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Zidros, Vaia Vanessa (2015) *Conflictive courtroom discourse from a sociohistorical pragmatic perspective: power dynamics in the civil trial of Anne Hutchinson (1637) with special reference to speech acts, Gricean maxims and (im)politeness strategies*. MRes thesis.

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**Conflictive courtroom discourse from a sociohistorical pragmatic perspective: power dynamics in the civil trial of Anne Hutchinson (1637) with special reference to speech acts, Gricean maxims and (im)politeness strategies**

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Language

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**September 2014**

## Abstract

This study is an investigation of historical courtroom discourse focusing in particular on speech acts, Gricean maxims and notions of (im)politeness. Since the meaning of utterance is constrained and affected by the context, court records require to be examined within the socio-historical background of their production due to the impoverished nature of historical data. This has been demonstrated by studies in the Salem witch trials (e.g. Culpeper & Semino 2000; Archer 2002) and EModE trials (e.g. Archer 2005; Kryk-Kastovsky 2009). The study undertaken in this thesis presents the theoretical and methodological underpinnings enabling the current historical sociopragmatic analysis of the source text containing the examination of Anne Hutchinson by the General Court in Puritan New England, 1637. The power dynamics of this trial are examined in terms of the pragmatic strategies utilized by the interlocutors represented in the court record.

The research context of this thesis specifies that the framework suitable for the purposes of this analysis is a historical sociopragmatic approach with an emphasis on qualitative analytic methodologies. This approach enables a wide contextualization of the court record by which the relevant pragmatic notions may be identified. Moreover, this study's assessment of the complex nature of historical data shows that court records— although not transcriptions in the modern sense — exhibit several speech-like features, which indicate that attempts were made to represent spoken language. Additionally, studies concerned with both contemporary and seventeenth-century courtroom discourse are reviewed, demonstrating that pragmatic meaning is constrained and affected in particular by the following context related factors: the distinct participant roles, the assumptions and beliefs of the interlocutors, and the power asymmetry. All of these factors contribute to the conflictive speech of the courtroom activity type.

In view of the above research context, the thesis concludes that the speech event of the court record analyzed in the present study can be reconstructed by utilizing the relatively high degree of orality of court records, and acquiring knowledge of the contextual factors more specific to the socio-historical background of this New England trial. This study's analysis of the court record reveals that the use of speech acts, the operation of Gricean maxims, and the use of face-aggravating strategies are motivated by issues to do with power and the conflicting religious belief-systems of the interacting parties. The study also demonstrates that due to the conflictive nature of the trial, the intended meaning these usages conveyed was typically disposed of by the interactor through the use of a range of pragmatic strategies depending on the role and aims of the particular participant. Thus this study's investigation of the court record contributes with yet another snippet of language use in the historical courtroom, which is distinct, but still an integral part of seventeenth-century trial discourse.

## Acknowledgements

I would like to express my gratitude to my supervisor Prof Jeremy Smith whose continued support, inspiration and expertise made the completion of this dissertation possible. I would also like to thank my lecturers Dr Marc Alexander, Dr Catherine Emmott, Dr Eleanor Lawson and Dr Rachel Smith. Lastly, I would like to thank my friend Liv Hlaing who patiently and graciously proofread my final draft.

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## List of abbreviations

EModE= Early Modern English

FTA= face-threatening act

# Chapter 1

## 1. *Introduction*

1.0 In the production of speech, speakers are highly sensitive to contextual parameters since the meanings which words convey as well as the communicative functions of spoken language tend to vary depending on the social setting and the interactors. This has been corroborated by studies within the field of pragmatics, which typically focuses on spoken language (Archer 2005: 6). By way of illustration, the function of linguistic usages and the discourse typical in the context of the modern court scene have been object to extensive research within the modern study of pragmatics, and several surveys have focused (directly or indirectly) on their interplay with power (see Luchjenbroers 1996) and the law (see Danet 1980), both of which are enacted by the participants in their positions as judge, barristers, etc. In terms of data, these studies presuppose access to the direct observation of actual speech obtainable through exact recordings.

1.1 In recent years a growing body of studies has examined language use through time or at a particular point in history by means of the theoretical and methodological frameworks of the relatively young and burgeoning field of historical pragmatics. Historical pragmatics enables the investigation of written representations of spoken language in the past. Although the term “historical pragmatics” is not new it is only in relatively recent years that research efforts within this field have started to systematically fill a glaring gap in the history of English language use (Jacobs & Jucker 1995: 26).

1.2 Drawing on the developments of historical pragmatics, this thesis intends to investigate the interactional features that may be gleaned from the trial records of the examination of Anne Hutchinson by the General Court in New England in 1637. More specifically, selected extracts of the discourse by the main participants of the trial will be subject to mainly qualitative analysis in terms of speech act theory, Gricean maxims, and notions of (im)politeness; the aim is to illuminate the ways in which the functions and meanings of utterances are constrained and affected by the power dynamics of this trial, as well as other factors specific to the socio-historical context. Historical data provide significant evidential challenges since this data survives without reference to the careful choices available to pragmatic or sociolinguistic investigators working on present-day materials. There are, therefore, significant theoretical and methodological considerations that need to be addressed.



1.3 The general research questions to be addressed by this project are as follows. Firstly, there is the overarching question: how are synchronic pragmatic methods of analysis applied to historical investigations? Secondly, is there anything specific about courtroom records, which makes them particularly valuable for reconstructing the spoken discourse of the past? Thirdly, there is an evidential question; how far is the written representation of dialogue in these court records likely to reflect speech? Fourthly, what contextual factors have constrained and affected the pragmatic meaning and language use by the various actors in this courtroom situation? Finally, related more specifically to the conflictive discourse that occurs in the institutional context of the courtroom is also the question: how are linguistic usages motivated by power? Answers to these questions will help elucidate the discourse strategies employed by the participants in their endeavors to achieve various communicative goals in the court scene.

1.4 In this chapter, the theoretical notions involved in pragmatic study more broadly will be discussed, in order to identify the approaches and frameworks specifically relevant for historical pragmatics, and thus useful for the present study. Subsequently, an overview of the methodological and theoretical concerns of historical pragmatics will be provided especially with regard to written language reconstructed as speech, since this is directly related to the court record investigated in this thesis. Finally, speech act theory, Grice's cooperative principle, and notions of (im)politeness, which constitute the underlying assumptions of the framework for the current analysis, will be further explicated here with the aim of theoretically elucidating the meaning of the relevant terminology introduced and utilized herein, as well as to show how these concepts are interrelated.

## 2. *Theoretical considerations*

2.0 Pragmatics is in general terms the study of language in context and originates from the observation that many kinds of utterances express meanings that cannot be captured "or derived solely from the scanning of the string of words uttered" (Danet 1980: 455). That is to say that the meaning of a word, phrase or sentence is comprehended in relation to the interaction or communication between a speaker (or writer) and an addressee (hearer or reader) in a specific situation and context (Thomas 1995). Thus, the formation of meaning is not merely contingent upon the semantics of any particular linguistic item or "abstract mental entities such as concepts" (Leech 1983: 6-7). In fact, the relationship between what a speaker says and what the uttered words mean is a complex one (Thomas 1995: 55). To be more specific, in pragmatics the "sense" of an utterance – i.e. the semantic/grammatical

meaning – is related to the speaker’s communicative intention formally known as “force”, which is a concept introduced by the philosopher J. L. Austin (Leech 1983: 17, 30; Thomas 1995: 18).

2.1 In contemporary pragmatics, two main schools of thought can be distinguished, namely the Anglo-American and the European Continental traditions (Huang 2007: 1), which correspond to “theoretical” and “social” pragmatics respectively (Jucker & Taavitsainen 2013: 2). As is indicated by the term “theoretical pragmatics”, the scope of the Anglo-American tradition is generally limited to the core areas of pragmatics, i.e. how language is used in order to perform actions, how it is possible to interpret the implicit meaning of an utterance, and how certain lexical and grammatical elements refer to the context of language use (2013: 3). The European Continental tradition on the other hand, defines pragmatics in a broader way, and as is suggested by the term “social pragmatics”, it encompasses information about the social context in which language is used, about the interlocutors, and their relationships with one another, etc. (2013: 3).

2.2 One such European scholar, Thomas (1995: 22), emphasizes the “dynamic process” of the making of meaning, “involving the negotiation of meaning between speaker and hearer, the context of utterance (physical, social and linguistic) and the meaning potential of an utterance”. Thus, pragmatics is described as “*meaning in interaction* [sic]”, indicative of “the view that meaning is not something which is inherent in the words alone, nor is it produced by the speaker alone, nor by the hearer alone” (1995: 22). A more typical example of the social view, however, is Verschueren’s (1999: 7) definition of pragmatics as constituting “*a general functional (i.e. cognitive, social and cultural) perspective on linguistic phenomena in relation to their usage in forms of behaviour* [sic]”. As Archer (2005: 5) points out, Verschueren’s framework provides a useful indicator of the scope of pragmatics by highlighting its interdisciplinary nature.

2.3 Leech (1983), on the other hand, specifies the scope of pragmatics with regards to the focus of the research efforts undertaken within the sub-discipline, identifying three major areas: “General pragmatics”, i.e. “the study of the general conditions of the communicative use of language”, “pragmalinguistics”, focusing on the formal aspects of pragmatics, and “sociopragmatics”, concentrating on the “‘local’ conditions on language use” (1983: 10-11). Whereas the frameworks of general pragmatics are most suitable for the relatively abstract and language independent general conditions, sociopragmatic approaches lend themselves to studies of linguistic usages that operate variably in different

social situations and language communities (1983: 10-11; Jacobs & Jucker 1995: 10). Pragmalinguistics, on the other hand, investigates the linguistic resources available to language so as to “fulfil certain functions and to realise particular speaker intentions” (1995: 11).

2.4 Studies in the field of historical pragmatics, the framework for this dissertation, commonly apply the more far-reaching view of social pragmatics in the European Continental tradition (Jucker & Taavitsainen 2013: 3), as can be evidenced by Jucker’s (2008: 895) definition of historical pragmatics as

a field of study that wants to understand the patterns of intentional human interaction (as determined by the conditions of society) of earlier periods, the historical developments of these patterns, and the general principles underlying such developments.

Thus, this broad definition identifies three major subfields of historical pragmatics (Jucker & Taavitsainen 2013: 4), of which the first one, referred to as “pragmaphilology” is pertinent to the present thesis as it concentrates on specific periods in the history of a language, and is mainly synchronic in contrast to diachronic approaches, which investigate pragmatic elements across time (Jacobs & Jucker 1995; Jucker 2008: 4).

2.5 Moreover, the pragmaphilological framework takes the socio-historical context of a text into consideration in the study of pragmatic linguistic features of past usages (Archer 2005: 6) by describing “the contextual aspects of historical texts, including the addressers and addressees, their social and personal relationship, the physical and social setting of text production and text reception, and the goal(s) of the text” (Jacobs & Jucker 1995: 11). In turn, this historical pragmatic emphasis on contextualized readings can be traced to traditional philological methods which were qualitative (Jucker & Taavitsainen 2013: 34).

2.6 With reference to Leech’s (1983) categorization of pragmatics, the frameworks that lend themselves to historical pragmatic analysis are typically those that account for sociopragmatic and pragmalinguistic aspects (Jacobs & Jucker 1995: 11). Sociopragmatics in particular has been utilized as the general framework for a growing number of studies of historical text studies (Archer 2005: 8). Although these studies are analogous to pragmaphilological analysis, they differ in “the prominence given to the non-linguistic context” (Archer 2005: 8), hence the term “historical sociopragmatics”, specifying further

the focus of the approach. As previous research has shown, historical texts, such as Early Modern English court records, not only benefit from a sociopragmatic framework, but also demand to be analyzed within such an approach (see Culpeper & Semino 2000; Archer 2002, 2005, 2006). In fact, according to Kryk-Kastovsky (2006a), one of the conditions that must be met for “the applicability of synchronic pragmatic apparatus to the analysis of historical language materials” is that historical texts be “analysed in a *wide* socio-historical context” (2006: 172-173, emphasis mine). This necessity has been demonstrated by sociopragmatic studies of historical texts, as well as pragmaphilological investigations

### 3. *The approach of the present thesis*

3.0 Following research on EModE court discourse with a sociopragmatic focus, this paper will adopt frameworks of historical sociopragmatics in order to “investigate examples of local language use from a specific time in the past in a way that takes account of the cognitive, social and cultural contexts influencing the interaction” (Archer 2005: 7). By context Archer (2002: 3) refers more specifically to Verschueren’s (1999: 108-109) notion of contexts, which “*are generated* [sic] *in language use*”, affecting or “created by the dynamics of interaction between utterers and interpreters in relation to what is (or is thought to be) ‘out there’”. Furthermore, again in line with Archer (2005: 7), the effect of the socio-historical/cultural/linguistic background, will also be taken into account in the investigation of the court records of the trial of Anne Hutchinson. Thus the analysis of the trial transcript relies profoundly on contextual factors, of which not all are directly identifiable from the source text, and must therefore be supplemented with existing commentary on the historical events surrounding this particular trial.

3.1 Therefore, in order to enable the investigation of the court records, the socio-historical background will be provided for the purpose of establishing the Puritan belief system/s that lay at the heart of the content of the trial and, by extension, the conflictive discourse of the courtroom – namely, the political and religious life of New England (see Chapter 2, Section 8). Accordingly, the roles of the participants in the trial, as well as their social positions in the Massachusetts Bay community, will be considered in the analysis of the record; it is ultimately the intentions, aims and perceptions of these interactors that are reflected in the court transcript, and that will be further illuminated by the analysis of the pragmatic aspects identified in the transcript in conjunction with the socio-historical dimensions mentioned. Providing the wide socio-historical context of the participants of the trial is necessary in order to account for the manifestation of certain language use, and

to recover the pragmatic meaning of the utterances encoded in both the linguistic and extra-linguistic contexts of the communicative exchanges recorded in the court transcript.

3.2 Pragmatic methods as applied to historical texts have in recent years adopted both qualitative and quantitative analytic methodologies. The fact that historical pragmatics is concerned with the investigation of indirect evidence of linguistic usages reinforces the importance of “contextualised readings” (Jucker & Taavitsainen 2013: 33-34). Such readings originate from traditional philological methods where detailed information of both the language form and culture are crucial in acquiring knowledge of an earlier period (2013: 33-34). This qualitative assessment of texts has been fruitful in historical pragmatics and is commonly accompanied by the more recent data-driven empirical methods, which have enabled the quantitative study of massive bodies of texts known as corpora (2013: 8, 34; Fitzmaurice & Smith 2012: 23). Nevertheless, although electronic corpora have rendered the accessibility of material straightforward, it constitutes a departure from contextual evaluations that are intrinsic to the pragmatic analysis of meaning (2013: 42), which is shaped by the linguistic, as well as situational context, of a particular communicative event. Consequently, it is difficult to identify pragmatic units through the study of corpora, hence further reinforcing the importance of qualitative methods in historical pragmatics (2013: 42).

3.3 Although, of course, this thesis for reasons of space cannot offer an exhaustive analysis of the entire text, certain qualitative, and to a lesser extent, quantitative approaches will be taken, enabling reasonably robust observations to be made. Considering that the key notions in pragmatics discussed in this thesis are constrained and affected by contextual factors, the recoverability of pragmatic meaning is to a large extent a matter of interpretation. For this reason, the court record lends itself more easily to qualitative analysis. Thus, the investigation of the court record is limited in scope to primarily qualitative analysis with only a few observations of quantitative value. In qualitative terms, the data of the present thesis is restricted to the transcript of one trial only, allowing for a thorough qualitative analysis of the source text according to the traditional philological methods also utilized in the historical (socio)pragmatic framework adopted in the present thesis. Thus, to facilitate identification of explicit and/or implicit nuances of meaning, contextual knowledge is provided where judged necessary; furthermore, the Oxford English Dictionary will be consulted. In this way, speech acts, Grice’s (1975) conversational implicatures, and manifestations of (im)politeness may be identified and interpreted.

