

Acquiring authority through the acquisition of genre: Latinas, intertextuality and violence¹

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ABSTRACT This article examines how laypersons acquire legal language. The site of this study is the protective order interview, where victim-survivors of domestic abuse seek legal assistance. Using thirteen protective order application interviews, in which victim-survivors had applied for orders at least once before, the analysis tests the hypothesis that women who had been through the application process would learn what constitutes relevant evidence. I borrow from theories of Second Language Acquisition that explain that when learning a foreign language, learners speak neither the target language nor their first language, but an *interlanguage*. Analogously, laypersons who have had iterative interaction within the legal system develop an *intergenre* that is neither pure story nor report. Findings are discussed as a type of ‘crossing’, because the *intergenre* raises issues of authenticity for an adversarial system that demands consistency and allows for legal decisions to turn on constructions of credibility.

KEYWORDS Latinas, genre, acquisition, intertextuality, authenticity, law, protective order, domestic violence

INTRODUCTION

If we were to examine our own language use for traces of things we said previously, chances are we would find that many of ‘our’ words, utterances and ideas could be found in prior conversations. In other words, we would realize quite consciously that we were not creating the whole of our linguistic usage anew for the first time, and that in some cases, ‘our’ words did not really originate with us alone. Tannen (1989) hypothesizes that narrators in conversational storytelling will use the same phrases and words in repeated tellings, particularly when making their main point. Coulthard (2004) also suggests that the concept of idiolect, or a linguistic variety spoken by one individual, is robust. Because individuals tend to use the same sound system and recycle vocabulary and phrases, their idiolectal varieties are also capable of indexing, or pointing to them as authors of certain utterances.

This article attempts to investigate this linguistic process of pulling utterances, words and phrases from past conversations and incorporating them into present ones. The setting for this language process is the protective order interview where pre-trial testimony is constructed. A protective order is a civil court injunction mandating that an alleged abuser stay away from the complaining party for a specified period of time.

In this study the petitioners are all Latina women, because the data come from a larger ethnography of Latinas' *norms and ways* of narrating violence (see Trinch 2003). Throughout the pages that follow, we will study whether we can determine how these women might utilize prior discourse to construct themselves as credible victim-witnesses. Prior discourse can refer to language spoken in any linguistic interaction in which a speaker took part before he/she participated in the current speech event. A discussion of prior discourse necessarily entails an examination of intertextuality. Hamilton (1996: 64) defines intertextuality as the ways in which conversational participants draw on their previous interactions with one another in order to (re)construct both social identity and meaning. According to her:

Recurrent patterns in specific discourses are remembered by interlocutors (see, for example, Becker 1984 [about the process of translation]; Bolinger 1961, 1976 [with respect to what he calls syntactic blends]; Tannen 1987 [in conversation]; and Hopper 1988 [in his theory of emergent grammar]) and are used as resources in later interactions (elaborations mine). (p. 67)

However, speakers probably do not store in their absorbent linguistic inventory only those pieces of discourse that they themselves fabricated in earlier conversations. Cotterill (2002), for instance, shows how attorneys make use of intertextuality to impeach witness credibility by incorporating the witness's prior testimony into current court proceedings to suggest incongruities. In more mundane settings, all speakers must be able to take away from prior conversations new lexical items, syntactic structures and discursive forms that they learned from their interlocutors as well. Here, I focus my analysis on the extent to which narrative resources, which I have shown to be preferred by Latina women narrating domestic violence (Trinch 2003, 2001), change when these women interact repeatedly with legal personnel.

The tape-recorded protective order application interviews of thirteen Latina women and the paralegals to whom they speak form the corpus for this analysis. From a larger ethnography of narrating violence, which included 90 interviews in a district (state) attorney's office, only these 13 interviewees had previously applied for an order in this DA's office.² In these interviews, each lasting between 20 and 45 minutes, paralegals question women about their experiences of violence and draft affidavits on their behalf. Later, paralegals file the application and the affidavits with the court. The seven paralegals represented in the corpus are paid professionals, with experience ranging from one to seven years on the job. They have all been trained by more senior paralegals, and with only one exception, all are Latinas, bilingual in Spanish

and English.³ Though attorneys, directors and other co-workers in the district attorney's office commonly refer to the paralegals as 'advocates', these interviewers must also do the work of gatekeepers for the institution (see Trinch 2001).

BACKGROUND TO THE CURRENT STUDY

Martin and Powell (1995) suggest rape victims feel a 'second assault' (i.e. a verbal attack) when reporting, because detectives and prosecutors frame (in Goffman's 1981 sense) women as *witnesses*, rather than as *victims* (see also Conley and O'Barr 1998, Matoesian 1993, Ehrlich 2001). Simply put, this means that women are asked questions in fact-finding interviews as if they were spectators and not victims. Treated as a witness, a woman may feel that law enforcement is unempathetic, incredulous or that they are interrogating her about particularities that she believes she has already made clear. Protective order application data reveal an analogous finding: Latina women who have survived domestic violence want to tell stories, while those who interview them want to hear about the events in report form (see Trinch 2003, Trinch and Berk-Seligson 2002). Interviewers tend to act as though they want only the 'facts'. For example, interviewers often tell victims exactly how they want the interview to flow with opening statements such as those shown in Excerpt 1:⁴

Excerpt 1: Paralegal gives client interview directions⁵

P: OK Maria, my name is Amy, and what I'm gonna do is, ask you some questions about yourself and your boyfriend. OK? First I'll just need some basic information for our records, and then I'll ask you to get into more detail so I can find out what's been going on between the two of you.⁶

Normally, when clients depart from these reporting directions and start on a topic out of turn, paralegals interrupt them, ignore the content of their utterance and/or simply sit quietly until the women finish. Then, the paralegals, without comment, merely continue with their schedule of questions. Notice in Excerpt 2 how the client gives a narrative response to what is a 'yes-no' question:

Excerpt 2: Client disobeys interview rules of discourse

P: ¿Usted ha ha sostenido algun moretón o ah, golpes?
C: Hace, la última vez que tuvo relaciones sexuales conmigo, hace como un mes y medio. Fue a fuerzas. Regresé a al trabajo toda la semana, ni podía ni trabajar. (.02). Pero eso no le(s) quiero decir a los niños.

(.03)

P: ¿Además del alcohol, él usa alguna otra droga?

English translation of above interview interaction:

P: Have, have you sustained any bruise or ah, bruises?

C: It was, the last time he had sexual relations with me, about a month and a half ago. He forced me. I returned to work all that week, I couldn't even work.

