1. Introduction

The use of expert testimony in both civil and criminal trials is a pervasive and increasingly prominent feature of the adversarial system (Mauet 1996; Wilson 1997). According to a prominent study by Saks and Duizend (1983), nearly one-fourth of attorneys and judges surveyed encountered expert testimony in one-half of their criminal cases. In fact, as the celebrated O.J. Simpson trial revealed, some cases could not even proceed without the use of expert testimony, for in these instances it furnishes much of the foundation of circumstantial evidence cases. Just as important, there is evidence that, even though experts do not testify in the majority of trials, juries consider expert testimony on scientific matters more objective and trustworthy than other forms of testimony and that such testimony has considerable impact on the jury’s interpretation of the ultimate fact in issue (Peterson et. al. 1987; Peterson 1987: 3; see also Goodwin 1994). In date and acquaintance rape trials such as the Kennedy Smith case, in which consent is often the issue and where there are often two radically different versions of what happened during the historical incident, expert testimony may well tilt the balance of the case toward whichever version aligns more convincingly with the expert’s opinion or interpretation of critical facts in issue. Does the physical evidence align more with the victim’s or defendant’s version of what happened?

But while the jury must indeed assess the significance of the expert’s expertise, the temporally unfolding processes through which such expertise materializes in and as situated social action have rarely been studied as empirical objects of analysis in their own right (see Goodwin 1994 and Renoe 1996 for exceptions). Although the court may agree to the technical qualifications of an expert, admit the testimony into court, and thus tender the witness as an expert, this category in no way guarantees the persuasive power and epistemological force of the relevant testimony (Mauet 1996; Jones 1994: 139-156; Harvard Law Review 1995; Wilson 1997). The persuasive affect of these qualifications only emerges from and materializes in the incessantly contingent, moment-to-moment details of language use in interaction. The question of admissibility under Federal Rule of Evidence 702 (a person can qualify as an expert by knowledge, skill, experience, training or education), still leaves the expert’s qualifications, credibility, and competence vulnerable to discrediting cross-examination, just as in the case of any other witness --
in cross-examination.

In this study, I examine how the category of “expert” emerges as a persuasive force in discursive interaction between the prosecuting attorney and expert witness in cross-examination. Using audio-video recordings of testimony from the Kennedy Smith rape trial, I demonstrate how both the prosecuting attorney and witness co-construct and co-ordinate chronological age disclosure as an epistemological and persuasive strategy for undermining the expert’s competence and credibility. Focusing on categorization in interaction, I explore how discursive forms such as repetition, repair, and intonation intersect with linguistic ideologies to realign categorical identity from expert to age, along with the prejudicial stereotypes associated with this social identity. Rather than reify this identity and leave it as an unproblematic legal argument, as exogenously given in some way, I address the following question: How do attorneys and witnesses mobilize the above mentioned discursive resources to sustain, undermine, and negotiate an expert identity? Put another way, how is an expert identity processually forged through these situated verbal practices to foster a favorable or unfavorable impression on the jury?

2. Categorization work

A major form of persuasive practice in the constitution and negotiation of our social identities is what Harvey Sacks (1992: 236-266) referred to as categorization work (see also Jayyusi 1984; Watson 1997; Atkinson 1978). Categorization work refers to the socially organized methods of practical reasoning through which members of a culture construct their social identities in context -- how they classify actors, actions, and relationships in the sequential flow of talk. Of course, these sense-making devices emerge not just from the overt production of a given lexical item(s) or descriptive phrase but, just as importantly, from the relevant category bound activities, motives, and obligations which we may conventionally and warrantably ascribe to categorial incumbents. In the process, cultural members simultaneously generate the inferential basis for evaluating categorial incumbency as a constituent feature of the moral order, an order which inheres in the details of language use in practical interaction.

For instance, in his cross-examination of the victim in the Kennedy Smith trial, defense attorney Roy Black used descriptions such as “the man involved” and “your daughter’s father” (when referring to victim’s former boyfriend) to situate the alleged victim in a categorial relationship which included a thoroughly unveiled allusion to her identity as an “unwed mother”, along with the moral inferences such a designation

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1 In some European legal systems, however, experts may testify on behalf of the court and are not cross-examined by opposing counsel.