3.4 There are, however, serious issues of evidence to do with historical pragmatics that need to be addressed. By far, the most difficult of these is to do with the relationship between written and spoken discourse, and it is to the issues relating to this relationship that this thesis will now turn.

#### 4. *Written and spoken discourse*

4.0 Until the end of the 19<sup>th</sup> century the only way in which language could be recorded was through writing. In this section the evidential issues for the project will be addressed in a preliminary way. The aim of this outline is to demonstrate the conceptual underpinning that enables the investigation of features of past spoken language in the written mode. In particular, the question of the degree of orality in Early Modern English speech-related texts and how court records compare to other text types in this regard will be briefly discussed, as will be the related issue of the adequacy of a historical speech report vis-à-vis the original. In this way, the general complex nature of such data, both in terms of the notion of orality and reliability, will be illustrated.

4.1 As has already been stated, historical pragmatics is an interdisciplinary engagement developed primarily out of what, until the early 1990s, seems to be the irreconcilable marriage of pragmatics, a field devoted primarily to the study of spoken language, and historical linguistics, a field concerned with past stages of languages and their diachronic development, focusing particularly on the sounds of language, the structure of words and sentences, and the meaning of single words (Archer 2005: 6; Jucker 2008: 895; Jucker & Taavitsainen 2013: 1-2). Nevertheless, as Jacobs and Jucker (1995: 3-4) point out, contrastive pragmatic studies are conceptually similar to historical studies; whereas the former compare the realization of linguistic units in different languages, cultures or varieties of a language, the latter compare the linguistic units at different stages in the development of one language. Both historical linguistics and pragmatic studies are in essence empirical fields of study, based on the analysis of data (Fitzmaurice & Smith 2012: 19).

4.2 Methodologically, however, one major difference between pragmatics and historical linguistics is the nature of the data available for investigation and therefore also the means by which language is analyzed (Jacobs & Jucker 1995: 6). Having rejected the analysis of written sources until recently, pragmatics relied instead on native speaker

intuitions and introspection due to its philosophical roots, as well as electronic recordings of speech and/or transcriptions (Archer 2005: 10; Jucker & Taavitsainen 2013: 9).

4.3 However, neither of these types of methods and data is available for historical investigations (2013: 9). Since it is only in relatively recent times audio recording technologies were introduced, past states of language cannot be accessed through direct observation (Jacobs & Jucker 1995: 6). This problem applies, of course, also to the historical pragmaticist's investigations of the spoken language of the past, which by necessity depend "on written records as approximate evidence for his or her claims on spoken language" (1995: 7).

4.4 The analysis of spoken language by means of written data was initially considered problematic both due to the apparent dichotomy between the spoken and written mode and the scarcity of appropriate data, e.g. spoken data (Archer 2005: 10). This view, however, has been replaced by new conceptualizations of spoken and written language (Jacobs 2008: 896). One such model resolves the dichotomy, on the one hand, with the distinction between the phonic and the graphic medium, and on the other hand, with a scale between communicative immediacy and communicative distance (Koch 1999: 399-400; Jacobs 2008: 896). In this theoretical framework, realizations of language in the graphic and phonic code respectively can be viewed in terms of communicative immediacy and communicative distance (Koch 1999; Jacobs 2008: 896).

4.5 By way of illustration, varieties of language in the graphic medium, such as personal letters, can be described in terms of language of immediacy, whereas formal varieties in the phonic medium, such as lectures or traditional church sermons, can be described in terms of language of distance (2008: 896). It is important to bear in mind, though, that a genre such as courtroom records constitute complex mixtures of "immediate" and "distant" language (Archer 2005: 11): whilst the institutional context of the courtroom is characterized by a degree of formality, it is also a situation in which some features of communicative immediacy are prevalent (Jucker 2000: 24-25; Archer 2005: 11). Nonetheless, historical language records can be investigated based on their communicative practices, which range on a continuum between the language of immediacy and the language of distance (Archer 2005: 10; Jacobs 2008: 896). This communicative outlook on written language has, naturally, extended the scope of acceptable databases available to historical and modern investigations equally.

4.6 Nevertheless, for the study of past spoken language in specific, there are certain written texts that are more approximate to spoken language than others (2005: 10). In fact, a variety of written text types are speech-related, including recordings of speech (e.g. trial proceedings and witness depositions) and constructions of speech (e.g. drama and speech presentation in prose fiction) (Culpeper & Kytö 2000: 176). To further facilitate conceptualization of the various speech-related genres, Culpeper and Kytö (2010: 17) propose three categories: “speech-like” (e.g. personal correspondence), “speech-based” (e.g. trial proceedings), and “speech-purposed” (e.g. plays). Accordingly, an example of a genre that “is neither based on nor designed to be like speech” is personal correspondence, which is regarded as ‘oral’ due to the speech-like features such texts contain (2010: 17). Conversely, speech-purposed texts are intended to be articulated, while speech-based genres originate in actual speech events. Thus, since it can be assumed that written records of spoken language contain a higher degree of orality than genres that are ‘merely’ speech-like or not based on speech at all, it has been suggested that the genres closest to spoken language belong to the speech-based and speech-purposed categories (Jacobs & Jucker 1995: 7; Archer 2005: 10; Kryk-Kastovsky 2006a: 168).

4.7 This assumption has been corroborated by several studies which have shown that the language of spontaneous sermons and trial proceedings is the closest approximation of spoken language (Kryk-Kastovsky 2006a: 168). In their study based on the *Corpus of Dialogues, 1600-1720*, Culpeper and Kytö (2000: 177) examined the degree of orality of four seventeenth century speech-related text types – witness depositions, trial proceedings, prose fiction and drama (comedies only) – by means of “features which can be assumed to be strongly associated with spoken face-to-face interaction”. The selected features for their analysis were lexical repetitions, which can be related to online production, turn-taking features (question-answer adjacency pairs and interruptions), and single-word interactive features (first- and second-person pronouns, private verbs and demonstrative pronouns) (2000: 177).

4.8 As is further noted, though, even if interpersonal features were not prioritized, the reporter would still use speech-like features to “dramatize the account of events” (2000: 188). In fact, their study suggests that trial proceedings are “close to ‘real’ spoken interaction” (2000: 188). According to the results, trial proceedings, compared to the other text types, contained more question marks, more private verbs, and more demonstrative pronouns, all of which are indicative of courtroom interaction (2000: 188).



4.9 Based on the above findings, court records can be reasonably expected to be fairly representative of spoken language, as they contain a comparatively high degree of orality compared to other written genres. In order for historical analysts to apply the analytical tools devised by synchronic pragmatics, Kryk-Kastovsky (2006a) actually concluded that “historical language materials” ought to contain a high degree of orality.

4.10 However, the above use of the word “approximation” to describe spoken language realized in the written medium hints at a major concern for the historical pragmatic analysis of court records: the question of how close the spoken language of written texts are to the spoken original (Kryk-Kastovsky 2000: 206). Even in the case of texts containing direct speech, which may seem “deceptively original”, there can be no assumption they are exact copie of the spoken version (Culpeper & Kytö 2010: 78, 83). Due to the scribal influence intrinsic with the production process, as well as the “transmission of records through various written and printed copies and editions”, written renditions of speech prior to audio-recording technologies have inevitably undergone editing and are therefore not transcriptions in the modern sense (2010: 81-83).

4.11 In effect, transcriptions are subjective interpretations rather than exact copies of the original speech event (Culpeper & Kytö 2000: 178). Since the adequacy of written representations of spoken discourse in court can be impaired by a number of concrete obstacles, including comprehension difficulties, the challenging task of following the speaker’s main train of thought, and difficulties in the representation of suprasegmental information, the transcripts produced are later subject to improvements for the sake of readability (Kryk-Kastovsky 2000: 207-208). For example, a record may be enhanced by means of grammatical correction, removal of redundant material (e.g. parenthetical remarks), rearrangement of sentences and even more extensive pieces of the text, restoration (changing the forms which have no standardised spelling), etc. (2000: 207-208). Thus, the matter of achieving a balance between adequacy and readability is a constant dilemma of the court reporter (2000: 208). Similarly, the transcript may be ‘improved’ with amendments or additions by the printer, or those who ordered the printed version, “in the interest of readability, rather than to enhance the faithfulness of the record vis-à-vis the original speech event” (Culpeper & Kytö 2010: 83).

4.12 Although the “base-line expectation” should by no means be that a speech report is faithful, still “one might expect faithfulness to the linguistic characteristics of speech” as opposed to “the specifics of what was actually said” (2010: 81). One crucial point is that

“the historical speech report *purports* to be a faithful report” (2010: 81, emphasis original). Obviously, there will have been some kind of formalization as the text has moved from speech to written text, but it seems a plausible assumption that an attempt was made to reproduce as far as possible the actual speech of participants. After all, the purpose of the record was to reflect statements that had a legal foundation, and therefore, would be an important point of reference for those persons examining the verdict. Certainly, this is the assumption underpinning other major projects dealing with courtroom discourse, e.g. the *Voices of the Old Bailey* project, which deals with 18<sup>th</sup> century criminal trials in London (cf. Fitzmaurice & Smith 2012, and references there cited).

4.13 In view of the above, despite the fact that historical court records are not a precise copy of the spoken original, features associated with spoken language have nevertheless been preserved in order to reproduce and represent the particular speech event.

4.14 The new conceptualization of written vis-à-vis spoken language along with the relatively high degree of speech-like features found in speech-based genres render court records particularly suitable for pragmatic investigations. In addition, the historical sociopragmatic approach of this thesis offers theoretical and methodological tools which ‘circumvent’, to an extent, the impoverished nature of historical data. Thus, the study of past language use is enabled by way of synchronic pragmatic methods of analysis. It is to these key notions in pragmatics this thesis now turns.

## 5. *Speech acts*

5.0 Speech act theory was developed by the philosopher J. L. Austin who, contrary to the logical positivist view on language emphasizing truth conditions as fundamental to language understanding, observed that certain sentences were not verifiable by nature (Levinson 1983: 228; Huang 2007: 94). In fact, Austin made two critical observations; firstly, that some sentences do not constitute statements and are, therefore, intrinsically impossible to assess in terms of truth and falsity; and secondly, that although certain sentences are stated in the declarative form, they nevertheless “resist a truth-conditional analysis” (2007: 94-5). Importantly, Austin noted that these types of sentences are employed not merely to “say things, i.e. describe states of affairs, but rather actively to *do* things” (Levinson 1983: 228). Accordingly, he classified these distinct types of sentences into the categories “constatives” (i.e. sentences that function as statements and assertions) and “performatives” respectively (Austin 1975: 7; Levinson 1983: 229; Huang 2007: 95).

5.1 Originally, Austin was fascinated by the *explicit* nature of certain types of performative utterances that are used to perform acts such as naming, pronouncing a couple as married, sentencing a person to prison, commanding and apologizing; these are characterized by the following syntactic and semantic properties (Archer 2005: 36; Huang 2007: 95):

1. They contain a performative verb, i.e. verbs that name the action performed (e.g. “I *sentence* you”)
2. Their performative nature can be reinforced by adding the adverb *hereby*.
3. They tend to occur in sentences with a first-person singular subject of a verb in the simple present tense. (Adapted from Huang 2007: 95-96)

5.2 However, Austin’s recognition of the exceptions to these special features in specific circumstances, and especially to the first feature, led to the relevance of *implicit* performatives (Archer 2005: 37); i.e. performatives that lack a corresponding performative verb (Huang 2007: 96). Indeed, the use of a performative verb is “impossible, extremely odd or very unusual” in many acts performed using language (e.g. “*I hereby let the cat out of the bag*”), and also depends on whether or not the situation requires that a specific form of language be used so as to imply difference in formality, emphasis, etc (Thomas 1995: 46-48). As a result, the tacit equation between performative verbs and the action performed was abandoned by Austin (1995: 46; Huang 2007: 98).

5.3 Although performatives are inherently unfalsifiable, in contrast to constatives, there are a certain set of conditions, which Austin termed “felicity conditions”, that must be met for an utterance to successfully perform an action and have the subsequent force of one (2007: 98-99). For example, one such condition for the speech act of promising is that what is promised by the speaker must be something the addressee would like to happen (2007: 98-99).

5.4 However, as Austin’s philosophical theorizing proceeded, the initial distinction between constatives, “as truth-bearers” and performatives “as action-performers”, proved to be too crude. First of all, Austin noted that felicity conditions may also apply to certain constatives (Huang 2007: 101). Secondly, he observed that it may be impossible to distinguish performatives and constatives in terms of truth conditions; whereas some constative sentences cannot actually be tested against truth conditions in exact terms (e.g. “London is sixty miles from where I live”), some performative utterances actually make a

statement or an assertion, as with constatives (e.g. “I hereby state that John is growing GM crops”) (Huang 2007: 96, 101). Consequently, “the performative/constative dichotomy” and all forms of performative utterances were eventually abandoned by Austin in favour of a general theory of speech acts (Thomas 1995: 49; Huang 2007: 100). In his new view, statements have a performative aspect, and a distinction had to be made “between the truth-conditional aspect of what a statement is and the action it performs”, i.e. between the meaning of the words uttered and their “illocutionary force” (1995: 49).

5.5 This shift in focus led Austin to distinguish three facets of a speech act, or utterances, which are “acts one simultaneously performs when saying something” (Huang 2007: 102). Firstly, an utterance is the actual words uttered, also known as the “locutionary act” (Austin 1975: 95; Thomas 1995: 49); secondly, there is the “illocutionary act”, which refers to the “force” or intention behind the words; finally, the “perlocutionary act” concerns the effect of the illocution on the hearer (Austin 1975: 101-102; Thomas 1995: 49). By way of illustration, the locution of the utterance “It’s hot in here” can have the additional meaning, or the illocutionary force, that the speaker wants some fresh air, and, in turn, the perlocutionary effect might be that someone opens the window (1995: 49). The “context of utterance” is also vital for the addressee to interpret the illocutionary force of a speech act as the same locution can correspond to different illocutions depending on the circumstances (1995: 50). Similarly, different locutions can be used to perform different illocutionary acts (1995: 51). The different levels of meaning in an utterance and the way speech acts are identified and recognized are of major concern in pragmatics, as will be briefly illustrated below.

5.6 Ever since Austin’s preliminary work on speech acts, scholars have endeavored to refine and advance his theory. By far, John Searle, who studied under Austin at Oxford, has been the most influential in the development and systematization of speech act theory (Levinson 1983: 237; Huang 2007: 93).

5.7 One of the main focuses of Searle’s interest was indirect speech acts, which are when the “propositional content” of an utterance is superseded by an additional interpretation of meaning, and therefore does not correspond to the “illocutionary force” in the “conventional” direct way (cf. Austin’s ‘locution’ and ‘illocution’; Thomas 1995: 93; Archer 2005: 37; 2007: 110). Implicit in this view, which is similar to Austin’s idea of illocutions and matching performatives, is the assumption that the illocutionary force is built into the structure of a sentence. (Archer 2005: 38). Thus, according to Searle, there

are illocutionary indicating devices (e.g. word order, stress, intonation contour, punctuation, etc.), which show “how the proposition is to be taken, or to put it in another way, what illocutionary force the utterance is to have” (Searle 1969: 30). This point is supported by the fact that the three basic sentence types (declaratives, interrogatives, and imperatives) “contain grammaticalized conventional indicators of illocutionary force” (Archer 2005: 38), that are associated with the corresponding basic illocutionary forces of asserting/stating, asking/questioning, and ordering/requesting respectively (Huang 2007: 109-110). That is to say that the interrogative sentence type is typically matched to the act of questioning except for cases where “the conventionally expected function” is superseded by an additional function (Archer 2005: 38). Archer (2005: 38) gives the example of the utterance “Can you pass the salt?” which has the function of a request due to conventionalization (Archer 2005: 38). However, an important observation is that most speech acts – with the exception of explicit performatives – are indirect to some degree in that they are performed by means of another speech act (Levinson 1983: 264; Thomas 1995: 94).

