Pragmatics and power

Sandra Harris

Department of English and Media Studies, The Nottingham Trent University, Nottingham NG11 8NS, UK

Received January 1993; revised version January 1994

Abstract

This paper sets out to ascertain on the basis of actual language behaviour whether 'universal pragmatics', especially Grice's maxims and Habermas's validity claims, can provide a sustainable conceptual framework for understanding the relationship between pragmatics and power. On the basis of a data base of magistrate/defendant and police/suspect discourse, it examines the nature of strategic discourse in settings where participants have conflicting goals. Three specific propositions are put forward: (1) that the asymmetrical distribution of speech acts as a mode of strategic communication prevents validity claims being raised or challenged except by institutional representatives; (2) that 'truth' comes to be defined pragmatically as what is accepted explicitly as 'shared knowledge'. Powerful institutional members move from the 'given' to the 'new', which is often 'disputable', by a variety of communicative strategies which the less powerful 'clients' find difficult to challenge; (3) that there is a need to re-define the widely used concept of communicative competence so that any challenge to authority or the right to speak is not merely labelled as 'inappropriate' and/or 'incompetent' language behaviour. The paper concludes with an assessment of the usefulness of the work of Grice and Habermas in relationship to strategic discourse and proposes a possible model for future work.

1. Universal pragmatics

Recent theories of 'universal pragmatics' are concerned with attempting to identify the fundamental and underlying principles of interactive communication. If pragmatics is, broadly speaking, the study of language usage (Levinson, 1983), 'universal' or 'formal' pragmatics seeks to define those principles which operate at a necessarily very abstract level, across diverse subject matter, contexts and even cultures. Though much of the impetus and many of its most important concepts derive specifically from the philosophy of language, pragmatics has acquired a distinct and significant life of its own and, as Green (1989) points out, it now lies at the intersection of a number of fields, including psychology, anthropology, social theory and, sociolinguistics. (See Watzlawick et al., 1967; Adams, 1985; Mey, 1985; Ver-
schueren and Bertucelli-Papi, 1987; Hickey, 1989; Wilson, 1990; Leech, 1983, and Brown and Levinson, 1987, for diverse versions of pragmatics.)

Most influential on linguistics has been the work of Grice, who sets out to establish Cooperation as a general principle governing ‘conversation’, which is never explicitly defined but interpreted very generally by Grice as communication. The basis for the Cooperative Principle is ultimately, for Grice, what is reasonable (rational) and, indeed, he views ‘talking’ as “a special case of purposive, indeed rational behaviour” (1975: 47). Echoing Kant, Grice identifies well-known maxims – Quantity (being informative), Quality (being truthful), Relations (being relevant) and Manner (being clear) – which form the basis of his Cooperative Principle.

It seems to me that the influence of Grice on linguistics and other disciplines has probably been disproportionate, given the rather limited scope and substance of his original paper, for several reasons. Firstly, the Cooperative Principle is presupposed to operate at a very general level which, if valid, would provide a very powerful determining principle underlying human communication; and, secondly, the maxims are presented in simple and ‘commonsense’ terms which make them both appealing and accessible, in contrast to much of the highly technical work that has been done in conjunction with the philosophy of language. But Grice’s proposed Cooperative Principle raises a number of important and controversial issues for linguists interested in the social meanings of language, inspiring not only a great many commentaries (not all of them in textbooks on pragmatics), but also a number of interesting attempts to tighten up and make more explicit the maxims in diverse ways by linguists who approach Grice from very different directions (Kempson, 1975; Gazdar, 1979; Leech, 1983; Sperber and Wilson, 1986; Carston, 1988; Green, 1989; Schiffrin, 1990, etc.).

However, it is questionable whether cooperation as an abstract concept provides sufficient grounding in itself for interaction. Grice’s notion of ‘conversation’ is vague and undifferentiated, and it is arguable whether it is helpful to focus so exclusively on cooperation as the underlying principle of communication, even if as an abstract principle it makes a convenient and justifiable starting point.

Grice’s concept of rationality, with its prescriptive and moral overtones, is also open to serious question. Most important is his failure to build into his version of ‘universal pragmatics’ a social and political dimension, since it is far from certain whether what counts as true, sufficient, relevant and clear (Gricean maxims) can be meaningful apart from the social and political contexts of particular speech acts.

As a social theorist rather than a linguist, Habermas attempts to embed the study of language within a more general theory of social action and supplies, in his work, the social and political dimension of ‘universal pragmatics’ which is missing in Grice. As Thompson (1984: 280) suggests, Habermas defines his task much more broadly than Grice as that of elaborating a theoretical account which will link communicative action to crucial aspects of social reality and so provide a means of comprehending the essential nature of modern industrial societies. Instead of conversational maxims, Habermas proposes a series of ‘validity claims’, which act, similarly, as a set of general principles on which all communication is based and which can be
called into question and ‘redeemed’ by interlocutors. In addition to Comprehensi-
bility, which relates to linguistic competence, Grice sets out ‘validity claims’ based
on Truth (agreement based on a truth claim). Truthfulness (agreement based on a
speaker’s sincerity), and Rightness (agreement based on normative social rules
and/or legitimately ordered interpersonal relationships). Like Grice’s ‘conversa-
tional maxims’, these ‘validity claims’ presuppose consensus as the first premise of
communication.

