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"I CAN GIVE REASONS FOR THAT OPINION IF REQUIRED" Metadiscourse and gender in historical expert and lay witness testimonies

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Abstract - Drawing on previous research, this study aims to investigate the use of metadiscursive features in the transcripts from trials regarding the crimes of birth-concealing and infanticide committed in England between the 19th and the 20th centuries. Generally, defendant was a young woman who worked as a cook, a lady's maid, a servant in a house, or a seamstress at a tailor. The transcripts of testimonies are selected from the *Old Bailey Proceedings Online*, a fully searchable website providing accounts of all the records of crimes committed in London and Middlesex between 1674 and 1913. Seminal works on historical pragmatics (Jucker 2008), research on language and power in court (Maley 2000, Stygall 2001, Cotterill 2003, Heffer 2005, Chaemsaithong 2012), together with influential studies on the historical courtroom discourse (Culpeper and Kytö 2000, Kryk-Kastovsky 2006) have revealed that several differences in the witnesses' speech production are more often than not, gender and social status related. After a sociopragmatic and historical pragmatic analysis of the social and professional roles of the witnesses involved in the trials in the *ad hoc* corpora, this work investigates how certain metadiscursive features (Hyland 2005), such as *boosters*, *hedges*, and *self-mentions*, contribute to express certainty, confidence and personal involvement or contrariwise, uncertainty, indecision or hesitation about the statements uttered, and the narratives exposed before judges and lawyers in court. The corpus-driven analysis was supported by a thorough qualitative study of the data, which allowed to draw the conclusions that the interactional metadiscursive strategies used in the testimonies are rhetorical tools that help negotiate identity, credibility, power, gender roles, professional position, and social status in the institutional context under scrutiny.

Keywords: historical pragmatics; sociopragmatics; metadiscourse; witnesses; courtroom discourse.

"If it doesn't fit, you must acquit".
People of the State of California v. Orenthal James Simpson,
Criminal Case No. BA097211,
Closing Argument of Johnnie L. Cochran Jr., Sept. 27, 1995.

1. Introduction

Studying 19th- and 20th-century trial transcripts allows to understand how legal language, power structures, and societal norms shaped courtroom interactions and negotiations. Research on historical and legal texts such as trial transcripts uncovers shifts in politeness strategies, power dynamics, and linguistic norms.

[1] Although this paper has been jointly planned and developed, Michela Giordano is responsible for sections 5, 5.1.1, 5.1.2, 5.2, 5.2.1, 5.2.3, 5.2.4; Maria Antonietta Marongiu is responsible for sections 4, 4.1, 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.2, and 5.2.2. The Introduction, Theoretical Framework, Data and Methodology, and Conclusions are a joint effort.

Trial transcripts from this historical period provide valuable insights into legal language and formality, with strict adherence to legal procedures such as rigid question-answer structures, and adversarial cross-examinations. Cecconi (2010) argues that courtroom interaction was recorded by the court clerk to provide an authentic transcription of what was said by the participants. Additionally, courtroom interactions were influenced by social hierarchies accounting for power dynamics, and issues of politeness, exemplified by the juxtaposition between authority and deference.

The role of defence lawyers and expert witnesses expanded during this period, with lawyers employing rhetorical strategies to persuade juries and judges. Legal jargon was prevalent, but some transcripts reflect the speech of ordinary and lay witnesses, as will be shown by the analysis of the corpora investigated in this study. Witness statements, which seldom provide *verbatim* records, often reflect societal attitudes toward gender, class, and professional status.

After looking at the theoretical framework, two corpora drawn from the *Old Bailey Proceedings Online,* Birth Concealing (henceforth BC) and Infanticide (henceforth IN), will be quantitatively and qualitatively analysed to show how the use of metadiscourse can be considered gender and status related instance in lay and expert witness narratives. Trial discourse is here considered as a site of competing narratives, social struggles, and the performance of institutional power. Metadiscourse serves as the linguistic device that shapes legal discourse and knowledge construction, accounting for the participants' professional position, social status and stance, along with the relationship to the convicted in reporting the crime.

2. Theoretical Framework

This study is based on the intersection of historical pragmatics, legal discourse analysis, and courtroom interaction explored through the lenses of historical courtroom studies and metadiscourse analysis. The framework draws upon corpus linguistics, discourse analysis, and pragmatic theory to understand how language functioned in legal contexts in the period under scrutiny.

Jucker (2008) establishes the foundational approach of historical pragmatics, providing the methodological framework used to analyse how language use and communicative functions evolve within specific institutional contexts over time. His approach has been particularly revealing of how courtroom discourse has transformed over time while maintaining core functional and discursive elements.

Kryk-Kastovsky (2006) was the first to uphold that arguing that courtroom discourse and legal proceedings represent a unique form of institutional interaction where power relations, social hierarchies, and communicative strategies are systematically and thoroughly negotiated through language. In the present paper, her seminal work provides a framework to analyse courtroom discourse via specialised methodological approaches.

Corpus-aided analysis and institutional discourse are two further fields which offer useful insight for this investigation. Heffer (2005) approaches legal-lay discourse through a comprehensive corpus-aided analysis, showing how quantitative linguistic methods can reveal patterns in jury trial language. This work suggests the importance of combining corpus linguistics with discourse analysis to recognise the complexity of legal communication between professionals and lay participants. Furthermore, Culpeper and Kytö (2000) contribute to the field by examining gender voices in historical trial proceedings, demonstrating how sociolinguistic variables interact with legal discourse patterns. Their study proves the value of historical corpus data for understanding both

linguistic and social change within legal institutions.

With respect to witness testimony and identity construction, Chaemsaithong (2012) examines how expert witnesses build professional identity through stance-taking and interpersonal and interactive work during testimony. His study reveals that expert testimony involves multifaceted negotiations between professional authority and lay participants within institutional constraints. According to the research, witnesses actively construct and perform credible professional identities through linguistic choices.

On the same line, Stygall (2001) analyses experts as "a different class of witnesses", whose specialised knowledge and expertise create unique communicative challenges and opportunities within the Common Law adversarial system.[2] This work demonstrates how expert discourse must negotiate technical accuracy and legal relevance.

Research carried out by Giordano (2012) analyses quoted dialogue and speaker commitment in historical witness testimony from the Old Bailey Proceedings, revealing how reported speech functions as a strategic resource for witnesses helping them to construct credible accounts. Historical legal discourse employed specific linguistic mechanisms for establishing truthfulness and reliability. In Giordano (2015), the author extends this analysis to medical discourse in criminal cases, demonstrating how specialised medical knowledge was integrated into legal proceedings in historical contexts, and revealing the evolution of expert medical testimony and its increasing professionalisation over time.

Cotterill (2003) shows that power relations are constructed and negotiated through language in high-profile legal proceedings, revealing how media coverage, racial dynamics, and legal strategy interact through specific linguistic choices and discourse patterns. Both in the past and present times, courtroom discourse has extended beyond the immediate legal context to involve broader sociolinguistic variables and political implications.

Two key studies (Claridge *et al*. 2019; 2021) examine *intensifiers* as *downtoners* (*e.g.*, *little, somewhat*), and *maximisers* (*e.g.*, *entirely, completely*) in the *Old Bailey Corpus*, taking after Quirk, Greenbaum, Leech and Svartvik (1985), and Huddleston and Pullum (2002). While Claridge *et al.* (2019) draw their data from the *Old Bailey Corpus* (version 1.0),[3] the data source for Claridge *et al.* (2021) is the socio-pragmatically annotated Old Bailey Corpus version 2.0. They both explore how intensifiers vary across gender, social class, speakers' role (defendants, witnesses, and judges in the courtroom), and time. Both studies adopt a historical socio-pragmatic approach, examining language use in its social and historical context, carrying out a quantitative and qualitative analysis of linguistic patterns in a diachronic corpus (1720-1913). Their research reveals that

[2] The inquisitorial and adversarial (or accusatorial) systems are two primary legal frameworks differing significantly in the fact that the former aims at ascertaining the truth through a comprehensive inquiry, while the latter seeks to solve disputes through competition between the parties. In the adversarial system, the judge acts as a neutral referee between two opposing parties, while in the inquisitorial system, the judge takes on an active role in investigating the case and collecting evidence. Besides, in the adversarial system the parties present their cases and evidence, while in the inquisitorial one, the judge carries on the investigation and examines the evidence. In the adversarial system, lawyers advocate for their clients, whereas in the inquisitorial one, the judge leads the proceedings and may question witnesses themselves. Finally, in the adversarial system the verdict is based on the strength of the arguments presented by the lawyers, while in the inquisitorial system the truth is uncovered through investigation (Curzon 1995, Dictionary of Law; Stewart 2007, Collins Dictionary of Law).