5.8 The question that arises, obviously, is how it is that an interrogative, for example, is understood as a ‘request’ and not a ‘question’ (Archer 2005: 38). In order to overcome this problem, Searle set out to formalize Austin’s notion of felicity conditions by establishing a rule-based set of conditions that must be fulfilled for a speech act to be successfully performed (Archer 2005: 38). Thus, according to Searle, the reason why certain requests are performed by means of a question is that the “preparatory condition”, which states the real-world prerequisites for the speech act, specifies that the speaker has reason to believe that the addressee has the ability to perform the action requested, and that if the addressee is not asked, then the action will not be carried out (for a description of the conditions see Huang 2007: 105-6 and Searle 1969: 66). However, as will become clear below, there are serious limitations to this formalized view of what constitutes speech acts.

5.9 As a result of Searle’s (1969: 56) emphasis on systematization, which led him to abstract and idealize, many actual usages of speech acts cannot be explained and included by the felicity conditions he set out and it also goes against speakers’ own intuitions of how speech acts are identified and classified (see Thomas 1995: 105-107). Indeed, the constitutive rules fail to account for differences in related speech acts (e.g. the related speech act verbs *ask*, *request*, *order*, *command*, *suggest*), as well as the overlap of some speech acts (Thomas 1995: 95-96). Thus, definitions based on Searle’s speech act theory

are not useful in elucidating the functions, or, rather, the illocutionary force of questions in various situations (Levinson 1979: 379; Harris 1984: 9).

5.10 To account for the intricacy of illocutionary acts, it has been proposed that speech acts may be profitably viewed in reference to prototype theory as fuzzy concepts, where Searle's constitutive rules for illocutionary acts may indeed serve as an adequate starting point (Jucker & Taavitsainen 2000: 74; Culpeper & Archer 2008: 47). Thus, to better capture the complexity of speech acts, empirical surveys typically adopt a revised and readjusted framework of the Searlian felicity conditions so as to correspond with both diachronic and synchronic empirical evidence.

5.11 For the purposes of the present thesis, however, it suffices to bear in mind that since the classification of speech acts is not as rigid as Searle's rule-based approach suggests, they will be identified not only based on formal considerations, but also on the functional factors that are involved in the way speech acts are classified (see Thomas 1995: 106). Thus, in order to establish the function or force of indirect speech acts, context-specific aspects as well as considerations related to speakers' goals will contribute to the interpretation and subsequent classification of a particular speech act (1995: 106). Certainly, Austin's notion of explicit performatives will also facilitate identification of certain cases of straightforward speech acts.

5.12 Presently, however, although this discussion will shift focus from speech acts and rules to the principles underpinning conversation, namely Grice's cooperative principle, the emphasis on the relationship between specific words uttered and the meaning they convey will remain, as it is further examined through the conversational maxims of language use.

## 6. *Grice's cooperative principle*

6.0 As has been illustrated above, the relationship between "sense" – i.e. "meaning as semantically determined" – and "force" – i.e. "meaning as pragmatically determined" – can be relatively direct or indirect (Leech 1983: 17, 30); the two may correspond as is the case when speakers say (or write) precisely what they mean, or conversely, speakers' utterances may also "convey far more than their words mean, or something quite different from the meanings of their words" (Thomas 1995: 56). H. P. Grice, who like Searle also studied under Austin at Oxford, developed a theory in which an additional level of

meaning beyond the semantic one is conveyed through the concept of “implicatures” (1995: 57). Grice identified that for one type of implicature, namely “conversational implicatures”, the implied meaning of an utterance is susceptible to various interpretations depending on the context in which it occurs, as opposed to “conventional implicatures” which invariably convey the same implicature regardless of context (1995: 57). In essence, Grice’s theory of conversational implicatures is an attempt to demonstrate the mechanisms by which an addressee understands what is meant from what is actually uttered and manages to get “from the level of expressed meaning to the level of **implied meaning** [sic]” (1995: 56), hence enabling communication in the face of the abovementioned discrepancy.

6.1 In fact, Grice observed that a conversational implicature is governed by a set of assumptions people have about communicative exchanges, which together comprise an underlying principle enabling the effective and efficient language use typical of any “rational” conversational interaction (Grice 1975: 45; Levinson 1983: 101; Thomas 1995: 62-63). Moreover, the principle stems from the fact that conversational interactions are “characteristically, to some degree at least, cooperative efforts”, hence the term “cooperative principle” (henceforth CP) (1975: 45). The CP and its constituent maxims, ensure that the adequate amount of information is provided in a conversational exchange, and that “the interaction is conducted in a truthful, relevant and perspicuous manner” (Huang 2007: 25), are the following:

Quantity: Make your contribution as informative as is required (for the current purpose of the exchange). Do not make your contribution more informative than is required.

Quality: Do not say what you believe to be false. Do not say that for which you lack adequate evidence.

Relation: Be relevant.

Manner: Avoid obscurity of expression. Avoid ambiguity. Be brief (avoid unnecessary prolixity). Be orderly. (Thomas 1995: 63-64; see Grice 1975: 45-46)

6.2 Although the maxims are formulated in the imperative, they are not intended to be prescriptive or to reflect the way communication is conducted; indeed, speakers do not always seem to abide by these maxims in their everyday communicative interactions, but may neglect them in various ways (Levinson 1983: 102; Thomas 1995: 62). The point is, rather, that the underlying assumption is that the maxims are

oriented to “at some deeper level” by interlocutors in most types of conversation, even if the principle is not adhered to on the surface (1983: 102).

6.3 This observation becomes clear at a closer inspection of the relationship between speakers and conversational maxims. One major type of implicature arises by means of speakers’ overt and blatant failure to observe a certain maxim where the aim to compel the addressee to look for an alternative interpretation, which is distinct from, or goes beyond, the semantic meaning of the utterance (Levinson 1983: 109; Thomas 1995: 65). The alternative interpretation of meaning is thus enabled as the addressee recognizes the conspicuous nature of the so called “flouting” of some maxim on part of the speaker, hence indicating that cooperation is still in operation (1983: 109; 1995: 65). By way of illustration, a “flout” exploiting the maxim of Quantity is produced when speakers blatantly give a disproportionate amount of information relative to what the situation requires (1995: 69).

6.4 On the other hand, there are communicative usages that are “unostentatious” in that the “violation” of a maxim is “liable to mislead” (Grice 1975: 49; 1995: 49). One prime example of such usage is the violation of the maxim of Quality by deliberately telling a lie (Huang 2007: 26). Other examples include the withholding of certain information with the intention to generate a misleading or untrue implicature by means of violating the maxim of Quantity (Thomas 1995: 73-74).

6.5 Finally, speakers may “opt out” of observing a maxim as well the CP by indicating unwillingness “to cooperate in the way the maxim requires” (Grice 1975: 49; Thomas 1995: 74). This kind of usage regularly occurs in public life when speakers do not wish to generate a false implicature or appear uncooperative, but nevertheless cannot reply as would typically be expected, perhaps due to legal or ethical considerations (1995: 74). Thus, it becomes evident that speakers are indeed aware of the maxims and that they attempt to observe them (1995: 75-76; Huang 2007: 27).

6.6 It should be noted, however, that scholars have suggested that there are occasions when it is not necessary to opt out of observing the maxims since certain events do not expect that they will be fulfilled by the participant (1995: 76). This additional category refers to the “suspension” of maxims and accounts for situations in which maxims seem to be selectively suspended, as, for example, in confrontational situations where information is elicited by an “investigator” (1995: 77). In the case of a court of law, no inference is



drawn on the basis of what is not stated by witnesses as they are not required to disclose information that may incriminate them (1995: 77).

6.7 The above theories of speech acts and Gricean maxims, which are concerned with the matter of utterance meaning in terms of illocutionary force and implicatures respectively, do not address the question of why interlocutors may choose to convey meaning by way of indirect speech acts and implicatures (1995: 70; Huang 2007: 115). This is precisely the issue frameworks of (im)politeness focus on as they identify “the social constraints governing utterance production and interpretation” (1995: 70).

## 7. *Notions of (im)politeness*

7.0 In the linguistic literature on politeness, two major notions of the term can be discerned; “first-order” (im)politeness or (im)politeness<sub>1</sub> refers to the lay meaning of the word as understood in everyday interaction (Jucker & Taavitsainen 2013: 114), and is thus concerned with the perceptions of the participants involved, adopting a so-called “relational approach”, i.e. from the point of view of the addressee (Archer 2011: 5). On the other hand, “second-order” (im)politeness, or (im)politeness<sub>2</sub>, is used as a technical term for analytical purposes (Jucker & Taavitsainen 2013: 114), and offers explanatory models of linguistic (im)politeness (Archer 2011: 5). Due to length constraints only notions of (im)politeness<sub>2</sub> are addressed below.

7.1 With regard to politeness<sub>2</sub> (henceforth just politeness) there are several theoretical models of which the most influential and comprehensive one is Brown and Levinson’s (1987) “face-saving” model, which draws on Goffman’s (1967) sociological concept of “face” (Huang 2007: 116). More specifically, their notion of face derives from, to quote Brown and Levinson, “the public self-image that every member wants to claim for himself [sic]” (1987: 61), in that one does not wish to “lose face” and will therefore strive to maintain or “save face” when it is at risk (Jucker & Taavitsainen 2013: 115). Furthermore, they distinguished between positive face, which refers to a person’s desire to be liked and appreciated by others, and negative face, which represents the addressee’s wish not to be imposed upon by others and have “freedom of action” (Brown & Levinson 1987: 129; Huang 2007: 116). Due to the vulnerability of face, it is assumed that “it is generally in everyone's best interest to maintain each other's face and to act in such ways that others are made aware that this is one's intention” (Fraser 1990: 229).

7.2 Indeed, in everyday interaction a person's face is threatened to varying degrees by "face-threatening acts" (henceforth FTAs), i.e. acts that intrinsically threaten face as they clash with an individual's "face wants" (1987: 65). For instance, many kinds of speech acts such as complaints, disagreements, and requests constitute FTAs (Huang 2007: 117). Brown and Levinson (1987: 65-68) make a distinction between "acts that primarily threaten the addressee's [...] negative-face want" and those that "threaten the positive face want" (1987: 65). The former includes speech acts such as orders, requests, suggestions, advice, threats, warnings, etc., which intend to affect the addressee's future course of action (1987: 65-66). The latter, on the other hand, includes FTAs such as expressions of disapproval, criticism, contempt or ridicule, complaints, reprimands, accusations, contradictions or disagreements, all of which indicate the speaker's potential disregard of the addressee's feelings, wants, and so forth (1987: 66).

7.3 In the same vein as Grice (1975), Brown and Levinson (1987: 4, 68) emphasize the role of rationality in people's interaction as "any rational agent will seek to avoid these face-threatening acts" or deploy certain strategies for the mitigation of any potential face threat that arises from performing FTAs. Consequently the focus is mainly on minimizing threats to the hearer (Fraser 1990: 230), and the strategies the speaker employs for this purpose are determined by the weightiness of an FTA (Huang 2007: 117). According to this formula, the seriousness of the FTA increases if the imposition of the act is great, and the addressee is socially distant and more powerful than the speaker (Culpeper 1996: 357). In order to offset a potential face threat the speaker employs strategies of either positive politeness or negative politeness (Brown & Levinson 1987: 69-70), which relate directly to positive and negative face (Jucker & Taavitsainen 2013: 115).

7.4 Accordingly, a person's positive face is preserved by means of positive politeness, which is employed to "emphasize one's solidarity with the addressee" (Huang 2007: 116). This, in turn, is achieved by certain strategies that involve claiming "common ground" with the interlocutor, conveying that the speaker and the addressee are cooperators, and fulfilling the addressee's want (Brown & Levinson 1987: 101-103; 2007: 116). Negative politeness, on the other hand, is used to maintain an individual's negative face (2007: 116). The speech strategy one tends to choose for such purposes is to "emphasize one's deference to the addressee" (2007: 116). Linguistically, negative politeness strategies in English are realized through the use of conventional indirectness, hedges on the illocutionary force of the act, and apologies (2007: 116; Brown & Levinson 1987: 70).

7.5 However, one particularly noteworthy limitation of Brown and Levinson's theory of politeness lies in the basis of their approach in that the ultimate goal of a speaker and an addressee amounts to the maintenance of harmonious and cooperative interactions through the implementation of politeness strategies (Bousfield 2008: 56; Jucker & Taavitsainen 2013: 56). As Bousfield (2008: 1, 51) observes, their face-saving model assumes that politeness "is a 'norm' for all speakers across all discourses" and that "conflictive illocutions" are marginal communicative phenomena. This assumption, however, has been contested by investigations of the role of impoliteness and conflictive interactions that indeed occur across a variety of different discourses, and therefore cannot be disregarded as "anomalous behaviour" (Culpeper 2011: 6). Culpeper (1996: 350) suggests that people also employ strategies, which "are oriented towards attacking face" and have the effect of "social disruption".

7.6 In fact, based on Brown and Levinson's politeness strategies, Culpeper (1996) devised a system of impoliteness strategies, which are means of damaging face as opposed to enhancing face (Culpeper 2011: 356). In view of this framework, "positive impoliteness" is designed to damage the addressee's positive face wants by the use of strategies, which include: "ignore, snub, fail to attend to H's [the addressee's] needs", "avoid agreement", and "use taboo language, swear, be abusive" (Culpeper, Bousfield & Wichmann 2003: 1556). On the other hand, typical "output strategies" for negative impoliteness employed to damage the addressee's negative face wants include: "condescend, scorn, ridicule", and "hinder linguistically (e.g. interrupt, deny turn) or physically (e.g. block other's passage)" (Culpeper et al. 2003: 1557). Another strategy is the impolite use of "sarcasm" or "mock politeness" by which the FTA is performed through the insincere use of politeness strategies (Culpeper 1996: 357). This strategy is achieved, for example, by flouting the Gricean maxim of Quality so as to generate the opposite implicature from what is said (1996: 366). The speaker may also choose "bald on record impoliteness", which is deployed when the face-threat to the addressee is clearly increased and the intention on part of the speaker is to attack the other's face (Culpeper et al. 2003: 1554). The final strategy is to "withhold politeness", which is the result of a failure "to act where politeness work is expected", hence communicating impoliteness (2003: 1555).

7.7 Moreover, as Archer (2008: 185) highlights, Culpeper et al. (2003) further propose "the need to better account for context" in the occurrence of impoliteness, moving thus "beyond the level of the single utterance". For example, "if it were not part of someone's

role (as a tutor, say) to make criticism”, then disapproval of the addressee’s work would appear as impolite (Culpeper et al. 2003: 1549). Thus, according to Culpeper et al. (2003: 1549-1550) a major difference between politeness and impoliteness is speaker intention; i.e. “whether it is the speaker’s intention to support face (politeness) or to attack it (impoliteness)”. Finally, as Archer (2008: 185) notes, Culpeper et al. (2003) emphasize that prosodic clues are crucial in determining whether or not impoliteness has actually taken place. Obviously this aspect of impoliteness, or politeness for that matter, cannot be considered in the analysis of historical data (2008: 185).

7.9 In accordance with the aims of the present thesis, the notions of (im)politeness that have been briefly introduced, demonstrate the strategic use of language in order to ‘save’ or ‘damage’ face, and are useful given that they describe how speakers’ linguistic behaviour is socially constrained and motivated in terms of the concept of face, explaining, for instance, why a speaker (of English) may choose to convey meaning through the use of indirect speech acts or by way of implicatures. These usages are distinct from the notion of “politic behaviour”, which emphasizes a kind of behaviour that is considered polite in a certain social and situational context (Jucker & Taavitsainen 2013: 116), or is generally perceived as “socially appropriate” (Watts 1992: 61).

