

Philosophy of Language Meets the Real World; or, When is “English” Enough?

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*Proceedings of the Sixteenth Annual Meeting of the Berkeley Linguistics Society* (1990), pp. 472-481

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**Philosophy of Language Meets the Real World;  
or, When is "Enough" Enough?**

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1.0. Introduction. Linguistic pragmatics, deriving as it does from two introspective fields, has a tendency to view its constructs and computations as determined in a vacuum, true for all time and all circumstances, independent of the context in which the utterance under investigation might be produced. This is the assumption, explicit or otherwise, in most discussion of the Cooperative Principle (CP) by Grice himself (1975) and others. Grice treats conversational logic as context-independent: what is "informative," how much and what kinds of computations speakers can assume hearers will make, and therefore how indirect someone can be, and still be understood as making an informative contribution, tend (not of course without exception) to be seen as universally constant, across cultural and discourse boundaries. That assumption enables us to propose and test our assumptions readily, constructing sentences and imagining their interpretations as we go along, allowing us to hypothesize and work with non-occurring infelicitous examples in order to determine the precise domain of our rule system. That introspective methodology is the inheritance pragmatics derives from its forebears, philosophy of language and transformational generative syntax. It has been of service to us, and will, in limits, continue to be. But it is time to look more closely at the idea of decontextualized pragmatics, to ask whether it can be, not only uninformative, but sometimes actually misleading.

Grice distinguishes among types of breakdowns of purely informative discourse, from violations of a Maxim so trivial as to go unnoticed:

- (1) A: I'm out of gas.  
B: There's a garage around the corner.

To cases of "flouting" that are noticeable, but computable by normal speakers:

- (2) A: Is Snarf qualified to be a Professor of Linguistics?  
B: He does produce exquisite footnotes.

But there is a world beyond flouting -- where even the most intrepid implicature cannot follow, and sense will not be made. Not only the Maxims, but the CP itself is abrogated. This is a large area, covering everything from the ravings of psychotics to a category which forms the basis of my discussion here: cases which, in one discourse genre with one set of discourse rules, would be treated as uninformative and unintelligible; but in another discourse context, will be subjected to special interpretive procedures and will thereby be made sense of. So the operations of the CP, like other pragmatic constructs, must be discussed relative to the context, whether cultural (cf. Keenan (1976) and Matsumoto (1989)) or, as here, textual.

1.1. The facts. The basis of my discussion is a legal case: a civil lawsuit for defamatory slander, in which I served as an expert witness for the plaintiff (Michael

J. Weller, Edgar Morse, and Argentum Antiques, Ltd., d/b/a Argentum, vs. American Broadcasting Companies, Inc., KGO TV, Carol Ivy, Black Company, a corporation, White Company, a partnership, and Does One through Thirty: Marin County, California Superior Court #120451. The case will be referred to hereafter as Weller). The facts in the case are as follows:

Michael J. Weller and Edgar Morse, the plaintiffs, are the owners of an antique silver shop, Argentum Antiques, in San Francisco. During a six week period from February 23, 1984, to April 2, 1984, the KGO TV local news program broadcast a series of stories, each about 4 minutes in length, suggesting that Weller had: bought an antique candelabra which he knew the seller had acquired by fraud or theft; sold it at above market value to the DeYoung Museum; and lied to the DeYoung about the candelabra's provenance. After these broadcasts had begun to air, the shop's revenues dropped significantly. The loss in profits continued for several months after the last news report. As a result, the plaintiffs sued the TV station. The case came to trial in the spring of 1989.

After a trial of about six weeks' duration, a jury awarded the plaintiffs 2.3 million dollars in compensatory damages, with which, according to an article in the San Francisco Chronicle, they were "very pleased," and the defense counsel, "very disappointed." The case is currently under appeal.