[3] Compared to version 1.0, version 2.0 of the Old Bailey Corpus is a larger, more sophisticated corpus, which allows a more articulated, in-depth, sociolinguistic analysis based on enriched metadata for each trial and detailed information regarding speakers' roles and register variation (Huber *et al.* 2016).

downtoners, which reduce the force of an utterance, often serve as hedges, and maximisers, which amplify statements to convey certainty or emphasis, express the speakers' stance, revealing attitudes and power dynamics. Findings show that women and lower-class defendants in the Old Bailey Corpus use more downtoners to appear deferential or avoid harsh judgments, while men and upper-class speakers (judges, lawyers) employ more maximisers to assert authority and control courtroom narratives. The two studies also show that the presence of downtoners declines over time, possibly due to shifts in politeness norms or legal discourse becoming more direct, while maximisers increase, suggesting a move toward stronger statements and more authoritative roles in the courtroom.

3. Data and Methodology

Differently from Claridge *et al.* (2019) and Claridge *et al.* (2021), the present study adopts Hyland (2005) and Hyland and Tse (2004) theoretical framework for the investigation of metadiscourse as critical for the understanding of how writers and speakers guide their audiences through texts and interactions. Although its use is not much studied in this text genre, metadiscourse appears to be particularly relevant in trial discourse as legal professionals are responsible for making complex arguments accessible and comprehensible to the layperson while maintaining precision and authority according to their profile and expertise. As it was argued regarding other registers having undergone investigation (Hyland 1998b; Hyland and Jiang 2019), it is maintained here that the use of interactional metadiscourse is context-referenced, and it depends on the sociocultural and professional values of the interlocutors and of the community involved. Previous investigations, discussed earlier in this paper, reveal how legal discourse employs specific linguistic features to guide audiences' interpretation, to establish credibility and authority, to manage interpersonal relationships, and to frame complex arguments and negotiate meaning in both adversarial and inquisitorial contexts. As already noted, effective analysis of trial discourse requires integration of multiple approaches: historical pragmatic and sociolinguistic variables, and corpus-aided methods are used to analyse metadiscourse in courtroom discourse. These theoretical foundations and methodologies prove to be relevant frameworks to investigate institutional discourse across time periods, understand expert-lay communication, and examine power relations and identity construction in legal contexts. This integrated approach allows to combine quantitative corpus methods with qualitative discourse analysis, examine multiple participants' roles and perspectives, analyse how linguistic forms and features intersect with social functions and power relations in legal institutions.

Taking from Hyland's framework (2005) this study endeavours to investigate how interactional metadiscourse features, such as hedges and booster, attitude and engagement markers are used to shape discourse to establish credibility and authority, or to negotiate meaning in adversarial contexts. As mentioned, the data analysed comes from the earliest version of *The Proceedings of the Old Bailey*, 1674–1913 (Hitchcock *et al*. 2003-18). The first version of *The Proceedings* is a 19-million-word corpus drawn from trial transcripts from London's central criminal court, which includes accounts of the trials for serious crimes committed in London and Middlesex in 239 years (1674-1913). The website was created in 2003-2005 by the Higher Education Digitisation Service (University of

Hertfordshire) and could be found at www.oldbaileyonline.org. Later versions of the Proceedings are represented by OBC 1.0 (Huber 2007), and OBC 2.0 (Huber *et al*. 2016).[4]

The trial transcripts were originally intended as news reports of selected cases considered particularly interesting for the larger audience. Later, they became legal records of what was most possibly taking place in the court during the trials. Because of their new nature, from the beginning of the 18th century onward, scribes were assigned to record the speech *verbatim* in The Proceedings. Although research argues that public authorities came to exercise censorship over the language used (Widlitzki and Huber 2016), features of informal speech or regional varieties of English are used to report dialogue stretches and crime narratives in the transcripts. These aspects contribute to make of The Proceedings a consistent record of the spoken language of the time as well as a reliable source of courtroom discourse across time.

This study further investigates two *ad hoc* corpora created for previous research (Giordano 2012; 2015; 2016) which include the transcripts referring to two crimes generally involving female defendants: Infanticide [IN] and Birth concealing [BC]. The crime of infanticide is defined in the Old Bailey Proceedings website as the killing of a newborn child. Most cases of infanticide[5] involved unmarried mothers who were prosecuted under a 1624 statute, which stated that the mother was presumed guilty of infanticide if the death of the baby was concealed, unless she could prove that the baby was born dead. The condition placed on the defendant to prove her innocence was a reversal of the normal practice of requiring the prosecution to prove guilt. For most of the 18th century, however, women were acquitted of this charge if they could demonstrate that they had prepared for the birth of the baby, by, for example, providing clothing for the child. The offence of birth concealing[6] was originally designated as a crime in 1623 to make criminal any attempt to dispose secretly the dead body of a newborn baby, in the attempt to conceal its birth (Walker 1980). In 1803, when the law on infanticide was revised, and proof of murder became a requirement for a conviction, where a murder charge could not be proved, the accused could be charged with *"concealment of birth"* instead, which was punishable by a maximum of two years' imprisonment. In cases where the defendant was charged with infanticide the jury were empowered to return *"concealment of birth"* as a lesser verdict.

The offences of birth concealing and infanticide were searched in *The Proceedings of the Old Bailey Corpus* considering all verdicts, all punishments and all periods recorded. The research was refined to single out the trial accounts where lay and witness testimonies were included. The results of this search, which also included manual investigation of the documents, revealed that the birth concealing trials with testimonies were concentrated in the 1844-1887, while the infanticide trials with testimonies ranged from 1902 to 1913. Therefore, twelve [BC] and twenty [IN] trial records were obtained from the search. The transcripts not included in the two corpora are very short texts providing essential details on the defendant's name, age, verdict and punishments, but not

[4] See: https://fedora.clarin-d.uni-saarland.de/oldbailey/downloads.html.

[5] Infanticide: The offence committed by a woman who by any wilful act or omission causes the death of her child, under the age of 12 months, when at the time of the act or omission the balance of her mind is disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the fact of lactation consequent on the birth of the child. She is punished as if guilty of manslaughter: Infanticide at 1938, s.1 (1). (Curzon 1995, Dictionary of Law. p. 192).

[6] Birth, concealment of: "If any woman shall be delivered of a child, every person who shall by any secret disposition of the dead body of the said child, whether such child died before, at, or after its birth, endeavour to conceal the birth thereof shall be guilty of a misdemeanour": OPA (Offences against the Person Act) 1861, s. 60 (Curzon 1995, Dictionary of Law. p. 42).

reporting the testimonies, either because the details of the case were unfit for publication, the child was born dead, there was no secret disposition of the body, or there was no proof that the newborn in question was the defendant's child.

Table 1 shows the list of twelve documents consisting in the trial proceedings included in the [BC] corpus, going from 1844 to 1887, the name of the accused women, and the starting date of the trial. Besides, Table 2 includes the twenty documents inserted in the [IN] corpus, dating from 1902 to 1913, the names of the defendants, and the starting date of the trial.