Habermas also predicates, contrafactually but as a necessary ideal, a speech situa-
tion which is oriented to rational argumentation and where access to speech acts is
symmetrically distributed, i.e., all participants have equal rights to state, to question,
to request, to criticise, etc. For Habermas, the power differential which characterises
many contemporary interactional contexts is manifested in linguistic strategies
which distort communication by displacing the rationality which should be its cen-
tre. Thus, like Grice, but in a more sophisticated and politicised way, Habermas is
also committed to ‘rationality’ as the underlying first premise of communication,
which is at its most fundamental and basic level oriented towards reaching under-
standing. The power and inequality which distort such communication can be explicit-
ly called into question and must be ‘justified’ with regard to the validity claim of a
‘rightness’ which is based on social norms. Habermas’s commitment to truth goes
beyond that of Grice and signifies the promise to attain a rational consensus, espe-
cially in the public sphere, in an attempt to link the political and the linguistic in a
fundamental way. By focusing on communication as social action, Habermas fore-
grounds language not only as the primary means of understanding and consensus but
also as the potential instrument of power and inequality.

Indeed, in his most recent work, Habermas (1990) has put forward a concept of
‘discourse ethics’, which shifts the focus of his work on communication more specif-
ically towards a process of moral argumentation. This process locates not only ratio-
nality but a ‘common core of morality in the normative pre-suppositions of com-
municative interaction’ (1990: ix), since moral arguments are seen to be embedded
in specific communicative contexts, and thus foregrounds the validity claim of
‘rightness’. Habermas sees essential questions of ‘justice’ as underpinning normative
justifications which are linked specifically to the rational argument of those subject
to particular social norms. This process of moral argumentation is particularly rele-
vant to situations where social conflicts arise and to institutional discourse. Thus, the
concept of ‘discourse ethics’ allows for the norms of existing institutions to be called
into question, and for the intrusion of moral arguments into the world of institution-
ally ordered relations (1990: 107).

The purpose of this paper is to examine whether certain central aspects of ‘uni-
versal pragmatics’, specifically ‘conversational maxims’ and ‘validity claims’ as put
forward respectively by Grice and Habermas, provide a sustainable conceptual
framework for analysing strategic discourse recorded in real situations. Neither
Grice nor Habermas make use of actual language as data, and only a few of the

---

1 For Habermas’s own critique of Grice, see Habermas (1984: 274–276 and 312).
many studies which have elaborated, interpreted and made reference to the work of both writers have attempted to assess the conceptual usefulness of either ‘conversa-
tional maxims’ or ‘validity claims’ in a consistent way (see Sarangi and Slembrouck, 1992), involving real speech acts. Indeed, Habermas himself comments that in com-
parison with the kind of empirical pragmatics which has recently been developed with contributions not only from linguistics but also anthropology, sociology and psychology,

"formal (universal) pragmatics – which in its reconstructive intention ... is directed to the universal pre-
suppositions of communicative action – seems to be hopelessly removed from actual language use." (1984: 328)

A number of other researchers in pragmatics (e.g. Leech, 1983: 231; Levinson, 1983: 38; Wilson, 1991) have also maintained that universal pragmatic hypotheses should be tested against a corpus of empirical data and have highlighted the advan-
tages of applying pragmatic theory systematically to real language behaviour, partic-
ularly in strategic contexts.

The analysis which follows will focus primarily on ‘strategic’ discourse produced in institutional contexts for the following reasons:

(1) The distinction between ‘communicative’ and ‘strategic’ language is a crucial one for Habermas. His concept of power and inequality as a ‘distortion’ of com-
municative action is one which can be fruitfully examined in conjunction with actual language data which is both accessible and socially significant;

(2) Grice has often been criticised for constructing a theory of universal pragmatics which cannot handle unequal encounters which are clearly not cooperative and where the goals of participants conflict in quite obvious ways;

(3) Conflicting goals in the institutional contexts selected are power-laden and related to knowledge claims which must be negotiated linguistically in ways which are directly relevant to ‘conversational maxims’ and ‘validity claims’. Moreover, the dimensions of power and inequality in those contexts are clearly visible in both the wider social and political structures and in the immediate sit-
uation, and these can be explicitly related to the linguistic choices of the partic-
ipants involved;

(4) Institutional sites are in a mediating position between individual action and social structure (Thompson, 1983) and can provide a useful way of bridging the gap, methodologically, between case study and abstract theory (Agar, 1985; Fisher and Todd, 1986).

(5) Habermas’ more recent work on ‘discourse ethics’ is particularly relevant to institutional discourse. The language of authority, in legal and medical discourse especially, is the powerful instrument of the professional, developed over a long period of time and deeply rooted in the social and political structures of a par-
ticular society (see Foucault, 1972, 1989; Fisher and Todd, 1986; Goodrich, 1987). Concepts such as ‘justice’ and ‘rights’, which are crucial to the legitima-
tion of the legal process, are not only subject to specific definition in legal dis-
course but may be called into question and become the object of moral argumentation.

