				
Case 1	70 (9.64 %)	46 (6.33 %)	77 (10.61 %)	4 (0.56 %)
Case 2	70 (9.64 %)	115 (15.84 %)	182 (25.07 %)	83 (11.43 %)
Case 3	13 (1.79 %)	18 (2.48 %)	17 (2.34 %)	31 (4.27 %)
Total Dataset D	153 (21.07 %)	179 (24.65 %)	276 (38.02 %)	118 (16.26 %)

Table 5: Quantitative analysis of the two datasets considering disaggregated data regarding the number of questions asked. Own elaboration.

Again, Case 2 stands out regarding the amount of data, while Case 1 and Case 3 present divergencies in any possible item considered. Overall, most questions are asked by civil parties and defense lawyers during cross-examination; the difference is quite striking: regarding civil parties interrogating defendants, questions amount to 38.02 %;

then the defense interrogates the complainants, the percentage rises to 52.59 %. And yet differences among the cases are remarkable, as more questions are asked in Case 2. Once again, Case 1 and 3 are a similar mirror version of each other. If, during direct examination, the difference is relevant but not so striking, the same cannot be said about cross-examination – where the amount of questions is more than double. From the outside, it could look as though complainants had to tell (justify?) their story, while defendants needed not (are not asked? Is it strategically better if they do not?) to participate in the trial as much. Even considering that the burden of proof rests in the hands of the prosecution, and that the word of the complainants is considered evidence (while the defendant one is not) it is hard not to note how - to put it in Bourdieu's terms (1998) - the management of symbolic power involves that the dominated must justify its existence (and not merely tell the story), while none of this is required of the dominant. However, the number of questions greatly depended on the single case; the only common pattern was that complainants were asked more than twice as many questions in the cross-examination.

Prosecutors appear to play an active role with defendants in Case 1 and 2 (6.33 % and 15.84 % versus 0.17 % and 9.07 % with the complainants), while the opposite is true in Case 3 (2.48 % versus 5.24 %). Overall though, they present a balanced picture when it comes to questioning complainants (174) and defendants (179) in real terms, while proportionally speaking the difference emerges (14.48 % and 24.65 %). Judges appear not to follow any specific pattern; overall though, it is interesting to notice that while proportionally speaking they ask a similar quantity of questions to complainants and defendants (21.54 % and 21.07 %), in real terms complainants are asked many more questions (259 versus 153) – with a high unbalance regarding the data provided in Case 2 as to complainants (most questions asked, namely 239), and Case 3 as to defendants (least questions asked, namely 13).

Regarding complainants and defendants, they show a difference both as to turn-taking (46.28 % and 49.05 %), words spoken (61.59 % and 68.75 %), and words per turn-taking (30.16 and 34.58). Proportionally speaking, defendants appear less constrained in their testimony than complainants.

Shifting slightly perspective, a further element needs to be highlighted, namely the number of turn-takings and words spoken by legal professionals compared to lay people, i.e., defendants and complainants.

	Turn-taking	Words spoken	Words per turn-taking
Dataset C			
Legal professionals	974 (53.72 %)	15,780 (38.41 %)	16.2
Complainant	839 (46.28 %)	25,308 (61.59 %)	30.16
Dataset D			
Legal professionals	558 (50.95 %)	8,898 (31.25 %)	15.95
Defendant	566 (49.05 %)	19,573 (68.75 %)	34.58

Table 6: Quantitative analysis of the two datasets, including turn-taking and words spoken. Own elaboration.

As shown in Table 5, proportionally speaking, defendants are more present in the trial compared to complainants (49.05 % of turn-taking and 68.75 % of words spoken compared to 46.28 % of turn-taking and 61.59 % of words spoken); their amount of turn-taking is almost the same compared to legal professionals (49.05 % and 50.95 % respectively) and they utter more than double the number of words of legal professionals (68.75 % and 31.25 % respectively) in longer turns (averagely, 34.58 words per turn). Compared to defendants, complainants speak less under all elements considered: turn-taking, words spoken, and words per turn-taking. The degree of participation between legal professionals and complainants is similar to the one of the defendants, with a higher presence of the former in comparison with the latter (53.72 % versus 46.28 % in turn-taking, and 38.41 % versus 61.59 % as to words spoken). It is interesting also to notice that legal professionals in Dataset C speak almost double in real terms compared to legal professionals in Dataset D (974 and 558 of turn-taking, respectively; and 15,780 and 8,898 words spoken, respectively); however, this does not reflect equally in terms of participation from the defendants and the complainants (839 and 566 as to turn-taking, and 25,308 and 19,573 words spoken). Again, quantitative dominance can be highlighted. Drawing a connection with the presentation of the comprehensive dataset, complainants appear to witness for more extended periods while participating less in the interaction.