2 As Mauet (1996: 273) metaphorically puts it in his classic text on trial practice: “Expert testimony must meet two tests. First, it must satisfy the judge by complying with evidence law.” (That is, is the expert qualified? Did the expert use an accepted methodology? Is the expert’s testimony relevant?) “Second, it must satisfy the jury by complying with persuasion “law.” This study focuses on the second of these “tests”, though, to be sure, the first issue deserves just as much, if not more, consideration.
culturally inherits. Similarly, attorneys and witnesses may attempt to construct an expert identity by emphasizing qualifications pertaining to training, education, and experience, as well as knowledge of theoretical or scientific findings relevant to the ultimate fact in issue. On the other hand, the cross-examining attorney may attempt to undermine or shift that identity by focusing on the witness’s level of competence, prior inconsistent statements, bias, lack of actual hands on experience, among other techniques (see Mauet 1996). Thus a central feature of categorization work is that participants employ categorial identities and the cultural activities associated with them not only or even primarily to accomplish some referentially adequate description of an object but to manage interactional tasks in context -- to establish, undermine, or otherwise negotiate an individual’s social identity. This is not to suggest that our categorization practices designate a unilateral imposition of categorial identity by one interlocutor upon another. In trial cross-examination, these identities derive from an interactive clash between attorney and expert witness in a collaborative negotiation process. In the blow-by-blow flow of question and answer sequences, each interlocutor, as we will see, produces contrastive descriptions of the issue in question to index and authorize a sectarian claim to knowledge. As I hope to show, the constitution of expertise and the epistemological status of knowledge claims are contingently realized in the intricately organized details of language use in the co-construction of context.

3. The data

The Kennedy Smith rape trial was one of the most publicized legal cases of the century and, perhaps just as importantly, the first major televised trial event, prior to both the Menedez brothers’ and O.J. Simpson cases. The rape incident occurred over Easter weekend in 1991, in West Palm Beach, Florida, and involved a member of America’s famous first family and the stepdaughter of a wealthy industrialist. Patricia Bowman (age 29) claimed that she met William Kennedy Smith (age 30) at the trendy Au Bar nightclub on the early morning hours of March 30. After the club closed at around 3 AM, Bowman gave Kennedy Smith a ride home to the Kennedy compound, where a short time later she claimed that he raped her while the two were on the lawn of the estate. The trial lasted from December 2 through December 11, 1991 and ended with the defendant’s acquittal after just 77 minutes of jury deliberation. During ten days of testimony, both the prosecution and the defense called forty-five witnesses, and, of these, twelve were scientific experts -- botanists, pathologists, physicians, meteorologists, forensic scientists, a forensic geologist, a psychiatrist, a gynecologist -- who gave testimony on a welter of scientific issues: The condition of the victim’s clothing, the type of grass and sand at the estate, meteorological conditions during the evening in question, the victim’s medical injuries, the psychophysiological intricacies of penile penetration, to mention but a few. And then there were some witnesses, such as the defendant (a physician), who at times gave what could have been considered testimony on scientific matters, even though neither

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3 And he also constructed the category of “rape victim” as explicitly tied to category bound activities such as running away from the Kennedy estate (instead of staying there), calling the police (instead of an acquaintance to pick her up at the estate), and worrying about her physical safety (instead of worrying about her shoes). See Matoesian 1995, 1997a, 1997b.
the prosecution nor the defense tendered these individuals as expert witnesses.

The expert whose testimony furnishes the data for this study is Dr. Raphael Good, an internationally renown and eminent psychiatrist/gynecologist whose expertise is in the field of human sexuality (sexual dysfunctions), more specifically, in penile penetration. The defense called Dr. Good to discuss a scientific theory and then apply that theory to certain facts in the case. In the alleged victim’s police statements, deposition, and testimony on direct and cross examination, she testified that the defendant, while raping her, pinned one of her arms down, pushed her panties to the side of the crotch area, and then penetrated her with only a partially erect penis. In the following segment of direct examination, Dr. Good rendered the following scientific opinion to the hypothetical question based on the facts of the victim’s testimony.

Direct Examination of Dr. Raphael Good by Defense Attorney Mark Seiden ((one minute and forty seconds))