1.2. The expert linguist's role. To prove defamatory slander, the plaintiffs had to prove to a jury that:

1. The statements made by KGO News were false; or rather, that the ordinary viewer was likely to derive an interpretation of the broadcasts that included false claims;

2. Those conclusions led to the plaintiffs suffering financial losses.

My job basically was to argue that the ordinary viewer's most probable interpretation went beyond the actual superficially accessible utterances themselves, and that normal linguistic inferential processes could and would allow viewers to draw conclusions that would create a bad opinion of the plaintiffs in the hearers' minds. I made no arguments about what the KGO News team intended to communicate, or meant, the illocutionary force (Austin (1962)), since there was no way it could be reliably determined. I assumed, rather, that I as in most respects an ordinary viewer, could use my own reactions as I watched the tape as a reasonably accurate representation of the utterances' perlocutionary force. The defense, trying to keep me from being qualified to testify, gave the judge as one of its arguments that, being an expert, I did not understand language as an ordinary speaker. But I would (and the plaintiff's lawyer did) argue that linguists process language more or less like everyone else -- or else we would either be in continual trouble, or very influential. Our training enables us to make our ordinary-speaker's inferential process explicit and subject it to analysis after the fact. But the inferences we draw are the same as those anyone else is apt to draw.

In general, linguists have trouble qualifying as expert witnesses. To clear their calendars, judges try to get through cases as quickly as possible. So their tendency is to try to weed out as much potential testimony as is legally permissible. One way to achieve this end is to be abstemious about qualifying new categories of experts. So doctors, psychologists, engineers, serologists and so forth, having qualified for years, are generally accepted without much fuss (though particular individuals can

be impeached, or their testimony shown to be inadmissible); but linguists, as a new category, have to be elaborately justified each time, and it's up to the lawyer who wants to use a linguist to prove that he or she should qualify, rather than being up to the judge to show why he or she should not. Linguistic testimony is frequently disallowed on the grounds that linguists do not have any knowledge not possessed by the average juror (since an expert witness' role is to provide information that only an expert knows): linguists' knowledge is only about how to talk, and every juror knows that. Sociolinguistic expertise is more readily admissible, since it concerns differential communicative practice from one group to another. Since the ordinary person would have access to, at best, only one of these systems, the expert could tell the jury something they do not know.

In Weller, the plaintiff's lawyer argued that my knowledge of language differed from that of the average juror in being explicit, and that therefore I could explicitly explain participants' inferential processes to jurors. Thus I qualified.

2.0. KGO's Narrative. I based my testimony on several viewings of videotapes of the series of broadcasts, as well as the examination of the written transcript of those broadcasts. Basically, the story conveyed by that series of broadcasts is as follows:

As the narrative opens, an antique appraiser, Jerry Durham, had been found guilty of insurance fraud. KGO's story mentioned that Durham had volunteered his services as an appraiser to the DeYoung Museum in San Francisco. After the report aired, an anonymous caller to KGO News linked Durham's name to that of Michael Weller, who had sold an antique silver candelabra to the DeYoung for \$65,000. KGO referred to this transaction as a "sweetheart deal," with the price far too high for the condition of the candelabra. Weller claimed to have bought the piece from a Texas estate. According to reporter Carol Ivy, "sources in the community say that none of this is so, that the candelabra actually belonged to a sculptress named Barbara Herbert...and that pieces of her property, including the candlesticks, were...perhaps even stolen during the years just before her death." Notice the attribution of this crucial material to unnamed "sources."

Moreover, Ivy continues, "in another twist, [Durham] admits he once lived in an apartment in Barbara Herbert's house." Note the use of "admit," a verb which presupposes wrongdoing. Normally, living in someone's house is not wrong.

The plot, summarized in each program (with the logo "Museum Fraud?" at the top of the TV screen, and titled by the anchor, Van Amburg, as "the case of the confusing candelabra," is alleged to be as follows:

1. Jerry Durham, convicted felon, appropriated a pair of candelabra from Barbara Herbert.
2. Durham is an "associate" of Michael Weller, part-owner of Argentum Antiques.
3. Durham has served as an appraiser for the DeYoung.
4. Weller acquired the candelabra from Durham, knowing their dubious provenance.
5. Weller sold the candelabra to the DeYoung for \$65,000.
6. That is an inflated price.

Of these claims, only #3 and #5 are uncontestably true; the others involve innuendo or the claims of anonymous sources. But those true claims are of no news interest, while the others are definitely newsworthy.