5.1.1 Distribution of morphosyntactic question types in courtroom interaction

The following figures shows the distribution of the different morphosyntactic question types in the two datasets. The occurrences have been calculated in percentage.

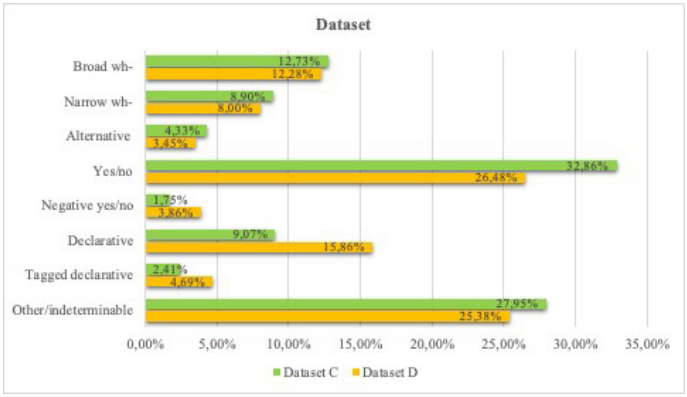

Figure 2: Frequency distribution of morphosyntactic question types in the two datasets. Own elaboration.

Two aspects will be considered: firstly, the morphosyntactic question types, and secondly, the category "other/indeterminable".

As to morphosyntactic question types, it can be noticed that most differences are related to "yes/no questions" (32.86 % and 26.48 %) and "negative yes/no questions" (1.75 % and 3.86 %); "declaratives" (9.07 % and 15.86 %) and "tagged declaratives" (2.41 % and 4.69 %). "Yes/No questions" appear more present when dealing with complainants than with defendants. During direct examination, "yes/no questions" are used to provide the details of the story in a consistent way (Bellucci & Torchia, 2013: 94); during cross-examination, they are used to verify what has been previously said in order to highlight inconsistencies (Bellucci & Torchia, 2013: 96). As previously stated, there were times when "yes/no questions" involved an expanded answer, not limited to yes/no (this appears in both Dataset C and Dataset D). Therefore, even though this question type is traditionally defined as controlling, in Italian courts, witnesses also used it to develop their story further – without incurring sanctions by the court.

Data shows that "yes/no questions "answered as "broad" or "narrow-wh" questions appear at 15.95 % in Dataset C and 11.46 % in Dataset D. Two explanations may be possible: one involving the lawyer's intention and one involving the witness' intention. Regarding the former, according to Bellucci (2005: 199), such questions are closed when looking at their morphosyntactic aspect, but considering them from the conversational interaction, they function as open questions. "Do you know what happened that day?" could provide an example; when considered strictly according to the morphosyntactic form, this question would need a yes/no answer, and yet the lawyer might be simply omitting the segment "and can you tell us about it?". Regarding the latter, according to Galatolo & Drew (2006), witnesses may

also use expanded answers to resist lawyers. Such expanded answers tend to provide further evidence, which helps contextualize the events spontaneously narrated, thus avoiding the – sometimes – oversimplified version of events proposed in the yes/no questions.