(.03)

P: Besides alcohol, does he use any other drug?⁷

In Excerpt 2, we see that even though the client discloses a sexual assault, her 'out-of-turn' narrative meets with the paralegal's silence. If in a situation where both narrator and recipient were engaged in the production of the account as a story, one would expect the recipient to comment. But, here, the paralegal essentially ignores the utterance and then asks the next question on her list. Furthermore, the content of the next question is unrelated to the client's disclosure, indicating that there will be no uptake on the topic introduced by the client.

I conceptualize stories and reports as different narrative genres. Following Bauman (2001: 79), the term *genre* refers to a 'constellation of systematically related, co-occurrent formal features and structures that serves as a conventionalized orienting framework for the production and reception of discourse'. Table 1 illustrates the way narrative resources pertain to stories and reports of domestic violence for these Latina women and paralegals, respectively. The left-hand column contains the cluster of features that comprise the story genre and the right-hand column contains the bundle of characteristics found in the report genre. These features are interactional as well as linguistic. By interactional, I mean that the format of narrative production and collaboration differs. If the account of abuse comes out as a story, it is likely that the client herself is trying to drive the entextualization process. But, if the client allows the account to be elicited by the interviewer, the account is likely to sound more like a report. In the latter case, the interaction seems to flow comfortably and easily as both participants take positions *vis-à-vis* one another that indicate their knowledge of the rules of the speech event.

Most examples illustrate the troubled nature of the tellings, as women try to take on the storyteller role. However, Excerpt 3 provides an unusual example of a client that allows the paralegal to elicit her narrative. Hence, we get a sense of what a 'pure' report form might sound like.

Table 1 Feature constellations of story and report genres

<p><i>Story:</i> Narrator attempts to drive the telling, its content and form. Also, stories systematically include the following features:</p>	<p><i>Reports:</i> Recipient attempts to drive the telling (both content and form) for the purpose of writing. Also, reports systematically include the following features:</p>
<p><i>Written/oral interface seems to produce weak result:</i> Women have filled out a written intake form before the interview that resembles the structure and elicits the content that will be written in the affidavit. When they narrate, however, they do not follow this structure <i>Each victim has just one story/her own</i> Format varies considerably from woman to woman</p>	<p><i>Oral/written interface seems to produce strong result:</i> Interviewers try to ask questions of victims so as to elicit the narrative in the form and with the content they need to write the final affidavit <i>Each interviewer has heard many stories</i> Format is consistent from one report to the next</p>
<p>Stories may contain all or some combination of the following narrative resources: Kernel narratives which refer to episodic incidents of violence, linear, <i>Labovian</i>-type narratives that take a ‘first a, then b’ narrative form, and generic present/past-time narratives that frame abuse in terms of habitual action. The act of coming forward is a plea for help</p>	<p>Reports always include the following elements and these elements are usually inscribed in the same order: Overall orientation clause, two or three linear narrative representations of recent violent incidents (listed with most recent first), a brief history of violence, current fear of violence, a (performative) statement of plea for legal help</p>
<p>Orientation to each incident of abuse: utilizes approximate times and dates if any at all, or loose orientations to events like references to place Language of the stories can be English, Spanish, the code-switching variety of Spanish/English common to US Latinos, or English with some switches to Spanish</p>	<p>Orientation to each incident of abuse: requires specific times of day, precise dates, including: month, day, year, reference to place Language of the interview can be the same as the codes used in the story genre, but the language of the written report is always English only</p>
<p>Story content includes a rich and complex set of references to people in social networks, evaluations of thoughts, feelings, actions and justifications for action and inaction Kinship terms, rather than names</p>	<p>Report content focuses on action and rarely includes social network information, evaluations or justifications Requires first and last names (of main actors) and their kin relationship</p>
<p>Exact durations are rarely mentioned by victims</p>	<p>Requires numerical quantities for duration of events</p>
<p>Narrator looks to have the narrative heard as truth</p>	<p>Signature and oath make the narrative count as truth</p>

Excerpt 3: Client allows account to be entextualized as a report

- P: OK Ms. Manrique, um, you made a police report, right?
C: Yes.
P: When was it made?
C: When was it made?
P: Uhuh. When?
C: Uh, let's see. I believe it was the fourteenth.
P: Was he arrested?
C: No, ma'am.
P: Did you file charges?
C: Yes, ma'am.
P: OK. Who did you file charges with?
C: Um, Offic, I mean, Investigator Sam Bashline.
P: Over at um
C: [at the police department.
P: [homicide?
C: Yes.
P: Did Mr. Manrique use a weapon on you?
C: No, ma'am.
P: OK. Do you have any injuries right now?
C: Uh, a sprained ankle.

This excerpt shows a primarily recipient-driven account. Unlike the responses of most of the other women in the larger study, this client's answers follow Gricean maxims of quantity, quality and relevance. She answers yes–no questions with 'yes' or 'no' answers, and she does not provide any excess information. When asked for an orientation to the incident, she gives a precise date ('the fourteenth'), and she offers names and even titles of the sociolegal professionals to whom she has spoken. Also, when asked about injuries, she gives a specific problem and body part. This client follows with this pattern of providing the 'correct' amount of information throughout the interview.

Reports tend to contain two or three short, discrete incidents of violence told in a linear, 'first a happened, then b happened' format, while stories tend to incorporate a range of different narrative devices to describe multiple (more than two or three) incidents of abuse. In addition to linear narratives, these stories of domestic abuse also include kernel narratives (Kalcik 1975). With a kernel narrative, clients, without elaborating, merely mention – amid perhaps, unrelated discourse – a particular incident as an episode of abuse. In Excerpt 4 the paralegal's question prompts a kernel narrative that is never developed.

Excerpt 4: Client introduces unrelated kernel narrative

- C: Just that I don't don't don't want him to come around the house because each time that he comes to the house it's to, to fight with me, or to take the baby. And I know he is her father, but, no, no, one time, he took her, and he didn't want to give her back.⁸

Here the kernel narrative, arguably the most important part of a longer telling, remains unpacked. Additionally, clients incorporate generic time narrative-types (Polanyi 1985) in the course of their storytelling. Generic narrative-types frame abuse in terms of habitual action (i.e. 'He always tells me that if there is somebody else, he will kill me'). In short, Latina women's stories and paralegals' reports contain different types of information, and that information is packaged quite distinctly.

Exactly why telling institutional authorities their story of abuse should be the clients' agenda, so to speak, is not clear. But, my fieldwork suggests that the institutional agenda in these cases is to determine quickly and efficiently which clients are in need of and eligible for a protective order. For paralegals working with as many as five to ten clients a day, scarcity of time and personnel make the report genre more suitable to meeting the demands of their institution (see similar findings from research on 911 calls by Tracy and Agne 2002 and Tracy 1997).