To argue for its claims, KGO relied largely on the on- and off-camera testimony of a former handyman of Barbara Herbert's, Lonnie Williams, an elderly

man who claimed to have polished Herbert's candelabra "nearly everyday for 30 years" and asserted on camera that the ones in the DeYoung were "definitely Mrs. Herbert's property, definitely, with no doubt, no doubt in my mind at all." But Herbert had died in 1979 and Williams' examination of the candlesticks took place in 1984. And there was no other corroboration of this claim. Moreover, an expert testified on the last program of the series that the provenance Weller claimed could well be correct (but couldn't be proved); and that the price paid by the museum was reasonable. At that, the KGO team went to considerable lengths to distance itself from its earlier claims:

Carol Ivy: We must add that in previous stories we described a possible connection between another antique dealer, Jerry Durham, in the sale of the candelabra. Durham did once rent an apartment in the home of sculptress Barbara Herbert and Durham is acquainted with the man who made the sale to the DeYoung. However, we have no reason to suspect Mr. Durham is connected in any way with the candelabra....

which would seem to be a fair enough disclaimer, even if uttered rather late in the day. But Ivy continues at once:

However, Van, there is still that unanswered interesting question which other museums tell me is an unusual situation and that is that we are not allowed to know who the last owner of these candelabra are [sic]. Now, we have Mr. Firestone's word for their authenticity and I think it's great that the DeYoung apparently got a good deal, but let's find out where they came from.

Van Amburg replies:

Good question. Confusing candelabra. It will probably continue. Thank you, Carol.

And with that the story vanishes, never to surface again. So even with the disclaimer, the audience is left with a sense that there's more than meets the eye, the case is far from closed. KGO argues in its case that the disclaimer it made, plus its interview with the expert, Mr. Firestone, plus the fact that it hedged or otherwise downplayed the authority of most of its accusations, would lead a normal speaker to draw no negative conclusions about Weller or Argentum. Technically this may well be true. But in fact, I think normal speakers would interpret the speech events otherwise.

Let us grant KGO that, in a vacuum, references to "the case of the confusing candelabra" with its "twists," its "sources," its adversaries "refusing to speak to us," "not caring to be interviewed," "unwilling to tell us who in Texas owned the candelabra"; telling "their side of the story," "trying to talk to Lonnie Williams," and many similar examples; as opposed to their own side's "put[ting] together all the steps as you went along" [Amburg to Ivy]; "good memory" (Lonnie Williams', unsubstantiated); in which "efforts are being made" to get at the facts; they "hope the

museum relies on experts," because "I [Carol Ivy] have to rely on experts"; add up, logically, to nothing because they say nothing explicitly. But, under the special conditions of the news broadcast, the constant repetition of these claims, coupled with the daily repetition of the story itself, might well add up to something -- something which is ultimately reflected in the public's decision to stay away from Argentum in droves.

2.1. The frame and the scenario. In discussing the relation between the ostensibly bland surface communication, and the more controversial derived meaning, I will make use of two concepts, both in use (often in overlapping ways) in semantic and pragmatic theory over the last twenty years or so, though I will use them both in slightly idiosyncratic ways: the frame (cf. Minsky (1977) and Tannen (1979) and the scenario (cf. Fillmore (1975)). In this discussion, I will try to use frame consistently to refer to the set of assumptions based on the genre and function of a specific discourse, that all participants can be counted on to make to assign meaning to utterances within that discourse. The frame is part of one's normal expectations of how that kind of discourse generally works. (Examples here are the news broadcast and the courtroom.) I will describe by scenario the means devised intentionally by the active participants in nonreciprocal discourse such as news broadcasts to inculcate a particular desired attitude or state of mind in the passive participants: here, the mystery story or detective story and the we versus they or trust me scenario.

2.2. The news broadcast frame. Unlike ordinary conversation, people participate (as hearers) in television news broadcasts because they expect and hope to derive information from them. For that reason, ambiguous utterances or even utterances that in non-informative discourse types would be discounted or not made sense of will be interpreted as informative: efforts will be made to apply the rules of implicature even to utterances that otherwise are beyond the reach of CP entirely. Additionally, the purveyors of this information are assumed to be, by virtue of their position, authoritative persons (they must know what they're talking about, or they wouldn't have those jobs). What we might dismiss as mere gossip or guesswork in ordinary conversation becomes "information," that is, fact, in a TV news setting. This frame is put in place by, first of all, the fact of the viewer's tuning in; then by the familiar accoutrements of the news program: the anchor at his desk, the reporter with her microphone, the identifying logo at the top of the screen, the serious facial expressions of the news team while it is being "newsy," the measured and non-conversational delivery of the script. (I am informed that everything said by anchors and reporters on local news shows is pre-scripted, even the ad libs.)