Regarding "declaratives", they were asked much more to defendants (15.86 %) than complainants (9.07 %); the same applies even more strikingly to "negative yes/no questions" (1.75 % and 3.86 %) and "tagged declaratives" (2.41 % and 4.69 %). Even though they are present in the dataset in a low percentage, it is interesting to notice that proportionally speaking, they are used with defendants nearly double compared to complainants. Generally speaking, if more controlling questions are to be considered on the scale starting from (and including) alternative questions while excluding the questions categorized as "other/indeterminable", defendants appear to be asked more controlling questions (54.34 %) compared to complainants (50.42 %). This differs significantly when considering direct and cross-examination, as it will be further illustrated. The fact that generally speaking, controlling questions are used more in courtroom settings was also found in previous studies (Bellucci & Torchia, 2013: 92).

From a quantity perspective, the category "other/indeterminable" also deserves careful reflection, as previously illustrated; it accounts for 27.95 % of the questions asked to complainants and 25.38 % to defendants. Table 7 highlights the general findings.

	Impossible to decipher	**Unfinished utterances**	**Third turns**	**Imperatives**	**Indirect questions and polite requests**	**Other**
Dataset C	9.23 %	23.21 %	22.62 %	10.12 %	27.98 %	6.84 %
Dataset D	14.13 %	47.83 %	21.74 %	6.52 %	6.52 %	3.26 %

Table 7: Quantitative analysis of the two datasets, including the most commonly shown utterances in the "other/indeterminable" category. Own elaboration.

Relevant differences are found in all categories except for "third turns", which show similar results (22.62 % as complainants and 21.74 % as defendants). Firstly, it is impressive to notice how requests, in general, are more numerous in Dataset C: considering "imperatives" and "indirect questions and polite requests" together, they amount to 38.1 % - while only to 13.04 % in Dataset D. Secondly, a striking difference is also to be noticed when considering questions that were "impossible to decipher" (9.23 % as to claimants and 14.13 % as to defendants) and "unfinished utterances" (23.21 % in Dataset C, and 47.83 % in the Dataset D). Finally, utterances that were impossible to tag and fell

in the "other" category amount to 6.84 % in Dataset C and 3.26 % in Dataset D. Given the significance of the differences highlighted, an attempt of explanation is needed – bearing in mind all the limits already mentioned, primarily referring to the study of official court transcript and the quantity of data.

A partial explanation that deserves further studies about the category "impossible to decipher" might point in the direction of more confrontational exchanges (and thus, overlapping); if this were the case, it would be a sign of dominance by the defendants. The same could also be said when referring to "unfinished utterances": 1) utterances left unfinished intentionally by the lawyer and 2) utterances interrupted by the witness (Bellucci, 2005: 206). An attempt to explain the former could be that lawyers left the question unfinished for witnesses to pick up the statement and expand their answers (thus displaying solidarity and empathy); as to the latter, an interruption could display the witness's power and dominance. This happened nearly twice when defendants witnessed (47.83 % versus 23.21 %). Since transcripts used for the analysis were official court transcripts with no information regarding prosody, knowing how the interaction went is not possible.

When considering requests in general, it is essential to remember that "imperatives" explicit coercion (Bellucci & Torchia, 2013: 104), while "indirect questions and polite requests" may be perceived as less face-threatening (even though, within the courtroom, witnesses are still obliged to answer). Another element to consider is that previous studies have highlighted how witnesses in court are asked to fulfil Grice's maxims (Galatolo, 2002: 147; also Bellucci, 2005: 167) and how, by showing the willingness to collaborate, they are perceived as more credible (Galatolo, 2002: 149). When dealing with GBV cases, it has been pointed out that survivors struggle when telling their stories (e.g., they violate Grice's maxim of quantity) and are asked more questions to satisfy the court's needs. Heffer perfectly describes the clash between the need of the prosecution to elicit the full story of sexual violence and the complainant's reticence in producing the story (2005: 120); this might be an explanation as to the reason behind so many requests for information, especially during direct examination. During cross-examination, however, requests can be a strategy by the opposing lawyer to appear friendly and not threatening while still placing pressure on complainants during the testimony.

5.2 Direct and cross-examination: quantitative and qualitative analysis

As previously stated, re-examination by the civil party and the defence lawyers were extremely rare in the dataset collected (5.16 %); because of their pragmatic similarities in questioning strategies with direct and cross-examination, they have been considered together. In

Figure 3, the results are shown and commented on regarding the morphosyntactic distribution of questions during direct examination; afterwards, data regarding cross-examination are presented.