DA: Doctor I would like you to listen carefully to the following hypothetical please (0.7)
Assume that a- ah:: twenty nine year old female (0.5), approximately (0.6) five foot six one hundred thirty to a hundred forty pounds, whose had a prior back fusion (0.4) which gives her some limited neck motion but uh- which still allows her to be in otherwise good (0.5) uh health and physical condition (0.6) is uh clothed in uh dress (0.6) her brazier, and panties (0.9) Assume (.) for the purposes of this hypothetical that she is on her back (.) and that ah uh::: male thirty years old (.) healthy and in good physica- physical condition (.) six feet one, one hundred and eighty five pounds (.) thirty years old is on top of her (1.1) Assume that the female is (.) unaroused, that is, not aroused. Assume that she does not want to have sex, and is struggling, twisting, arching her back, and is doing everything possible (.) to prevent the male from entering her vagina with his penis including using her- her hand, right hand (.) Assume that the woman cla::ims that in this particular (0.7) uh- situation, this hypothetical, the male is only partially erect (1.0) and that (0.9) she claims he pushes the crotch of her panties aside and penetrates her with his partially erect penis (0.7) She then claims that after penetration (.) the male ejaculates (0.7) Do you ha- have an opinion within a reasonable degree of medical certainty (.) as to whether penetration under those circumstances is likely or unlikely.

RG: (hhh) mister Seiden under the scenario that you just painted (.) I would be- (0.6) conclude that it is highly unlikely (.) very very unlikely for penetration to occur.
In cross-examination, prosecuting attorney Ellen Roberts challenged neither the scientific adequacy of Dr. Good’s theory nor even his damaging opinion on the hypothetical.\(^4\) Instead, her cross-examination focused on the epistemological status of his knowledge claims -- that is, on his competency and qualifications. In the remainder of this study, I examine how these epistemological inferences are generated in the subtle shifts, alignments, and realignments of social identity and how both the prosecuting attorney and witness negotiate these inferences in the sequential flow of talk. More specifically, I analyze the discursive co-construction of age identity and how this situated identity tacitly calls into question the expert’s competency through an ageist ideology, through stereotypes of aging as a decremental process (Coupland, Coupland, & Giles 1991: 3-13). The paper is organized as follows. The first section provides a case of chronological age disclosure and elaborates the context motivating the inquiry. Next, I show how the possibility of an age-graded allusion emerges through a poetic feature of discursive form, specifically, through a demeaning type of repetition which iconically embodies categorial identity. Following Jakobson (1960) and Tannen (1987), I refer to the poetic function of talk as techniques a speaker employs to draw the audience’s attention to the form of talk itself, such as repetition, iconicity, and paralinguistic features like pausing, speed of delivery and pitch (among others). As we will see in detail, these features are designed with an eye towards fulfilling particular dramatic functions in constitution of social identity; they foreground, accentuate, and evaluate a particular piece of talk. The final section discusses the interactional power of poetic form and how these discursive strategies may function to induce errors in the expert’s speech delivery. I also demonstrate here that the connection between discursive form and age identity is mediated through a dynamic configuration of linguistic ideologies -- cultural ideas about language structure and use -- which intersect with discursive forms to calibrate and recalibrate alignment into categorial identity.

4. The data and context

Prosecuting attorney Ellen Roberts began her cross-examination of Dr. Good with the following two exchanges.\(^5\)

*Example 1 Cross-Examination of Dr. Good by Prosecuting Attorney Ellen Roberts ((six seconds))*

<table>
<thead>
<tr>
<th>001</th>
<th>PA:</th>
<th>You were born in::: (. ) 1921 sir?</th>
</tr>
</thead>
<tbody>
<tr>
<td>002</td>
<td>RG:</td>
<td>That’s correct.</td>
</tr>
</tbody>
</table>

\(^4\) Unlike other witnesses, experts are permitted to testify not only about facts in a particular case but about their opinions as well. And in this case, Dr. Good was called to provide a hypothetical based very closely on the facts as the alleged victim told them, without ever examining her however (keep in mind that he was called as an expert on sexual dysfunction and not as an expert on rape). In a technical legal sense, he was able to provide a physiological opinion based on a physiological model about the likelihood of penetration occurring in a certain way and not a psychological opinion about the victim lying.