2.3. The mystery and investigative reporter scenarios. In this series of broadcasts, the informational nature of the frame is emphasized by the institution of the mystery or detective story and investigative reporter scenarios. Both of these involve language or pictures (often both) that invoke these familiar fictional genres (and mostly serve little other informative purpose). Like the news frame, these scenarios are information-based: the detective and the reporter are there to ferret out the facts. But they develop the frame further. The news format makes no assumption of obstructionism, and therefore no claim that there are reasons why the facts are not clear. But in both of these genres, the protagonist is fighting against odds to get the facts; there is wrongdoing, the miscreants are seeking to hide the evidence; if it is

not uncovered and the bad guys brought to justice, we (protagonist and people of good will everywhere) will suffer. These scenarios provide a bridge between the staid and distant communication of the news frame, and the involved and mutual interaction implied in the trust me scenario.

Van Amburg refers on several occasions to the "case of the confusing candelabra," a title unavoidably reminiscent of a classic detective series, Perry Mason. At other times he shortens it to refer to "confusing candelabra," and often comments on how "confusing" things are: all of these recalling the Mason reference. He often calls the situation a "mystery" or "mysterious," and refers to "strange" or "bizarre twists." Ivy often concurs in these assessments. At times the very fuzziness, rather than denying the existence of meaning, lends an air of euphemistic avoidance: "Yes, there is meaning here, but it's so awful we can only hint at it":

Van Amburg: Yes, it's still a mystery. I'm not trying to put you [Ivy] on the spot and make a decision, but it's always "buyer beware." But we've heard about cases like this in the past where there have [sic] been an awful lot of money spent on one end and then it would be written off at the other end and all kinds of things would happen in between.

Carol Ivy: And we don't know enough about it yet actually to make those kinds of allegations and those kinds of allegations may never be made. The question is were those Barbara Herbert's candlesticks and are they worth the price the DeYoung paid or are they in fact from an estate in Texas and are they the real Duke of Cumberland candlesticks which the DeYoung thinks they are?

Van Amburg: As they used to say in radio: "stay tuned."

Carol Ivy: "Stay tuned."

On its face, this discourse looks absolutely nonsensical, almost childish with its strings of coordinate conjunctions and repetitions of words and phrases. Amburg's phrasing is totally empty semantically: what is the "one end," and "the other," what are "cases like this," what are "all kinds of things" and "in between"? Ivy, for her part, denies the possibility of knowing, but her use of "yet" covertly injects the presupposition that there is knowledge that will eventually come out. She frames most of her remark as a question, theoretically without informative content; but note that the question is multiply compound. And in each of the choices (are they Barbara Herbert's or not? Are they worth their price or not?) one possibility has no news value, and therefore in this context violates the Maxim of Quantity. The other, the more interesting, is informative and suggestive of wrongdoing. Likewise, Ivy's rhetorical compound question at the top of the first broadcast: "Did the DeYoung Museum pay a grossly inflated price or did they actually acquire an excellent addition to their collection?" So, if this is a news broadcast, if indeed we are operating within the domain of a mystery scenario, the informative and accusatory choice is the only one that makes sense.

Ivy's reports stress the fact that the adversaries intentionally violate the Cooperative Principle; but she violates it in turn by not being explicit about their uncooperativeness, or making it clear that that's the intention of her lexical choices. But these choices are far too numerous to be due to chance: as noted earlier, Weller and the DeYoung "refuse" to give her information (rather than just not giving it); do "not care to be interviewed"; we are "continuing to ask to photograph the candelabra," suggesting foot-dragging by the DeYoung; Weller is "reportedly" out of town. Overall, they are lying, hiding; we must find out the truth.