Two elements will be assessed: morphosyntactic question forms and a close analysis of the "other/indeterminable" category. Firstly, when dealing with the morphosyntactic distribution, low control question types ("broad" and "narrow wh-") are asked more to complainants (overall, 33.58 %) than to defendants (overall, 27.97 %). "Yes/no questions" appear to be evenly distributed (37.95 % and 37.29 %); the same balance can be found when further coding "yes/no questions" receiving an expanded answer (13.46 % in Dataset C and 13.63 % in Dataset D). Moreover, certain question types are only present in the direct examination of defendants – namely, "negative yes/no questions" (2.54 %) and "tagged declaratives" (5.93 %). "Alternative questions" appear approximately three times as much in Dataset D (0.73 % and 2.54 %), and "declaratives" are also asked more in Dataset D (12.41 % and 16.95 %). Generally speaking and considering how control can be exerted through questioning, it appears that during direct examination, such control is exerted more extensively on defendants (65.25 %) than complainants (51.09 %). Explaining this difference is complex; one possibility might be that defence lawyers do not trust their clients will spontaneously provide the narrative they need in order to win the case – thus, they tend to ask questions in a more controlling way compared to civil parties and complainants (as found in Gibbons, 2003: 1893).

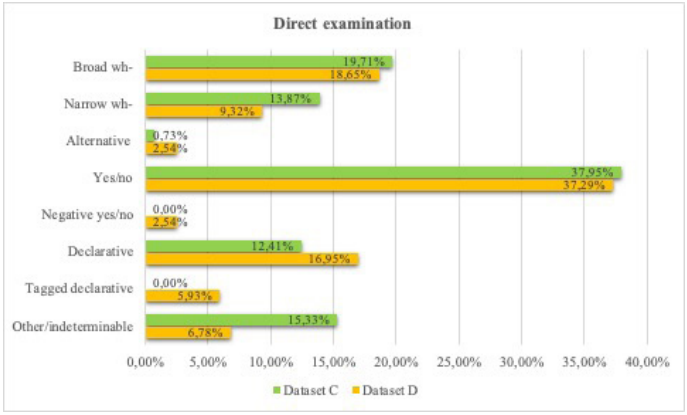

Figure 3: Frequency distribution of morphosyntactic question types as to friendly cross-examination. Own elaboration.

As to the category "other/indeterminable", the specific coding detected was the following.

	Impossible to decipher	Unfinished utterances	Third turns	Impera-tives	Indirect questions and polite requests	Other
Dataset C	14.29 %	38.1 %	0 %	14.28 %	33.33 %	0 %
Dataset D	0 %	37.5 %	25 %	12.5 %	12.5 %	12.5 %

Table 8: Quantitative analysis of the two datasets regarding direct examination by lawyers, including the most commonly shown utterances in the category "other/indeterminable". Own elaboration.

While it needs to be pointed out that the category "other/indeterminable" was not so relevant in direct examination, especially in Dataset D (6.78 % of the questions as to defendants, and 15.33 % in Dataset C), with the further coding some differences arose. In direct examination, it can be seen how "third turns" are addressed only to defendants, as well as utterances coded under "other". Questions "impossible to decipher" were only present in Dataset D. "Unfinished utterances" show a balanced picture, while the same cannot be said regarding requests. While the use of "imperatives" is quite similar (14.28 % in Dataset C and 12.5 % in Dataset D), the same does not apply to "indirect questions and polite requests" – which are strikingly more present in Dataset C (33.33 % versus 12.5 %).

Cross-examination of complainants and defendants shows a different pattern of questions, as illustrated in Figure 4.

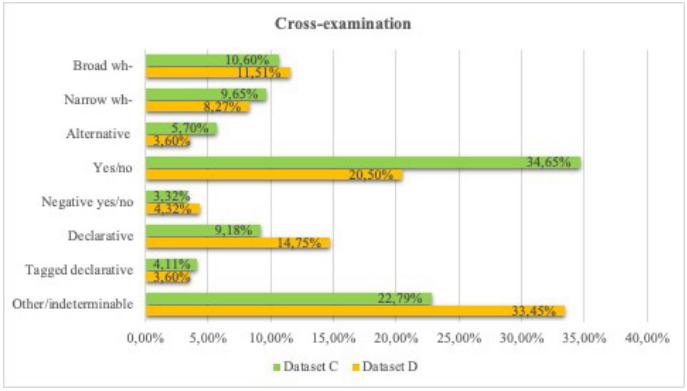

Figure 4: Frequency distribution of morphosyntactic question types as to cross-examination. Own elaboration.