\(^5\) These two exchanges occur about five seconds apart in the sequence.
Let me begin with the following observations about the data. Starting with example 1, the prosecutor’s initial question refers to the doctor’s date of birth, and that question is followed by his agreement in next turn. But the prosecuting attorney does not stop at that point, and, in her second question, she requests a precise disclosure of chronological age from the doctor. Notice certain features of this second question. First, the prosecutor’s turn appears to possess the aborted syntactic trajectory of a yes/no question, a projected design in which she would have calculated and disclosed the doctor’s chronological age. In fact, the prolongation on “you” seems to indicate that she is in the midst of that calculation. Second, her same turn and noticeably sped-up repair -- via the prototypic error correction format of [projection+delay+correction] -- converts a yes/no into a wh-question “how old are you now?” through wh-movement (temporally anchored and bound through the deictic adverb “now”), so that Dr. Good is maneuvered into the sequential environment of calculating and disclosing his age in next turn, instead of providing a “yes” answer. 6 What is especially notable here is this: While the prosecutor’s initial reference to the doctor’s date of birth could ostensibly suffice as an adequate indication of or substitute for his chronological age, it is not clear what her request for additional biographic detail in the form of actually computed chronological age disclosure adds to this. Indeed, why is Dr. Good’s age relevant in the first place?   
If we turn to example 2, we find a very similar, though not identical, type of sequential development. On line 001 the prosecuting attorney asks for the number of years Dr. Good has been practicing medicine, and his answer, in the ensuing turn, provides not the number but the calendrical date in which he began to practice (“Nineteen forty-eight”), a date which is temporally bounded by the deictic adverb (“to present”) to indicate some unspecified interval of years (which appears to parallel the use of the deictic adverb “to date” by the prosecutor on line 002). As in the previous example, the prosecuting attorney or jury could have derived the number of years from a simple mathematical calculation. As it happens, however, the prosecuting attorney exposes the gloss and partially repeats her prior question with a markedly lowered volume and slower tempo, which specifically

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...requests the number of years. And, this time around, it is the doctor’s “number” answer that exhibits the prototypic error correction format: The delay marker “Well,” the prolonged “I:::”, the cut-off and projection on “forty-”, and the five-tenths of a second pause prior to his disclosure of the number of years.

If we consider the sequential patterning in these examples, both occur with a question on age or number of years in the initial sequence, both reduce the level of abstraction through a second question/answer sequence, and both involve repair sequences, a self-initiated/self-repair in same turn (on line 004-5 in example 1) by the prosecutor, a self initiated/self-repair in same turn (on line 008 in example 2) by the expert. Notice specifically that in example 1 the second question does not allow the doctor to gloss or substitute chronological age with his date of birth; by the same token, the second question in example 2 does not allow the doctor to substitute “number of years” with the date in which he began to practice medicine. In both instances, the candidate (date) answers are treated as inadequate or insufficient, as in example 1, or as simply unresponsive, as in example 2. And in both instances, the candidate answers, which would appear to suffice as an adequate indication of age or number of years practicing, are followed by a prosecution question which transforms the answer format from the date formulations (with their temporally bound intervals via the deictic adverbs) to a concrete self-disclosure of age or years, along with the necessary calculations required to yield these. In essence, each four turn sequence reveals a discernible shape: A repetitive style which clarifies, simplifies, and expands the proposition about age or number of years.

On the face of it, there is nothing remarkable about the prosecuting attorney’s questions here, for they occur, first, at the very outset of cross examination, the typical discursive environment for inquiry into biographical detail, and, second, under the auspices of a formally announced inquiry into Dr. Good’s curriculum vita (at the very outset of cross-examination she metapragmatically frames her forthcoming inquiry with the statement, “What I would like to do doctor is go over your curriculum vita”). And, of course, it is thoroughly unremarkable for attorneys to repeat or reformulate a question and insist that a witness provide a more specific response, just as it is utterly commonplace for attorneys to socialize an intractable witness to the institutional order of the court and to the authority relations embedded in it.

But what is remarkable about her questions is this: There are extrinsic and intrinsic features of context (see Mandelbaum 1990/91) that may mark this exchange as an age-graded allusion, in particular, as a subtle and indirect form of prejudice embodied in and accomplished through the discursive formation of age categorial identity. And this ideology (see Coupland et. al. 1991), in turn, mediates the epistemological status of Dr. Good’s competency as an expert in his field.

First, the extrinsic context. Although numerous other experts testified in the Kennedy Smith trial, the prosecuting attorney’s initial questions to Dr. Good above

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7 And since it is cross-examination the attorney is allowed to lead the witness, as in example 2 on line 004, which appears to be the case prior to the incursion of repair.

8 By intrinsic and extrinsic, I simply refer to aspects of context that inhere in the intrinsic or endogenous features of talk versus those that are extrinsic or exogenous, imposed from “outside” the talk, such as the typical sociolinguistic variables including class, gender, race/ethnicity, and age. In addition to Mandelbaum, see Drew & Heritage 1992; and Duranti & Goodwin 1992.
represents the only instance in which either side -- in either direct or cross-examination -- made reference to the age of any of the expert witnesses. Of course, there is a dilemma in drawing attention to age, primarily because it may also serve to index the expert’s experience in a particular field. Yet even so, there may be a cut-off point at which age ceases to be an asset regarding experience and instead becomes associated with aging as a loss of mental competence, and the prosecutor may draw upon this cultural knowledge to indicate that the witness is past his “prime”, as it were. But our intuitions are not aroused by these aspects of extrinsic, comparative context alone.