Birth Concealing [BC] corpus (1844-1887)		
Doc. N.	Defendant	Starting date of trial
[BC1]	Emma Cook	19th August 1844
[BC2]	Janet Inch	20th September 1847
[BC3]	Maria Rusk	7th May 1849
[BC4]	Margaret Chelwick	12th June 1854
[BC5]	Susannah Swift	27th February 1860
[BC6]	Sarah Gough	11th June 1860
[BC7]	Emma Augusta Papworth	8th April 1861
[BC8]	Mary Reed	26th October 1868
[BC9]	Maria Quinn	25th October 1869
[BC10]	Mary Wright	1st May 1871
[BC11]	Mary Ann Haeding	19th November 1877
[BC12]	Alice Gapp, Esther Allcorn, James Langridge	10th January 1887

Table 1
The 12 trial proceedings included in the [BC] corpus.

Infanticide [IN] corpus (1902-1913)		
Doc. N.	Defendant	Starting date of trial
[IN01]	Emily Moir	10th March 1902
[IN02]	Marian Dicker	5th May 1902
[IN03]	Louisa Beaumont	12th January 1903
[IN04]	Annie Walters Amelia Sach	12th January 1903
[IN05]	Louisa Lunn	21st March 1904
[IN06]	Mildred Cole	18th April 1904
[IN07]	Clara Hlldebrand	6th March 1905
[IN08]	Clara Bridges	29th May 1905
[IN09]	Leah Abrahams	16th October 1905
[IN10]	Alice Sargent	22nd October 1906
[IN11]	Alice Mary Ellis	22nd April 1907
[IN12]	Louisa Day	21st October 1907
[IN13]	Florence Hawkins	31st March 1908
[IN14]	Florence Perry	26th May 1908
[IN15]	Ethel Harding	10th November 1908
[IN16]	Nellie Betts	19th July 1909
[IN17]	Jane Stephenson	26th April 1910
[IN18]	Jennie Button	11th October 1910
[IN19]	Eleanor Eslick	19th March 1912
[IN20]	Eleanor Martha Browning	7th January 1913

Table 2
The 20 trial proceedings included in the [IN] corpus.

The following table (Table 3) shows the basic quantitative information regarding the two corpora, which were scrutinised through the online corpus-analysis tool Sketch Engine. Table 3 shows the number of tokens and the number of words for the [BC] corpus and for the [IN] corpus. The type/token ratio of both corpora, being near to 1, indicates that the vocabulary is rather rich and varied in both. The [IN] corpus has a slightly higher TTR (0,86) than the [BC] corpus (0.83), suggesting marginally greater lexical diversity.

BIRTH CONCEALING		INFANTICIDE	
COUNTS		COUNTS	
Tokens	8,908	Tokens	53,872
Words	7,433	Words	46,182
Documents	12	Documents	20
Type/token ratio	0,83	Type/token ratio	0,86

Table 3
Quantitative data regarding the two corpora.

4. Analysis and discussion

4.1. Sociopragmatic analysis of witnesses

Sociopragmatic analysis of witnesses' discourse in 1800s and 1900s London courtrooms reveals how testimonies were influenced by social roles and identities, gender and institutional hierarchies. This analysis aims at examining how lay vs expert or powerful vs powerless witnesses (Giordano 2012) used language to construct credibility, authority, and persuasion within the English legal system. The historical contextualisation helps understand how the social norms of the time (Victorian England context) and the authority and legitimacy of police and doctors shaped courtroom discourse. Institutional authorities who were called to testify as witnesses weighted and balanced specialised knowledge to lead testimony, while the defendant's relatives or co-workers struggled for credibility in the courtroom context. Additionally, the analysis of metadiscourse features can look at how the various witnesses framed their narratives to influence the legal results or verdict by the jury and the judge.

Below is Table 4 which provides an overview of the witnesses present in the two corpora under scrutiny. Other types of witnesses were present in some of the documents, but they will be introduced and discussed in a following section.

Lay witnesses	Expert witnesses	
	Police officers (PO)	Medical experts: medical doctors (MD)
prisoner's employer or host (E/H)	Police constable	Medical Superintendent
relatives (RE) sister, mother, aunt, father	Police sergeant	Medical officers
roommates (RM)	Police inspector	Surgeons
co-workers (CO)	Assistant medical officer	
other witnesses (OW) vicar, previous roommate, newsagent, acquaintance, charwoman, omnibus conductor, butler	Divisional Surgeon of police	

	Medical officer	
	Detective	Medical practitioners, B.M., Bachelor of Medicine
	Coroner's Officer	Medical superintendent
		Medical Doctor Superintendent
		Pathologist
		Medical man
		Registered Medical Practitioner
		Assistant Medical Superintendent
		Other experts (OE)

Table 4
Lay and expert witnesses in the [BC] and [IN] corpora.

4.1.1. Defendants and lay witnesses

Generally, the prisoner or defendant[7] (PR) in the trials included in the two corpora [BC] and [IN] was an unmarried young woman aged 17-33 who worked as a cook, a lady's maid, a servant in a house, a parlourmaid, or a needle woman at a tailor's (defined as tailoress, servant, or laundress) accused of infanticide or birth concealing, mostly after an illegitimate pregnancy.

Lay witnesses are generally ordinary people, mostly women, caught up in the trial; they present the story of the alleged crime focusing on their memory of what they saw, heard, said, and experienced. The most likely lay witnesses in this type of trials are the prisoner's employer or the host and his wife (E/H), relatives (RE), roommates (RM) or co-workers (CO), and other witnesses (OW) such as the vicar, a previous roommate, an acquaintance, a charwoman, the newsagent, the omnibus conductor, and the butler.

4.1.2. Expert witnesses: Police Officers

The expert witnesses, presenting their evidential findings and explaining technical aspects in their narratives, are generally the police officers who collected the confession, and the medical doctors who examined the defendant after she had delivered a child, or who inspected the newborn. In these trials, while the majority of the lay witnesses were female or lower-class citizens, the expert witnesses were generally male belonging to the middle class of professionals, like doctors and police officers, or to the educated upper class of lawyers and judges. Below is an explanation of the professional titles for police officers and related roles in the 1800s and early 1900s, along with their pragmatic roles as witnesses in courtrooms.

Police Constables represented the most basic rank in the police force, responsible for patrolling streets, preventing crime, making arrests, and maintaining public order. Accordingly, they were called to testify in court about arrests, observed crimes, or provided firsthand accounts of incidents. Police Sergeants belong to a supervisory rank above constables, were responsible for overseeing a team of constables, and ensuring discipline. They generally provided higher-level testimony, confirmed constables' accounts, and connected constables and inspectors. The Police Inspector was a senior

[7] From the investigation of several trial transcripts, within the context of the *Old Bailey Corpus* and historical Common Law, the terms "defendant" and "prisoner" seem to be related, but, in fact, carry distinct legal and discursive connotations. The term "prisoner" frames the accused in terms of their physical and custodial status, *i.e.* a person held in custody, while the term "defendant" frames the accused in terms of their procedural and adversarial role.

officer in charge of a police station or division, responsible for investigations, administrative duties, and to provide expert opinions on police procedures. They sometimes acted as a prosecution witness.

The Assistant Medical Officer / Divisional Surgeon of Police / Medical Officer / Assistant Medical Officer were doctors or physicians serving in an official capacity, appointed to assist in medical examinations, in jails or workhouses. They took care of injured people or prisoners, or examined corpses in police custody. They provided expert medical testimony in cases of assault, murder, or suspicious death cases, often testified on wounds and time of death. The Detective was a plainclothes officer specialised in criminal investigations, collecting evidence, and chasing suspects. They generally presented investigative findings, witness narratives, and physical evidence in the courtroom.

The Coroner's Officer and the Police Surgeon worked closely to assist the Coroner to perform *post-mortem* examinations and determine causes of death. They contributed to investigations by gathering scientific evidence. They testified on a death's setting and facts, presented *post-mortem* findings, and helped the coroner in court. All these roles and professionals are present in the two corpora and were crucial participants in judicial trials in the 19th and early 20th centuries in England (Curzon 1995; Emsley 1996; Stewart 2007).