2. Universal pragmatics and natural language data

Using selected examples from a recorded data base of magistrate/defendant and police/suspect discourse, the remainder of this paper will attempt to assess the usefulness of 'conversational maxims' and 'validity claims' when confronted with empirical data. Three particular propositions are put forward as a means of clarifying the relationship between pragmatics and power that emerges from working natural language data and which relate directly to the work of both Grice and Habermas. Each of these propositions will be considered in turn and in some detail.

(1) _That the asymmetrical distribution of speech acts as a mode of strategic communication acts to prevent validity claims being raised or challenged except by institutional representatives._

Habermas attempts to make a crucial distinction between 'strategic discourse', which he maintains is oriented to success, and 'communicative discourse', which is oriented to reaching an understanding. Strategic discourse is basically instrumental in mode, power-laden and often located in institutional sites. However, as Habermas makes clear, he is not attempting to characterise behaviour dispositions empirically but to define structural properties of reaching understanding in such a way as to enable him to derive the most general pragmatic presuppositions of communicative action. Hence, the distinction between the two types of discourse rests solely on the pretheoretical knowledge of competent speakers, who are intuitively able to distinguish situations in which they are exerting an influence on others from those in which they are attempting to come to a mutual understanding.

Habermas clearly asserts the primacy of communicative discourse, linked as it is to a higher level of consensual rationality and to the force of argumentation which individual participants must recognise and accept.

"We call an action oriented to success _strategic_ when we consider it under the aspect of following rules of rational choice and assess the efficacy of influencing the decisions of a rational opponent. ... By contrast, I shall speak of _communicative_ action whenever the actions of the agents involved are coordinated not through egocentric calculations of success but through acts of reaching understanding. In communicative actions, participants pursue their individual goals under the condition that they harmonise their plans of action on the basis of common situational definitions." (1984: 285–286)

Communicative action, for Habermas, is thus distorted by power and inequality, and this is primarily made manifest in discourse through speakers' differing rights to particular speech acts. Strategic discourse is essentially goal directed, bringing power to bear through the systems of linguistic constraints which operate in most institutional contexts.
In reality, institutional discourse is much more complex than this, and it is difficult to argue except at the most abstract theoretical level for a clear distinction between 'instrumental' and 'communicative' action. Most linguistic contexts contain elements of the 'strategic', even those which might be considered the prototype of discourse oriented to reaching an understanding, e.g. academic seminars. Moreover, the power inherent in strategic action, and especially in institutional contexts, is not limited to the differential access to speech acts of various participants, i.e. the power to question, command, criticise, contest, etc. It is not, arguably, even primarily linguistic power.

Nevertheless, most institutional discourse does involve restrictions on speakers' rights. The significance of these restrictions is not confined to what Habermas calls 'institutionally bound' speech acts (or Searle's 'declarations'), which are, after all, relatively rare. It is the differential access to such common speech acts such as questions, directives, accusations, assertions which is crucial to understanding how pragmatics and power interact.

This can be seen by examining selective instances of courtroom discourse as a type of case study. The data cited here was recorded in the Arrears and Maintenance Court of the Nottinghamshire County Magistrates Courts, the lowest tier of courts in the United Kingdom system. The recordings involved twenty-six cases, with five magistrates. In addition to the clear social class contrasts in this context between magistrates and defendants, all cases have a common goal, and there is a high degree of consistency in the purpose and structure of court sessions which lessens the likelihood of making gross errors of interpretation.

The prototypical pattern of speech acts in court is the question/answer sequence, which is indeed common to much institutional discourse (see Agar, 1985). A considerable number of writers (O'Barr, 1982; Philips, 1984; Danet, 1984; Harris, 1984, 1989; Woodbury, 1984; Adelswärd et al., 1987) have now suggested that questions in court appear to be used by institutional representatives (i.e. judges, lawyers, magistrates) as a mode of control, making it difficult for non-institutional participants (i.e. defendants, witnesses) to put forward propositions of their own. A defendant or witness who is limited to the role of respondent may find it difficult to raise or challenge validity claims for the following reasons.

Firstly, questions sit much less easily with Habermas' concept of a 'validity claim' than do assertions, promises or even directives. It is not merely incidental that his taxonomy excludes them. A question can put forward a truth claim, but only inasmuch as it contains a presupposition or a proposition which is embedded in its interrogative structure. The following questions (all magistrate or clerk utterances addressed to a defendant) provide relevant examples:

(a) would you like to explain to the magistrates why since then you've chosen to ignore the order of the court, please (presupposition)
(b) who (someone) wrote this letter for you (presupposition)
(c) everybody else seems to have done something but you, don't they you didn't choose to pay it off then, did you (proposition + tag)
Although it is possible for a defendant to raise a validity claim with regard to the above presuppositions/propositions, in effect, interactively, it is extremely difficult; and few defendants in the data base challenge the 'truth claim' of presuppositions or propositions which are embedded in conducive syntactic forms.

Secondly, questions in court are often multi-functional. Accusations which a defendant might want to challenge explicitly on the basis of a truth claim are often posed as questions. The following sequence follows an account given by the magistrate addressed to the court, including the defendant, concerning the 'facts' of the latter's case, i.e. that he has two fines on which he still owes the court money.