The intrinsic context. Let me introduce a bit of background on encountering the phenomenon. When I showed the above segments of cross-examination to undergraduate classes and graduate seminars, many students commented that Dr. Good appeared “senile”, “incompetent”, and “unqualified.” And just as crucial, they formed these impressions without access to or information about the extrinsic context mentioned above. They only had access to the intrinsic context embodied in the talk. So while the extrinsic side of context is certainly important, the intrinsic properties of discursive interaction may be even more critical an interpretative resource for explicating our intuitive sensibilities. The question therefore is: What interactional resources can account for the generation of these interpretations? How does an intuitive sense of an ageism arise as an inferential template for calibrating the epistemological status of Dr. Good’s expert identity? How can we provide an analytic account of not the but a reading relevant to the local co-construction of identity?

5. Reductive repetition

With these points in hand, the prosecutor’s questions implicate more than how the incursion of repair affects syntactic form and sequential implicativeness (see Schegloff 1979), or how repetition serves as a stylistic option for interlocutors, drawing attention to the form of utterances. They reveal how generic repair organization and poetic resources such as repetition and intonation function as interactional resources for constructing and negotiating our categorial identities. The prosecuting attorney’s questions align Dr. Good in a sequential environment where calculation and disclosure of age or number of years are interactionally relevant, along with the strategic implications and obligations of being situated in that turn position (so that certain responses in everyday conversation are ruled out, such as “Can’t you add” or “Figure it out for yourself”).

What is strategically interesting about this process is that the prosecuting attorney mobilizes a particular form of discursive hegemony as an interactional resource to shape the production and interpretation of a situationally occasioned identity, an ageist stereotype built into and emergent from communicative practice. And this stereotype mediates the epistemological status of Dr. Good’s incumbency in the expert category by tacitly questioning his competency and credibility. Of course, direct reference to the doctor’s age or number of years and symbolic connotations about being old function as important resources for categorial alignment. But there is more going on here than mere disclosure of chronological age or number of years and a thinly veiled form of age discrimination conveyed through ageist ideology. Nor is the interpretative salience of the age category produced through an explicit listing of category bound competencies culturally tied to a
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This structure could also, however, reveal or index a preference for self over other disclosure of chronological age and that these options are differentially distributed over specific activity types, speech events, or institutional contexts. In this case, aspects of politeness would be relevant to an adequate characterization of the phenomenon, an issue that certainly merits closer inspection.

An unresolved tension in the area of conversation analysis concerns how categorization is related to discursive form, especially to the formal properties of sequential organization (see the provocative piece by Watson 1996). One way of approaching this issue is to consider, as I have indicated here, that categorization may be contingently and iconically embodied in discursive form itself rather than merely occurring in overt descriptions of social and locutionary identities, such as lawyer, doctor, etc. or in overt descriptions of category bound activities/competencies.

According to Ferguson (1977), baby-talk is a type of simplified register that operates in contexts where the recipients have, to some degree, difficulty hearing or understanding, such as babies (baby talk) or the elderly (secondary baby talk, see p. 230), though, as used here, such talk appears to function less as a message for expressing nurturance than for indicating incompetence. These simplified registers are characterized by redundancy, slower or modulated tempo, repetition, and other clarifying/simplifying processes at the phonological, lexical, syntactic, and discourse levels (such as higher pitch, more variable pitch, exaggerated stress, and so on).

Elsewhere in cross-examination, the prosecuting attorney engages Dr. Good in what can be referred to as “recollection” tests (or credibility trials) concerning rather factual if not trivial details on his curriculum vita. In one instance, the prosecutor asked Dr. Good how many times he has given colloquia at medical conferences (teaching other physicians) and he answered by stating “innumerable times.” In the prosecutor’s next turn, she asked, “Can you name one?” For a much more detailed exposition of such epistemological practices, see Matoesian 1993.

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identity of expert with the biographical category of age to generate subtle inferences about
the expert’s incumbency in a particular age cohort and the attendant categorial
competencies: A process of undermining displayed mental competence which thereby
mediates incumbency in the expert category. And the interactional achievement of age
identity occurs not just by repetition and other clarifying/simplifying processes, but by
using these processes in a context where the alternation fails to express a meaningful or
warrantable substitute. That is to say, simplifying and repetitive questions in both
examples (1) and (2) possess no new information over their sequentially immediate
predecessors.