Nevertheless, the institution's need for a report genre seems more complicated than mere efficiency alone. Genre acts as an index or an indicator to that which is beyond the content at hand. Different narrative genres point to beliefs about language use and language users. In anthropological and sociolinguistic theory, these beliefs are known as language ideologies (Woolard 1998). Genres help recipients of narrative discourse understand not only 'what is said', but also how 'what is said' should be interpreted.

The systematic transformative work interviewers do to take Latina women's oral abuse stories and turn them into official, written reports of domestic violence suggests that generic packaging does more than save time. The component parts of the report genre – complete with the appearance of specific times, dates and names, cause–effect relationships, beginnings, middles and ends – arguably function to construct these women as credible, factual and objective.

The preference of the court for narrative forms other than those generally provided by Latina women parallels Conley and O'Barr's (1990) finding: lay litigants who do not narrate in ways amenable to the court are considered by legal personnel to be emotional and subjective. From the court's perspective such accounts are 'filled with irrelevancies and inappropriate information' and relational narrators are 'imprecise' and 'rambling' (*ibid*: 58). The narrative resources used by Latinas when recounting incidents of domestic violence coincide with what researchers

have identified as powerless speech forms (O'Barr 1982, Conley, O'Barr and Lind 1978). The paralegals work to create a narrative genre that states that what is in the account is authoritative. As such, the affidavit helps to perform a victim's credibility and her authority. The affidavit constructs the client as having the linguistic power to influence or persuade. This result stems not only from the appearance that the client has knowledge or experience, but also that she is able to convey material in an authoritative way.

THEORIES OF NARRATIVE VARIATION AND LANGUAGE ACQUISITION

Variation in storytelling practices has been associated with gender (Reissmann 1987, Conley and O'Barr 1990, O'Barr 1982; Conley, O'Barr and Lind 1978), race (Goodwin 1990), class (Hymes and Cazden 1980, Hymes 1996), ethnicity (Scollon and Scollon 1981) and education (Maryns and Blommaert 2002, Conley and O'Barr 1990, Wodak 1985). Conley and O'Barr (1990: 80) characterize a speaker's ability to narrate in legally appropriate ways to be 'an acquired skill which is the property of the literate and educated business and legal class'. Arguably, as is the case with standard phonological, lexical or syntactic variants (Lippi-Green 1997), report genres, because of their association with educated, middle- and upper-class people, come to be understood as authoritative representations of the past. In other words, report genres are accepted sources of expert information.

The resources needed to narrate in report form are perhaps as unequally distributed as are the opportunities available to people to acquire them (Hymes 1996). When linguists speak of a person acquiring a language, they mean that he/she can understand and use its sound system, lexicon, syntax, semantics and pragmatic/sociolinguistic rules. Three conditions necessary for language acquisition to take place are a person's (1) cognitive capacity to acquire a language, (2) access to the language and (3) motivation for learning the language (Ervin-Tripp 2001). Ervin-Tripp (2001: 2) notes that acquisition of complex genres and knowledge of how they are situated in larger speech events can continue throughout a person's life. Additionally, just as second language learners recognize that the language they are acquiring is not their own, people must, at least on some level, realize that different genres exist. Coulthard (1996), for example, shows how police officers create records of interviews with suspects that include narrative elements akin to those of the story genre. Apparently police make records appear to have been written contemporaneously with the speech they represent. Officers represent their own speech with standard phonological, lexical and syntactic forms, while they incorporate the less standard counterparts to reflect the accused's language. Along these lines, officers depict suspects' speech as including

Table 2 Ethnographic details about the thirteen clients

Interview no.	Client's age	Years in USA	Years of schooling	Employment of client and her parents	Language of interview
1	44	44	9th grade	C: Cashier F: Labourer M: Housewife	English
2	25	25	2 years college	C: College student F: Repairman M: Nurse	English
3	38	22	6th grade	C: Laundress F: No father M: Waitress	Spanish
4	40	40	High school graduate	C: Housewife F: Engineer M: Housewife	English/some switches to Spanish
5	29	29	11th grade GED	C: Unemployed F: Janitor M: Day nurse	English/one switch to Spanish
6	43	43	8th grade	C: Laundress F: Butcher M: Housewife	Spanish
7	23	23	High school graduate	C: Mother F: Factory worker M: Painter	English
8	32	8	High school graduate	C: Cook F: Engineer M: Housewife	Spanish
9	20	20	10th grade GED	Mother F: No father M: Secretary	English
10	35	35	High school graduate	C: Mother F: Mechanic M: Housewife	English
11	26	26	10th grade	C: Waitress/mother F: Groundskeeper M: Housewife	English
12	37	13	3 years college	C: Mother/translator F: Journalist M: Attorney	Spanish
13	29	29	9th grade	C: Cook F: Janitor M: Child caregiver	English

M = client's mother's occupation; F = client's father's occupation

obscenities, but attribute profanity-free speech to themselves. Police also indicate in the interview where they supposedly needed to interrupt witnesses whose language progressed either too quickly or too irrelevantly. Police, then, are cognizant of the fact that suspects speak in a story genre and that they themselves must elicit a report. Because victimization in domestic abuse cases is often routine, many victims repeatedly enter the civil and criminal justice system. For this reason, the protective order interview offers an opportunity to examine whether victims become aware of these competing narrative genres, and if they are able to acquire the report genre.⁹

Table 2 provides ethnolinguistic details for the thirteen Mexican-American women whose interviews I taped and analysed. Though it was my first time taping them in the DA's office, it was at least the second time the DA's paralegals had interviewed them. That is, each of these thirteen women had some prior experience with the elicitation of a report.

HYPOTHESIS

I hypothesized that these women, because they had been through the protective order application interview before, would show evidence of having acquired elements of the report genre. My hypothesis was bolstered by two main factors. First, all of these women were interviewed previously not only by DA paralegals; they had also been interviewed by a host of other sociolegal authorities such as detectives, police officers and shelter workers. Many of these professionals also require quite report-like narratives. Such social interaction provides the possibility of *access* to the linguistic form(s) in question. Second, because these Latina women were applying for a subsequent order, they would have had a motive to learn to narrate in report form. Not only did they perceive that they were in danger, but they likely also viewed a protective order as worthwhile.

ANALYSIS AND FINDINGS

The first step in the analysis consisted of determining which of the women – from the larger corpus – had indeed been through the process at least once before. I located these women by rereading my fieldnotes for each case, examining the affidavits, and by reading through transcribed interviews. About 15 per cent of my corpus, or thirteen of my interviews, contained repeat clients.