7.10 Therefore, it should be noted that researchers have suggested that certain discourse situations, in which verbal behaviour is inherently aggravating towards the addressee’s face, cannot be considered by the framework of impoliteness inspired by Culpeper (1996). In fact, the systematic use of impoliteness strategies are effectively the norm for certain types of interaction and can be classified within the “politic zone” as certain linguistic behaviour does not (primarily) intend to damage face (Archer 2008: 181; Archer 2011: 6). One such discourse situation is, of course, the institutional setting of the courtroom, and Archer’s (2008) conceptualization of facework that accounts for this kind of interaction will be discussed in conjunction with the specific activity of the courtroom in chapter 2.

## 8. *The organization of this thesis*

8.0 This thesis is designed to offer at least preliminary answers to the general research questions with which this chapter began. In Chapter 2, the evidential authority of the corpus of text underpinning the investigation will be examined in terms of the kind of activity undertaken in the courtroom and the power dynamics reflected in the speech of the various participants. The chapter ends with a biographical-historical sketch of the

interacting parties, outlining the political and religious conflict at the heart of the trial, as well as the details of the printed edition of the source text pertinent to the analysis. In Chapter 3, passages from the corpus will be subjected to a mainly qualitative and some degree of quantitative analysis, with the view to identifying the pragmatic strategies adopted by the various interlocutors who are represented in the court records. The thesis will conclude, in Chapter 4, with the answers to the key research questions, as well as with the insights harnessed from the historical sociopragmatic analysis of the court record.

## **Chapter 2**

## 1. Activity types

1.0 The contextual dependence of the pragmatic notions in the interpretation of utterance has been further demonstrated, in a growing body of research concerned with speech relative to the discourse situation. It is a well established fact that courtroom discourse differs radically from normal conversational interaction (Danet 1980: 538; Kahlas-Tarkka & Rissanen 2007: 4). For example, it has been observed that due to the frequent occurrence of pragmatically misleading or potentially pragmatically misleading utterances in trials (achieved through the unostentatious violation of maxims), this type of usage could be viewed as the norm for this kind of interaction, and be interpreted accordingly by participants (Thomas 1995: 74). In the same vein, Archer (2005: 73), notes that the value of the illocutionary act of asking a question in the communicative event of trial proceedings differs from that of an informal setting (as will be further discussed below in relation to the questioning procedure of trials).

1.1 This matter can be viewed in terms of “activity types”, a notion originally introduced by Levinson (1979), which provides a useful framework for this phenomenon. In effect, a certain activity helps determine how what interlocutors say will be ‘taken’ – “that is, what kinds of inferences will be made from what is said” (Levinson 1979: 393). Drawing on the philosopher Wittgenstein’s observation that comprehending the meaning of an utterance requires knowledge of the activity in which that utterance plays a part (Culpeper & Semino 2000: 111), Levinson’s conception of activity types is as follows:

In particular, I take the notion of an activity type to refer to a fuzzy category whose focal members are goal-defined, socially constituted, bounded events with *constraints* on participants, setting, and so on, but above all on the kinds of allowable contributions. Paradigm examples would be teaching, a job interview, a jural interrogation, a football game, a task in a workshop, a dinner party, and so on. (Levinson 1979: 368)

As Archer (2005: 73) points out, this is directly applicable to the courtroom, which is a particularly complex activity type composed of both monologic and dialogic verbal practices as a result of the distinct institutional roles of the participants, the performance of a clear task, i.e. establishing whether the accused is guilty or innocent, as well as the competitive quality of the event in that barristers pursue a convincing narrative (2005: 73).

1.2 The ways in which the type of activity constrains the interaction of court participants, are reflected in various aspects of the discourse. One of the main features of courtroom interaction, in terms of turn-taking (i.e. the distribution of talk across two interlocutors), is that turns are pre-allocated, hence contributing to the rigid structure characteristic of this institutional setting (Danet 1980: 538; Levinson 1983: 301; Kryk-Kastovsky 2000: 202). The formulaic and, to some extent, archaic and pompous language, which is typical for courtroom speech, also signals the formality of the event (Lakoff 1990: 92-94). Moreover, by virtue of their roles as “examiner” and “examined”, the participants are limited to do the majority of their “talk-work” either through the speech acts of questions or answers respectively (Archer 2002: 6). These features of courtroom discourse are thus closely intertwined with the nature of the activity type.

## 2. *The courtroom as a diachronic activity type*

2.0 The importance of the activity type in the interpretation of pragmatic features has been further reinforced from historical investigations, which have mainly focused on Early Modern English with regard to courtroom discourse. As a result of the drastic changes certain aspects of trial proceedings have undergone throughout history, the courtroom as an activity type in the past is notably different from that in the present. As Archer (2008: 191) highlights, the analysis of historical data requires sensitivity to any potential “diachronic differences in (institutional) norms of interaction and/or evolutionary changes to these norms”. Consequently, since pragmatic meaning is affected by the situational context in which speech occurs, the expectations and assumptions about interaction in the courtroom, as well as the interpretation of utterance, vary for synchronic and historical pragmatic studies respectively.

2.1 A fundamental way in which the EModE courtroom differs from its modern counterpart is the defendants’ active participation in their own defense (Archer 2005: 85). This is illustrated in Archer’s (2006: 186) quantitative analysis of the trial section of the *Sociopragmatic Corpus*, showing that “the defendants had the second highest number of utterances, after the judges”, and out of a total of eleven participant roles in the English courtroom in the period 1640-1679. In terms of strategies adopted by defendants, the same corpus showed that the accused would not merely respond to the allegations leveled at them, but would also actively question the witness, and were thus found to be “the fifth most active questioner” in the entire trial section of the corpus, which additionally included periods 1680-1719 and 1720-1760 (2006: 192). By contrast, in today’s court the defendant

is comparatively passive as he or she may not be questioned at all, whereas the prosecution and defense counsels tend to be the main questioners, and the witnesses, the main respondents (2006: 183).

2.2 The active role of defendants in EModE courtroom interaction can be appreciated by considering the prevailing preconceptions of guilt and innocence according to which the court operated. In fact, the basic principle of presumption of innocence was absent from the Early Modern trial procedures, as was also “the corresponding idea that the onus of proof of guilt lies with the accuser” (Archer 2005: 85, Cecconi 2011: 102). Moreover, defense counsels and lawyers had yet to be introduced to the judicial system, at least in the beginning of the Early Modern Period (2005: 85); instead, defendants were expected to respond to the charges laid against them on their own (Archer 2005: 85). Similarly, as the records of the Salem witchcraft examinations demonstrate, defendants in New England also had to present their own defense (Archer 2002: 11).

2.3 The idea that defendants were capable of conducting their own case was based on the belief that innocent people did not need an elaborate defense since honesty was considered to be evident from the simple and unrehearsed responses produced by the accused (Archer 2005: 88). Unsurprisingly, the defense presented by the defendants could easily be hampered, both due to personal failure to respond effectively to “the judge’s invitation to address the jury and to ‘cross-examine’ the prosecution witnesses”, as well as by hearsay evidence obtained from witnesses’ testimonies since the onus of proof of innocence was placed on the accused (2005: 88-89). Thus, it appears to have been quite exceptional for the defendant to manage to counter the court’s allegations with questions and to speak effectively to the jury (2005: 89).

2.4 Moreover, the function of the EModE judges also differed radically from their role in today’s court as has already been suggested by the fact that they had the highest amount of utterances in Archer’s (2006) study. The common practice in EModE trial proceedings was for the judge to guide witnesses through their testimonies, “acting as both examiner and cross-examiner” (2006: 185). Consequently, in contrast to contemporary trial hearings, where the judge is impartial as the defense and prosecution counsels respectively present their version of events, the EModE judge “was actively involved in the trial’s production” (2006: 185).

### 3. *‘Controlling’ and ‘accusatory’ functions of questions*



3.0 Thus, the roles of the interactors in the EModE courtroom demonstrate that participant relationships were acutely asymmetrical (Kryk-Kastovsky 2006a: 169), considering the powerlessness of the defendant and the absence of an impartial party to preside over the proceedings (Archer 2006: 185). By contrast, the power imbalance inherent in the institutional context of the modern courtroom is counteracted by the principle of the presumption of innocence as well as the neutral presence of the judge, who is there to ensure that the proceedings are conducted fairly (2006: 183). However, drawing on contemporary studies of courtroom discourse, Archer (2002: 26) found that the cross-examiners' techniques of framing questions, which assumed "controlling" and "accusatory" functions, are analogous to those in the Salem witchcraft trials in the end of the 17<sup>th</sup> century. In other words, examiners of both contemporary and past trials are similar in that their questions are and were designed to elicit the expected answer or a confession of guilt.

3.1 Hence, the asymmetrical power relationship between participants is a common feature of both the modern and historical institutional setting of the courtroom, in which this imbalance of power is, indeed, reflected in the interaction, and especially in the questioning procedure (Harris 1984: 6). Generally, the act of questioning enables one speaker to determine "the way in which the discourse is to continue, and thus also to define participant relationships along a dimension of power and authority" (1984: 7). In other words, questions are not only the primary means by which crucial information may be elicited, but they function also as a mode of control determining the content of the interaction, and compelling a response from the person being questioned (1984: 6). In fact, as Harris (1984: 7) explains, the report and command functions of questions are rendered difficult to identify in contexts that center on a "preservation of status differentials" (Archer 2002: 6). Consequently, a question asked by a person "with higher status and in a clearly defined authority role", is difficult to be perceived by defendants and witnesses as merely "an information question" and "not about fixing responsibility or ascribing blame" (Harris 1984: 7).

3.2 As far as contemporary trial proceedings are concerned, studies have shown that despite the 'presumption of innocence' principle, the examined expect accusations before they are made, offering defenses to apparently neutral questions (2002: 6; Atkinson & Drew 1979). Understandably, since this principle was not in operation in the EModE judicial system, the examined surely must have anticipated the main function of questions to be accusatory in essence. Thus, the finding that the expectations of the examined affect

how examiners' questions are construed, highlights "the importance of context in determining the function of any question" (Harris 1984: 22). Indeed, the features of questions have been extensively examined in the pertinent literature, and the current thesis intends to draw attention to this subject.

#### 4. *The use of questions in court*

4.0 Generally, question-answer exchanges are one of the most common forms of adjacency pairs (i.e. a basic unit of social interaction, see Levinson 1983: 303-304), and the act of questioning is used as a mode of communication in several settings in society (Danet 1980: 514). Prototypical questions, as have been discussed in connection with Searlian felicity conditions of speech acts, are those that seek to elicit information. However, as has also been mentioned in the previous chapter, since the boundaries between the illocutionary forces of utterance are fuzzy, questions can take on several functions depending on the context; for example, in the English language, questions can be employed to make polite requests, suggestions, and even ironical assertions (Danet 1980: 515). The reason for the ambiguity of the various illocutions of questions is that this speech act can be distinguished in terms of meaning on two levels; the semantic meaning as propositions that are encoded in the interrogative mood, and pragmatic meaning as actions (Woodbury 1984: 200). Hence, a distinction can be made between interrogative sentences, which refer to syntactic and semantic properties, and questions, which refer to the realization of interrogative sentences that are produced in particular contexts, taking on various functions (1984: 200).

4.1 It should be noted that although pragmatic meanings are largely determined by a given situation, sentences encoding them may still be interpreted out of context by virtue of the fact that a linguistic item can be used as an utterance (1984: 200). Although more space could be devoted to the features of interrogative sentence-types and how they relate to their realizations as questions, for the purposes of the present thesis, attention here concentrates on these features only insofar as they relate to the pragmatic properties of question-types utilized in the context of the courtroom.

4.2 The correlation between question-types and their varying pragmatic properties that can be exploited by speakers is crucial in understanding the strategic use of questions in the courtroom situation, as well as the asymmetrical relationship between questioner and addressee (or examiner and examined). Indeed, contemporary lawyers are extremely aware

of the importance of framing their questions, particularly in a way that restricts what a witness can do in an answer (Atkinson & Drew 1979: 66; Archer 2002: 7). Consequently, the responses available to the addressee are variably constrained, depending on the type of question (Woodbury 1984: 201). In her study, Woodbury (1984) showed that the various English question-types used in contemporary court could be categorized hierarchically in a continuum of control, ranging from the least controlling to the most controlling questions in the following way: broad *wh*-questions, narrow *wh*-questions, alternative questions, grammatical *yes/no* questions, negative grammatical *yes/no* questions, declarative questions, and tag questions (1984: 205; Archer 2002: 8).

4.3 Thus, there are certain reoccurring patterns of use that emerge during the course of a trial: *yes/no* questions are typically employed when lawyers intend to word evidence in a specific way or limit the number of possible responses (Archer 2002: 7). Negative grammatical *yes/no* questions allow the examiner to express surprise, and are typically utilized in court as an adversary strategy to discredit the other's evidence (Woodbury 1984: 217). Similar to *yes/no* questions, alternative questions also restricts the addressee's choice of answers (1984: 201).

4.4 *Wh*-questions are a particularly interesting category as they vary depending on the degree of "situation-bound" specificity that is required from the addressee's response (Woodbury 1984: 201-202; Archer 2002: 7). Therefore, this type of question can be further classified into broad, narrow, and reduced *wh*-questions, the last of which restricts the choice of answers like a *yes/no* question (1984: 201-202; 2002: 7). In court, the use of broad questions is rare as there is a general requirement that the examined should be as specific as they possibly can be (1984: 202). The use of narrow *wh*-questions, on the other hand, is more frequent than the broad, and examiners may employ them for "adversary" as well as "non-adversary" purposes (Archer 2002: 7). For example, this type of question is utilized when examiners want "non-hostile" witnesses to confirm a certain version of events or, conversely, undermine a previous testimony given by "hostile" witnesses (2002: 7). Declarative questions signal the examiner's belief regarding the truth of a question's propositional content and also indicate the expected answer (Woodbury 1984: 217-218). Finally, tag-questions are the most controlling type of question as they contain "an explicit invitation to answer" (1984: 223). In common for *wh*- and *yes/no* questions, is that they may or may not contain new information, whereas the other question-types "tag their informational content as 'given'" (1984: 206).

4.5 Consequently, through the strategic use of these question-types, most of which contain completed propositions restricting defendants to introduce new topics, the examiner can exert a high degree of control over the content of the discourse, emphasizing those details that confirm their version of the story (Harris 1984: 15; Woodbury 1984: 206). Whilst this “pragmatically determined” degree of control signaled by each question-type (Archer 2002: 7) helps the examined give specific and unambiguous answers as is required by the type of activity, examiners’ control over the interaction is nevertheless a reflection of the inherent power imbalance between the courtroom participants.

4.6 Moreover, Archer (2002) has developed the above concept of ‘control’ by complementing it with the notion of the “conducivity of questions” this being the extent to which a question-type exhibits an expectation of an answer as well as the preference for a given answer (Archer 2002: 8) According to Archer (2002: 8-9), there seems to be a correlation between the ‘control’ and ‘conducivity’ of questions, as question-types that exhibit an increased degree of control also exhibit a greater expectation of an answer.

4.7 However, a conducive question does not guarantee that the examiner will obtain the expected or preferred response from the examined, who are, indeed, likely “to adopt a less-than-direct approach as a means of thwarting the examiner’s line of argument” (2002: 9). It is to this issue this thesis now turns.

## 5. *‘Reality paradigms’*

5.0 In order to gain a better understanding of the power dynamics of courtroom interaction, it is necessary that the (represented) speech of both examiners and examined be investigated besides merely questioning strategies. Archer’s (2002) historical sociopragmatic study found that although the participants of the Salem Witchcraft trials all shared essentially the same belief-system, their mental realities clashed in the courtroom depending on whether they were examiners or accused as they brought different assumptions to the discourse exchange. Archer (2002: 20) refers to these different mental perspectives of the participants as “reality paradigms”, a term borrowed from Harris (1984). More specifically, according to Archer (2005: 58), the notion of ‘reality paradigms’, refers to “the ‘perspectives of reality’ through which interlocutors operate/filter information about their world[s] [sic]”.