6. Linguistic ideologies in poetic form

Reductive repetition is still more powerful strategically, for it functions to implicate the
witness in a moment of discursive hegemony in which he interactively collaborates with
the prosecuting attorney in the production of this disadvantaged social identity. On the one
hand, if Dr. Good answers the reductive question with a rapid onset time, displaying
rhetorical competence as he does in example 1, the mere fact that the prosecuting attorney
deploys the repetition format for computing and disclosing chronological age draws
attention to age-graded competencies (through the repetition-calculation test) and thereby
foregrounds inferences related to it, even though in this instance the doctor’s response
certainly does not confirm the ageist imputation. On the other hand, if this second answer
is delayed, hesitant, or rhythmically disfluent in the calculation and disclosure of age or
number of years, displaying a lack of rhetorical competence as in example 2 and thus
confirming the ageist imputation, then this may serve as an indexical icon --in situ and in
real time-- of his mental competence and competency as an expert. Reductive repetition
creates this ideological reference to age in and through the poetic features of
communicative practice, drawing attention to itself through discursive forms.

If we look at example 2, we can see how this strategy unfolds in specific detail. As
we saw previously, the prosecuting attorney’s initial question asks for the number of years
Dr. Good has been practicing medicine, and his answer, in the ensuing turn, provides not
the amount of years but the calendrical date in which he began to practice bounded by the
deictic adverb: “Nineteen forty eight to present.” In next turn she launches a type of other
initiated repair sequence with a partial repeat of her prior question, though this time, as
mentioned, with a noticeably lowered volume and much slower tempo, which not only
marks the doctor’s prior -- bounded interval -- answer as unresponsive. The slower tempo
may also suggest that he has difficulty hearing or understanding. If we turn to the second
sequence, we can witness in vivid detail the strategic value of reductive repetition. On line
008, the doctor’s answer consists of the delay marker “Well”, the prolongated “I:::;

13 The reduction may be acutely demeaning for this witness because he is such an eminent and well
qualified expert in his field.

14 An icon refers to the manner in which the form of a sign resembles the object to which it refers
(see Mertz 1985: 3). By indexical icon I intend that there is no general, necessary, or invariable relationship
between discursive form and age in this example, but rather a contingent one.
cut-off and projection on “forty-”, and the (0.5) second pause prior to his repaired production of the number (“forty-three years”), a prototypic error correction format which serves as a powerful iconic resource for the prosecution’s attempt to cast the expert’s credibility into doubt. That is to say, error correction functions as a folk belief or linguistic ideology about language use: *The doctor’s lack of rhetorical competence in disclosing the answer reflexively indexes and foregrounds an age-graded allusion about mental competence (e.g. being senile), shifting categorial alignment from expert to age, along with the age-decremental allusion embodied in it.*

Consequently, error correction may serve as a discursive icon of and inferential template for the doctor’s mental competence, an iconic relationship between discursive form and microcosmic social structure, and this, in turn, may index the epistemological status of his expert identity.

But the repair does not accomplish this task independently. The error-correction format only accomplishes these interactional tasks reflexively through juxtaposing allusions, by juxtaposing the tacit reference to old age in example 1 with the display of age marked competency in example 2. As mentioned, the number of years (practicing medicine) alone may not necessarily implicate an ageist stereotype, except perhaps as a cut-off point. But the obvious delay and difficulty in producing the requested number does, however, furnish an *in situ* proof. As the interactional collaboration between the prosecutor and witness unfolds, the reductive repetition with lowered volume, slower tempo, and repair in the doctor’s answer (with the rising intonation contour) in example 2 provides a real-time, allusive proof -- a proof of rhetorical incompetence -- for the prosecuting attorney’s oblique reference to the age stereotype via the request for chronological age disclosure in example 1: A method of juxtaposing allusions in the sequential rhythm of talk.

Nor does repetition/repair (and the other linguistic details) autonomously connect discursive form to age identity. Discursive forms construct age identity only through a configuration of other linguistic ideologies -- folk beliefs about numerical calculation, metapragmatic structuring, and individual ownership of utterances -- that function to rotate categorial alignment from expert to age on a moment-by-moment basis. This mediating link between talk and social structure operates covertly in at least several underlying domains.