4.1.3. Expert witnesses: Medical experts

Below (Table 5) is a list of the most important professional titles medical experts could acquire during the 1800 and 1900 in England; some of them are still currently used.

B.M. Bachelor of Medicine *M.R.C.S., Member of the Royal College of Surgeons* *L.R.C.P. Licentiate of the Royal College of Physicians* *F.R.C.S. Fellow of the Royal College of Surgeons* *Master in Surgery* *M.D. Medical Doctor*	

Table 5
Medical Experts' professional titles.

The term "medical man" was rather informal and indicated any practicing doctor, whether he was formally qualified or not. Other titles, such as General Medical Practitioner, Medical Officer, Medical Practitioner, Registered Medical Practitioner, refer to general physicians who provided medical care, usually employed by workhouses, infirmaries, or local authorities. They testified on injuries, illnesses, and causes of death in criminal cases, and coroners' investigations. Their qualifications were either obtained through formal degrees (M.D., B.M.) or were licensed through apprenticeships.

Hospital and Institutional Doctors were the Medical Superintendent and the Assistant Medical Superintendent, senior doctors in charge of hospitals, asylums, or infirmaries, who managed medical staff and patient care. They may testify on institutional deaths, and public health issues. Like registered medical practitioners, their testimony is present in the corpora in regards to the defendant's mental health. In [IN03] they record symptoms of "puerperal fever", in [IN20] of "puerperal insanity", in [IN05] of "puerperal mania", and [IN07] of "puerperal mania" and "transitory mania" referring to the accused women's mental condition after labour and confinement.

Similarly, the Medical Doctor Superintendent practiced his profession in larger hospitals or asylums, and provided expert testimony on patient treatment, epidemics, or negligence cases.

The Surgeon (Fellow of the Royal College of Surgeons or F.R.C.S.) was specialised in surgical procedures, often working in hospitals or private practices. He testified on surgical injuries, malpractice, and traumatic wounds as well as in suspicious cases of death such as birth concealing and infanticide. Accordingly, their testimony is recorded in [BC10] and [BC12] where they stated that the prisoner "had been confined of a child", meaning that she had delivered.

The Pathologist was a doctor specialised in *post-mortem* examinations, whose professional role was further formalised in the late 19th and early 20th centuries. His testimony was critical in murder trials, providing scientific evidence on causes of death. He appears in [IN06] where he performed a *post-mortem* examination on a newly born male child (Emsley 2005; Watson 2010).

4.1.4. Other male experts in the trial

From a more in-depth analysis of the corpora, other experts appear in the proceedings. The relieving officer in [IN02] was a male civil servant appointed first by a parish and later by a union (after the 1834 Poor Law Amendment Act) whose primary duty, according to the Poor Law system, was to assess applicants' eligibility for poor public relief, in the form of money, food, or shelter, and administer it (Merriam Webster). Their role was crucial when intersected with criminal cases, particularly those involving poverty, vagrancy, or fraud. Likewise, they appeared in the Old Bailey as authorities on Poor Law administration when a person fraudulently obtained relief, for instance by lying about their circumstances; when an indigent was accused of theft, vagrancy, or children's neglect; when a dispute occurred over settlement laws, to determine which parish was financially responsible for assisting a poor. They were called to testify on relief records; to provide explanation on Poor Law policies to the judge or the juries; to identify the homeless or the habitual poor, who could be punished under vagrancy laws at the time. However, they were not considered expert witnesses in a technical sense, as were the medical or forensic witnesses. Being civil servants, their role was rather administrative and bureaucratic in nature. Women were not appointed as official relieving officers due to 19th-century gender norms, but they sometimes acted as assistants in cases involving women or children. Furthermore, a similar institutional position was held by workhouse matrons or district visitors who assisted the poor (Crowther 1981).

The expert in handwriting, such as in [IN04], was another male-dominated profession whose authority in court grew over time. The first recognised forensic document examiners appeared in the mid-19th century, often as bank clerks, engravers, or individuals with experience in detecting forgery. While courts initially relied on lay witnesses (*e.g.*, people familiar with a person's handwriting) rather than professional analysts, handwriting analysis, which was also called *questioned document examination*, in English courts, including the Old Bailey, developed alongside broader legal and scientific advancements. By the mid-1800s, courts began accepting expert witnesses in handwriting cases, though their status was less formalised than today. At the time, unlike lawyers or judges, experts in handwritings had no inherent legal privileges or rights beyond being called as witnesses, therefore, their opinions could be challenged, and opposing counsel might bring competing experts. While English courts were initially sceptical of handwriting analysis as a scientific discipline, at the end of 1800 experts in handwriting were increasingly permitted to testify, although judges sometimes warned

juries to treat their evidence cautiously. Handwriting analysis was seen as more subjective due to the lack of standardised methods, and at risk of bias since experts were sometimes hired by one side, generally by the prosecution (Mnookin 2001).

4.2 Sociopragmatic analysis: Female experts in the trial

The presence of female expert witnesses who were summoned to testify became more common in the proceedings overtime because of their growing authoritative role. During the 19th century several female professions appear, reflecting the new roles women acquired in legal, criminal, and medical contexts.

The matron, as in [IN03], was a senior woman, usually from the middle class, responsible for supervising other women or children, often in institutions like schools, prisons, workhouses, or police stations (Merriam Webster). In the Old Bailey context, matrons worked mainly in prisons, where they oversaw female inmates, ensuring discipline and care, and in police stations, where they managed detained women or assisted in searches. In [IN03] a matron testified about a female prisoner's delivery and on the baby's health.

A wardress at prison, as in [IN04], was a female prison guard in charge of prisoners in jail, ensuring order and security. As women's prisons developed (as Holloway Prison), wardresses replaced male guards for female prisoners to prevent misconduct. A wardress might escort a defendant to trial or testify about a prisoner's conduct, as in [IN04].

A wardswoman, as in [IN15], worked at the infirmary or in the maternity ward of a prison or of a workhouse (in Kensington Infirmary at the workhouse in this case). They assisted with childbirth and postpartum care for imprisoned women and could testify in infanticide or assault cases involving pregnant inmates.

A female interpreter, as in [IN09], was summoned to court in a case where a Jewish migrant woman was involved. She spoke Russian, Polish, and Yiddish, besides English, and was called to translate for the non-English-speaking defendant. Very often, in theft or assault cases involving Jewish communities, an interpreter ensured accurate testimony.

A monthly nurse, as in [IN20], was a woman nurse specialising in postnatal care for mothers and newborns during the first month after birth ("lying-in" period). They generally appeared in cases of infanticide, neglect, or disputed paternity. In the case at hand, a monthly nurse testified about the mother's health in her first confinement in a manslaughter trial.

A female searcher in a police station, as in [IN04], was assigned to body and bag search the female convicts (in this case at King's Cross Road Police Station). These female officers were assigned to search female suspects' bodies and belongings to prevent concealment of weapons or stolen goods, while male officers could not search women. In theft cases, a searcher might testify about finding hidden items on a suspect.

During the 19th and early 20th centuries, women's increasing participation in legal and criminal institutions reflected broader societal shifts in gender roles and professionalisation. Their auxiliary legal roles highlight how women contributed to the criminal justice system in gendered capacities, often in caregiving, supervision, or language mediation. Their testimonies provided crucial evidence, especially in cases involving women and children, such as in infanticide, theft, and assault. The professions listed, such as the matron, wardress, wardswoman, female interpreter, monthly nurse, and female searcher, emerged in response to the need for gendered supervision, care, and mediation in judicial settings. They also reflect societal norms in the Victorian context, where women's work was segregated into gendered spheres like nursing, caregiving, guarding other women, or midwifery, or even to moral supervision, and domesticity, or in

institutional contexts. As a matter of fact, social prejudices prevented women from becoming lawyers, and legal restrictions in this regard were reinforced with the Judicature Act of 1873, which increased male dominance in the legal profession (Zedner 1991).