M: yes – what are you going to do about it
D: well – uh – I would like to ask your worships if it would be all right if I had fourteen days to pay the three pound one – and uh – and still have to pay the fifty pence on the other – your worship
M: why is it you’ve suddenly become flush with money
D: well as I say – uh – they’ve put an increase on and uh – but I daren’t draw out again until Monday (they= Social Security)
M: how much money have you got on you
D: I haven’t got any on me – your worship
M: how’d you get here
D: I uh got a lift – part way here

Though on the surface these questions request information, their underlying function is as accusations – that the defendant has money which he is wilfully using for purposes other than to pay his fines. While the defendant’s responses indicate that he recognises the accusation, he does not directly challenge the validity of the presupposition in the magistrate’s second question or the implied accusations which underlie the final two questions. Indeed, it is also interesting to note that these questions function as accusations only in relationship to a specific asymmetrical context and in a questioning sequence. It would be quite possible to pose such questions (“How much money have you got on you?”, “How’d you get here?”) in a different context without any accusatory intent. Questions used as indirect accusations tend to prevent defendant validity claims (denial of truth) which a direct accusation would make possible.

Thirdly, it is illuminating to match Habermas’s validity claim based on 'rightness', on normative social rules, with instances of actual discourse. For example, what kind of 'validity claim' is being raised in the following exchange between a clerk of the court and a defendant?

C: In May of this year you were before this court for motoring offences when you were fined a total of – thirty-five pounds and for costs fifteen pounds making a total of – fifty and uh you were ordered to pay within twenty-eight days – you haven’t as yet paid anything or been in touch with the court – can you explain why you haven’t paid and what your situation is at the present time
D: yes – the reason I haven’t paid is – A that I haven’t got the fifty pounds and also – secondly – that I feel I was totally unfairly judged to be guilty at the time
Clearly, the validity claim being raised by the defendant in this instance does not relate to the ‘truth’ of the clerk’s previous assertions. Both participants accept the circumstances and the amount of the fine and that the defendant has not as yet paid any money. Propositional truth is not in question. Nor is the ‘truthfulness’ or sincerity of the clerk being called into question. The validity claim which is raised would intuitively seem to be concerned in some way with ‘rightness’ but not in the sense of the appropriacy of ‘social norms’. The defendant is not challenging the ‘right’ of the clerk as representative of the court to impose a fine on him but the ‘rightness’ of the action itself on other grounds (unfairness).

In other words, he is not calling into question the validity of the clerk’s statements on the basis of a normative rightness which depends on legitimately ordered interpersonal relations but on a matter of ‘justice’. This would seem an example of a defendant explicitly ‘moralising’ the world of institutionally ordered relations, attempting to engage in moral argumentation (in Habermas’s terms) from a position of inequality in terms of power.

D: even – even the prosecutor at the time – at the recess when the two magistrates went out – of whom I think your companion was one – stated at the time that the case should never have been brought up – that he agreed entirely with my action M: hmm – we can’t re-try the case I’m afraid D: so I’ve got to pay it – and accept injustice M: yes – well it’s up to you – I say [the alternative could D: which says a lot for M: very well be prison D: which says a lot for British justice (utterances left out) D: so I just have to accept injustice M: um – um well it’s up to you Mr H – uh – uh – I’m putting it to you again – are you um – are you going to make an offer – uh – uh to discharge this debt

The magistrate here deflects rather than redeems the defendant’s validity claim by a threat (of prison) and by re-defining what is being talked about not as an act of ‘injustice’ but as a ‘debt’ to be ‘discharged’. Such cases, when the defendant directly challenges the ‘justness’ of the legal system are relatively rare, but they do occur.

Instances where a magistrate raises a validity claim of ‘rightness’ can be more easily interpreted within Habermas’s conceptual framework and these are more common. Interestingly, such instances often tend to focus on disputes over speakers’ rights to particular speech acts, at least in a court context:

(d)
M: you’d be well advised to get a solicitor – do you understand D: if I get a solicitor – it’s going to cost me just as much isn’t it M: it’s no use arguing or threatening in any way – if that is not done you yourself will have placed you at risk of being brought back to this Court and sent to prison (threat)
(e) M: will you fetch a policeman (to the Usher)  
D: you can’t do it now (take him to prison) – I’m still uh under psychiatric treatment  
C: you can receive that in prison Mr – uh A  
D: oh thank you (ironic tone)  
M: you can’t tell – you can’t refuse to do something and tell us what we can do at the same time you know  
D: that’s the system isn’t it (directive)

(f) M: um – well it’s up to you Mr H – uh – uh – I’m putting it to you again – are you um – are you going to make an offer – uh – uh to discharge this debt  
D: would you in my position  
M: I – I’m not here to answer questions – you answer my question  
D: one rule for one – and one for another I presume (question)

In each of these cases, the magistrate (or clerk) raises a validity claim which relates to the ‘rightness’ of the defendant’s use of an implicitly proscribed speech act – threats, directives and questions. Each of these defendants has previously challenged the ‘fairness’ of the decision of a previous court. In each case, the defendant has attempted to engage the magistrate in moral argumentation. Such cases would seem to me clear instances of a ‘rightness’ validity claim being raised by an institutional member which relates to the social norms which apply in court. (It doesn’t matter that the first defendant has not actually uttered a threat.) In dealing with appeals to ‘justice’, magistrates on this evidence would appear to raise a counter validity claim with interprets such appeals as a breach of the ‘rightness’ of social norms, a clear exercise of power which prevents defendants from raising similar validity claims or engaging in moral argumentation.