Alongside the mystery scenario is the investigative reporter scenario. Like the detective, the reporter must go against opposition to get the facts, in order to protect society (the audience). This overlay shows up mostly in pictures: Carol Ivy striding down the mean streets (past a store called "Video Conspiracy") in a trench coat; Carol Ivy talking to "sources" over the telephone as the voiceover summarizes the conversation. Neither of these pictures in any way furthers the informative content of the story, any more than do the mystery details. The repeated references to "sources," too, is a way of invoking this scenario, even as it dilutes the assertional force of the speech acts involved by refusing to identify a responsible speaker (rather like the agentless passive). We might argue that they interfere with intelligibility by violating Quantity, Relevance and Manner (a grouch might add Quality).

2.4. We versus they. These scenarios create a bridge linking the apparent impersonal objectivity of the news frame with the creation of trust between viewers and the news team. The problem with purely objective reports, from the broadcaster's perspective, is that viewers might refuse to give them credence, or make the extra effort to override the obfuscations. But if the audience is made an honorary member of the team, one of us; if it is clear that the news team is doing its uncovering job for the audience's sake; if the point is made that the activities described will hurt you, the public; and if the subjects of the investigation are turned into a group of hostile they whom we must fight together, trust will allow hearers to assume speakers are making sense even when, technically, they aren't; to override floutings and derive clear and unambiguous meaning. It is not unconnected with Bernstein's (1973) notion of elaborated and restricted code: the better we know and like someone, the less clear they have to be for us to be able to understand; and the more fuzzy someone is, once they have won our hearts, the more we trust them because the fuzz shows they trust us, we all speak the same language. So the news frame encourages us to understand apparent unclarity as meaningful, because the discourse genre itself is defined as informative; the we/they scenario encourages us to make sense of confusion because it's our kind of confusion, they wouldn't be imprecise if they didn't believe we wanted to make the effort to understand. Additionally, once our trust is won, its winners achieve still more authority in our eyes: they are our people, they must know what they're talking about.

A major force in the creation of the we is the "happy talk" that is, these days, an essential part of local news broadcasts. Pioneered perhaps twenty years ago, "happy talk" is the inconsequential patter between anchors and reporters, talk that does nothing to bolster the information content, but is purely interactive. You can tell it's happening when members of the team make eye contact with each other or call one another by name; when they laugh; when they comment to one another about the story (which at the same time models to the audience how they are to

react):

Amburg: Really interesting story. You put together all of the steps as it went along. Uh, what do you think?

Ivy: I think it's still a mystery at this point.

Of course, this also reinforces the news frame and the mystery and investigative reporter scenarios. But in a format where time is precious and information paramount, valuable moments cannot be spent on sheer emptiness: this chatter must be doing something. It is: it's showing us that Van and Carol are regular guys who react like you and me, are interested as you and I should be; and therefore are to be trusted and believed.

Then the news team comments on their sharing with the audience a desire to root out evil everywhere. Not only are the news team a team; the audience is also part of it. The references to "sources in the community" begin the process. Carol Ivy addresses her hearers directly: "Yesterday I told you...I showed you..." "I look forward to seeing whatever proof they have of the history and I am certain so will the many viewers who have expressed interest in the story, particularly since the DeYoung is a public museum that many of them visit frequently." The DeYoung, Weller, Argentum, and Durham are lumped together as an underhanded, unreliable, and uncooperative they: the enemy, those with something to hide.

At trial, the defense argued that the transcript contained many caveats and retractions, forms essentially subverting or denying the story's informative content. Especially toward the end, after Weller's attorneys contacted KGO, they began to hedge anything and everything. But often they retract with one hand and insert with another: "We don't know enough about it yet"; frequent use of may, as well as sources say, virtually a speech act hedge; "Again, we are not alleging anything at this point. We are simply saying that there are two stories about these candelabra." True, officially these create a flouting of Quantity: "We have nothing to report." But if you have nothing to report, you don't put it on the six o'clock news. So, if anything is to be made of the disclaimers, they deepen the air of mystery and romance: something is going on, hints are being bruited about. Since we are in this together, it is our job (the audience's) to figure out what our friends mean, thus helping nab the baddies.