From a sociopragmatic point of view, women's testimonies in the courtroom had an authoritative yet constrained role since their expertise was framed within culturally accepted feminine domains, and they were asked to provide essential evidence and to report observations of female prisoners' behaviour rather than legal interpretations in cases involving women and children such as infanticide, theft, or assault (Conley, O'Barr, and Lind 1979). Similarly, female interpreters were called to mediate communication for migrant women; they had an instrumental role by providing a procedural formality rather than a substantive contribution to legal decision-making.

5. Metadiscursive analysis

The approach to interactional metadiscourse Hyland (2005) adopts for the investigation of written academic discourse is used here to analyse the transcripts of the speech delivered by educated and non-educated witnesses in the courtroom. As for a written text, the speaker's discourse anticipates the expected interpretation of the intended listeners. The listener's potential interpretation "has a backwash effect on the composition of the text" (Hyland 2005: 38). Interactional metadiscourse helps control the level of personality in the relationship to the listeners and guide their interpretation, also determining how they engage with the socially determined positions of the interlocutors (Hyland 2005). These features, such as hedges, boosters, and self-mentions, have been searched and analysed in this section.

5.1.1. Hedges in lay witness testimonies

Hedges withhold complete commitment to a proposition and allow information to be presented as an opinion rather than a fact. Writers and speakers calculate the weight they intend to give to an assertion, evaluating the degree of reliability to assign to their assertions, and claiming protection from potential overthrow (Hyland 1998a).

In the documents under scrutiny, witness use hedges to distance themselves from any possible accusations, often expressing uncertainty, lack of knowledge, or unwillingness to commit to a strong claim.

In excerpt (1) *"I cannot say I had no suspicion of what was the matter, but nothing beyond suspicion"* the prisoner's female employer, uses vague statements, such as *"nothing beyond suspicion"* to express epistemic uncertainty, and to make partial admission without showing any commitment.

> (1) MARY ANN BRADY. Gapp had been in my service about five years - I cannot say I had no suspicion of what was the matter, but nothing beyond suspicion. [BC12]

In excerpt (2) *"I do not know whether"* expresses epistemic uncertainty. The co-worker's statement leaves space to the doubt that the defendant might have been innocent inasmuch the preparation for the birth would have shown her intention to keep the child.

> (2) ELEANOR JANE TURMEAU. I am in the service of Mr. Pino, […] -the prisoner was in the same service- […] *I do not know whether* she had made any preparation for the birth. [BC10]

Excerpt (3), from the [IN] corpus, is of particular interest, since the witness first expresses uncertainty and later restores her credibility by providing concrete evidence. The defendant's mother statement *"I had become suspicious of my daughter's condition"* is a first recognition of cautious speculation. However, the witness renewed her past trust in her daughter after her reassurance (*"this allayed my suspicions"*), and in consideration of the fact that *"she had always been a straight girl"*. The witness maintains her estrangement in the events until her daughter confessed the presence of the afterbirth under her bed.

> (3) MARY ANN SARGENT. I am a widow, mother of prisoner, […] Three weeks before this I had become suspicious of my daughter's condition; I said to her, "Alice, I don't like the look of you." She said, "Now, what's the matter with you, mother; I think you are going mad." *This allayed my suspicions*; *she had always been a straight girl*. As she was being taken away by the constable she told me I should find a bottle under the bed. I found the bottle, which contained the afterbirth. [IN10]

In excerpt (4) in recalling the events the defendant's co-worker expresses high uncertainty through the hedging phrases *"I do not think"* and *"but I am not quite sure"*.

> (4) SARAH HERMAN. I am a tailoress […] I was asleep in the same room as the prisoner […] *I do not think* she was asleep, but *I am not quite sure* — I did not notice anything suspicious about her condition or any disturbance in the room or any signs of blood. [IN09]

These statements were in general made by the defendant's relatives or co-workers, such as mothers, sisters, or colleagues at work, showing that female lay witnesses did not have any authority in court and outside the court. The excerpts show how hedges in powerless and lay speech often signal institutional disadvantage. In the courtroom, the witnesses' authority is questioned so hedges protect their social standing while distancing them from the crime and the defendant. The metadiscursive approach used in this analysis reveals how linguistic choices reflect and reinforce power asymmetries in lay witnesses.

5.1.2. Boosters in lay witnesses testimonies

Boosters express certainty in what is being written or said, they mark involvement with the topic and solidarity with an audience (Hyland 1998a). In the documents studied, assertive statements are used as boosters to support or undermine the defendant's case, depending on the witness's stance.

In excerpt (5) *"I had not the slightest idea"* represents an absolute denial, reinforced by the superlative form, which works as a booster. The witness is trying to avoid association with the defendant, although she is his sister. Similarly, in excerpt (6), his wife, called to testify, avoids any involvement with the crime by arguing that "*nothing in her appearance"* could make her suspect of the defendant's condition, with the indefinite pronoun boosting her statement.

> (5) GEORGE HARDING. […] -the prisoner is my sister- […] *I had not the slightest idea* of her being in the family-way. [BC11]

> (6) JOSEPHINE HARDING. I am the wife of the last witness. I did not know of her being in the family-way […] There was nothing in her appearance that made me suspect it. [BC11]

Similarly, in excerpt (7) with the statement *"I never had a suspicion"* the defendant's mother denies her involvement. The use of the adverb "never" reinforces the statement; besides, her distancing from her daughter's alleged crime is also reinforced by the expression of regret for not knowing, *"I wish I had"*.

> (7) FRANCES PAPWORTH. I am the prisoner's mother […] *I never had a suspicion* of it - I wish I had known it. [BC07]

In excerpt (8), as it often happens, hedges with boosters are combined; here the hedging expression *"I thought"* is followed by the booster *"confirmed my opinion"*, so that what was first stated as a personal impression was immediately after corroborated by evidence, to make it become a reliable fact.

> (8) ELIZABETH PHIPPS. *I thought she had been* given birth to a child -something I found in the water-closet *confirmed my opinion.* [BC01]

Excerpt (9) shows a sequence of boosters in the expressions *"I never knew"*, *"I knew nothing"*, *"I always highly approved of her conduct"*. Besides, the choices of *"approved of her conduct"*, and "was *very well* conducted", as well as "her conduct to them (the children) was *tender*, *kind*, and *humane*" are all attitude markers expressing the witness' stance with respect to the prisoner.

> (9) SARAH TUCKER. The prisoner has occupied a room in my house four years […] I *never knew* her to keep company with any one […] she was *rather* religious. I *know nothing* of her keeping company with any male […] I *always highly approved* of her conduct, she was observant of going to Church, and was *very well* conducted- I had children in the house-her conduct to them was tender, kind, and humane. [BC02]

After Sarah Tucker's cross-examination, in the summing up at the end of the trial, the prisoner received a good character. Character witnesses, such as Sarah Tucker, know the defendant well and speak openly and positively about her. Good character evidence can relate to whether the defendant committed the offence or not, or to whether she is telling the truth or not. Certain testimonies, like this one, were decisive, critical, crucial for the judge's decision.

In excerpt (10) with the expression *"I accused her"* the witness accuses directly the defendant taking an adversarial stance. Through a confrontational claim, she asserts authority while strengthening prosecution against her niece.

> (10) CHARLOTTE LAWLESS. I am the prisoner's aunt. […] *I accused her* of having given birth to a child-she said she had, and had buried it in the garden […]. [BC01]

5.2. Expert testimonies

The discourse of expert witnesses in a trial represents a complex interplay of professional authority and legal submission. Experts must simultaneously assert their specialised knowledge while adhering to the court's procedural rules. Metadiscursive features are crucial tools in this negotiation. Specifically, hedges and boosters represent strategic instruments used to perform expertise in a legal context: the experts adhere both to the norms of their professional field and to the legal boundaries of testimony.

5.2.1. Police testimonies

In 19th- and 20th-century England, police officers had no need to build authority through discourse since their authoritative position was assumed and taken for granted. Therefore, their words were "accompanied by a presumption of truth and veracity" (Giordano 2016, p. 43) and as expert witnesses they were supposed to provide accurate narration and evidence, and to ensure reliability through the objectivity of professional testimony.