5.1 Therefore, an adequate investigation of the question and answer adjacency pairs of historical courtroom discourse requires that these speech acts be viewed from a wide social and historical perspective, so as to obtain a more comprehensive understanding of the different views brought to the courtroom by the participants, influencing the interaction. As Archer (2002) has demonstrated, a historical pragmatic investigation of courtroom discourse can be greatly facilitated by adopting a sociopragmatic framework, which takes into consideration the cognitive, social and cultural contexts affecting the interaction of the participants in the activity of the trial. In order to understand the motivation behind the defendants' confessions or denials, a historical commentary enables further access to the participant's "mental social and physical 'realities'" (2002: 4).

5.2 In consequence of interactors' differing mental realities, the operation of the Gricean maxims are affected "by impeding the inferencing capacity of the addressee" (Archer 2005: 58). Accordingly, the Salem magistrates' unrelenting desire for confession of witchcraft by the accused can be described in terms of an "unwilling" reality paradigm adopted by the examiners; i.e. defendants who denied the accusations of witchcraft were considered guilty but unwilling to confess (Archer 2002: 20). In other words, the magistrates had the power to 'judge' the "'legitimacy' of a 'reality' their questioning strategy helped to construct", as is evident from the obvious "accusing" function of their questions (2002: 1, 20). Thus, the defendants who maintained their innocence throughout the trial proceeding "inhabited very different mental worlds from their questioners", and as a result they were assumed to be lying and sentenced to death (2002: 4, 26). Interestingly, a close analysis of their responses in terms of Gricean maxims showed that the magistrates' perspective of guilt remained robustly unaffected, even when the defendants would flout a maxim in order to generate an implicature that they were innocent (2002: 20). Conversely, a vast majority of the accused who eventually confessed guilty, hence giving evidence that corresponded with the magistrates' reality paradigm survived (2002: 4).

5.3 A conclusion that could be drawn from this sociopragmatic analysis of historical courtroom interaction was that the different reality paradigms of the participants indeed had an impact on "the operation of the maxims by impeding the inferencing capacity of the addressee" (2002: 25). Due to the nature of the event and the existence of diametrically opposed reality paradigms, the charges were almost impossible to disprove (2002: 26). Thus, the power of the Salem magistrates to elicit a conviction by way of constructing a version of events, effectively demonstrates the asymmetrical relationship between the participants of the seventeenth-century courtroom in Colonial America (2002: 26).

## 6. *Illocutions and perlocutions*

6.0 The dynamics of EModE courtroom interaction can be further elucidated by examining the formula used by the participants, in terms of the illocutionary and perlocutionary acts that were performed, and how these usages were constrained by the courtroom situation. In order to identify illocutions and perlocutions of past language use, Kryk-Kastovsky (2009: 442) highlights the importance of “knowledge of the socio-cultural and historical context in which the trials were set” so as to interpret the discourse.

6.1 With regard to the recoverability of illocutions, Kryk-Kastovsky’s (2009: 442) study of two EModE court records showed that illocutionary acts are fairly easily retrievable from old court records since, for example, the act of questioning – as has been evidenced above – is abundant in these types of text. Moreover, these characteristic illocutions for courtroom discourse could be identified by explicit performatives, such as the obsolete use of *desire* in the utterance *I desire to know* (2009: 443). Implicit performatives, however, also carried “a special weight in the courtroom context” (2009: 448). For example, several acts such as ordering, warning, and accusing were all performed implicitly (2009: 448). Certain of these implicit performatives could only be inferred in view of the socio-political context of the trial; for example, the act of calling someone a Roman Catholic was an obvious accusation in *The Trial of Titus Oates* (2009: 448).

6.2 Contrary to the easily recoverable illocutionary acts, perlocutions, i.e. the effects of speech acts on the beliefs and actions of the addressees, are due to their less tangible nature more difficult to detect (2009: 449-450). However, as is also the case with illocutionary acts, perlocutions may actually be identified if the socio-political and cultural context of the trial is taken into consideration (2009: 450). Focusing on the act of questioning and the subsequent responses, Kryk-Kastovsky (2009: 451-452) found that whilst some questions were simple requests for information and had the perlocutionary effect of eliciting answers from the interlocutor, other questions were formulated with the aim of verbally harassing the witness so that the perlocutionary effect would be that of intimidating the witness into changing the deposition (2009: 453). The responses of the defendants also had intended perlocutionary effects; in the case of *The Trial of Lady Alice Lisle*, the defendant attempted to prove her innocence by producing the perlocutions of convincing and persuading (2009: 455).

6.3 Certainly, the intended perlocutionary effect is not necessarily achieved as is indicated by some of the responses; e.g. the intended perlocutionary effect of intimidating was assessed as not having been realized if the witness continued his or her story (2009: 453). Similarly, the judge whose goal was to “force the defendant to plead guilty” in the treason trial of Lady Alice Lisle, remained utterly unconvinced by the arguments of the defendant (2009: 455).

6.4 Thus, through the investigation of speech acts of both examiners and examined, the illocutions performed by the participants and the actual perlocutionary effects on the addressee can be analyzed in view of the socio-historical context of a trial.

6.5 Importantly, however, the use of speech acts is socially constrained. For example, Kryk-Kastovsky’s (2009: 443) qualitative analysis shows that requests or orders for information are realized by means of various grammatical configurations that could be presented “along the cline of directness”. By way of illustration, the most powerful actor within the EModE court system, the Lord Chief Justice, employed imperatives “to demonstrate his position of power” and compel his interlocutor to give him the expected information so as to “achieve the ultimate goal of his interrogation”; i.e. establishing whether the defendant was guilty. Moreover, as Culpeper & Archer (2008: 72) points out, performatives that are found in EModE court records such as *beg*, *plead*, *crave* and *beseech* convey different power dynamics from performative verbs such as *demand*, *order*, *command* or *ask*: the former “share the inherent property that the speaker is ‘requesting’ from a position of powerlessness” (Fraser 1975: 197 cited in Culpeper & Archer 2008: 72). Thus, these utterances are “semantically modified through the choice of performative verb”, and therefore differ in “requestive force” (Culpeper & Archer 2008: 72). These kinds of socially constrained usages, as was also mentioned in Chapter 1, can be accounted for by models of (im)politeness.

## 7. Facework

7.0 In view of the discussion so far in this chapter, it has been suggested that the power dynamics in the courtroom are reflected in the conflictive aspects of the discourse. The asymmetrical relationship between court participants is also evident, from studies that

focus on the fact that the face of interactors is inevitably at risk as a result of the confrontational nature of trial proceedings.

7.1 In her study of impoliteness in the EModE trials of Oates and Lisle, Kryk-Kastovsky (2006b: 220) found that the most obvious instance of what she calls “overt impoliteness” (i.e. bald-on-record impoliteness) was the use of derogatory terms such as epithets and name-calling. Unsurprisingly, the impolite forms of address were employed by the judge to express his attitude towards the examined, thus illustrating the power imbalance between the two parties (2006b: 220).

7.2 Nevertheless, with the exception of the occurrence of “overt impoliteness” in the EModE court scene, it has been argued convincingly that impoliteness strategies, which are employed systematically in certain discourse situations, are in effect not perceived as impolite as they are the norm for this specific type of interaction (Archer 2008: 181). In the case of legal courts, Archer (2008: 191) suggests that in order to ascertain how the participants themselves assess the interaction in terms of impoliteness, analysts need to consider the context and, in particular, the judicial sanctioning of conflictive talk.

7.3 By conceptualizing Culpeper’s model of impoliteness as “strategies for the *aggravation of (or non-attendance to) face*” as opposed to strategies for impoliteness, Archer (2008: 188, emphasis original) points to the fact that verbal aggression may not necessarily be perceived or assessed as impolite in contexts such as trial proceedings. Thus, in order to distinguish verbal aggression from impoliteness, she proposes, firstly, that “the Culpeper-inspired models” be utilized “to investigate *all* of Goffman’s (2005[1967]) distinctions – that is, face threat that is *intentional*, face threat that is *incidental* and face threat that is *unintended*” (2008: 188-189). Thus, acts of impoliteness arise from face threats that are intentional, i.e. when a personal sense of spite is involved (2008: 195). On the other hand, verbal aggression may either be incidental – i.e. when the offense is “unplanned but sometimes [an] anticipated by-product of action” – or, it may be unintended or accidental, i.e. when the offensive consequences of an action are unforeseen (Goffman 2005[1967]: 14). Secondly, Archer (2008: 197, 204) suggests that impoliteness and verbal aggressiveness be distinguished by means of an “intentionality scale”, which is based on the idea of participants’ “primary” and “subsidiary” goals. Consequently, the verbal behaviour of an interactor is regarded as impolite only if the primary goal is to cause offence, and as incidental if the FTA appears to be subsidiary (2008: 197).



7.4 This conceptualization of verbal aggression vis-à-vis impoliteness, which acknowledges the subsidiary nature of facework in the courtroom, is consistent with the fact that the primary aim of the “adversarial role” is to obtain evidence from witnesses, and convince the court of the guilt or innocence of the accused (Harris 2011: 150). In other words, any attempt to damage the face of the examined is “a part of the strategic process of presenting evidence”, and cannot be reduced to mere acts of impoliteness (2011: 150). Thus, the type of linguistic behaviour that exemplifies the most conflictive phase of both modern and historical courtroom contexts is actually verbal aggression rather than impoliteness (Archer 2008: 196). For example, Archer’s (2008: 194-195) perceptive analysis of an extract from the Trial of Francis Francia (1716) illustrates that the Attorney General’s framing of the questions addressed to an ‘unfriendly’ witness, obviously sought to elicit information that would undermine her “effectiveness as a witness”. The strategy that was employed to achieve this goal was through the use of seemingly inoffensive questions, which indirectly however, conveyed a threat or damage to the witness’s face, implying she was an ‘immoral’ woman (2008: 195).

7.5 However, in accordance with the distinction between verbal aggression and impoliteness, the Attorney General’s ‘off-record’ strategy is not assessed as a case of impoliteness since he “was acting *within his sanctioned role* rather than out of some *personal* sense of spite” (2008: 195-196, emphasis original). Consequently, the attack of face, which is evidenced from the Attorney General’s apparently innocuous questions, is incidental and therefore a matter of verbal aggression (2008: 195-196). The distinction between verbal aggression and impoliteness is thus useful to types of activities such as the courtroom as face-aggravating strategies are a means to achieve other goals rather than impoliteness, which is intentional and out of personal spite. As Harris (2011: 150) highlights, although “facework systems” are clearly important in the courtroom, they “are most unlikely to function as ends in themselves or even as the primary goal” of the questioning procedure. Thus, in order to prevent the impression that such systems are primarily used to cause offense, this thesis adopts the term “face-aggravating strategies” instead of “impoliteness strategies”.

7.6 Indeed, on the one hand, face-aggravating strategies and facework systems, generally, constitute an integral part of courtroom interaction due to the conflictive goals of the participants, which inevitably generate an aggressive discourse (see Harris 2011: 148-149). For example, as has been stated above, face threats and attacks are performed by the examiner in order to challenge the effectiveness of the examined as a witness, and are

therefore an intrinsic part of court discourse. At the same time, however, the courtroom is an arena that provides “a rule-bound and controlled set of institutional norms of the exercise of power in orderly ways” hence retaining a “framework” that, typically, maintains a sense of civility (2011: 151). Accordingly, the institutional aspects of the courtroom are reflected in the controlled forms of interaction, which are further evidenced by the participants’ use of politeness features, such as formal modes of address and polite formulaic expressions (2011: 149). In other words, even though the use of polite expressions cannot offset the conflictive aspects, their occurrence in the courtroom reflects the fact that confrontations are typically managed under controlled forms of interaction in this particular institutional setting.

## 8. *Anne Hutchinson and the Antinomian controversy*

8.0 A religiously ardent woman, Anne Hutchinson had left England in the spring of 1634 together with her immediate family for the Massachusetts Bay Colony, so that she could benefit spiritually from the sermons delivered by her former minister, the prominent preacher John Cotton, who had already emigrated (Withington & Schwartz 1978: 226; *ODNB*). In Boston, the Hutchinsons quickly established themselves as significant members of their new community: Anne’s husband, William, served as a deputy to the general court, town selectman, as well as deacon of the church, while Anne herself was valued both for assisting childbirth and for her ability to guide people to what her ministers considered to be genuine conversions (*ODNB*).

8.1 However, Anne Hutchinson became mostly known for the private gatherings she held at her house to reiterate, discuss and comment on the previous week’s sermons of Cotton and other ministers (Hall 1968: 5; Withington & Schwartz 1978: 226). Although women were in theory prevented from engaging officially in religious matters, Hutchinson’s private criticisms of most ministers’ interpretation of human salvation were considered responsible of the “antinomian” faction. Thus, her voiced dissent was construed as an act of disobedience threatening the social order. As a result, she was summoned to court in November 1637 to face her adversaries who were also her judges.

8.2 Hutchinson was eventually charged with being among the leaders of a religious faction, which opposed what they interpreted as the preaching of a “covenant of works”, with the exception of Cotton, who was considered to be the only minister preaching a “covenant of grace” (Hall 1968: 6-7; Withington & Schwartz 1978: 226). The doctrine

that was held by New England Puritans was the “covenant of grace”, which was a covenant between humans and God “whereby God drew the soul to salvation” with no opportunity for humans to affect their everlasting condition (Morgan 1958: 136-137). That is to say that a person who lived by God’s law, behaving “in a ‘sanctified’ manner”, had no evidence of being saved, or, to put it in Puritan terms, “justification” (1958: 138). In simple terms, the belief that “men [sic] were justified by faith and not by works” entailed the challenging task of ascertaining “whether or not faith was genuinely present in the believer” (Battis 1962: 24).

8.3 However, the doctrine could be applied in a number of ways, and the New England ministers, whom Hutchinson disagreed with, had been suggesting the value of ‘preparing’ oneself in case God’s saving grace would come (Morgan 1958: 136). Influenced by Cotton’s warning against confidence on “works”, Hutchinson developed his “denunciations of moralism” into the understanding of other ministers’ preaching as a “covenant of works” (Hall 1968: 17). Unsurprisingly the ministers disagreed with this interpretation, as the claim that they preached a covenant of works was a great affront to their ability to represent God’s word (1968: 17). Nevertheless, Anne Hutchinson’s insistence to treat sanctification strictly as a “work” (1968: 17) was supported by an increasing number of people amongst which were also people in powerful positions, such as Henry Vane, elected governor in 1636 (*ODNB*), and her brother-in-law, the Reverend John Wheelwright (Morgan 1958: 140).

8.4 Consequently, the polarization escalated and a religious rift was created between Cotton’s parishioners in Boston and the rest of the colony (Withington & Schwartz 1978: 638). The members of the two religious camps had in common the view that their adversaries “were dangerously deluded” (Winship 2002: 83). Obviously, the criticism of the theological reasoning on both sides was a matter of interpretation of Puritan doctrine, but as neither side could agree on the subject, their differences were further magnified (2002: 83). This divergence of perspectives on religious doctrine was a matter of serious concern as political power and religion were intrinsically intertwined in New England, and was based on conformity. Thus, vocal religious dissent, which undermined authority, posed a direct threat to social order and was therefore perceived as seditious (Withington & Schwartz 1978: 227).

8.5 The trial proceedings to which Anne Hutchinson was summoned in November of 1637, proved to be challenging for her adversaries, Governor John Winthrop and other

members of the General Court (Morgan 1958: 147, Withington & Schwartz 1978: 226). Since Hutchinson had refrained from participating in any public activities that would give the state a legal basis for proceeding against her, the court failed to make a strong case (1958: 148; 1978: 235). Importantly, she had not signed the petition to revoke John Wheelwright's conviction for sedition, and for which many of her followers had been disfranchised, fined and even banished by the General Court (Morgan 1937: 644). Therefore, the court could charge her merely with the "countenancing" of those who had been involved in the so-called Antinomians' political protest (Hall 1968: 311).