3.0. The Trial Frame. And this brings us, finally, to the outer envelope of this paper, the trial and the expert's role in it. Like the news frame, the trial frame is cast as maximally informative: we are here to get at the truth, to discern the facts. Like the investigative reporter scenario, the discourse involves an adversary seeking to protect himself by keeping the facts from coming out. The witness is the conduit through which facts are to surface. Indeed, the witness' role is made clear before he or she even assumes the stand: the oath requires one to tell the truth, the whole truth, and nothing but the truth. This can be read as a strict requirement of adherence to the Maxims. But in fact (as the CP also tells us) if there were not some communicatively salient reason to require the explicit exaction of an oath, no oath would be taken: it would violate Quantity. So the insistence on the oath means that it would be interesting indeed if the witness were to adhere completely to its tenets. Thus, the job of the cross-examination: to find discrepancies between the witness'

testimony and his or her promise to be fully informative.

Expert witnesses, as opposed to eyewitnesses, have something of a superior position in a courtroom: they know something the jurors don't, and might find hard to understand. Thus they are authoritative by virtue of their role alone, unlike eyewitnesses who must rely more on personal style to be persuasive (Lind and O'Barr (1979)). But experts are still cautioned: don't be pompous, don't ramble, try to be clear. The plaintiff's lawyer had set up a blackboard. He threw at me various technical terms of the trade (illocutionary force, hedge, Maxim of Quantity, implicature, modal auxiliary, frame, scenario...). For the first part of the direct examination I wrote these on the board, defined them, provided examples. The judge remarked: "The final exam will take place this afternoon." We then went through the KGO transcripts, with me commenting on everything that might be relevant, prompted by questions. It was pretty straightforward, even if it felt like cramming the contents of a semester's pragmatics course into two hours.

It is in the cross-examination that the game is played. The witness is juggling several sorts of discourse roles and expectations. The opposing lawyer is relying on a deposition that, in this case, had been made almost three years before; I had reviewed it, but it was about two hundred pages long. If I contradicted my deposed testimony, I would be in trouble. I had also been warned to stick to the point: don't expatiate on answers, not only because you'll lose the jury, but because you may "open the door": permit a line of questioning you didn't want to get into. So the courtroom requirement of strict informativeness on the one hand seemed reinforced by these constraints (one was not encouraged to digress); but here too, the notion that strict adherence to the Maxims is the clearest or most informative way to talk is truer in the abstract than in actuality. In ordinary conversation especially, we rely on backgrounding, on extraneous but useful filling-in, on partial disclaimers, to help us make sense of the "gist." In ordinary conversation, if your interlocutor presents a position diametrically opposite yours, you may try to split the difference to maximize rapport: "Ye-es, that's right, but still...." In cross examination, such an admission, while cooperative, could be deadly. At first, worried about being shredded by my questioner, I answered, unhappily, "yes" or "no." But I soon learned that, if I just prefaced my "unresponsive" answer with "We-el yes, but...." I could get away with a comfortable deviation from direct informativeness and be really informative. In response to a question, Doesn't the use of a question dilute a female speaker's authority?, the most informative answer was not a mere "yes" or "no," but a response that considered the influence of discourse context and the role of the speaker. Yes, I had said in earlier work (which the lawyer was waving in the air like a Bible) that women lost authority when they phrased assertions as questions, but no, Carol Ivy's clout was not diminished thereby here. For one thing, her questions were rhetorical. For another, she came into the discourse with the authority of her role.

Then, too, a witness is enjoined to be explicit: to answer questions orally, no nods, no backchannels. But this advice is hard to follow when one is asked obvious or repetitious questions, to which in ordinary conversation one would barely nod or grunt: to do more would be too informative, in the sense of suggesting that one was supplying real information, and would thus ultimately violate Quality as deceptive. But in court, the nod doesn't get into the reporter's transcript, and one is

reprimanded by attorney or judge, and loses face before the jury.

Courtroom discourse is special in that it is adversarial. While most forms of discourse (ordinary conversation, TV news, classroom, and therapy, for instance) involve participants at least theoretically united in their desire to share information (only theoretically or partially, for most of these, to be sure), in court information that is advantageous to one party is apt to be a liability to the other, so for all witnesses, there is a balance between adherence to the Maxims, saying everything that is useful, true, and relevant, in a clear way, and thereby doing one's sworn job; and risking damage of one sort or another.

As with a broadcast, the flow of information in court is both presumed to be especially informative, but for extrinsic reasons often very much not so. The Cooperative Principle helps us as investigators and as participants to navigate these treacherous waters; but only if we are willing to build special contextual assumptions into the system.

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