(2) That ‘truth’ (Grice’s ‘quality maxim’ and Habermas’s initial ‘validity claim’) comes to be defined pragmatically as what is accepted explicitly as shared knowledge. Powerful institutional members move from the ‘given’ to the ‘new’, which is often ‘disputable’, by a variety of communicative strategies which the less powerful ‘clients’ find difficult to challenge.

Both Habermas and Grice put forward a commitment to tell the ‘truth’ as the most basic premise of communication. If this were not the case and people told lies randomly (or even consistently), then the essentially consensual and cooperative nature of the communicative process would break down, making genuine communication impossible. Indeed, in order to reinforce the importance of truth, Habermas adds ‘truthfulness’ (sincerity) as a further validity claim. It is crucial to consider commitment to ‘truth’, as perhaps the most fundamental tenet of universal pragmatics, in relationship to contexts which involve power and inequality.

It is interesting to note, first of all, that in court the commitment to tell the truth is actually embedded in the legal process, i.e. defendants and witnesses must swear ‘to
tell the truth, the whole truth and nothing but the truth”. This essentially commits
speakers in an explicit way to obey the Gricean maxims of Quality and Quantity.
These maxims are thus given the force of law in court, with known breaches being
punishable by a prosecution for perjury. Magistrates, lawyers, judges can thus call
into question defendant statements with impunity, since lying (though not apparently
“being economical with the truth”) is a punishable offence. This in itself is a con-
siderable power.

In other institutional contexts, the commitment to telling the truth is much more
ambiguously represented. The following exchange took place in an interview room
of a police station, where a police constable (PC) is interviewing a teenage youth (Y)
about an incident with a crossbow.

PC: you were by that cro [ssbow
Y: well you say I was
PC: I know that – I saw
you there
Y: so what you asking me for if you know it – you’re telling me
PC: so why don’t you tell me what you were doing
Y: cause I knows what I was doing
PC: cause from my angle it looks bad [for you doesn’t it
Y: ( )
well you say it
PC: you tell my why you had the crossbow out there
Y: I never had the crossbow – I’ve told you I’m not saying – nothin’ else – all
right you’re telling me what I’ve supposed to have done tonight – that’s all
there is to it as far as I’m concerned
PC: (2) if I saw you
Y: if you saw me – [fair enough – if I – [if you hadn’t have
PC: pro producing it
Y: saw me – if you saw me – then do what you want to do all right
PC: yeh
Y: that’s up to you – cause I knows what I’ve done tonight – so it’s up to you – so
you might just as well just tell me what time I left home this morning and what-
ever else I’ve done – I knows what I’ve done tonight ...

As this interview makes clear, in police/suspect discourse, both the maxims of
Quality and Quantity appear to be suspended (see Schroeder, 1987). Neither the
police constable nor the suspect is committed to telling either what he knows or,
equally important, how much he knows. Both participants are aware that the other
may not be telling the truth or may be telling only a part of the truth. The dispute in
this exchange centres on the role of the ‘knower’, with the Youth maintaining that
where ‘truth’ relates to his own actions, he is the more valid ‘knower’, the ultimate
arbiter of what is ‘true’. However, both participants raise validity claims as to the
other’s ‘truthfulness’ (“if you saw me, so why don’t you tell me what you were
doing”) in the face of conflicting goals, where the policeman seeks a confession and
the Youth seeks not to incriminate himself. Consensus cannot be reached, because there is no agreement over what knowledge can be accepted and shared.

The process of establishing 'truth' (what actually took place) operates pragmatically in this context by means of an interrogation. Not only are the maxims of Quality and Quantity suspended but the power of the police enables them to use a variety of communicative strategies to establish what can explicitly be acknowledged as 'shared knowledge', which can then be accepted as 'true'. Several of these strategies can be seen in the following interview. Two policemen are interviewing an elderly Irish resident of a local hostel regarding the 'suspicious death' of another resident of the same hostel, who has been found dead at the bottom of the stairs. (Only one of the policemen actually speaks, though both are present throughout the interview.)

P: how do you think he went down those stairs then
S: well I don’t know – (I just) I I I think he must have fell down them
P: were you there when he fell down
S: no I was not – I was in bed – all right – I must have been in bed
P: you’re sure of that
S: I’m sure of it – I must have been in bed – yeh I was in bed anyhow (2) (yeh)
P: you weren’t at the top of the stairs
S: no (2) I was not
P: you had an argument in the morning didn’t you
S: in the morning aye – but that would be nothin’
P: hmmm what d’you mean it’d be nothing
S: that would be nothin’ – an anyway that would be only a bit of – crack – that’s what I’d (think) – that it was the crack you know
P: when you’ve had a few to drink and you had a few that morning
S: yeh

(2)
P: you’re a bit argumentative aren’t you
S: (be Jesus) I wouldn’t think so
P: you don’t think so – other people do
S: no ar well that would be