Differences in questioning strategies arise when taking a look at direct and cross-examination, with the former showing a higher presence

of "broad" and "narrow wh- questions", as well as "yes/no questions" in comparison to the latter – as it can be expected, in cross-examination, lawyers tend to ask more coercive questions. As in direct examination, morphosyntactic question types and the category "other/indeterminable" will be subsequently analised.

Firstly, the morphosyntactic analysis shows that "broad" and "narrow wh-questions" are divided relatively equally between complainants and defendants (overall, 20.25 % and 19.78 %); a slight difference emerges regarding "alternative questions", which are asked more to complainants (5.70 % versus 3.60 %); the same applies to "tagged declaratives" (4.11 % versus 3.60 %). "Negative yes/no questions" are asked slightly more to defendants (4.32 % versus 3.32 %). Higher differences are found in "yes/no questions", "declaratives", and "other/indeterminable". "Regarding yes/no questions", they are asked more to complainants than to defendants (34.65 % and 20.50 %). About a third of these questions received an expanded answer in Dataset C (10.05 %), while the proportion rose to half in Database D (10.53 %). "Yes/no questions" seem to be the favourite to ask complainants, even though – as was previously illustrated –these types of questions could also be answered while including an expanded answer, hence not limiting the range of options to yes/no. On the other hand, "declaratives" were asked more by defendants than by complainants (14.75 % versus 9.18 %). Data shows that in cross-examination, controlling questions tend to be asked more by complainants (56.96 %) than defendants (46.76 %).

When considering cross-examination, the picture changes drastically when taking a closer look at the category "other/indeterminable" compared to direct examination; here, a remarkable difference is to be found between the two datasets: they amount to 33.45 % as to defendants and 22.79 % as to complainants. Further coding was carried out, as illustrated in Table 8.

	Impossible to decipher	**Unfinished utterances**	**Third turns**	**Imperatives**	**Indirect and polite questions**	**Other**
Dataset C	9.03 %	23.61 %	21.53 %	3.47 %	32.64 %	9.72 %
Dataset D	21.5 %	50.54 %	19.35 %	0 %	1.08 %	7.53 %

Table 9: Quantitative analysis of the two datasets regarding cross-examination by lawyers, including the most commonly shown utterances in the category "other/indeterminable". Own elaboration.

As it can be seen, data as to cross-examination differ radically compared to direct examination. First of all, we have utterances" impos-

sible to decipher", which was not present during the examination in Dataset D; the same applies to "third turns", which in direct examination did not appear in Dataset C. On the contrary, "imperatives" were found in both datasets in direct examination but were not present in the defendants' cross-examination. Considering cross-examination solely as to complainants and defendants, some differences are remarkable; once again, questions "impossible to decipher" and "unfinished utterances" are more present in Dataset D (21.5 % versus 9.03 % as to the former, 50.54 % and 23.61 % as to the latter). A further attempt can be made to find an explanation based on the concept of gender asymmetry illustrated in section 3.1. Riger *et al.* (1995: 466) claim that gender bias is a pervasive problem in courts on various levels - the first element to consider is perception and self-perception. In the dataset collected, all civil party lawyers were women – and they were carrying out the cross-examination of defendants. If women lawyers' identity comprises both the professional and the gender aspects, then power dynamics in interaction will change depending on whether the priority is attributed to the former or the latter by the actors involved. Thus, a possible explanation might be that defendants (lay people) considered themselves more powerful than women lawyers (professionals) for the mere fact of being men (e.g., assigning priority to gender over profession, even within the context of a court). Even though, as previously stated, "unfinished utterances" could also serve the purpose of requesting an open answer, throughout the dataset, questions that needed to be asked in 2-3 turns to be completed by the lawyer emerge: these undoubtfully represent blatant interruptions.