(1) Reductive repetition in these two sequences thrives off a contrast between the ability to calculate chronological age, on the one hand (as in example 1), and ability to calculate number of years practicing medicine, on the other. And it naturalizes a belief -- through the same discursive structure -- that individuals possess an ability to compute both in the same amount of time and ascribes a temporal equivalence to what are in effect different comprehension tasks, that both computations are equivalent in comprehension, processing, and production time. Put another way, the prior sequence projects an equivalence between the ability to compute age and the ability to calculate number of years on the job. In fact, however, it may be much more difficult to calculate the number of years

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15 Just as injuriously, even the repaired segment, “forty-three”, possesses a questioning intonation contour, a sign of indecisiveness embedded in the doctor’s self-repair (see O’Barr 1982: 64).

16 See Briggs (1984) for an interesting account of juxtaposing allusions.

17 For overviews of the notion of linguistic ideology, see Mertz 1993; Woolard & Schieffelin 1994; and Woolard 1993).
practicing medicine or to make any type of calculation involving the interval between two data sets, than to compute one’s chronological age. A hint of this is available in example (1). First, on line 001 we find a prolongation on “in” and an untimed pause in the prosecuting attorney’s “calculation” delay just prior to her formulation of the doctor’s date of birth. Second, when she attempts to calculate the number of years from his date of birth we see a repetitive prolongation on “you” just prior to her projected but this time aborted calculation of the number. As this question unfolds, instead of the short delay we find an accelerated "wh-conversion repair" -- converting off the prolongation on line 004 -- that shifts responsibility for formulating the number from the prosecutor to the doctor (almost as if by giving up on the calculation she is saying: “Let him do the work and take the risks”). And third, while the prosecuting attorney is able to shift out of the calculation delay, with its attendant difficulties, the expert witness does not possess a similar opportunity, and we can see how this restricted opportunity space is manipulated to the prosecutor’s advantage in example 2.

Just as germane to the above points, the prosecuting attorney creatively draws upon and exploits a presupposition that the date and number of year responses are mere free (substitutable) variations for answering the question, and by violating that presupposition she breaches Dr. Good’s expectation about what may constitute an appropriate or adequate answer. That such a breach indeed occurs appears evident not only from the lack of rhetorical competence in Dr. Good’s answer on line 008 in example 2, but also from the delicately organized synchronization between his nonverbal actions, on the one hand, and verbal production, on the other. After delivering a confused glance and smile to the prosecuting attorney, he turns his head to the left on the “I”, gazes up and raises his eyebrows on the prolongation and untimed pause, and then, during the cut-off and five-tenths second pause, moves back to the center (original) position facing the prosecutor, a fine-grained coordination of verbal with nonverbal activities to display his “calculation” repair (see M. Goodwin & C. Goodwin 1986).

(2) Discursive form may “officially” disguise the ageist ideology embodied in it because the prosecuting attorney’s questions occur in an environment in which biographical information is relevant. But this environment is itself a contextualized space for recounting biographic detail on age or number of years. The prosecutor’s explicit metapragmatic frame -- “I want to go over . . .” -- projects her forthcoming speech event as a mere referential inquiry into biographical detail, but that projection does not necessarily mean that the utterance tokens contained therein will be preoccupied solely or even primarily with reference. In this case, her verb phrase, “go over”, represents a form of metapragmatic structuring that creates a particular type of effect in the talk; it contextualizes her questions

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18 Notice how the calculation prolongation on “you” on line 004 repeats off the calculation prolongation on “in” on line 001.

19 This could be considered, following Sacks (1992), an “egocentric” rule that age calculations and memory are organized from the speaker’s perspective, such that the self is expected to know one’s own age but not the age of other, and this difference is embodied in the questioner’s cut-off repair.

20 The number calculations here appear to be organized through different social and cognitive processes. We expect people to know their own age without having to calculate it, but this does not apply for calculations involving the time span between two events.
Discursive hegemony in the Kennedy Smith rape trial

Besnier captures the gist of this process in the following: “...affect-laden structures are particularly useful when ambiguity is a useful or necessary communicative strategy; indeterminacy itself becomes a communicative resource.” (1990: 429)

In a more general sense, it is utterly commonplace in court to hear utterances from attorneys that make reference to the witness’ “statements” from police interviews, depositions, or previous testimony, as if the witness produced these in isolation from someone doing the questioning and the context in which they were produced.

And just as important the doctor collaborates in this process by answering in just the way he does, by displaying obvious difficulty instead of answering with greater assurance and “competence. He could have, for example, joked about the question, “I forgot my calculator”, or produced the sarcastic reply, “Can’t you add?”