( ) there’d be no harm in my arguments I’ll tell you
P: no harm in them
S: no not at all (I would) have the old crack going on you see
P: yeh – you think it’s a bit of a joke do you (sometimes)
S: (yeh) that’s all
P: yeh
S: (all) – well that’s all I do it for – a bit of a joke
P: yeh
S: that’s all
P: it is possible though – isn’t it – that you could have had an argument – you fell out – you didn’t intend him to fall down
S: I don’t think so – no I’ve never
P: (like) you could have pushed your hand out –
he could have gone down the stairs – is that right
S: no I don’t think so – no – that’s not right (4) because me and him might have an
argument but never – never fall out like that – push one another or even fight or
nothing (no) not at all
P: never any fistycuffs
S: no (2)
P: not ever
S: no – not with Mick – no
(2)
P: you told me you’d tell me the truth
S: yeh (4) well ( )
P: blood on a cloth – in your room
S: mmm ( ) no ( ) was there – I
got no blood on it – I don’t think so (2) not likely
(2)
P: well you ought to know – you were there
S: well I don’t think I did – I’ll tell you that much – I never remember getting blood
on me

Because neither participant is certain that the other is obeying the maxims of
Quality and Quantity, the police often resort, as here, to indirection. A direct ac-
cusation is likely to result in an explicit denial (as it does in the previous case of the
crossbow). Instead, the police inspector initiates the interrogation with a relatively
open question (how do you think he went down those stairs then). Since he can’t
be certain whether the suspect’s reply breaches the maxims of Quality and Quan-
tity (is both true and maximally informative), the inspector follows up the sus-
pect’s response with a series of highly conducive requests for information which
call that response into question (‘you’re sure of that, you weren’t at the top of
the stairs’).

He then proceeds by means of a combination of tag questions and assertions to
construct a hypothetical narrative of the suspect’s behaviour which is put forward for
the suspect to confirm as ‘truth’. (‘It is possible though – isn’t it – that you could
have had an argument – you fell out – you didn’t intend him to fall down – (like) you
could have pushed your hand out – he could have gone down the stairs – is that
right’). Moreover, this manner of arriving at ‘truth’ through a constructed narrative
of hypothetical events by the more powerful institutional member assumes several
stages. The police initially introduce a proposition for confirmation, the relevance
of which is not entirely clear (‘you had an argument in the morning, didn’t you’).
Here Grice’s maxim of relevance comes into play, since the suspect anticipates in his
response that the ‘relevance’ of the argument in the morning will later serve to estab-
lish a motive for causing the death of his fellow resident. Hence, though he accepts
the fact of the ‘argument’ as shared knowledge, he re-interprets its meaning in the
context of any possible narrative as ‘nothing’, ‘a bit of a joke’ or ‘crack’, making it
easier for him to reject the inspector's version of what happened when it is eventually offered.

When his narrative is rejected by the suspect, the inspector explicitly raises the validity claims (and the explicit breach of the maxim of Quality) of truth and truthfulness ("you told me you'd tell me the truth"). He has attempted to move from what is 'given' (a man found dead at the bottom of the stairs) through establishing the 'disputable' as shared knowledge (an argument, blood on a cloth) to a version of events constructed as a hypothetical narrative which will form the basis of a confession establishing the 'truth' of that version.

Constructed narratives of defendant behaviour by either magistrates or lawyers, often in the form of re-formulations of what the defendant has said, also feature frequently in courtroom examinations. Here too the acceptance of the re-formulated or 'new' defendant narrative by the institutional member will form the basis of the explicitly acknowledged shared knowledge which will be defined as 'truth'. Referring back to a previously cited example, the clerk (C) clearly moves from the establishment of the non-controversial 'facts' of the case as explicitly acknowledged shared knowledge to a question which contains a presupposition which may well be disputable (that the defendant (D) has chosen to ignore the order of the court).

C: is it also correct that you appeared before the Court on the 6th of August – and for – road traffic offences – including taking a vehicle without the owner's consent – you were fined a total of thirty-five pounds and ordered to pay five pounds costs
D: yeh
C: is it also correct that at that time you were ordered to pay that by weekly instalments of one pound fifty (2) since that time you've only paid nine pounds off that amount – the last payment being on the 27th of September -
D: yeh
C: would you like to explain to the magistrates why since then you've chosen to ignore the order of the Court please

Because the 'new' information has been introduced in the form of a presupposition, it is difficult to challenge as disputable. In fact, this defendant tacitly accepts the disputable proposition by answering the question.

Thus, there are a number of strategies which enable powerful institutional participants to maintain considerable control over the pragmatic definition of 'truth'. The structure of questioning sequences limits the application of the maxim of Quantity, since to choose to 'make your contribution as informative as is required' applies in a very obvious way to the role of the respondent and only much less obviously, if at all, to the role of the questioner. Much the same applies to validity claims which relate to 'truth' and 'truthfulness'. Not only is it difficult for the less powerful participant to raise validity claims relating to the 'truth' of the utterances of the more powerful participant but questions are particularly resistant to truth claims interactively, i.e. it is difficult for a defendant or suspect to raise a truth claim about a proposition which is structured into a question.
That there is a need to re-define the widely used concept of 'communicative competence', which is most often defined in the sociolinguistic and ethnographic literature (Hymes, 1977; Lyons, 1977) as appropriate language behaviour in accordance with accepted social norms (Habermas's validity claim of 'rightness'), so that any challenge to authority or the right to speak is not merely labelled as 'inappropriate' and/or 'incompetent' language behaviour.