In excerpt (11) the inspector's inquiries into the prisoner's *"previous history"* suggest her past behaviour is relevant to the case: his testimony seeks to establish her credibility or innocence. As an inspector, the witness is establishing his ethos and professional authority according to which his words carry official weight. He is providing a character assessment of the subject of the inquiry. The inspector emphasises the woman's *"excellent character"* using boosters and attitude markers to describe her as *"very respectable"* and a *"good hard-working girl"*. He is defending her reputation and reinforcing her respectability by mentioning her attending Salvation Army meetings. The Salvation Army, a charity organisation, was supported by good-mannered women, especially from the middle-class. Working with and for marginalised communities was in fact considered as a marker of virtue, temperance, discipline, and piety.

> (11) JAMES GATHERGOOD (Inspector B) Cross-examined: *I have made inquiries* as to her previous history – […] she bears an *excellent character* […] she is a *very* respectable girl […] she was a *good hard-working* girl – she attended Salvation-Army meetings. [IN05]

Similarly to the previous example, in excerpt (12) the inspector argues with the boosting statement *"I have ascertained"* in favour of the prisoner's good character by making reference to her respectability and to her *"highly respectable parents"*.

> (12) Inspector FREDERICK WENSLEY, I charged the prisoner with the murder of her child at the close of the inquest and she said, "I understand".
> Cross-examined. I have made inquiries about her, and she is the daughter of *highly respectable parents*, and, so far as *I have ascertained*, *she was a very respectable girl herself*. She left school when she was 14 and she has been *continuously* in domestic service since. [IN17]

In excerpts (13), (14), and (15) standardised procedural language can be found. The police ensure legal compliance while asserting their authority with self-mentions as institutional agents. In excerpt (15) *"I am a police officer"* legitimises his authority by invoking his role. Furthermore, officers use performative verbs, both through direct or indirect speech, such as in excerpt (13) *"I told her she must consider herself a prisoner*" to describe the arrest procedures, and in excerpt (15) "I said to her, "I am a police officer and *shall arrest you"*. In the same excerpt (15), with the statement "what you do say *I shall take down* in writing, and it may be given in evidence against you later", the police officer highlights the evidential weight of the interaction, by recording discourse as evidence.

> (13) GEORGE BROWN (Police Sergeant T) […] *I told her she must consider herself a prisoner*, for concealing the birth of her female child – *I told her I should go and search* her box, to see if I could find any linen, or to see if any provision had been made. [BC09]

> (14) MICAIAH READ (policeman) […] *told the prisoner I took her* on suspicion of concealing the birth of a child, […] Cross-examined: […] I said, "you had better be careful what you say, for I shall most likely repeat it to the Magistrate." [BC02]

> (15) GEORGE WALLACE (Inspector J) […] I said to her, "I am a police officer and shall arrest you for the wilful murder of your newly-born female child on the early morning of January 14th.You need not to say anything unless you like, but what you do say I shall take down in writing, and it may be given in evidence against you later." [IN07]

In the excerpt just given, the statement *"You need not say anything unless you like"* frames the inspector's caution as optional, though legally it was a required disclosure in the UK judicial system, as it is nowadays. Besides, the hedging phrase *"it may be given* in evidence against you later*"* softens the police warning.

The verb *"cautioned"* in police testimonies of excerpts (16) and (17), functions as a performative verb, *i.e.* a word that enacts the action it describes. When an officer testified that he *"cautioned"* a suspect, it meant he formally issued a legal warning in order to inform the prisoner of her rights or the consequences of her declarations. In the [IN] corpus, it referred to an earlier form of judicial admonition, sometimes followed by the warning that *"what she said might be used in evidence against her"*. The utterance *"I cautioned her"* is not just a statement but an illocutionary act (Austin 1962), that is the act of cautioning is performed in the saying itself. In the courtroom, the police officer's testimonies served as evidence that the legal procedures had been followed, thus establishing procedural legitimacy, showing that the arrest and the interrogation were conducted lawfully and officially. Quoting Austin (1962) and Benveniste (1990), Garzone and Santulli further explain that a statement is generally considered "genuinely performative" when the verb is conjugated in the first-person singular of the present indicative, but variations derived from the base form are also possible, as long as the verb is followed by a direct or indirect object (Garzone and Santulli 2008, p. 63).

> (16) JOSEPH NESPA (179 *G.*) I was on duty at King's Cross Road Police Station on November 18th—I was in the corridor outside Walters' cell—she called me—*I cautioned* her that what she said might be used in evidence against her. [IN04]

> (17) ALBERT HANDLEY, Detective-Sergeant, J Division. On August 19, about eight a.m., I examined the back premises of 53, Sebright Street. […] On going upstairs to the first-floor front room the door was opened by prisoner. I told her I was a police officer and was making inquiries respecting a newly-born female child found that morning over the boundary wall. At that time I noticed blood-stains against the door. I asked her if she could account for them. […] She then commenced to cry, and said, "I will tell the truth." *I cautioned her*. […] [IN10]

5.2.2. Medical doctors

Expert witnesses such as physicians and doctors in the 19th- and 20th-century English courtroom had more privileges than the lay witnesses, such as the right to amplify, or the right to contradict and the right to draw conclusions and express opinions (Stygall 2001). This investigation of the two corpora confirms Milroy (2017, p. 519) in arguing that the proportion of cases with medical evidence or autopsy reports increased across time. However, they were subject to the rule and role constraints of the courtroom (Cotterill 2003: 168). Until the beginning of the 20th century, with the development of the medical profession, doctors and surgeons were not as highly regarded as their present day-peers, they did not enjoy the same social status, and they were subject to criticism and to sceptical attitudes. As Tables 6 and 7 show, the expressions related to the doctors' opinion, be it of certainty or uncertainty, are found almost exclusively in the [IN] corpus, which was compiled for the period 1900-1913. This is not due to the absence of medical witnesses in the [BC] corpus, but rather to the fact that their testimonies were still just a

record of facts.

Hedges used by medical experts	[BC]	[IN]
I could / I did not form any precise opinion		[IN03][IN04]
It is very difficult to give an exact opinion		[IN07]
As far as I could tell		[IN17]
I have no means of knowing		[IN06]
I cannot tell / think / explain / say if /whether / for certain / positively		[IN04] [IN05] [IN07] [IN09] [IN17]
I can hardly conceive		[IN07]
It is impossible to say		[IN05] [IN09] [IN18]
It might have been	[BC07]	
That suggests/ed		[IN04]
The possible cause was / would be		[IN04]
It may in a way		[IN05]
I would not say		[IN07]
I don't think		[IN04] [IN05] [IN07]
I am going largely by the books		[IN09]
I doubt if that would have		[IN09]
The probabilities are		[IN18]
Although I do not say that is impossible		[IN19]
In my opinion / I think / I am of opinion that		[IN03] [IN04] [IN05] [IN06] [IN07] [IN08] [IN09] [IN17] [IN18] [IN19] [IN20]

Table 6
Hedges used by medical experts in [BC] and [IN] corpora.

Many hedges are used by the medical experts to mitigate and tone down certain statements or to provide claims which are the strongest ones they can make at that point of their investigation. Examples of hedging phrases are the following: *"I did not form any precise opinion"*, *"it was very difficult to give an exact opinion"*, *"I have no means of knowing"* and *"I cannot say for certain",* which aim at attenuating certain claims or allowing for the possibility of other interpretations. These linguistics devices provide the means to save face and shelter the doctors from strong criticism, humiliation or hostile behaviour or attitude on the part of the lawyers, juries, and judges. On the other hand, expert witnesses also used adverbs such as *apparently*, *probably*, *possibly*, and *likely*, with hedging function.