To continue with the analysis, "third turns" are quite balanced (21.53 % as to complainants and 19.35 % as to defendants); "imperatives", "indirect and polite questions", and "other" are mainly present in Dataset C. It is interesting to notice how requests generally account for 36.11 % of "other/indeterminable" as to complainants but only for 1.08 % as to the defendants. Considering the characteristics of cross-examination, this could be explained as a politeness strategy by defence lawyers to mitigate their questioning while still keeping the pressure on the witness.

6. Conclusions and future directions

The article attempted to analyse if gender asymmetry can be detected in court hearings dealing with domestic violence in Italy; and namely, if a different treatment of defendants and complainants emerges (even considering their different roles during the trial), and if so, what kind of differences are to be found that may affect the delivery of justice. In this section, firstly, conclusions are drawn; then, a hint as to future directions is provided.

Regarding conclusions, results are promising, even though this has been an explorative study that would require more data to confirm the findings. This article has shown that, within the dataset considered, a gender asymmetry could be revealed in the quantitative and qualitative analysis. From a quantitative point of view, on the one hand complainants are asked to speak more than defendants in real terms: 839 turn-taking versus 566, and 25,308 words uttered versus 19,573 – on the other hand, they participate the least in the interaction in proportional terms: 46.28 % of turn-taking versus 49.05 %; and 61.59 % of words uttered versus 68.65 %; averagely, each answer provided by complainants contained 30.16 words, compared to 34.58 of the defendants. Especially remarkable is the difference in the number of questions asked on average during cross-examination: when considering complainants, they were asked more than twice as many questions of defendants (632 and 278; in percentage, 69.45 % and 30.55 %). Considering how stressful cross-examination can be, it is no surprise that, at least from the quantitative findings, complainants could suffer further victimisation (also bearing in mind that sometimes they are asked questions by more than one defence lawyer, as was the case in Dataset 2Ca and Dataset 2Cb). In contrast, usually, defendants are only questioned by one lawyer.

From a qualitative perspective, the analysis of the morphosyntactic question types revealed that defendants are asked more controlling questions than complainants in general (54.34 % versus 50.42 %) and in direct examination (65.25 % versus 51.09 %). The situation is reversed in cross-examination, where more controlling questions are asked to complainants (56.96 % versus 46.76 %) - an aspect that may add further stress on them, especially considering the combination of the quantitative and qualitative analysis findings.

When looking at these results through the lenses of the concepts of symmetry/asymmetry and power/solidarity illustrated in section 3.1, we can thus say that there may be a situation of gender asymmetry, where defendants are treated more favourably than complainants.

In order to restore gender symmetry – even in the context of power asymmetry, which characterizes trials - some actions need to be carried out since such asymmetry harms complainants and may bring about a poor administration of justice, too. The European Court of Human Rights has ruled several times on the limits regarding what elements can be brought in trials to discredit complainants - verdict against Italy in 2021 (final judgement J.L. v. Italy, application no. 5671/16). Limits on where legitimate defence ends and where intimidation of witnesses starts have been explored in the 2015 verdict against Slovenia (in particular par. 104 and 106 of final judgement Y. v. Slovenia, application no. 41107/10). Besides that, raising awareness through legal professionals about communication and linguis-

tic dynamics is also essential. As previously mentioned, people are not always aware of their own gender biases; due to the dynamics of courtroom interaction, some legal actors may be aware of them and use them in their questioning strategies on purpose. Awareness as to the former and limits as to the latter are greatly needed to prevent secondary victimisation. As explored by Queralt & Benedetti (2023), providing specialised training courses for legal professionals (judges and lawyers alike) could prove to be a helpful option that needs to be further explored; such topic has already been addressed in previous studies regarding linguistics (e.g., Bellucci, 2005: 437) and has been brought to the attention also of the public opinion by recent national newspapers regarding GBV (Visentin, 2023): results stemming thereof await.

Regarding future directions, further developments may take at least three different paths: 1) the study of questions in the Italian language as to courtroom setting, 2) the study of interruptions by lay people, and 3) the study of interruptions by legal professionals.

