

**“The actual words of the witness were not included”: credibility, accuracy, and verbatimness in 18th and 19th century Flemish courtroom records**

Witness depositions and suspect interrogations are omnipresent in courtroom cases, both in historical and contemporary settings. Typically, oral statements are committed to paper by courtroom scribes and become crucial for the discovery of evidence and case decision-making. However, a vast body of research indicates that the construction of written records leads to differences in contents, form, and meaning between the spoken original and the written rendering (Culpeper & Kytö 2000; Coulthard 2002; Komter 2006) with the majority of discrepancies being attributed to the structural differences between speech and writing as well as to the entextualization processes which take place when spoken word is committed to paper.

The current study investigates a corpus of 18th and 19th century witness depositions from Flemish courts. The corpus currently entails 3,191 documents (1,122,785 words) from the Belgian National Archives in Bruges, which have since 2019 been digitized as part of the interdisciplinary Witnesses project. The aim of the study is threefold: (a) to investigate the influence of the linguistic differences between speech and writing on the credibility of written courtroom records as reflections of the original, spoken communication; (b) to examine how entextualization processes shaped the witnesses’ narratives to fit the procedural framework of the legal case’s proceedings; (c) to explore the different ways in which “verbatimness” was perceived and constructed in the 18th and 19th century courtroom. A mixed methodology is applied: we use programming software R to search for large-scale patterns of usage and determine the influence of speaker- and institution related variables (such as type of crime or age of the speaker) on the distribution of features associated with linguistic dimensions of orality and literacy as well as the distribution of different devices of speech reporting. Subsequently, we utilize approaches from institutional discourse analysis to zoom in on linguistic choices made in individual documents and cases.

The preliminary results of the study reveal significant differences between texts from different time periods indicating a possible shift in the institutional demand for "verbatimness" from the 18th to the 19th century. Additionally, more recent documents appear to contain more speech-like features and be less changed in entextualized form. Similarly, cases where no (or less) material evidence is available, such as sexual assaults, also seem to favor more verbatim renderings of speech. Finally, we conclude that producing documentation in the institutional context of the 18th and 19th century courtroom often requires choosing between accuracy and creating a formally acceptable piece of documentation.