Following Stygall (2001), the hedging expression *"in my opinion"*, which often introduces the medical expert statements, especially in the [IN] corpus, attenuates the strong accounts and declarations which follow, as the concordances in Figure 1 show: *"In my opinion, when the lungs are perfectly inflated it is certain that the child was completely born"*; *"In my opinion, that bruise was inflicted during legal life according to the definition given in our medical textbooks"*, *"The hydrostatic test is, in my opinion, absolutely conclusive in circumstances of this kind"*. The information regarding the cause of death or the crime committed is decisive and could anticipate and suggest the judicial verdict. Therefore, through the initial hedges, the expert's evidence is presented in a way to avoid the possibility of threatening or usurping the judicial role (Stygall 2001, p. 331).

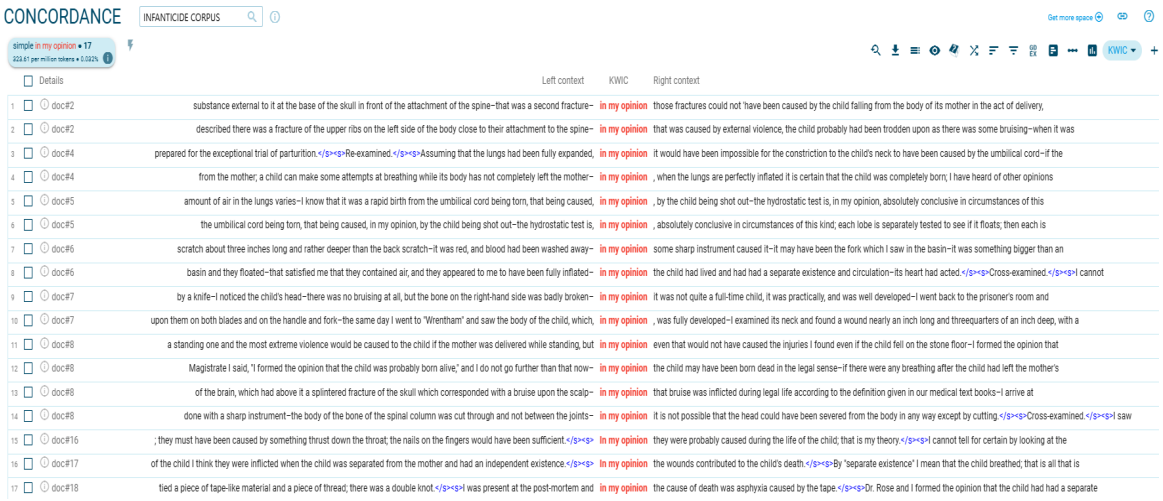

Figure 1
Concordances of "in my opinion" in the [IN] corpus.

Boosters suggest that speakers recognise potentially alternative positions but have chosen to narrow this diversity. "[They] emphasise certainty and construct rapport by marking involvement with the topic and solidarity with an audience, taking a joint position against other voices" (Hyland 1999, in Hyland 2005, p. 53).

Expressions of certainty are represented by clauses such as *"I formed the opinion"*, "*my conclusion is that*", *"I arrive at that conclusion by experience"*, *"I have no doubt", "I am perfectly sure", "I believe"*. These propositions are corroborated by the doctors' findings, *i.e.* accurate and solid scientific data and are aimed at presenting a persuasive account of facts to explain the cause of death of the newborn to the jury.

Table 7 includes the boosting expressions found in the corpora. It appears clear that in the [BC] corpus these expressions are very rare since doctors avoided boosters, reflecting uncertainty about whether the child was born alive. In fact, [BC] trials (pre-1900) often dealt with stillbirth concealment, where cause of death was ambiguous, relying on circumstantial evidence that necessitated caution, while [IN] trials (post-1900) involved more direct violence, allowing stronger medical conclusions. Besides, pathology and forensic sciences had improved, giving doctors more confidence in declaring infanticide.

Boosters used by medical experts	BC	IN
I formed the opinion that		[IN09] [IN19]
I have a clear opinion upon that		[IN09]
I can give reasons for that opinion if required		[IN09]
I came to the conclusion / I concluded that	[BC11] [BC12]	[IN03] [IN04] [IN09] [IN15] [IN17]
My conclusion is that		[IN20]
I arrive at that conclusion by experience		[IN09]
I have / There was no doubt		[IN08] [IN09] [IN04]
I am quite / perfectly certain / sure		[IN07] [IN08] [IN12]
To my mind (proved conclusively)		[IN06]
I should say / think	[BC10]	[IN04] [IN05] [IN05] [IN08] [IN09] [IN15] [IN19]
Without the slightest concealment	[BC10]	
I am perfectly / quite certain		[IN04] [IN09]
I have never		[IN04] [IN09]
It is nonsensical to say that		[IN04]

I do not think there can be any doubt about it		[IN05]
My reasons are / for so saying		[IN05] [IN06]
[…] is absolutely conclusive		[IN06]
It is very difficult to give an exact opinion		[IN07]
I am not able to say precisely		[IN07]
I believe		[IN03] [IN04] [IN07] [IN08] [IN09]
The only opinion I could form		[IN07]
I do not suggest that		[IN07]
I say that		[IN08]
I have a clear opinion upon that		[IN09]
I cannot explain		[IN09]
I base my opinion principally upon		[IN09]
That is my theory		[IN17]
I still say that		[IN18]
To the best of my opinion		[IN19]

Table 7
Boosters used by medical experts in [BC] and [IN] corpora.

(18) LEONARD HARMAN. I am a Bachelor of Medicine […]. *I formed the opinion that* the head had been severed from the body after death, and *I can give reasons for that opinion if required—I formed the opinion* that it had been born alive, but there was no evidence that the child had had a separate existence; *that opinion I formed upon the examination* of the body alone—*I formed that opinion* because the lungs partly sank—taking the head and the body together, *I formed the opinion that* the child had had a separate existence—on the trunk alone I could not form the opinion—I tested the lungs to see if they would stand the water or hydrostatic test—first of all I put both of the lungs and the heart into water; they floated as a whole—I then cut off the left lung and found that it floated—the heart and the right lung together sank—the left lung supported the rest—I cut the left lung into twelve pieces—I did not proceed with my test of the right lung—I found that seven pieces of the left lung floated and five sank; that is, 7/24 of the two lungs floated, but *I do not think that* that is any criterion, because a child can live for twenty-four hours without the lungs floating at all—*I cannot explain that*, except that the heart will continue beating, and it gets enough air to keep it alive, without sufficient to make the lungs float after death, so *I cannot say for certain* one way or the other from the state of the lungs and the *post-mortem* whether the child had a separate existence or not. [IN09]

This testimony contains a mix of hedges and boosters reflecting the doctor's confidence in some conclusions while acknowledging uncertainty in others. For instance, *"I formed the opinion that"* is a direct and strong assertion while *"I found that"* followed by evidence is only a factual report of actions taken and scientific procedures. On the other hand, *"I can give reasons for that opinion if required"* reinforces confidence in his conclusions, while *"I cannot explain that*" and *"I cannot say for certain one way or the other"* admit uncertainty. In these statements the doctor's testimony acknowledges the lack of sufficient evidence so that decisive conclusions cannot be reached.

5.2.3. Other male experts in the trial

The following excerpts comes from the testimonies of two of the newly admitted witnesses in the courtroom, the handwriting expert and the relieving officer. In excerpt (19) *"to the best of my belief"* is a hedging assertion that softens the witness claim as an expert, acknowledging possible uncertainty despite expertise, since he refers to his beliefs rather than to his knowledge.

On the other hand, the relieving officer in Excerpt (20), who is an administrative and bureaucratic authority, uses indirect speech to report the prisoner's claim *"she said that she had had a child",* showing distance and detachment (Giordano 2012). Furthermore, through the statement *"I gave her an order and sent her to the infirmary"*, he asserts the official actions and procedures taken as a state official.