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to be interpreted in one way rather than another (Mertz 1992, 1993; Silverstein 1993). And by projecting a discursive space for interpreting her questions as a mere referential inquiry into biographical detail, the metapragmatic frame creates and insulates a diversionary context as an “official” disguise, which cloaks the powerful allusion operating in her questions. Although this metapragmatic frame officially designates the context for recounting biographical detail with the gloss “I want to go over...”, the reductive repetition (with the contextualizing cue via the slower tempo and lowered volume) “unofficially” shifts this projected context to age identity via poetic form: A way of mapping the poetic onto the referential function of language so that the functionally salient allusion operates under the guise or auspices of the “officially” designated, yet functionally displaced, context. In so doing, her questions can be cloaked as simple information seeking in an information relevant environment -- a linguistic ideology of reference (Mertz 1985) -- and the “factual” neutrality of that reference is tailor made for such a fractured environment -- an instance of the social creativity of language through its reflexive ability to refer to itself.21

(3) The error correction format and indexical iconicity generated through it relies on a folk belief of individual ownership of utterances, that is, a linguistic ideology that each interlocutor is responsible for their verbal productions. But, in fact, the production of an answer involves a collaborative process in which each utterance shapes and is shaped by the emergent contributions of both interlocutors on a moment-to-moment basis in real time, including the immediately prior question (Button 1992; Drew 1992). That Dr. Good’s answer (on line 008 in example 2) departs from some ideal delivery, that it lacks rhetorical competence, activates and naturalizes a linguistic ideology which envisions incessantly interactional objects as the decontextualized product of a single speaker. 22

Bearing this point in mind, the prosecuting attorney’s questions in example 2 may condition a sequential environment where a lack of rhetorical competency and departure from some ideal speech delivery, displayed in and through the doctor’s repair segment, arise as an inmanent though by no means, of course, inevitable possibility (that is, the incursion of repair still remains an interactional contingency).23 Her questions may position the witness in a sequential environment where an answer involves computation or overt calculation, where avoiding formal flaws in speech delivery becomes difficult, though, to be sure, Dr. Good may have “tipped his hand”, as it were, of just such an impending
Of equal interest here is that the doctor’s temporal deictic “to date” on line 004 occurs as a parallelistic repetition off the prosecuting attorney’s deictic “to present” on line 002. In this case, the prosecuting attorney’s deictic formulation may contingently project or influence the emergence of its mirror image sequel in next turn, sweeping the doctor (and his “correctable” response) along in the rhythmic movement of repetition.

But, to be sure, despite the delay and visible calculation work, the answerer does do the calculation and produces a correct answer.

7. Conclusion

In this study I have demonstrated how the categorial identity of “expert” -- in terms of complying with persuasion “law” -- is co-constructed by the prosecutor and witness in the dynamics of discursive interaction. In these terms, an expert is not simply a static identity. Nor is the epistemological status of knowledge claims secured through appeal to some a priori category alone. Rather, the category of expert is an interactionally achieved identity, a collaborative process in which participants negotiate and realize the relevance of their categorial identities on a moment-by-moment basis in actual contexts of interaction, in actual utterances unfolding in the sequential movement of talk.

Specifically, I have shown how the expert category and claims to expertise are mediated epistemologically and persuasively through the interactional tissue of an age graded allusion, a hegemonic form of indirectness organized within a dense, intersecting field of discursive resources: Repetition, prosodic cues (stress and intonation), and paralinguistic features (tempo, pauses, and cutoffs) in the organization of repair. We can see from this that imputation of categorial incumbency in the form of age-marked competency constitutes an indexical icon built into and displayed through these discursive resources themselves, and how the significance of such resources rests on an array of linguistic ideologies for their interpretative salience, for their determinate sense: A mediating connection between discursive forms and microcosmic forms of social structure. Of both theoretical and cognitive import is this: Direct reference to chronological age occurs in the overt solicitation and disclosure of age or number of years; the allusive (and persuasive) affect of that reference emerges in the covert details of poetic form, in the repetition/repair mapped onto that reference. As a result, these poetic features tend to draw the jury’s attention to discursive form itself, and therefore the other aspects of reference get processed at a more unconscious level while the audience is concentrating on that form (Besnier, personal communication & 1990; Silverstein 1979; Briggs 1984). In a reflexive

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moment, we can witness the unfolding details of chronological age disclosure and how ideology gets mapped onto such disclosure to create an interactional strategy for undermining the witness’ competence. In the process, we can witness how interactional strategy and ideological hegemony converge and merge as a moment-by-moment accomplishment in the constitution of social identity.

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