After transcribing the complete set of thirteen repeat applicants, I read through each of the interviews several times. I made careful notes as to whether the accounts provided by the women contained story-type or report-type information. I also made notes of those instances where an individual's account contained both types of information.

Additionally, it was important to examine the format each interview took: more report-like narratives are created when interviewers succeed in

directing the discourse through elicitation, whereas story formats are produced when women take the floor, initiate their own narrative turns and, in essence, try to drive the telling's trajectory. I also paid attention to whether clients answered narrowly or by adding unsolicited information.

The analysis disproves a strong 'acquisition hypothesis'. These interview data do not support the hypothesis that repeat applicants would have 'learn[ed] what constitutes relevant evidence and what does not' (Trinch and Berk-Seligson 2002: 412). If these interviews are generalizable, they lead to the conclusion that having gone through one protective order application is not enough sociolegal or sociolinguistic experience for victims to learn to give their abuse accounts in a report genre. In fact, I found that several of the women in this corpus were those that I had considered to be excellent storytellers, but poor reporters in Trinch (2003) and in Trinch and Berk-Seligson (2002).

Not only do the thirteen women in this sample narrate in compound forms of linear, generic and kernel narrative-types, but they rarely give the 'correct' amount of information. With respect to precise times, dates and names of people and places, these victims, as do those in the larger sample, provide too little information. In Excerpt 5, the reader will notice that it takes the interviewer several questions to be able to round out a complete orientation to the last violent incident.

Excerpt 5: Client gives imprecise orientation

P: And the last time that he gave you a problem was when?

C: Monday

P: The uh, Monday that just went past, the thirteenth?

C: Right. And he had just gotten out of jail, 'cause he went Sunday.

P: What was he in jail for?

C: Criminal mischief?

P: You put him there, or?

C: Right, 'cause he came and he slashed my sister's car's tires.

P: OK. And um, he got out and came back over to your house?

C: Right, that night, about ... He was waiting for me there, um I had gone to Shop-N-Save to get the groceries, when I drove up

P: [What time was it that you got home?

C: I guess it was about eight-thirty.

P: At night?

C: Right. At about eight-thirty. Me and the kids.

Though this paralegal engages the client momentarily about the extra information she provides, she nonetheless has to interrupt to elicit the precise time of the incident for the report. This transcript reveals that the client also gives too little information for this incident's orientation,

because she failed to mention initially that a man accompanied her home. These thirteen women seem no more aware of the fact that the court requires specific times and dates than do women who have never been through the application interview. With regard to evaluations, justifications and minute detail of every action leading up to a violent incident, these women say too much, as is portrayed in Excerpt 6:

Excerpt 6: Client provides narrative response to 'yes/no' question

P: OK. Do you plan to file charges against him now

C: [Yes

P: [for this incident?

C: Yes, because ah, we, when we left our house, um, I think it was Sunday, um, he left at six and kept coming back with threats for me to leave the house, he wanted me to leave.

P: OK.

C: He just wanted us to get out of the house, the children and I, and he said, if we didn't leave, things were going to get real bad for me, so if not, he was going to call my parents, but my mom has a heart condition and I didn't want him to call her, and he took all the phones, everything in the house, locked the gates, took the keys, took my medication, 'cause I have, I have to take medication, he took everything. The, the phone we connected, it was broken but, we could hear the police, but they couldn't hear us, but 'cause, we called, they still, the calls, they went through and that's how they came. Because they knew that something was wrong.

P: [As far as him ever been arrested as a result of him harming you, has that ever taken place?

This is just one example of many in which the paralegal's 'yes/no' questions spark this client's narrative responses. Not only is the quantity of information excessive, but the topics, from the court's perspective, depart from the matter at hand. Furthermore, none of this surplus information makes its way into the affidavit. In the client's answer, she mentions family members and facts about them that while perhaps important to the story, are incompatible with the report. This paralegal interrupts to stop the victim from narrating yet another incident for which details have not been requested. So, in terms of narrative packaging and most thematic content, there is little evidence to suggest that these women have acquired the authoritative report genre.

LANGUAGE OF THE INTERVIEW

The women in this study self-identify as Latinas or Hispanics, and US Latinos possess varying degrees of Spanish-English bilingualism (Berk-Seligson 1980, Sánchez 1994). Thus, 'language of the interview' becomes a factor in the acquisition of authority, because English, though not the 'official' language in the USA, is certainly the language of authority in the country. The larger corpus of 90 interviews shows that most (i.e. two-thirds) of the bilingual Latinas speak English during their interviews. For this reason, it is even surprising that of these thirteen, four speak in Spanish and two code-switch, or alternate between English and Spanish. Previous studies suggest that US Latino bilinguals understand that English is to be spoken in official, formal settings (see Gumperz and Hernández-Chavez 1975, Limón 1982, Valdés 1982, Zentella 1981). Hence, seeing almost half of the women in this study using some Spanish in the English-preferred forum suggests, at least superficially, that this group of thirteen has not even acquired the sociolinguistic knowledge of language use (English versus Spanish) for this setting.

But upon closer examination, the data present a situation of much more complexity, and they confirm the diversity of the US Latino group. The ethnolinguistic details given in Table 2 show that with the exception of one informant (Interviewee 6), these Mexican-American women, born in the USA, indeed know that the district attorney's office is an English-language setting. Most of these Latinas showed a preference for monolingualistic English-language discourse. The three who speak Spanish, we learn, were born and raised in Mexico.

High levels of English-language proficiency among immigrants to the USA correlate with younger ages of immigration (Stevens 1999). Reasons for this correlate involve both maturational constraints on language acquisition and social factors. First, Stevens (1999: 561) notes: 'Immigrants from Spanish-language countries are also more likely than those from other non-Anglophone countries to have less pre-immigration exposure to English.' And second, if immigrating as an adult, a person's chances of attending school, developing significant relationships and marrying in English are greatly reduced. Expectedly, then, the three clients who chose to speak in Spanish in the interview (Interviewee 3, Interviewee 8 and Interviewee 12) entered the USA at the ages of 16, 24 and 24, respectively. Moreover, regarding years of schooling, we see that it is likely none had any formal study in English. It may be that all three women still prefer Spanish, at least perhaps in stressful situations. Marcos and Trujillo (1984: 189), studying therapeutic interviews, find that Spanish-dominant Hispanics 'show a clear preference to be interviewed in Spanish'.