Regarding questioning strategies in Italian courtrooms, several conversational elements are similar between Italian and English courtroom interactions. Even so, some elements differed significantly – especially when examining "yes/no questions" and the category "other/indeterminable". On the one hand, it could be significant to deepen further the control continuum applied from the English to the Italian language and consider whether other categories might be added and where precisely on the continuum. Besides that, even though most of the time the morphological form does not change from one language to the other, from the official transcript, it appears that some questions deemed controlling in English (i.e., "yes/no questions") receive different treatment in Italian (i.e. expanded answers). This happened to 15.95 % of "yes/no questions" in Dataset C and to 11.46 % of "yes/no questions" in Dataset D. Thus, the same linguistic form can be used to achieve different pragmatic functions (Bellucci & Torchia, 2013: 93). Gnisci (2000: 48) has also underlined how in Italian courts there is an excessive use of "yes/no questions".

The Italian language has different conversational means to encourage an expanded (open) answer, which only sometimes matches the morphosyntax of "broad wh-questions". From the dataset, the following ones emerged: 1) "third turns" (which appeared 22.62 % in Dataset C and 21.74 % in Dataset D); 2) cumulative questions (which appeared 17.04 % in Dataset C and 16.84 % in Dataset D); and 3) "unfinished utterances" (which appeared 23.21 % in Dataset C and 47.83 % in Dataset D). As previously illustrated, "third turns" were used as a conversational marker to witnesses they had been listened to; the reaction was to expand the answers further. However, this can also imply a duality in terms of meaning in the interaction: sometimes

markers were used by lawyers in a sceptical way, thus signalling disbelief regarding what the witness said, and sometimes markers were used as an encouragement to continue with the story-telling. Gnisi (2000: 56-57) highlighted the importance of considering elements related to the prosody connected to questioning, which, unfortunately, are not available in official court transcripts (see Section 4). A further interesting element to consider is that "third turns" appear also to be used and understood differently depending on gender. Maltz & Borker (1983: 201-202) call "third turns" "minimal responses"; according to the authors, they serve a different purpose (have a different meaning) depending on gender. For women, a minimal response means that the speaker has been listened to and encourages them to continue talking; for men, it has a more substantial meaning in that it signals agreement with what has been said.

Regarding cumulative questions in the same conversational turn, this has been used in the dataset as a strategy to encourage open answers and as a strategy to exert pressure on the witness, depending on the actors involved and the phase of the trial. As to the former, traces are to be found in literature, too (Bellucci & Torchia, 2013: 97). Regarding unfinished utterances, it was not possible to fully detect whether the intention of the legal professional was to leave the sentence open, waiting for the witness to pick up the topic and expand it in their answer; or if legal professionals were just interrupted. In the former case, unfinished utterances also acted as an encouragement to speak. Tannen (1993: 173) has shown the relativity of specific linguistic strategies (e.g., indirectness, interruption, silence versus volubility, topic raising, and adversativeness), which can act both as dominance and as solidarity strategies, depending on many contextual elements. Further research might shed light on such aspects and detect the different pragmatic functions that can be applied to the same utterance.

The second and third element of further studies is interruptions by lay people and legal professionals. As to the former, in this article, such interruptions were coded under "unfinished utterances", which, as previously illustrated, on the one hand, can be used by lawyers as a tool to encourage witnesses to expand their answers (as it is may happen also in spontaneous conversations, according to Clark & Fox Tree, 2002: 90); on the other hand, when they are to be coded as actual interruptions, they could also be seen as a trait of dominance. Subsequently, since the dataset involved mostly women legal professionals (whereas men were mainly defence lawyers and approximately half prosecutors), it could be interesting to see if and how gender biases are at work – not only as to complainants but also as to legal professionals. Detecting how women legal professionals are perceived in their role as women and legal professionals by defendants could be interesting in that it would add elements to gender

biases at work during trials; at the same time, depending on how other legal professionals perceive such occurrences could bring about interesting outcomes also on how the overall trial is dealt with. For instance, data showed that "unfinished utterances" were much more present in cross-examination in Dataset D (50.54 % of the category "other/indeterminable") – thus, women lawyers of the civil party were interrupted/left their questions unfinished when examining men defendants; this happened much more frequently compared to complainants interrupting women and men lawyers of the defence during their cross-examination (23.61 %).