The concept of 'communicative competence' is fundamental to understanding Habermas' validity claims in several ways. First of all, in the most general sense, utterances can be judged as rational or irrational as they raise validity claims which are open to question and can be both challenged and redeemed. Habermas assumes a communicative competence of speakers which goes beyond the Chomskyan notion of linguistic competence and clearly relates to language as action in the social world. The communicative competence necessary for raising and redeeming different types of validity claims encompasses cognition, speech and action (see White, 1988: 28). Habermas's claim is that it is the linguistic acts of communicatively competent speakers which conform to rules which can then be used to establish the criteria for communicative rationality which is central to his version of 'universal pragmatics'.

Secondly, the notion of 'communicative competence' also underpins Habermas's 'validity claim' of Rightness, whereby speakers seek agreement based on normative social rules and/or legitimately ordered interpersonal relationships. The claim of Rightness relates in an interesting way to definitions of 'communicative competence' most often expressed and widely employed in the sociolinguistic literature. Gumperz (1972: 205), for example, defines 'communicative competence' as the speaker's

"ability to select, from the totality of grammatically correct expressions available to him, forms which appropriately reflect the social norms governing behaviour in specific encounters."

Yet neither this definition nor the ethnographic framework which Hymes uses as the basis for analysing the component parts of a speech event makes any explicit reference to language as an instrument of power. Rather, both depend heavily on the notion of 'appropriacy', as does Lyons in his list of contextual variables which reflect the 'knowledge' participants must have in order to produce and understand contextually appropriate utterances (Lyons, 1977: 574).

Even more important, the concept of 'appropriacy' is not a neutral one. What is 'appropriate' in institutional contexts in particular is largely determined by social, political, economic, even legal, norms which are power-laden and form the basis for Habermas' validity claim of 'rightness.' The power to 'select' a particular lexical item or to perform a specific speech act does not involve merely a choice which is determined primarily by what participants 'know', as Lyons argues; nor does it seem helpful to define communicative competence merely as language behaviour which is 'appropriate' to a set of social norms. To say, for example, that the defendant who questions a magistrate concerning a disputable proposition or a patient who uses scientific medical terminology when presenting his/her symptoms to a doctor is behav-
ing in a way which is communicatively incompetent is to make a socio-political and an ideological judgement as well as a linguistic one, though both of these instances represent behaviour which contravenes the norms of situation.

To ignore the power structures behind social and political norms which form the basis for judging whether or not linguistic behaviour is ‘appropriate’ (is valid in terms of Habermas’s ‘rightness’) is to reinforce the inequality which such norms in institutional contexts often represent and to re-label any challenge to authority and the ‘right to speak’ as either ‘inappropriate’ and/or ‘incompetent’. This is in effect what magistrates/clerks do in claiming as invalid the ‘rightness’ of defendants to use proscribed speech acts and to engage in moral argumentation. Behind these norms are powerful ideological frameworks which are maintained and reified by defining ‘appropriacy’ as ‘competence’. The ‘validity claim’ of Rightness provides some kind of understanding as to why it is so difficult for the powerless to call such norms into question and how powerful institutional members use ‘appropriacy’ (conformity based on normative social rules) strategically as a means of control.

3. Conclusion

Neither Grice nor Habermas at present provide a conceptual framework which can adequately and easily be applied to handle natural language data. There is still a considerable way to go before either version of ‘universal pragmatics’ becomes an ‘empirical pragmatics’ (see Schiffrin, 1987). Indeed, only at the most abstract level is it conceivable to regard ‘Cooperation’ as a presumptive universal principle of human interaction. If by his Cooperative Principle Grice assumes the predominance of common interests and social goals, then it is clearly in any case open to serious question. Viewed as norms of rational behaviour, Gricean maxims obviously cannot easily be detached from the historical and social contexts of particular interactions where power and inequality are likely to distort and force one to qualify any abstract definition of what constitutes rational action. This becomes especially evident in institutional contexts. What is defined in such contexts as ‘true’, ‘informative’, ‘adequate evidence’, ‘ambiguous’ in interactive terms is not only situationally bound but may well be viewed differently by participants in the same interaction where conflicts of interest and ideology abound, and even immediate goals are not shared (Fairclough, 1985, 1989).

What one can say is that, as Sarangi and Slembrouck (1992) point out, even in situations where social goals are in conflict, it may still be the case that the maxims of Quality and Quantity in particular are valid as regulators of information exchange. That these maxims are enforced as a part of the legal process in court would seem to substantiate this kind of interpretation. But there are clear limits to the usefulness of Grice’s work in handling complex natural language data, even if one adds a series of more specific maxims based on politeness or ‘tact’, as Leech does.

The work of Habermas is more promising in many ways, since Habermas’s ‘consensus’ is not merely a proposed universal principle underlying conversation but also a form of political and social ideal which can only be achieved through a process of
argumentation. However, this political grounding of communicative action also entails certain problems. Habermas’s recognition that power and inequality distort communication is explicit, and his ‘validity claims’ differ from Gricean maxims by including a component based on norms of ‘rightness’. Given the immense significance of language and communication for Habermas, it is somewhat disappointing that in his most recent work there is little attempt to develop his model of the communicative and linguistic aspects of ‘universal pragmatics’ further.