8.6 Upon opening the trial, Winthrop also charged her with disturbing the peace of the commonwealth by promoting her ideas, disparaging the ministers, and holding meetings of men and women in her house (Withington & Schwartz 1978: 226). Hutchinson, however, adeptly exposed the weaknesses of the charges brought against her. On the second day of the proceedings, the prosecution received unexpected help from Hutchinson herself as she on her own initiative made an announcement that she had been receiving immediate revelations (Hall 1968: 10). Since this statement implicitly suggested that Hutchinson was under the belief that she had experienced immediate revelation aside from "the Word" in scripture, the court could effectively construct a valid reason to punish her (Morgan 1937: 637; 1968: 18).

## 9. *The court record*

9.0 The report of the examination of Anne Hutchinson by the General Court was first published as an appendix to the second volume of Thomas Hutchinson's *History of the Colony and Province of Massachusetts Bay* (Boston, 1767) (Hall 1968: 311). Hutchinson, a prominent colonial historian and politician, was also the great-great-grandson of Anne (1968: 311; *ODNB*).

9.1 Unfortunately, the "ancient manuscript" containing the account of the examination is now lost, and therefore it is difficult to determine the inevitable changes to language and punctuation the transcript has undergone in the transmission of the written manuscript through the printed copy – with the exception of the obvious regularization of spelling. However, as discussed in section 4 of Chapter 1, despite being 'enhanced' with amendments, court records retain a high degree of the characteristics of spoken discourse of this speech event.

9.2 Moreover, there is something specific about these court records; Puritan religious practice emphasized the importance of true record (Kamensky 1997: 13) and, therefore, again it might reasonably be expected that these notions constrained the transcribers of the courtroom interactions.

9.3 All quotations and extracts from the court record, which are analyzed in Chapter 3, are taken from David D. Hall's *The Antinomian Controversy 1636-1638: A Documentary History* (1968) in which the transcript has been reprinted following the first edition of Hutchinson's *History*. The parenthetical citations of this source (i.e. Hall 1968) are used in the next chapter only in reference to the transcript. For the convenience of the reader, the report of the examination is included in the CD that accompanies this thesis. It has been reproduced following Hall's (1968) *The Antinomian Controversy*.

## Chapter 3

### 1. *The arraignment*

1.0 The representation of the courtroom discourse in the opening of the first day of the trial commences with the judge (and accuser), Governor Winthrop, presenting the charges against Anne Hutchinson in a general arraignment, which also establishes the speaker's intentions and aims through his use of various pragmatic strategies. The first words of the arraignment identifies the person being addressed as *Mrs. Hutchinson*, a formal term of address, which reflects the institutional character of the courtroom in which social distance is created between the participants through the use of formal linguistic devices. This courtroom civility, however, contrasts with the ensuing charges, which are laid against the defendant, thus indicating the conflictive nature of the proceedings: the accusations are framed as facts as Hutchinson is described "as one of those that have troubled the peace of the commonwealth and the churches", and is also "known" to be involved in activities, which have contributed to the conflict (Hall 1968: 312).

1.1 In terms of facework, these accusations constitute FTAs threatening the defendant's face (see Brown & Levinson 1987: 65-67). Having stated the charges, Winthrop makes it explicit that the reason why the court has called Hutchinson is to convince her of her "erroneous way" so that she may be "reduced", or, if she still remains "obstinate", so that the court can "take such course" that she no longer "may trouble" them (Hall 1968: 312). Pragmatically, the intended perlocutionary effect of the court (i.e. Winthrop), which is to convince the defendant of her errors, is made clear, and establishes her guilt from the outset. However, since it is understood from Winthrop's phrasing that the defendant is to be punished unless she conforms, the illocutionary force of his utterance is either that of a threat, or at least a warning, and therefore constitutes a face-threatening act towards her negative face.

1.2 Moreover, Hutchinson's positive face is also threatened regardless of the two options she may decide to pursue; if she chooses to conform then she must necessarily be *reduced*, i.e. to be led or brought back "from error, sin, immorality, and be restored "to the truth or the right faith" (*OED*). In effect, as the obsolete definition of the verb indicates, Hutchinson is accused of having corrupt religious beliefs. On the other hand, if she insists on her dissenting views, she is considered *obstinate*, which is an adjective with pejorative connotations (*OED*). These face-aggravating acts threatening the defendant's positive face are, naturally, inevitable since the court primarily seeks to convict her, and, by extension, quell the dissenting voices of the colony.

1.3 Winthrop's general arraignment ends with a request and a combination of two confirmation-seeking questions:

- (1) [...] I would intreat you to express whether you do not hold and assent in practice to those opinions and factions that have been handled in court already, that is to say, whether you do not justify Mr. Wheelwright's sermon and the petition. (Hall 1968: 312)

More specifically, the utterance basically consists of two negative grammatical *yes/no* questions, the second of which further specifies the propositional content of the former by explicitly referring to the petition (which she had not signed but was obviously “known” to endorse) and Wheelwright who had been found guilty by the court for his “seditious” sermon (Winship 2002: 169). As mentioned in the previous chapter, this type of question exhibits a high degree of ‘control’ and ‘conducivity’, and its use in this particular context further magnifies these two functions, which are used for adversary purposes; i.e. the incriminating question aims at eliciting a confession of guilt. Moreover, the explicit performative verb *intreat* (sic) signals that a request for an answer is being performed, and the lack of question-mark may further suggest that the note-taker understood the primary force of the utterance to be that of a request; however, it can also be attributed to inconsistencies in punctuation practices (Archer 2005: 145-146). Admittedly, the illocutionary force of this utterance can be interpreted as both question and request as a result of their fuzzy boundaries.

1.4 Nevertheless, the performative has a requestive force, which is diminished by the indirect interrogative form of *whether*, which adopts an infinitive construction. In addition, the use of this specific performative further modifies its illocutionary force; according to the *OED* the verb *intreat* denotes the meaning “[t]o make an earnest prayer or request; to beseech, implore”, which suggests that this performative is closer related to verbs such as *beg*, *plead* and *crave* rather than the verbs *demand*, *order* and *ask* (see Culpeper & Archer 2008: 72). Whilst Winthrop, certainly, is not making the request from a relative position of powerlessness as the performative verb *intreat* indicates, it may reasonably be assumed, considering the seriousness of the subject matter, that these syntactic and semantic “hedgies on the illocutionary force” of the request are utilized so as to mitigate the threat towards the negative face of the defendant (Brown & Levinson 1987: 70). Since the asymmetrical relationship between the participants is obvious from the context, there is no need for

Winthrop at this point to further assert his power by way of linguistic directness, which would work to amplify the face damage.

1.5 Thus, as the use of pragmatic devices in the arraignment section of the court records illustrates, the power asymmetry and adversarial aspect of the courtroom are evident from the context of the trial, and are, indeed, reinforced due to the fact that Winthrop acts as judge, but also as accuser by laying out the ‘prosecution’s’ case to Hutchinson as a representative of the state.

## 2. *Divergent perspectives*

2.0 The clash of religious perspectives embodied by the state and Anne Hutchinson also entailed that the very essence of the trial was perceived differently by the two parties, and the records show how the irreconcilability of views becomes immediately manifest as the defendant is requested to respond following the charges brought against her:

(2) I am called here to answer before you but I hear no things laid to my charge. (Hall 1968: 312)

2.1 From a Gricean perspective, it could be argued that Hutchinson’s non-observance of the maxim of Quantity does not necessarily generate any implicature since the maxim is suspended in a court of law in which it is not expected that defendants will provide self-incriminating information. However, based on the utterance along with contextual factors, her response is rather a blatant flout of the maxim of Quantity by not providing the information that is required, hence prompting the addressee/s (Winthrop and the rest of the court) to look for an additional meaning which goes beyond the expressed meaning. In fact, it can be inferred from her response that she does not acknowledge the court’s allegations against her. Thus, by flouting the maxim of Quantity, Hutchinson effectively calls into question the legal foundation of the trial proceeding and the accusations for which she has been summoned to court.

2.2 At the same time, Hutchinson’s response to the allegations challenges the perceptions of the court, which means that the face of her adversaries is being threatened (Brown & Levinson 1987: 66). However, considering Archer’s (2008) distinction between verbal aggression and impoliteness, it is obvious that within the institutional framework of



the court, her primary intention is not to cause offence, but rather to assert her own version of the events and thereby defend herself.

2.3 Consequently, the different perspectives, brought to court by the state and the defendant respectively, cause their interpretation of events to differ as well. Their divergent mind-frames are comparable to the conflicting reality paradigms of the Salem witchcraft trials, which impeded the inferencing capacities of the examiners in that the accused who maintained their innocence were considered to be lying (Archer 2002). In fact, according to the mental world of the authorities, the future of the Puritan enterprise was at risk from the ideas of the “antinomians”, and therefore had to be subdued. Thus, even though the court’s charges against Hutchinson did not stem from her participation in any public acts of disobedience as had the previous convictions of “antinomians”, the court had, nevertheless, judged her for playing a central role in the seditious acts of the “faction” before the trial proceedings had even started (Winship 2002: 171). However, despite the loaded content of the arraignment, the charges were merely based on common knowledge as opposed to indictable offenses (2002: 171). The intelligence and eloquence of Anne Hutchinson’s speech, captured by the written record, testifies of an “extremely adept advocate” (Withington & Schwartz 1978: 232), who managed to expose the weaknesses of the accusations.

2.4 The court transcript shows that the accusations as well as the authority of the court are challenged by the defendant through a number of pragmatic devices, ranging from various questioning strategies and even the use of imperatives. The court, on the other hand, insists on the legal validity of the proceedings. The following extract illustrates the confrontational tone of their interaction:

(3) *Governor Winthrop.* I have told you some [of the charges] already and more I can tell you.

*(Mrs. Hutchinson.)* Name one Sir.

*Gov.* Have I not named some already?

*Mrs H.* What have I said or done?

*Gov.* Why for your doings, this you did harbour and countenance those that are parties in this faction that you have heard of. *(Mrs. H.)* That’s [a] matter of conscience, Sir. (Hall 1968: 312)

2.5 By utilizing the imperative, Hutchinson challenges Winthrop to specify the charges brought against her. The use of this syntactic structure is undoubtedly one of the most direct and least polite ways of performing a request (Kryk-Kastovsky 2006: 235). In this particular context the imperative is, certainly, indicative of the highly confrontational nature of the courtroom interaction between the two parties. However, the FTA is not performed by virtue of its syntactic directness; rather the utterance, which is not a mere request for clarification, also suggests that she is questioning the judicial authority of the court. Thus, regardless of the mitigation of the FTA through the use of the honorific *Sir*, the defendant's request, which signals her non-conformism, is face-aggravating.

2.6 Winthrop, on the other hand, challenges her insinuation that the prosecution's case lacks a legal basis by means of responding with a negative polar rhetorical question, which, in turn, has the illocutionary force of a strong positive assertion (Archer 2005: 27). Thus, the maxim of Quantity is flouted, generating the implicature that he has already identified the charges for which she has been called to court. Only when she asks specifically what it is exactly she has "said or done" is the perlocutionary effect of eliciting an answer achieved. As the two final exchanges in (3) show, the defendant could readily counter the weak accusations, and thereby undercut the legitimacy of the trial proceeding.

### 3. *The first charge: countenancing transgressors of the law*

3.0 Since Puritans' notion of the law derived from the Bible, hence invoking the authority of God, the conflict between the state and Hutchinson (and the other "antinomians") ultimately stemmed from the interpretation of these God-given laws. Evidently, the state's and Hutchinson's understanding of the law differed significantly, contributing further to the argumentative tone of the participants' interaction. However, due to Winthrop's weak line of reasoning with regard to the first accusation of countenancing the transgressors, Hutchinson managed partly to subvert the power dynamics of the court despite the inherently subservient position of the defendant.

3.1 As the question and answer adjacency pairs in extracts (4) and (5) illustrate, the defendant performs the act of questioning and therefore controls the discourse. Winthrop, on the other hand, is initially evasive in his responses that are prompted by Hutchinson's repeated use of narrow *wh*-questions, seeking for specific answers as to what law is being transgressed by the "antinomians". In Gricean terms, Winthrop fails to observe the maxim of Quantity as his responses are rendered vague and indeterminate, providing insufficient

information relative to Hutchinson's precise questions. More specifically, Winthrop implicates in (4), by way of flouting the maxim of Quantity, that the state's interpretation of God's law is the correct one, thus intending to reclaim the judicial authority of the court, which is being undermined by Hutchinson's questions. The inadequacy of this response, obviously, encourages the defendant to keep asking for an exact law to be specified, which further signals that the information requested has not been adequately provided.

(4) *Mrs. H.* What law do they transgress?

*Gov.* The law of God and of the state.

*Mrs. H.* In what particular? (Hall 1968: 313)

(5) *Mrs. H.* In entertaining those did I entertain them against any act (for there is the thing) or what God hath appointed?

*Gov.* You knew that Mr. Wheelwright did preach this sermon and those that countenance him in this do break a law.

*Mrs. H.* What law have I broken? (Hall 1968: 313)

3.2 Similarly, in extract (5), which continues on the same issue of countenancing the transgressors, Hutchinson's use of an alternative question-type further restricts Winthrop's choice of answers, making it therefore harder for him to evade the question without notice (Woodbury 1984: 201). As Winthrop's response is followed once again by essentially the same question as in (4), it is indicated that he has not succeeded to observe the maxim of Quantity. Indeed, the indefinite article in his reference to "a law", which has allegedly been broken by Wheelwright's supporters, is indicative of the ambiguity as regards to the legal foundation of the charges.

(6) *Gov.* Why the fifth commandment.

*Mrs. H.* I deny that for he saith in the Lord.

*Gov.* You have joined with them in the faction.

*Mrs. H.* In what faction have I joined with them?

*Gov.* In presenting the petition.

*Mrs. H.* Suppose I had set my hand to the petition what then? (*Gov.*) You saw that case tried before.

*Mrs. H.* But I had not my hand to the petition.

*Gov.* You have counselled them. (*Mrs. H.*) Wherein?

*Gov.* Why in entertaining them.

*Mrs. H.* What breach of law is that Sir?

*Gov.* Why dishonouring of parents. (Hall 1968: 313)

3.3 As this altercation progresses in extract (6), Winthrop is compelled by Hutchinson's questioning to be more specific in his responses and the Fifth Commandment is invoked to argue that Hutchinson had dishonoured the governors, by entertaining the seditious persons who had already been sentenced for signing the petition (Morgan 1958: 148). Although this interpretation was not implausible considering that "subordination and subjection to the state" were justified by Puritans based on the Fifth Commandment (1958: 148-149), it could not, however, be applied to just anyone who had merely "entertained" John Wheelwright, but not actually signed the petition; the majority of people in the Boston congregation deserved trial according to this argument (Winship 2002: 170).

3.4 Extract (6) shows how Hutchinson's firm denial of this charge is followed by accusatory assertions in the declarative form, which aims to show the ways in which she has broken the Fifth Commandment. Moreover, the use of the declarative code signals that Winthrop's accusations are stated as established facts. These assertions are, in turn, questioned by the defendant since Winthrop cannot prove that she has officially endorsed the "faction". In terms of face-work, although Hutchinson's face is, indeed, aggravated, the weakness of this particular charge allows the defendant to contradict Winthrop by questioning the judicial authority of the court, which also constitutes a face-damaging act towards her powerful adversaries. In this way, the power asymmetry between the interactors is undermined, both through Winthrop's vague charges and Hutchinson's ability to exert control over the discourse through the act of questioning.

3.5 As Hutchinson had the better of the argument with respect to the lack of culpability of breaching the Fifth Commandment, Winthrop and the court had been exposed unfavorably (Adams 1892: 489), and his line of argument had been thwarted beyond repair.

(7) *Mrs. H.* I may put honor upon them as the children of God and as they do honor the Lord.

*Gov.* We do not mean to discourse with those of your sex but only this; you do adhere unto them and do endeavour to set forward this faction and so you do dishonour us.