Even though most of the US-born Mexican-American bilingual women stated that they prefer to code-switch when speaking ($n = 9$), all but two (Interviewees 4 and 5) refrained from switching from English to Spanish in

the interview. Linguists have shown that code-switching is rule-governed syntactically and socially. So, the presence of code-switching in these interviews does not mean that women do not know the rules for language use in the legal context. Excerpt 7 shows an example of what these women know about the interview:

Excerpt 7: Example of client's conflict regarding language use

- C: That next day that he came, that night, he said
 P: [Well it was that SAME day, though, right?
 C: Right. It was that same day (.) 'Cause, I was coming home
 P: [Later on at night. OK. And what kind of threats was he making?
 C: That he was gonna kill me, only in Spanish.
 P: That was before he started doing anything, before he started, () when he took out the crowbar.
 C: Right.
 P: OK.
 C: Right.
 P: So when you got home, ...
 C: When I got home, that I got there, I was taking the kids (), that's when he started telling me, you know, but in Spanish. He was telling me all that.
 P: What was he saying?
 C: What was he saying in Spanish?
 P: Uhuh.
 C: 'Te voy a partir la madre. Voy a partir la madre, te voy a matar.'
 (('I am going to bust you up. I am going to bust you up. I am going to kill you'))
 P: ((pause for typing)) Has he um, assaulted you before?
 C: Yes.

The client above uses metalanguage, or comments about language use, to reveal that she knows that she needs to be exact. That is, her employment of the words 'only' and 'but' remark on the English-dominant context at the same time they comment on her knowledge of the importance of exactitude. Her utterances stating that the abuser made threats to kill her, qualified with the phrases, 'only in Spanish', 'but in Spanish', indicate that being exact is going to be a problem in this English-preferred environment. 'Spanish', however, is not a problem for this client's interviewer, herself a bilingual, Mexican-American Latina, and arguably, the client knows this, so her hesitation must stem from something else.

Had this client not been concerned with the tension between rendering a precise version of the threat and maintaining the language of the

interview in English, presumably, she would have just translated the threat into English and never mentioned ‘Spanish’ at all. The constraint that the victim perceived against the use of Spanish is confirmed and reinforced as the report written by the paralegal states only, ‘José was making threats to kill me.’

Only one other client switches from her English-language narrative into Spanish, but her use of code-switching is not as easy to explain.¹⁰ This client narrates for about 20 minutes exclusively in English. Then, in the middle of the interview (16 pages into the 24-page transcript), she switches two words into Spanish, and then later, near the end of the interview, she switches a couple more. So, this longish interview, consisting of some 6,500 words, contains only 16 words in Spanish, all of which were spoken by the client. I will show below, that this client uses Spanish in a manner consistent with the findings of Álvarez (1991) for Puerto Ricans’ narrative production. Álvarez finds the majority of switches among her bilingual informants occur in their narratives’ evaluation clauses, where speakers offer a subjective view of the event in question. Álvarez (1991) and Wolfson (1978) indicate that a speaker’s willingness to show his/her subjective reactions to the events recounted is dependent on the interlocutor’s sharing the same ethnic background as the narrator. So, while it is not the norm for bilingual Latina women to switch between English and Spanish in these interviews, outside official settings switching of this sort is quite normal. Marcos and Trujillo (1984) make the point that some professionals, ignorant of issues of language fluency, narrative and code-switching, interpret a bilingual’s speech as symptomatic of his/her being uncooperative, reticent or even schizophrenic.

The first code-switch employed by Interviewee 4 is shown in Excerpt 8a. It occurs after the interviewer asks the client about past abusive acts.

Excerpt 8a: First instance of client’s code-switching in interview 4

P: So in the past, he hadn’t really hit you before.

C: No, *nomás* ((*only/just*)) threats.

This client’s switch into Spanish consists of the qualifier, ‘*nomás*’, meaning *only* or *just*, and it is likely that she uses this one to deal with expectations that she believes her interviewer has of her. Tannen (1993: 25) states that in English *just* is an evaluative device that ‘frequently functions to underplay a statement, to block criticism on the basis that it is not more, therefore revealing the assumption that others might expect more’. This client is perfectly capable of speaking in English, as the majority of her interview attests. So, it may be that the client employs Spanish as an attempt to establish in-group membership with the interviewer. That is, rather than using *just* or *only* in English, she selects Spanish as a way of

diminishing any criticism she feels she might receive from the interviewer who is probing for physical violence. Threats of physical violence, and especially threats to kill, are considered reportable by the DA's office. Yet when women report threats alone, paralegals often search for physical violence. This client's mitigating the significance of the threats by using the Spanish equivalent of *just* or *only* may be a sign that she has learned that reports of 'threats' are not as valuable as reports of physical violence.

Later, in the middle of a long passage where the client discusses the abuser's character, she incorporates another switch, shown in Excerpt 8b. Curiously, it comes in the middle of this client's monolingual monologue.

Excerpt 8b: Second instance of client's code-switching in interview 4¹¹

- P: And during the argument, ah, you, you said he was, what was the threats that he was making?
- C: It's all verbal, it's like um, 'You better do what I say or else' you know, it's always, ah, 'You need to listen to me,' 'You need to do what I say', it's stuff like that, you know. It's always, ah, it always has to be his way, you know, it it it's his way or no way at all.
- P: Mhmh
- C: And and and it's always, 'Well you better listen to me, woman' or or, 'or else' you know. That's, that's his favorite word. And you know, and we, start like that and if I even say anything, then my kids get all scared, and you know. And they will start saying like, 'Mom, Dad, stop!' Because he won't stop. He'll keep going. So I always have to be the one to stop.
- P: OK.
- C: And, and, you know, and to him, 'Ya,' (*That is the way it is*) you know¹²
- P: Mhmh
- C: 'you have to do what I say, I'm the man, I, you listen to me.' (.) And that's the way it's been, you know. And for the, these past few months, you know, it, I knew it was hitting, (.) bad, because uh, we were always arguing and he was drinking too much, he had too many friends over even when they were working, they would stay up all night long, and you know, we were trying to get sleep, we have to get up ...

This code-switch to Spanish from her sea of English words might seem insignificant, but sociolinguistic theories aid in understanding its pithiness. Where monolinguals have linguistic materials such as intonation, profanity or slang to break with the textual norm in order to call attention to

something or to make their points, bilinguals have a whole other language to call upon (Valdés 1982, Zentella 1981).

The client's *words* in the narrative above speak about how her husband abuses her, and how he does so regularly, but those words taken all together and along with the switch suggest that the communicative point of the narrative is *not* about what her husband does. Rather, the client narrates these iterative events to suggest the impossible nature of the situation. It is the totality of the forms used, I argue, that makes a point that goes beyond the words she strings together.