One of the reasons for this may be that, from a theoretical as well as from an empirical point of view, the distinction between ‘communicative action’ and ‘strategic action’ is a difficult one to sustain. This distinction is a crucial one for Habermas, since the whole burden of his belief in rationality and democracy rests on the prior existence of communicative discourse which is oriented to reaching an understanding and thus dependent on the process of argumentation, ‘undistorted’ by power relations and explicit purpose (other than understanding). There is an interesting parallel here with Austin’s (1975) notion of locutionary and illocutionary force, particularly since Habermas bases his work primarily on speech act theory. Ultimately, the difference between ‘stating’ something (locutionary) and ‘doing’ something (illocutionary) proves unsustainable for Austin, and the process of ‘stating’ becomes itself a form of action, of ‘doing’. The distinction collapses partly because of Austin’s awareness that all language use is a form of action (which Habermas fully recognises), but also because, in an important sense, it can be argued that all language is goal oriented (White, 1988; Dallmayr, 1984). Communicative discourse is thus merely subject to different goals.

In fact, Habermas has relatively little to say about strategic action/discourse beyond his considerable insight that power distorts an ‘ideal’ communicative process. His primary interest for both theoretical and political reasons is in communicative discourse, and he regards strategic action as parasitic and clearly second order in comparison. He maintains that his ‘validity claims’ apply only to communicative discourse, and in one sense this is true, if ‘application’ means an ideal discourse context where all participants have an equal opportunity to challenge and to request redemptive evidence. Yet it is difficult to argue, certainly on the basis of actual language data, that communicative discourse is the ‘norm’ as Habermas does. In fact, from a sociolinguistic point of view, strategic discourse is not only prevalent but more interesting and important to analyse, since the process of linguistic negotiation in ideological sites is a crucial one. Understanding more about the exchange of strategic discourse when participants have conflicting goals in settings like the law courts and police interrogations is also of fundamental social and political interest. Habermas’s ‘validity claims’ are testable in such contexts against empirical data and can provide useful insights into the nature of strategic as well as communicative discourse.

Indeed, Habermas himself recognises the need for a ‘universal pragmatics’ which is also an empirical pragmatics and which clearly engages at some point with actual language behaviour. The unreality and paucity of his own examples make this all the more obvious. His own programme for ‘reversing step by step the strong idealisations ... built up’ so as to deal adequately with ‘the complexity of natural situations without sacrificing all theoretical perspectives’ (1984: 330) is an ambitious and
extensive one. One of the difficulties he has with developing his model of communication is his commitment to speech act theory, which has itself often been criticised for its lack of a sufficient empirical base (Stubbs, 1983; Edmondson, 1981, etc.). Another is the very broad focus of his programme as stated, which could only incorporate a workable empirical component with considerable difficulty.

The purpose of this paper has been to consider the usefulness of Grice’s ‘maxims’ and Habermas’s ‘validity claims’ when confronted with empirical data recorded in selected institutional settings. Any attempt to indicate the nature of a possible model which could handle strategic discourse but is grounded in an empirical pragmatics must thus be a tentative one. However, it might be useful if work were to proceed along the following lines:

1. **Propositional component.** This would include an analysis of the way texts involving strategic discourse make use of selective linguistic systems in foregrounding certain propositional meanings. It would also include lexical and semantic representations and the use of presuppositional and embedded propositions.

2. **Interactional component.** This component would analyse interactional features, such as the selective distribution of speech acts, sequencing, turn-taking rules, reformulations, validity claims, etc.

3. **Intertextual component.** Fairclough (1992) defines an intertextual analysis as one which shows how texts draw selectively on particular orders of discourse, such as genres, narratives, registers, etc. Generic discourses, especially institutional types such as legal and medical varieties, are complex and often have recourse to sub-genres and other discourse types.

4. **Contextual/historical component.** This would include an analysis of both the immediate and the wider context, bearing in mind that strategic discourse often occurs in institutional settings which incorporate powerful ideological frameworks deeply embedded in larger social, economic and political structures and processes. Complex discourse types develop historically and even in the immediate context reach beyond the boundaries of particular speech events.

Given the difficulty for an empirical pragmatics of drawing a clear distinction between communicative and strategic discourse, the model proposed is a more general one. However, it is particularly well-equipped to deal with strategic discourse, since power is a significant determinant of strategic choice (or lack of choice) at each level. Habermas’s insight that power distorts the communicative process could be explicated empirically with regard to a specific text or, preferably, a series of systematically gathered texts. Obviously, this would not be an easy task, and the relationship between pragmatics and power can never be a simple or straightforward one. Although a substantial amount of work still remains to be done to narrow the gap between universal and empirical pragmatics, the analysis of strategic discourse points in a direction which may well prove both stimulating and fruitful, especially if, as Habermas argues, “The same medium, linguistically mediated interaction, is both the reason for the vulnerability of socialised individuals and the key resource they possess to compensate for that vulnerability” (1990: 201).
References