*Mrs. H.* I do acknowledge no such thing neither do I think that I ever put any dishonour upon you. (Hall 1968: 314)

3.6 In an attempt to reassert his authority, Winthrop endeavors to exercise patriarchal control over the female defendant is evidenced in (7). In pragmatic terms, this is achieved by the abrupt change of subject via the flouting of the maxim of Manner, as well as the aggravation of Hutchinson's face, both by way of the condescending tone in his implicit reference to female subordination, and by emphatically restating the (weak) accusation through the use of the declarative code. Considering the socio-historical background, Winthrop's non-mitigated FTA expresses his attitude of disapproval of the defendant, suggesting that she did not conform to the archetype of Puritan womanhood. Undoubtedly, the patriarchal organization of Puritan society had implications on the interaction between the two genders; since women were expected to be submissive, Hutchinson's verbal confrontations must have been particularly aggravating. The combined patriarchal powers of the court over the female defendant is embodied by Winthrop's use of the pronoun *we*. Thus, it can reasonably be assumed that Winthrop's intended perlocutionary effect of this linguistic display of power is to intimidate the defendant into silence after their rather extensive altercation. However, this effect is not achieved as Hutchinson exercises her right to simply discard the accusation.

3.7 In fact, as historians have highlighted, the gist of the trial notes of the initial phase of the proceedings suggest that the defendant had effectively thwarted the state's line of argument (see Winship 2002: 170). As is evidenced by the number of questions she performed, the 'verbatim' record indicates that Hutchinson managed to be in control of the discourse at this point of the trial. Indeed, the quantitative analysis of the court record shows that in the altercation with Winthrop and Dudley, Anne Hutchinson had the second highest number of questions (17 in frequency) after the two main examiners' questions combined, i.e. the questions performed by both Governor Winthrop and Deputy Governor Dudley (13 and 7 respectively). However, the individual participant who had asked the most number of questions was Hutchinson, followed by Winthrop and Dudley respectively. Moreover, the relatively high number of questions performed by Hutchinson in this particular trial also reflects the fact that the court had adopted a reality paradigm which clashed with that of the defendant, hence compelling Hutchinson to defend herself through the use of questioning strategies. These strategies, as has been indicated above, served two interrelated purposes: firstly, to elicit that the charges brought against her did

not constitute convictable offenses, and secondly, to show that the law was inadequately used to license the proceedings.

#### 4. *The second accusation: the weekly meetings*

4.0 Subsequently, Hutchinson was asked by Winthrop to justify her conventicles, where, supposedly, the promotion of seditious ideas had occurred (Morgan 1958: 149; Winship 2002: 171). Once again, their different perspectives on the interpretation of specific biblical rules led to another argument about the legitimacy of these private meetings and her right as a woman to lead them, and whether they were attended by men (Winship 2002: 171). Hutchison argued that conventicles were a common practice in Boston before her arrival, and also quoted one passage from Scripture (viz. Titus 11, 3-5), which suggested that the elder women should instruct the younger (Morgan 1958: 149). Moreover, Hutchinson perceived these meetings to be of a private nature, and, as historians have pointed out with regard to Puritan culture, it was appropriate for a woman of her age (she was 46 at the time, *ODNB*) and social status to hold such informal meetings (Winship 2002: 171). Winthrop, on the other hand, made the case that her “meetings were a fountain of dissension and separatism for which the community was liable to punishment by the Lord” (Morgan 1958: 150). As extract (8) demonstrates, Hutchinson, obviously, does not share his contention:

(8) *Mrs. H.* Sir I do not believe that to be so.

*Gov.* Well, we see how it is we must therefore put it away from you, or restrain you from maintaining this course.

*Mrs. H.* If you have a rule for it from God’s word you may.

*Gov.* We are your judges, and not you ours and we must compel you to it.

*Mrs. H.* If it please you by authority to put it down I will freely let you for I am subject to your authority. (Hall 1968: 316)

4.1 Winthrop’s ensuing reaction can partly be discerned by the discourse marker *well* preceding the rest of the utterance, which in this context seems to have a specific pragmatic meaning. According to Kryk-Kastovsky’s (2006: 231-232) study, the use of discourse markers in the EModeE trials of Oates and Lisle respectively, typically helped the judge maintain control over the course of the court proceedings and intimidate the examined. Indeed, a search of *well* in the corpus shows that it occurs in the initial position of seven utterances in total, six of which are used by Winthrop exclusively for adversarial purposes,

i.e. in his interaction with the defendant or “hostile” witnesses. Admittedly, this usage is infrequent in the corpus and, as was discussed in Chapter 1, the note-taker may have omitted linguistic items that are semantically insignificant and therefore not transcribed all occurrences of *well* either. Nevertheless, these particular usages, which were recorded, still reflect their pragmatic function in the courtroom, and seem to have been associated with the most powerful participant. Similar to Kryk-Kastovsky’s (2006: 232) observation about the occurrence of *well* in her corpus, this particular discourse marker is used by Winthrop as a qualifier, which, in Jucker’s (1993: 438) terms, is “a marker of insufficiency, indicating some problems on the content level of the current or the preceding utterance”. This observation accords with Winthrop’s negative attitude towards the defendant’s antagonism, and is also congruent with the rest of the utterance as Winthrop threatens to put an end to her religious activities, hence aggravating Hutchinson’s negative face.

4.2 The asymmetrical relationship between the defendant and Winthrop, which is indicated by the distribution of the use of *well*, can be further elucidated in (8) where the authority of the court to restrict Hutchinson’s religious engagements is explicitly stated by Winthrop. Indeed, the power of the court and Winthrop is also emphasized by the repeated use of the “we-you opposition”, which is “instrumental in re-affirming the reified power of the [EModE] court against any form of resistance on the part of the defendants” (Cecconi 2011: 113). Consequently, Winthrop’s two utterances represented in the extract ultimately threaten the defendant with the supreme power of the court to impose restrictions on her activities.

4.3 However, the defendant resists the authority of the court by implicitly performing the request that a rule be adequately invoked by the court so as to justify the restrictions they wish to impose on her. The request, which constitutes an FTA to the negative face of the court (Brown & Levinson 1987: 66), is softened by the indirectness of the conditional structure (see Cecconi 2011: 112). Nevertheless, the defendant’s request is blatantly ignored by Winthrop, who implicates, by way of flouting the maxim of Manner, that they can prohibit her from holding the meetings by virtue of their authority. As Hutchinson’s response shows, she correctly infers the additionally conveyed meaning of his utterance and rephrases it explicitly to her advantage by implying that the magistrates are left to resolve the issue “by relying on their own authority rather than on the authority of scripture or of law” (Withington & Schwartz 1978: 233). Thus, Hutchinson’s compliance that is expressed in her utterance reflects the acute power asymmetry of this particular event.

## 5. *The third accusation: disparagement of the ministers*

5.0 Of the three charges laid against Anne Hutchinson, the slandering of the ministers was the final and single most serious indictment (Morgan 1937: 646). At this point of the trial, Deputy Governor Dudley, who had a “solid legal background” (Winship 2002: 172), took charge of the proceedings. In a harangue directed at the defendant, he stated that she was the cause of the “disturbance” in the colony having “disparaged” all ministers except John Cotton, by claiming that the majority “preached a covenant of works, and only Mr. Cotton a covenant of grace” (Hall 1968: 317-318). This accusation was founded upon a private conference between Hutchinson and the ministers of the colony, which had taken place almost a year before the trial (Morgan 1958: 150; Withington & Schwartz 1978: 233). The private/public distinction was significant for Hutchinson since she had “regarded her speech as remaining private throughout the whole conversation” with the ministers to whom she had spoken one-on-one in obviously private situations (Winship 2002: 172-173). Nevertheless, Hutchinson’s comments, which had been spoken in private at this ministerial meeting, became public in the courtroom, and used as evidence that she had been vocally disparaging things about the ministers (Winship 2002: 172).

5.1 Naturally, there was great disagreement between the two sides with regard to the exact words she had used, and how these were to be understood as the participants’ versions differed depending on their respective reality paradigms and the goal they wanted to achieve. According to Hutchinson, her view of the ministers not preaching the covenant of grace as clearly as others was not equivalent to claiming that they were under a covenant of works. By contrast, the ministers and the prosecution had inferred exactly that.

5.2 Unsurprisingly, since the perspectives and goals of the two participants were diametrically opposed, the altercation between Dudley and Hutchinson in (9) is in many ways analogous to that between Winthrop and the defendant: whereas Hutchinson employs strategies to deny the allegations brought against her, as well as challenge the perception (and hence the authority) of the court, Dudley’s strategies work to present the accusations as indisputable facts.

(9) *Mrs. H.* I pray Sir prove it that I said they preached nothing but a covenant of works.

*Dep. Gov.* Nothing but a covenant of works, why a Jesuit may preach truth sometimes.



*Mrs. H.* Did I ever say they preached a covenant of works then?

*Dep. Gov.* If they do not preach a covenant of grace clearly, then they preach a covenant of works.

*Mrs. H.* No Sir, one may preach a covenant of grace more clearly than another, so I said. (Hall 1968: 318)

5.3 Thus, upon charging the defendant with disparaging the ministers by claiming they were preaching a covenant of works, Hutchinson requests that he provide evidence. The request is performed in the imperative mood, but is mitigated both with the honorific *Sir*, as has been the case before (see extract (3)), and with the use of the discourse marker *pray*, which was typically used to “add urgency, solicitation, or deference to a request” (*OED*). Indeed, in the corpus of this thesis, *pray* appears only in the imperative mood and is employed by participants in order to express deference and thereby mitigate the face-threat of a request. Certainly, this kind of mitigated request is consistent with the formal style of the courtroom, and is employed by interactors who wish to exert some control over the course of the proceedings (by virtue of performing a request). In this particular instance, the defendant’s request is confrontational as her goal is to defend herself by way of resisting the court’s perspective.

5.4 Furthermore, due to the divergent views of the participants, Dudley makes inferences that correspond to the reality paradigm of the prosecution. Thus, Hutchinson’s particular phrasing of the request in (9), which insinuates that not *only* a covenant of grace is preached by the ministers, becomes subject to manipulation by the Deputy Governor. To emphasize the implied meaning of her utterance, Dudley caustically reiterates the incriminating phrase and juxtaposes it with a sarcastic reference to Jesuits who “may preach truth sometimes”. In fact, this reference flouts the maxim of Quality as Dudley implicates the opposite, i.e. the unlikelihood of Jesuits preaching truth. This implicature is also corroborated by the *OED*, which offers the following citation from *The Mistress* by Abraham Cowley, 1647: “Teach Jesuits that have travell’d far, to Lye, Teach Fire to burn, and Winds to blow”. Thus, this utterance functions also as an indirect accusation in this particular context. From a facework perspective, Dudley’s remark employs the face-aggravating super-strategy of sarcasm, and is therefore an incidental face-threat in that he seeks to undermine the defendant’s story in order to achieve the primary goal of conviction. Nevertheless, the sarcastic and mocking tone of the utterance is achieved, and it effectively casts doubt on Hutchinson’s version of which interpretation of Puritan doctrine constitutes an offence to the ministers’ ability to preach the scripture.

5.5 The conflictive tone of the discourse, which stems from the irreconcilable perspectives of the participants, are thus effectively realized through pragmatic strategies as the remainder of extract (9) further demonstrates. Dudley's sarcastic implicature is ignored by Hutchinson, who in a matter-of-fact manner repeats her request for evidence by utilizing a polar interrogative instead. This is an effective questioning strategy as the addressee's choice for answers is restricted to that of either *yes* or *no* as to whether she ever said that the ministers preached a covenant of works; in effect, the defendant is asking whether she has disparaged the ministers. On the one hand, the Deputy Governor cannot answer explicitly *yes* to this question, since those had not been her exact words; and on the other hand, he cannot answer *no* either since the state is of the opinion that her viewpoint implies that the majority of ministers are under a covenant of works, and are therefore not able ministers. Thus, in his response, Dudley flouts the maxim of Quantity by referring to the actual words of the defendant, i.e. that some ministers did not preach the covenant of grace as clearly as others, from which he draws the inference that they preach a covenant of works. The implicature that is generated by this utterance is that Hutchinson's opinion inevitably disparages the ministers. Obviously, this implied meaning is rejected by the defendant, who repeats the exact words she claims to have used at the conference so as to reassert her standpoint.

5.6 In terms of facework, the represented interaction between the Deputy Governor and the defendant, exhibit indeed verbal aggression due to the adversarial nature of courtroom discourse, and is also suggestive of the asymmetrical relationship between the participants. On the one hand, Hutchinson employs strategies that defy and challenge Dudley's version of events (by way of a question, a request and a denial), hence threatening not only his face, but also that of the ministers, who have provided the evidence before the trial and are there to bear witness against her. However, this antagonism on part of the defendant is not to be construed as impoliteness since Hutchinson's primary goal is to resist the authority of the court, which aims to convict and punish her. The Deputy Governor, on the other hand, aggravates the defendant's face through the use of adversarial tactics that first and foremost seek to re-affirm and justify the accusation against her rather than to be offensive. Consequently, the face-aggravating strategies employed by both participants function as a means to achieve their respective goals, which also constitute the basis of the conflictive talk of the trial proceedings. However, it should be noted that the power asymmetry between the participants is indicated by the fact that the Deputy Governor's accusations are unmitigated face-attacks, whereas Hutchinson softens the face-threat in two of three instances, both through the use of the honorific *Sir*, and the typically polite discourse

marker *pray*. The different choice of strategies is indicative of the adversarial role of the examiner (and accuser), as well as the subservient role of the defendant.

## 6. *The witnesses, Anne Hutchinson, and the Court*

6.0 The final charge regarding the disparagement of the clergy differs from the other two in that nine witnesses were called to present their version of events concerning what had actually been spoken at the conference; six ministers testified against the defendant compared to two ministers whose story benefited Hutchinson, and one former deputy, who had been disenfranchised, also showed his support for the defendant's case, but was discouraged from testifying. The interaction of these witnesses, the examiners and Anne Hutchinson further illuminates the power dynamics within and outside the courtroom as well as their perception of the conflict.

6.1 Indeed, the asymmetrical power dynamics operating in the courtroom were further reinforced in the specific socio-historical context of Hutchinson's examination due to the participation of powerful interactors. The six ministers, witnessing against Hutchinson, allegedly gave their evidence reluctantly, at the command of the court, and, as the first minister to testify claimed, to be "serviceable for the country". Thus, they presented "themselves as disinterested protectors of God's truth" (Winship 2002: 173), and they were not required by Governor Winthrop to testify under oath in accordance with due process, since it was considered unnecessary for the ministers to be taking God's name in vain (Morgan 1958: 150-151). Unsurprisingly, the fact that they were "six undeniable ministers" (Hall 1968: 324), as well as witnesses for the prosecution is evident by the court record, which shows that the evidence they gave fully satisfied the examiners, who therefore did not even ask questions for non-adversarial purposes.

6.2 In other words, the reality paradigms of the ministers and the examiners corresponded perfectly in that they interpreted Hutchinson's theological reasoning as meaning that the ministers were under a covenant of works. Thus, upon opening the court on the next day of the trial proceedings, Winthrop announced that there was "sufficient proof" of the defendant's guilt concerning "her speeches in derogation of the ministers" (the first two allegations were wisely just mentioned in passing) (Hall 1968: 326).

6.3 Once again, however, the authority of the court and the clergy was challenged by the defendant, who made the face-aggravating accusation that the ministers "had come in

their own cause” since she had found, after perusing some notes of the conference with the ministers, that the evidence they had given the previous day were not exactly “as hath been alledged (sic)” despite the “sufficient number of witnesses” (Hall 1968: 327). Although she refused to deny or affirm the substance of their testimonies with regard to what had been said, she pointed out that she had been more reluctant to speak than the ministers’ evidence suggested (Winship 2002: 172-174). Therefore, Hutchinson made the request that they would testify under oath, which also constituted a face-attack as the supposedly impartial and elevated status of the ministers was implicitly called into question. This request caused a great commotion, and several members of the court said they were “not satisfied” that the ministers had not given evidence with an oath. However, the reason for their dissatisfaction differed significantly from Hutchinson’s. According to assistant Israel Stoughton, whose explanation is the only one that was recorded by the note-taker, it was “the way of justice” that demanded the evidence of two sworn witnesses in order for the court to proceed to conviction (Winship 2002: 174). It was also made clear that the truthfulness of the witnesses’ testimonies was not doubted. Thus, in contrast to the defendant’s reason, which stemmed from the clash of reality paradigms, Stoughton was concerned with the formalities of due process.