Not only does this client abruptly change from English to Spanish, but she also casts the switch in reported speech, or speech that was presumably uttered by a speaker in another context. The Spanish word, 'ya', is attributed to her husband as his prior discourse with her. In this case, 'ya' is extremely authoritative, as it is the equivalent of the English 'That's enough! End of conversation.' Coming immediately after 'And, and, you know, and to him, "Ya", you know' and immediately before another string of her reporting what is supposedly his previous discourse, 'you have to do what I say, I'm the man ...' the switch seems to refer to what he would (or does) say, if (or when) asked why he acts the way he does. Thus, I argue, the switch here emphasizes not the fact that there is abuse, but the fact that there is no way out of it. With this narrative, the client tells the paralegal that her husband is unreasonable and impossible. This bilingual woman is able to call on Spanish, an entirely different linguistic repertoire, to do several things at once. At the same time she reports what is happening, she also evaluates the situation, arguably as one of complete hopelessness. Her evaluation is made poignant by the fact that she is able to switch from English to a single Spanish word that contrasts dramatically with all of the English words she has been using.

Following the excerpt above, the client and the interviewer later try to determine when it was that the client had her prior protective order. Her first switch into Spanish in this sequence begins with the kin term of endearment, 'mija', meaning *my baby girl*:

Excerpt 8c: Client uses Spanish term of endearment

- C: But this was back, it's been like four years, I think. I'm not sure if it was 2000 or 2001, but I remember because mija ((my baby girl)) was little. Or, the, the baby, but she's five years old now.

Excerpt 8d portrays how the interviewee and paralegal continue to try to determine when it was that the client had an order. Notice how, for the client, this issue becomes secondary to the story of the abuser's violation of that order and the ineffectiveness of the police to enforce it. It could be that her use of Spanish marks the way she prioritizes the information. She

states that the last time she had a protective order, her husband broke several bones in her face, injuries she refers to as, ‘when he did something real bad to me’.

Excerpt 8d: Client incorporates Spanish in an English-language narrative

C: Yep. And you know that I had a restraining order on him when he did this. I was, I don’t know if it was 2000 or 2001 because I remember, I had the restraining order when he did that, and um, when I called the policemen, ah, they called the dispatcher and they didn’t come out at first, so they were saying que ((*that*)) I didn’t have one. And then she called back and said

P: [Through our office?

C: It was through your office. I don’t remember it was 2000 or 2001, but I remember. I came and I had a restraining order during that time ‘cause that’s when he did something real bad to me and (bueno, pues) ((*and well, uh*)) they, they were going to take me to a shelter,

((and then later in the interview, but on this same subject))

C: I remember that it was ah, I don’t know if that was when it was at the apartment. But I know he had the kids and I remember that they were gonna take me to a shelter, and instead, once they knew that I did have the restraining, they went back and they just called him down and told him that if he could show proof of address because he had the kids locked up in the apartment. And once he came down, they arrested him. They took, of course, they didn’t take him for so long, you know how they take them overnight, and the police officer, ‘the best thing for you to do is just leave’. So I left from there. Because he said, ‘we don’t, we can’t hold him, that long’ you know. They

P: [Even though you had a protective order?

C: Even though I had and I had a protective order, and when I had the protective order, they didn’t believe me, and I was in the police car, and they were gonna take me to the shelter and the dispatcher said, “No we didn’t have anything” y al ratito habló, ((*and a little while later she called*)) we were already leaving cuando habló pa’trás y dijo, ((*when she called back and said*)) “There, she, it is, it’s active.” So they said, they turned around and they said, and I told them “Well, you just can’t go up there and get my kids like that, because, he’s up there, but he’s not gonna let you. You got to tell him that you, you left me”, ‘cause there was two police cars.

P: Mhmh

The switches this client employs seem to emphasize aspects of her narrative and/or evaluate people's actions and remarks. Her first switch of the complementizer, 'que', serves to mark the contrast between what she has said and what she is about to narrate. Here, it is almost as if the client is saying, 'And you know, come to think of it' With the Spanish 'que', she may be trying to get the paralegal to hear her take on the police.

The interviewer, wanting to stay focused on the year of the order, interrupts to ask if it was indeed her office that had filed it. Perhaps it is because the interviewer ignores the information regarding how law enforcement handled the case that the client again uses Spanish with 'bueno pues' to call attention to the fact that people did not believe her. Ironically, the interviewer, by focusing on the logistical details and not on the narrative's content, may be questioning the victim in a fashion similar to the way police responders did years ago. The client keeps suspending the action through various reiterations of that moment before the dispatcher realized that she actually had an order, and the police decide to pursue the abuser instead of taking her to a shelter.

After the interview, the paralegal told me that she was surprised to hear the switches, because the client 'had been doing fine in English'. I mentioned to the paralegal that perhaps the client switched from English to Spanish for reasons other than a linguistic deficit. And, interestingly, rather than continuing with this received wisdom on bilinguals' code-switching due to their own linguistic failures, the paralegal responded, 'Yeah, I got the feeling that she was trying to highlight something, that she was trying to get me to pay attention to something.'

In general then, Latina clients do not switch between Spanish and English at random in this setting, even though some instances of switching are found. But, the clients' affidavits include no words in Spanish, nor any reference to their use of it. Most clients, if they have lived in the USA all of their lives and speak both Spanish and English, know that Spanish is not the authoritative language of the interview. Only occasionally do we see switches like those shown in Excerpts 8a-d where a client uses her other language for sociopragmatic purposes. A microlinguistic analysis reveals that Latinas do know of the weight English carries. It is important to study not just whether there are switches, but what those switches are and how they function in concert with other language ideologies.

INTERACTIONAL EVIDENCE OF ACQUISITION OF AUTHORITY

Additionally, there is interactional evidence that these women have indeed been in this interview situation before. Many seem to know that the interview is designed so that paralegals can obtain yes/no answers to short questions that they ask at the beginning of the interview. In the larger corpus, these questions are a conversational sticking point, because many

clients try to answer with a full-blown narratives. In this group, several of the women, though still not all of them, seem to know that they need not narrate at the beginning of the interview. The women in this smaller group are also acquainted with the idea of an affidavit. In this DA's office, women are rarely, if ever told before they start narrating what will be done with their narration. Occasionally, these thirteen clients pause to give the interviewer an opportunity to catch their writing up to the client's speech. A couple of these clients actually stop and ask interviewers if they 'got all that'.