Regarding interruptions in the testimony due to interactions among legal professionals, even though they were not the focus of this article, some considerations are worth mentioning. In Dataset C, such interruptions were more numerous than in Dataset D; they accounted respectively for 24.99 % versus 13.17 % of turn-takings, 16.6 % versus 5.41 % as to words spoken. Hence, many more interruptions in testimonies (i.e. lawyers objecting or judges intervening) are to be found among complainants – and for more extended exchanges. If and how this may affect testimonies and, hence, trials, it is to be further studied.

Appendix 1

The full list of national legal measures is as follows:

Legge 5 maggio 2022, n. 53 "Disposizioni in materia di statistiche in tema di violenza di genere";
D.P.C.M. 17 dicembre 2020, "Reddito di libertà per le donne vittime di violenza";
Legge 19 luglio 2019, n. 69, "Modifiche al codice penale, al codice di procedura penale e altre disposizioni in materia di tutela delle vittime di violenza domestica e di genere";
Legge 11 gennaio 2018, n. 4 "Modifiche al codice civile, al codice penale, al codice di procedura penale e altre disposizioni in favore degli orfani per crimini domestici";
Art. 11 della Legge 7 luglio 2016, n. 122 "Disposizioni per l'adempimento degli obblighi derivanti dall'appartenenza dell'Italia all'Unione europea – Legge europea 2015-2016. (16G00134)";
D. Lgs. 15 dicembre 2015, n. 212 "Attuazione della direttiva 2012/29/UE del Parlamento europeo e del Consiglio, del 25 ottobre 2012, che istituisce norme minime in materia di diritti, assistenza e protezione delle vittime di reato e che sostituisce la decisione quadro 2001/220/GAI";
Art. 1, comma 16, della Legge 13 luglio 2015, n. 107 "Riforma del sistema nazionale di istruzione e formazione e delega per il riordino delle disposizioni legislative vigenti";
Art. 24 del D. lgs. 15 giugno 2015, n. 80 "Congedo per le donne vittime di violenza di genere";
Art. 14, comma 6, della Legge 7 agosto 2015 n. 124, "Deleghe al Governo in materia di riorganizzazione delle amministrazioni pubbliche";

Legge 27 giugno 2013, n. 77, Ratifica ed esecuzione della Convenzione del Consiglio d'Europa sulla prevenzione e la lotta contro la violenza nei confronti delle donne e la violenza domestica, fatta a Istanbul l"11 maggio 201La c.d. legge sul femminicidio (d.l. 14 agosto 2013, n. 93, convertito in Legge 15 ottobre 2013, n. 119, in materia di contrasto alla violenza di genere);

Legge 23 aprile 2009, n. 38, Misure urgenti in materia di sicurezza pubblica e di contrasto alla violenza sessuale, nonché in tema di atti persecutori;

Legge 9 gennaio 2006, n. 7, "Disposizioni concernenti la prevenzione e il divieto delle pratiche di mutilazione genitale femminile", del D.P.R. 30 maggio 2002, n. 115 "Testo unico in materia di spese di giustizia";

Codice penale: art. 583-bis (Pratiche di mutilazione degli organi genitali femminili);

Legge 5 aprile 2001, n. 154 "Misure contro la violenza nelle relazioni familiari";

Art. 76 comma 4-ter del D.P.R. 30 maggio 2002, n. 115 "Testo unico delle disposizioni legislative e regolamentari in materia di spese di giustizia";

Legge 3 agosto 1998, n. 269 "Norme contro lo sfruttamento della prostituzione, della pornografia, del turismo sessuale in danno di minori quali nuove forme di riduzione in schiavitù"; Direttiva Presidente del Consiglio "Azioni volte a promuovere l'attribuzione di poteri e responsabilità alle donne, a riconoscere e garantire libertà di scelte e qualità sociale a donne e uomini", G.U. 21 maggio 1997;

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