6.4 Even though the defendant’s intention was not to offend the ministers by demanding that they testify under oath, the inference that was drawn by her adversaries was that her request was yet further evidence of her disregard of the clergy, thereby confirming and reinforcing the version of the prosecution. An observation that illustrates how the reality paradigm of the prosecution affected the inferencing capacities of the participants who are hostile to Hutchinson is the following brief exchange between the defendant and an assistant of the General Court, John Endicott:

(10) *Mrs. H.* An oath Sir is an end of all strife and it is God’s ordinance.

*Mr. Endicott.* A sign it is what respect she hath to their words, and further, pray see your argument, you will have the words that were written and yet Mr. Wilson saith he writ not all, and now you will not believe all these godly ministers without on oath. (Hall 1968: 329)

Upon addressing a previous interactor, Israel Stoughton, the defendant insists that an oath will put an end to “all strife” and argues that “it is God’s ordinance”. By invoking God, Hutchinson suggests that the judicial power of the court is undermined unless the ministers acquiesce to her request. The illocutionary act of this utterance is that of compelling the

court to proceed in accordance with her demand, and therefore threatens the court's negative face. This strategy is utilized by the defendant, not to cause offence, but rather to attempt to exercise some amount of control over the course of the proceedings. However, as a result of the reality paradigm under which Endicott operates, he infers that the defendant's utterance has the perlocutionary effect of insulting. Thus, he counters with a face-attack by way of utilizing the super-strategy of sarcasm; the statement *A sign it is what respect she hath to their words* blatantly flouts the maxim of Quality in this specific context, implicating the exact opposite meaning; i.e. the defendant's speech is a sign of her disrespect of the clergy. This sarcastic statement tallies with the version of events of the six ministers and the prosecution, and functions therefore as an indirect accusation.

6.5 The exchange between Hutchinson and Endicott demonstrates not only the asymmetrical relationship between the courtroom participants, which are similar to that observed in extract (9), but also the defendant's endeavour to subvert the power dynamics of the courtroom. The latter is evidenced by Hutchinson's face-attacks in (10), which consist of undermining the power of the court by performing a speech act that, on the one hand, attempts to compel the "godly-minded" witnesses to testify with an oath, and on the other hand, indirectly challenges the alleged impartiality of the ministers. Thus, Hutchinson's speech reflects the strategies that are utilized to subvert the authority of the court and the ministers.

6.6 However, in the biased minds of the court her linguistic behaviour is perceived as offensive and is used against her to further substantiate the charge of disparagement of the clergy. The strategy of sarcasm employed by Endicott effectively demonstrates the power asymmetry between the two participants; the unmitigated sarcastic face-attack reflects the fact that Hutchinson's adversaries are institutionally-sanctioned to criticize and even mock the defendant's version of events – as was also the case with Dudley's utterance in extract (10). In this way, the speech of the defendant is manipulated and the reality paradigm of the court is reinforced.

6.7 As mentioned above, the testimonies of the six ministers were also contradicted by the evidence given by three other witnesses. In fact, one of these witnesses, whose version of the conference supported that Anne Hutchinson had not spoken disparagingly of the ministers, belonged to the "front ranks of the colonial clergy" (*ODNB*), namely John Cotton. Nevertheless, Cotton had retained the favour and respect of both sides of the parties, and he gave a tactful testimony of the events (Morgan 1958: 151). More

specifically, although he claimed that he did not remember everything that had been said during the meeting, thus saving the face of the other ministers by not implicating, at least explicitly, that their testimonies had been false, he was adamant that Hutchinson, as far as he was concerned, had neither said that the ministers “were under a covenant of works, nor that she said they did preach a covenant of works” (Hall 1968: 334). A discussion ensued between some ministers and Cotton, but the complete meaning of their conversation is unrecoverable due to the scribe’s omission of one of the minister’s remarks (Winship 2002: 176). This being said, their conversation did not seem to have made any impact on the court (2002: 176).

6.8 Indeed, even though Cotton’s testimony did not correspond with the perspective of the court, his diplomacy had effectively managed to give a testimony that showed support for the defendant, but at the same time undermined his own version of the conference by appealing to a failure of memory. Consequently, the adversarial tactics were not utilized by the examiners in this case:

(11) *Gov.* [...] Mr. Cotton hath expressed what he remembered, and what took impression upon him, and so I think the other elders also did remember that which took impression upon them. (Hall 1968: 335-336)

Thus, as long as the evidence given in defense of Hutchinson did not damage the face of the prosecution’s witnesses by implicating that the latter had told untruths, the court did not perceive an overt threat or challenge to their case.

6.9 Similarly, as the court records show, ruling elder Leverett’s testimony corroborates the defendant’s story, starting with the words “To my best remembrance”, which does not explicitly attempt to undermine the perspective of the court or challenge the version of the other ministers. Consequently, any potential FTA is mitigated and the perlocutionary effect of insulting is prevented. Nevertheless, as extract (12) illustrates, the witness receives one negative grammatical *yes/no* question by Winthrop, which in this case may be an adversary strategy utilized to discredit Leverett’s testimony (Woodbury 1984: 217). However, due to the special status of ministers in this particular socio-historical context, it may be reasonably assumed that Winthrop wishes to emphasize the fact that Leverett merely cannot recall what Hutchinson had spoken at the conference, hence ensuring that the witness has not implicated that the court’s version is false.

(12) *Gov.* Don't you remember that she said they were not able ministers of the new testament? (Hal 1968: 333)

6.10 By contrast, Coggeshall, who had been disenfranchised for supporting Wheelwright's remonstrance and was threatened with banishment should he disturb the public peace (Winship 2002: 169), received a completely different treatment as a witness in court compared to the ministers:

(13) *Gov.* Will you Mr. Coggeshall say that she did not say so?

*Mr. Coggeshall.* Yes I dare say that she did not say all that which they lay against her.

*Mr. Peters.* How dare you look into the court to say such a word?

*Mr. Coggeshall.* Mr. Peters take upon him to forbid me. I shall be silent. (Hall 332-333)

As extract (13) shows, Winthrop employs adversarial tactics against this witness by asking a negative grammatical *yes/no* question, which is confrontational in that it has the illocutionary force of a challenge as regards to the prospect of Coggeshall corroborating Hutchinson's version of the conference. Considering Coggeshall's past defiance, the intended perlocutionary effect of Winthrop's question is to intimidate the witness from contradicting the court's perspective. However, the perlocutionary effect of intimidating is not achieved as is evidenced by Coggeshall's use of the performative verb *dare* in the affirmative declarative form, hence choosing instead to accept the challenge. By adding that Hutchinson had not spoken "all that which they lay against her", Coggeshall implicates that the testimonies of the ministers witnessing for the prosecution contained untruths, and in so doing aggravates their face. Subsequently, Peters, one of the ministers who had testified against the defendant, interjects with a rhetorical question which effectively functions as a forceful assertion that Coggeshall is lying before the court. By rhetorically asking how Coggeshall dares "say such a word", this utterance further has the illocutionary force of a threat in view of the fact that this particular interactor had barely escaped the sentence of banishment. Thus, the perlocutionary effect of intimidating Coggeshall is achieved as is indicated by his compliance not to defy or challenge the court any further, and he is ultimately compelled not to testify.

6.11 Thus, in comparison to the ministers, whose testimonies were not considered to undermine the court's line of argument, Coggeshall's willingness to confirm the

defendant's story is perceived as overtly defiant as he implicated that the prosecution's witnesses had not been entirely truthful.

## 7. *Immediate revelations and banishment*

7.0 The trial proceedings reached a dramatic climax with Anne Hutchinson, who after having requested to speak had her prophetic capacities revealed in an address to the court (Winship 2002: 175). In the statement she made, Hutchinson claimed that she had the ability "to discern among the voices of Christ, Moses, John the Baptist, and Antichrist in ministers" via the "'prophetic office'" of the Lord (2002: 178). Hutchinson further stated that if the court condemned her for speaking what in her conscious she knew to be true, she committed herself to the Lord. Upon being asked by secretary Nowell how she could know that was the "spirit", Hutchinson flouted the maxim of Quantity by rhetorically asking how Abraham knew "that it was God that bid him offer his son, being a breach of the sixth commandment?" (Hall 1968: 337). Certainly, the court easily inferred that Hutchinson meant by an immediate revelation, which she also confirmed. However, by answering with this particular rhetorical question, she may also have wanted to generate an additional implicature besides the obvious answer; she may have wanted to convey "the certainty of her scriptural experience" by offering as analogy God's voice to Abraham (Winship 2002: 179). This inference was evidently not drawn by the court, as it clashed with their reality paradigm in which lay people did not have immediate revelations but depended upon the ministry of the Word in order to approach Scripture and thereby God (Withington & Schwartz 1978: 238).

7.1 Having voluntarily confessed of experiencing immediate revelations, Hutchinson resumed her speech which culminates in extract (14). The power dynamics of the court are subverted by the fact that Hutchinson firstly performs the face-aggravating act of requesting, which aims at exerting influence over the course of the proceedings, and by extension affect the religious and political state of affairs in the colony. Moreover, by urging her adversaries to consider upon the course of action they decided to take, the authority of the court is undercut as the defendant implicates that the power of the state is not sanctioned by God due to the theological divergence between the two. In effect, it seems that Hutchinson is making the suggestion that some sort of authority has been conferred upon her by God, since she is truly committed to the Lord (as opposed to certain participants of the court). This implication would further explain the motivation behind her (speech) acts of resilient defiance throughout the proceedings. The request is then followed



by yet another face-aggravating act, namely a warning or even a threat that they (her adversaries) will inflict a curse upon themselves and their posterity unless they change their ways.

(14) [...] Therefore I desire you to look to it, for you see the scripture fulfilled this day and therefore I desire you that as you tender the Lord and the church and commonwealth to consider and look what you do. You have power over my body but the Lord Jesus hath power over my body and soul, and assure yourselves thus much, you do as much as in you lies to put the Lord Jesus Christ from you, and if you go on in this course you begin you will bring a curse upon you and your posterity, and the mouth of the Lord hath spoken it. (Hall 1968: 338)

7.2 Unsurprisingly, Hutchinson's intended perlocutionary effect to convince and intimidate the court by arguing for her religious convictions, fails since the latter operate under a very different reality paradigm. In the minds of her adversaries, her revelations are intimidating for a completely different reason than that intended by the defendant; Hutchinson's ideas threaten the Puritan enterprise of the colony. In fact, some participants of the court employ various face-aggravating strategies towards Hutchinson that illustrate a dramatic escalation of the charges, as she is accused and found guilty for being "the principal cause" of all their trouble, and the "foundation of all mischief" (Hall 1968: 343-344)

7.3 In the end, the reality paradigm of the prosecution prevails in consequence of the power asymmetry of the members of courtroom as well as society:

(15) *Gov.* Mrs. Hutchinson, the sentence of the court you hear is that you are banished from out of our jurisdiction as being a woman not fit for our society, and are to be imprisoned till the court shall send you away.

*Mrs. H.* I desire to know whereof I am banished?

*Gov.* Say no more, the court knows whereof and is satisfied. (Hall 1968: 348)

As extract (15) shows, Winthrop, in his role as the judge, performs the speech act of sentencing Hutchinson to banishment and imprisonment, thus achieving the goal of effecting a conviction in accordance with the will of the majority of the members of the court and clergy. However, the irreconcilability of their mental realities remains as is demonstrated by Hutchinson's request to know why she is banished, thereby insisting on

challenging the verdict of the court. The transcript ends with Winthrop asserting his and the court's authority by performing an unmitigated FTA as the defendant is ordered in the imperative mood to "Say no more". Whether the intended perlocutionary effect of silencing Anne Hutchinson was achieved, remains unknown as the transcript ends with the finality of Winthrop's words signaling his authority over the defendant and by extension the power asymmetry of Puritan New England society.

## Chapter 4

### 1. *Conclusion*

1.0 With regards to the historical pragmatic analysis of represented speech, the impoverished nature of historical data can, to a certain extent, be compensated with the adoption of a broad sociopragmatic framework. This framework takes into consideration the socio-historical background of the speech event, as well as knowledge about the beliefs, and mental realities brought to the discourse by the different participants. In this way, the historical pragmaticist is granted access to cognitive, social, and cultural contextual factors which constrain and affect utterance production and the pragmatic meaning of utterances.

1.1 Court records were found to be particularly suitable for historical sociopragmatic investigations of language use and speech in terms of the key notions in pragmatics investigated in this thesis; namely, speech acts, Gricean maxims, and notions of (im)politeness or verbal aggression. A necessary condition for such investigations is that written texts contain a high degree of speech-like features so as to enable identification of the aforementioned pragmatic notions. The fact that attempts were made by scribes to represent the actual speech event of the courtroom is reflected in historical pragmatic studies which have demonstrated that court records exhibit a higher degree of orality in comparison to other text-types.

1.2 Moreover, the setting of the courtroom provides the analyst with distinct participant roles and goals which constrain meaning. In fact, the power dynamics and the inherently conflictive nature of this activity type determine and motivate linguistic usages in trial proceedings as is evidenced by the pragmatic strategies employed in this institutional setting.

1.2 With respect to historical pragmatic studies in 17<sup>th</sup> century courtroom discourse, the analyst has access to rich contextual knowledge of the socio-historical background of trials. This is especially the case with historically significant trials, such as treason trials (see Kryk-Kastovsky 2006b, 2009) and the Salem witch trials (see Archer 2002), both of which are enriched by historical commentary and insights into the social, political and cultural lives of the interacting parties.

1.3 Thus, the high degree of orality of court records, and socio-historical knowledge of the trial, restrict the potential interpretations of pragmatic meaning, therefore enabling the speech event of the historical courtroom to be reproduced in terms of synchronic pragmatic frameworks.

1.4 In view of the above research context, this thesis sought to apply historical sociopragmatic methods of analysis to the record containing the examination of Anne Hutchinson by the General Court (1637). The wealth of historical material concerning Puritan New England political and religious life, as well as historical commentary on the trial itself, allowed for a thorough qualitative analysis of extracts from the source text containing the examination. Thus, speech acts, Gricean maxims and (im)politeness could be identified and assessed in terms of the power dynamics of the courtroom. Indeed, the meaning and use of a range of pragmatic strategies were illuminated by the asymmetrical participant roles, as well as the socio-historical background of the trial, which was in essence a political and religious struggle for power.

## 2. *Limitations and further lines of enquiry*

2.0 Although the qualitative approach of this thesis helped shed light on the use of speech acts, Gricean maxims and '(im)politeness' there are limitations to the present analysis since this study is narrow in scope. Whilst the qualitative method was preferred due to the nature of the data, the court record would have benefitted from certain additional qualitative investigations. For example, the frequency of polite formulae and discourse markers usage, according to speaker and the intended addressee, may have further elucidated the power dynamics of this particular courtroom situation. Similarly, a closer investigation of whether there is a correlation in this trial between structural directness/indirectness of requests and a particular participant role would also have benefitted the analysis of this court record. In this way, the extent to which the above tendencies are corroborated by quantitative values could have been examined.

2.1 Theoretically, the scope of this present thesis could also be broadened to include the framework of "self-politeness" (see Chen 2001), which has also been applied to historical courtroom discourse more recently (e.g. Chaemsaithong 2009; Kahlas-Tarkka 2012). This framework could be utilized to examine whether self-politeness strategies were employed by the participants to save their own face. A final angle, this thesis would suggest is worth investigating, are issues to do with gender and whether it can be

demonstrated from this data that pragmatic meaning and function were constrained by this social variable. Indeed, the language use of the interacting parties represented in this court record would be further reproduced by such future historical sociopragmatic investigations.

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