Linguists who study second language acquisition refer to the learner's grammar as being a type of *interlanguage* (Selinker 1972). An interlanguage is neither the target language (i.e. the one the learner is trying to acquire), nor the language with which the learner started (or his/her native language or L1) (Tarone 1994). Applying these concepts to the story and report genres found in these data, I have to conclude that the report genre has not been acquired. However, elements of the report genre – especially at the level of the speech event and of the lexicon – are definitely being adopted by these women.

According to Ervin-Tripp (2001: 2), 'Vocabulary growth is very sensitive to the physical social environment, since it is a form of mapping of objects and concepts, as well as changes throughout life.'

With respect to lexical acquisition, the women in this smaller sample stand in stark contrast to the women in the larger sample. First, these women know the lexical item, 'protective order'. In ten of the thirteen interviews, the women use this vocabulary, and they do so correctly. Only three women, perhaps coincidentally all of them Spanish speakers, do not utter the words, 'protective order'. The women who have not acquired the term, 'protective order', refer to their desired interview outcome in more generalized and descriptive ways. But Excerpt 9 shows a Spanish-speaker from this corpus who actually switches into English to say 'protective order'. With this reverse-switch from Spanish to English, the client shows both her acquisition of the lexical item and her competence, albeit limited, in the official code of English.

Excerpt 9: Interview shows Spanish-speaker using the word 'protective order'

P: Señora Garza, um, ¿Usted ha hecho reporte de policía?

C: No, no lo he hecho toda

P: [¿Nunca, nunca ha hecho uno?

C: Sí, he hecho, exactamente, en este mes de junio, hizo (). Fui el el primero de este mes del del día 11 al poner una restraining order

P: [Mhmh

C: [y protective order, porque me, me pegó. Me quebró mi nar, mi nar, aquí en la cara. Aquí me tomaron unas fotos hace un año.

English translation:

P: Mrs. Garza, Um, did you make a police report?

C: No, I haven't done it yet.

P: You've never, never made one?

C: Yes, I have, exactly in this month of June, it was made. I went the first of this month or on the eleventh to put a restraining order.

P: Mhmh

C: and a protective order, because he hit me. He broke my, my nose.

Another interesting point about the lexicon of the Spanish-speakers is that they all use the word, 'policía' or to refer to all law enforcement officials. In Spanish, these Latina women use no pejorative terminology to make references to the police. Contrastively, their English counterparts show much more variation. Some of the English speakers employ the words 'police', 'officer', 'detective' or some other referential title to refer to police along with the lower register 'cops'. Others use only the word 'cops', and a third group selects only the professional titles. While it is impossible to know if those who use only the higher-register terms or professional jargon for law enforcement officials did so in previous interviews, it is clear that those who still use the word 'cops' have only incomplete vocabulary acquisition for the genre. That paralegals never in the interview utter or write the word 'cops' in the report genre is evidence that the term is inappropriate for this context. Excerpt 10 displays how some women do not pick up on appropriate lexical items even when interviewers employ them.

Excerpt 10: Client's continued use of 'cops' even after interviewer models 'police'

P: Mm, 'kay. So who called the police?

C: Um, I had called them once, and the neighbors across the street called them three times. 'Cause, the neighbors across the street were saying, they also came out 'cause they, he was gonna hit me with it. So the guys across the street came out also and, and pretty much told him, you know, 'Stop!' You know, 'Wait!'

P: So when the police got there what happened?

C: He threw the crowbar, he didn't

P: [He still had it in his hand?

C: Right. He, he, he had it and he saw the cops coming and he threw the crowbar, and I still had that hoe in my hand and the cops came

out and told me, ‘Drop it,’ and “‘Get on your knees, and hold your ...’ I’m the one that woun, wound up

P: [Mhmmh

C: [on my knees, with my hands in the air.

P: Mhmmh.

C: And they were paying attention to him like, ‘Oh, what happened,’ you know, this and that. Kind of to get to his cut, and I’m like, ‘What are you doing?’

More interesting than the consistently inappropriate use of this term ‘cops’ among some English speakers is the way this lexical item coexists with higher register or legal terms. Excerpts from Interview 2 illustrate how some women narrate in a form that is neither a strict report nor a strict story. Rather, this client’s language choices lie somewhere in between, in an *intergenre*, so to speak. Excerpts 11a and 11b show only a part of this interview, but they are meant to illustrate how this woman’s story genre incorporates lexical items from a report genre.

Excerpt 11a: Narrator includes story and report elements

C: ... and, um, he walked, he walked over to me and he said, “See, that’s why we can’t be married.” And I don’t know what he meant by that. And he went out and he got the phone and by this time, I was just, I was crying, so bad. And um, and, uh, he brought me the phone and he said, “Here, call the cops, you’re gonna do it anyway.” And I didn’t until he walked out of the house and I locked the, locked the door. And um, and then I called the cops. That way he couldn’t come back in while I was on the phone. And I couldn’t, sometime when he kept throwing me back-and-forth on the bed, my wrist hit the, my left wrist hit the edge of the bed, but I can’t locate an exact point, ‘cause I didn’t realize until afterwards]

P: [He, you called the police when he left the house?

C: Yes, he was outside of the house.

P: outside? And they arrested him outside?

The client uses the word ‘cops’ in Excerpt 11a in both the reported speech meant to represent her husband’s words and in her own speech. The paralegal, however, refers to the officers as ‘police’ when she confirms that the client called for help. But then, halfway through her interview, as is shown in Excerpt 11b, this same client upgrades to legalese. She mentions that the charges were not ‘felony charges’ but ‘misdemeanors’, and ‘Class A misdemeanors,’ to be exact.

Excerpt 11b: Client employs legalese

- C: Yes, and that is his court date, and he told me that the charges that they had him up on, um, are not the correct charges. See the charges they have him up on, are, is um that the gun had gone off. And since the gun did not go off, that is not a felony, it's a misdemeanor. A "class A" misdemeanor.
- P: I don't know, but they have him on... Were you referred to come back over, or um, you came on your own? Who referred you?
- C: They told me to come back, um, ah, let's see, the police told me that they would get this done, but then I had to come back to get a permanent one, or something like that.

Excerpt 11b shows the client trying to use legal lexicon, and she suggests that she understands the categorization of charges in terms of offense severity. In this excerpt, she refers to law enforcement as "police" and shows that she also knows that there are temporary and permanent court orders that can be sought to restrain abusers.

I am troubled, however, by my own conclusion that these women who have been interviewed before are now not storytellers or reporters, but some kind of narrator who is betwixt and between. Though I believe the description is correct, I do wonder if this finding would hold more or less true for all women – whether they had undergone a prior interview or not. As members of US culture, it would be unnatural to find these women without any knowledge of the linguistic practices of the American adversarial system.