(19) THOMAS HENRY GURRIN. I am an expert in handwriting, of 59, Holborn Viaduct-this letter which has just been proved and these two original telegrams are, *to the best of my belief,* written by the same person. [IN04]

(20) CHARLES BIZZLE. I am relieving officer for Greenwich Union-someone applied to me, and I went and found the prisoner in bed at 22, Albert Street-she said that she had had a child, and did not know where it was- *I gave her an order* and *sent her to* the infirmary. [IN02]

5.2.4. Female expert witnesses

Analysing the metadiscourse of female expert witnesses in a historical context like the Old Bailey requires considering the intersection of professional expertise, legal procedure, and contemporary gender norms. Their use of hedges and boosters was shaped by their marginalised position within both the professional and legal spheres. They sought to project authority without violating gendered expectations of female behaviour while justifying their presence in a space where they were inherently peripheral. Thus, female expert witnesses used the tools of metadiscourse to build a credible persona that was both professionally authoritative and socially acceptable.

The excerpts that follow are from the testimonies of female expert witnesses, summoned to testify because of their authoritative role. Their narratives were very relevant for the result of the trial. In excerpt (21) the matron declares her professional position to explain her actions when she took away the afterbirth and cut the cord of the newborn.

(21) MARY ANN COX. *I am matron* at the Brentford Police Station. […] I was called to the station, and saw a female child in the office - it was crying – I took away the afterbirth, cut the cord which was still attached to it. [IN03]

In excerpt (22) the wardswoman's assertion *"from my examination of her I concluded* she had just been delivered of a child" establishes her expertise and minimises doubt by referring to the dead body of the child wrapped in the clothes, which represents indisputable evidence.

(22) ADA SUTTON, wardswoman at the infirmary. On October 2 I received prisoner; *from my examination of her I concluded* she had just been delivered of a child, and I had her taken to the maternity ward […] I saw the two boxes in the waiting-room. On October 5 *I noticed* a faint smell from them. I got the keys from the prisoner's bag and I opened the tin box; I found wrapped in the clothes (*produced*) the dead body of a female child. [IN15]

On the other hand, the interpreter in excerpt (23) does not use boosters and avoids direct claims since her role in the courtroom is mediatory, not authoritative.

(23) BETSY NIEBERG. I am married – I know Russian, Polish and Yiddish […] I went to Mile End infirmary with some police officer and saw the prisoner – *I interpreted* to her what the officer desired me and interpreted her reply. [IN09]

Both the monthly nurse in excerpt (24) and the nurse in excerpt (25) can be considered *character witnesses* because they provided a positive evaluation of the defendants through

the use of commendative adjectives. Moreover, in *"she appeared cheerful and happy, and was a fond mother"*, and in *"Prisoner always seemed an affectionate and fond mother"* the verbs "appeared" and "seemed" could function as subtle hedges, since they acknowledge subjective perceptions rather than absolute facts, although they still convey professional assessment provided by the witnesses' experience as professional nurses.

> (24) HARRIET HICKS**,** monthly nurse. I attended prisoner in her first confinement two and half years ago. She was again confined on November 18, and then attended her till November 29. *She got over this confinement quite well*; *she appeared cheerful and happy*, and *was a fond mother*. [IN20]

> (25) Mrs. ALICE KEMP, nurse. I first attended prisoner on December 2; her condition was then normal. On the 6th she was very worried and depressed, and complained of loss of milk, not being able to feed her baby. At 10.30 that night I saw her for the last time; she was in bed with the baby; the other child was in a cot at the bedside. *Prisoner always seemed an affectionate and fond mother*. *From my experience as a nurse* if a woman loses her milk after confinement it often has an effect on the mind. [IN20]

In excerpt (26) the presence of a female searcher represents the introduction of a new professional figure, which shows a development in the organisation of the British prison and judicial system.

> (26) JANE KINSHOTT —I am a female searcher at King's Cross Road Police Station—on November 18th I searched Walters—she said, "I did not poison the baby, I intended to drown myself to-night, all through a man;" she had about 5s. 6d. on her and two letters. [IN04]

The search at the police station for female prisoners was at this point carried out by female searchers, and became an indispensable part of the evidence-gathering process. One of the three prisoners in this case, Annie Walters, was a notorious "baby farmer", i.e. someone who took in infants for payment, involved in an infanticide case with Amelia Sach. The policewoman states that, when searched, the prisoner had *"5s. 6d."* (5 shillings and 6 pence, where *d.* stands for the singular *denarius* and the plural *denarii*, a Roman silver coin)[8] referring to the amount of money she had on her. Additionally, two letters carried by the defendant could be considered possible evidence for the case. By mentioning the money and the letters, the expert witness was establishing the prisoner's potential financial motives and possible connections to other accomplices involved in the case.

6. Conclusions

A sociopragmatic and historical pragmatic analysis of 19th- and 20th-century courtroom witnesses' identity and testimony in the *Old Bailey Corpus* uncovers how language, power, and social status intersected in legal settings over time. It demonstrates that truth and veracity in court were not just about facts but rather about who had the discursive skills and institutional power to articulate narratives in a convincing manner. The understanding of legal roles and procedures, judicial prerogatives and expert hierarchies, along with the marginalisation of lay and powerless witnesses, bring insight on the discourse dynamics in the courtroom. The time span from 1800 to 1899 was characterised

[8] https://projectbritain.com/moneyold.html.

by profound social and legal changes: thus, a diachronic analysis tracks how language and power relationships shifted alongside them.

Among the witnesses involved in the trials considered in the documents in the [BC] and [IN] corpora, different categories were identified according to the sociolinguistic variables of gender, social status and professional role. In the 19th century, courtroom language likely reflected a rigid class structure. The testimony of a gentleman or an expert would be received with more credibility than that of a worker since social status and power were unequal, and identity was primarily defined by rank and gender. In the 20th century, the diachronic analysis allowed to observe a gradual shift. Reforms, the rise of professions, and the changing social attitudes meant that overt class bias in language was decreasing, while new power dynamics (*e.g.*, the interaction between witnesses and institutional experts like police officers and doctors) emerged. In fact, other aspects of identity were becoming more legally and pragmatically relevant, such as professional expertise, authority, individual rights, and the relationship between the citizen and the state.

In this research, powerful witnesses were primarily classified as expert and male. Police officers in the corpora used syntactically and morphologically simple structures, formulaic language, procedural directives, and performative verbs; they did not need to build authority while reporting their narratives of the criminal event, since they did embody the authority. Doctors and pathologists, who in this context were the experts *par excellence,* used both boosters and hedges to enhance the credibility and reliability of their professional competence, and to build their increasingly growing social position, without questioning the judges and juries' authority. Furthermore, the research has evidenced that other emerging male professionals were admitted to testify in court, specifically, the handwriting expert, who was starting to have a forensic role, and the relieving officer, who had bureaucratic and administrative functions.

The early 20th century [IN] corpus reveals a marked diversification in the profile of witnesses, reflecting broader shifts in legal and professional fields. The growing presence of new figures signalled a transformation in the courtroom's composition. Female witnesses, such as matrons, wardresses at prison, wardswomen, interpreters, monthly nurses, searchers in the police station were increasingly appointed overtime, and summoned to testify as experts in court. The research findings show that their use of assertive language supports their statements with facts and evidence, thus showing that they were accustomed to exercise authority over other women. They used hedges and boosters to detach from the offence or to support the defendant's position. Their testimonies, more than often, were decisive and crucial for the decisions of the jury and of the judge. On the other hand, relatives, acquaintances, and co-workers, who were the powerless witnesses, revealed to be able to report facts with objectivity, balancing their statements with the use of hedges and boosters, vividly or emotionally to enhance their credibility and show cooperativeness, in the attempt to either support the defendant's position or not to be involved in the crime.

The analysis of the interactional strategies used by all the witnesses in their testimonies reveal that credibility, reliability, and experts' competence were linguistically constructed and negotiated coherently with the norms and expectations of the social and professional communities involved. The dynamics among linguistic expression, discursive practices, socio-legal authority, institutional power, and personal identity in legal settings proved not to be static and constant. Courtroom discourse is a social construct that is continually reshaped throughout history, subject to continuous renegotiation together with the transformations of the evolving socio-cultural context.

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