Perhaps just one interview is not sufficient 'access' to the speech event to begin acquiring the complex and somewhat foreign report form. Also, it could be that for most of these women, their lay *norms and ways* (in the sense of Hymes 1986 [1972]) of narrating violence were good enough the first time around. Thus, perhaps they lacked the motivation to acquire a fully-fledged report genre, since they got pretty far before with their story genre.

That said, the construction of authority question remains. How do these Latina women who do not package their stories in a report genre, attempt to construct themselves as credible sources of expert information? Certainly their incorporation of legal terms such as 'protective order', 'class A misdemeanor', 'policeman, and 'felony charges' are attempts to come off as reliable and trustworthy.

Kulick (1999) reminds us of Derrida's point that speaker intention is never enough for a felicitous identity performance. With this linguistic fact in mind, I worry these women might be perceived as doing something similar to what Ben Rampton (1995) calls 'language crossing' with their intergenre. Rampton (2001: 49) defines 'crossing' as

the use of a language or variety that ... feels anomalously 'other'. ... at some level [language crossing] involves a sense of movement across quite sharply felt social or ethnic boundaries, crossing generally runs into questions about legitimacy. ... [t]he key point is ... others don't think that [one who crosses] truly, seriously, mean[s] or believe[s] the identity [she projects] (elaborations mine).

With this theory of language crossing in mind, I wonder how Latinas' legal language acquisition or interlanguage/intergenre might be perceived in legal settings, when these women cannot produce authoritative report genres, and yet they are not narrating completely within the confines of a story genre either. In legal arenas where people's credibility is based on what they say, women's employment of partial report forms might sound as though they are trying to polish their testimony. Put more prosaically, these women might come across to some legal personnel as being inauthentic. Within literary (see Arias 2001), linguistic (Bendix 1997, Brody 2001) and anthropological writings (Sherzer 1994), we see over and over again the critical and ideological importance ascribed to notions of *authenticity*, or ideas of trustworthiness and credibility. These values are often associated with a writer or speaker's claims of her text's verifiable origin or authorship. As competent speakers of a language, people are socialized to use linguistic forms as social diacritics. When people change their norms and ways of speaking and start to sound differently, judgments of them are likely to change as well.

Typically when linguists talk about 'language change', they mean that languages do not remain the same, unaltered systems of communication throughout time. When different language groups are in contact, their respective speakers adopt new phrases, structures and vocabulary. Brody (2001) discusses how native speakers of a language in contact struggle with what it means to speak an *authentic* language. The push for linguistic purism, or an imagined, unaltered language system that is free of the influence of the contact situation, is so prevalent that native speakers often deny any incorporation of the contact language into their own (Brody 2001).

Though Brody's work focuses on situations in which two language groups are in contact with one another, it is nevertheless illustrative for the individual victim of domestic violence who, through contact with speakers quite different than she, comes to adopt imperfect, inconsistent and perhaps even inadequate linguistic forms of the legal standard. In so doing, she may provide her adversaries with language that could be perceived or made out to be inauthentic language for a 'real' victim (see also Ehrlich 2001, Matoesian 1993, 2001). In other words, rather than being seen as a 'poor victim' who does not know the ways of the legal system, such intermediary language use may suggest a cunning that could be construed by

adversaries as an insincere and impure performance of victimhood for some ulterior motive.

NOTES

- 1 I collected these data with financial assistance provided by the National Science Foundation's Law and Social Science Dissertation Improvement Grant (SBR#9709938) and the Social Science Research Council's Pre-doctoral Sexuality Research Fellowship. A version of this article was first presented at the American Association of Applied Linguistics (2003) in Washington, DC. I thank Diana Eades and Srikant Sarangi for their useful questions and comments after my presentation. I am also grateful to Janet Cotterill, Malcolm Coulthard and anonymous readers for *Speech, Language and the Law* who helped me improve the article.
- 2 I am unable to give the years or places data were collected because of my commitment to maintaining participant confidentiality, anonymity and privacy.
- 3 The one non-Latina paralegal was an African-American, English monolingual woman.
- 4 All names, dates, references to places or other identifying characteristics have been changed to protect the anonymity and respect the privacy of the women and service providers who agreed to participate in the study.
- 5 The transcription conventions used here have been adapted from those found in Matoesian (1993: 53–6). They are as follows:

P: refers to the paralegal or volunteer interviewers.

C: refers to the client in the interview.

[A single left-hand bracket indicates an overlap.

(.00) Timed intervals indicate pause-lengths to nearest second.

() Single empty parentheses indicate that audio material is inaudible.

(with words) Single parentheses that enclose words indicate transcriber's best guess.

((with words)) Double parentheses enclosing words denote the description of a sound such as ((laughter)) and the analyst's commentary.

((with italicized words)) Double parentheses enclosing italicized words denote my translations of the Spanish language used.

(.) A period enclosed by parentheses indicates a brief pause or less than a second.

6 This excerpt appears in Trinch (2003: 95).

7 A portion of this example appears in Trinch (2003: 235).

8 This example appears in Trinch (2003: 112).

9 Readers may wonder if the women in this study are acquiring a *register*

or a *genre* of speech. The sociolinguistic term *register*, meaning ‘a linguistic repertoire that is associated, culture internally, with particular social practices and with persons who engage in such practices’ (Agha 2001: 212), certainly has a great deal in common with the term *genre*, meaning ‘a speech style oriented to the production and reception of a particular kind of text’ (Bauman 2001: 79). I conceptualize stories and reports as texts, because while they incorporate elements of different social registers, they are not merely registers in that they have distinctly identifiable *textual* properties. In addition to particular types of lexicon and syntax, their properties also involve structure, thematic content and distinct types of internal coherence and cohesion.

- 10 I did not speak to the women in this study about their experiences in the protective order interview, and thus the analyses that I conduct are not based on their self-reporting, but rather on linguistic data and theories of interaction and language use. Given the sensitive nature of the data and the fact that women entering the system have many bureaucratic tasks to achieve while taking time from their jobs and/or families, I elected not to request of them an additional interview with me. The protocol of data collection in this study, which sought to minimize rather than erect obstacles in these women’s pursuit of help, did not allow for the gathering of such data.
- 11 A longer version of this excerpt is used for a different analysis in Trinch and Berk-Seligson (2002).
- 12 ‘Ya’ in this context means, ‘That is the way it is!’ But *ya* in Spanish is used in many different ways, and generally as a discourse marker, its meaning can be deciphered only in context (Koike 1996).

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