

“And sayest thou now, that thou neuer mentest it?”
Accusations and charges in Early Modern English trials¹

1. Introduction

The pilot study referred here is a part of a larger project on the variation experienced by the English language in its recent history as far as the usage and formal realisation of various speech acts is concerned. More specifically, the present paper focuses on the realisation of indirect accusations and indictments in English trials between 1560 and 1750. The label *indirect* refers here to cases where the accusation speech acts are not realised by means of explicit performatives. In this sense, the main aim of the study is to detect and analyse the ways in which participants in trials of the Early Modern English period (especially prosecutors and magistrates) try to imply or evince people's involvement in crimes, without explicitly uttering terms such as *accuse*, *accusation*, or *charge*, among others.

The investigation is based on data drawn from a corpus consisting of Modern English dialogues, which can all be claimed to reflect spoken conversation in some way. The reason why the study is based on dialogic texts is that dialogue, by definition, involves interaction, and indirect speech acts seem to play an important role in the dynamics that are implemented in face-to-face interaction (cf. Culpeper & Kytö, 1999: 294). At the same time, the adequate interpretation of speech acts (especially, indirect speech acts) is favoured by a number of factors that are closer to orality and the language of immediacy than to literacy and the language of distance (cf. Jucker, 2004: 13 on the orality-literacy scale). Among these, aspects such as the usage of an appropriate intonation or the necessary contextualization, which are crucial for the addressee's recovering the intended meaning of the utterance, are also essential for the interpretation of (indirect) speech acts.

Dealing with the pragmatic features of the speech of the Early Modern English period (hereafter, eModE), this study is devised within the general framework of Historical Pragmatics and Pragmaphilology, which developed out of early attempts to make pragmatic studies more historical (Archer, 2005: 6).² Historical Pragmatics and the subsequent pragmatic approach to historical linguistic data have been gaining force during the last decade, since Jucker's groundbreaking Introduction to *Historical Pragmatics* (1995) established the framework for classifying historical pragmatic research. Nonetheless, not much investigation has been carried out about indirect speech acts in the eModE period. This makes the present study particularly attractive and worth undertaking. However, it also implies the need for this initial approach to the topic to be somewhat broad in its purposes. It is necessary to bear in mind that historical explanations of any type cannot be seen as monolithic enterprises and the various aspects of dialogue forms may very well call for separate explanations (cf. Fritz, 1995). The study pays heed to the need to carry out speech act analysis against the background of the pragmaphilological framework, bearing in mind that the pragmatic basis for the texts of the period (Modern English, in this case) and the conditions that govern communication between authors and their audience may be fundamentally different from those prevailing in modern times (cf. Jacobs & Jucker, 1995: 21). In Jacobs and Jucker's (1995: 21) words,

The communicative status as an implicit speech act and thus the degree of conventionalisation can be regarded as conditioned by history. Again, in order to understand a speaker's intention expressed in the speech act, it is important to know as precisely as possible the historical circumstances of the utterance. For example, in former times communicators used implicit speech acts to avoid the use of explicit speech acts that were morally unacceptable or taboo (cf. Hartmann, 1977:5).

2. Historical Pragmatics and Pragmaphilology

Being a relatively recent subfield of Historical Linguistics, Historical Pragmatics has been defined as the study of historical data from a pragmatic perspective, the diachronic study of pragmatic elements or the study of language change from a pragmatic point of view (cf. Jucker, 2004: 90). As a pragmatic discipline, it aims to take into consideration the social situation in which linguistic phenomena take place, the participants in the linguistic interaction, their social relationships, and the cognitive processes they go through while producing and interpreting language.³ As explained by Archer (2005: 6), rather than language change itself, the primary focus of Historical Pragmatics is to investigate “language use through time or at particular points in time”. From the framework of a historically conceived pragmatics, linguistic research tries to describe and understand conventions of language use in communities that are no longer accessible for direct observation, describing and explaining, whenever it is possible, the development of speech conventions in the course of time (cf. Archer, 2005: 6; Jacobs & Jucker, 1995: 6).

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² Pragmaphilology, as defined by Carroll *et al.* (2003: 2), “is primarily a matter of synchronic research, taking into consideration the contextual aspects of historical texts in which past stages of the language are preserved”. Cf. also Archer (2005: 6-ff) for details on the defining features of Pragmaphilology and diachronic Pragmatics (two separate, albeit overlapping, approaches).

³ For a brief account of the origins and scope of Historical Pragmatics, cf. Arnovick (1999: 9-14).

Knowing that pragmatics tends to rely exclusively on spoken data (considered to be more spontaneous and, therefore, a more direct reflection of the linguistic competence than written language), it might seem impossible to approach historical data from a pragmatic perspective, except for the very recent past (as all historical data are written data). As claimed by Kohnen (2004: 237), “[a]ny attempt to write a corpus-based illocutionary history is faced with basic problems involving the methodology of historical pragmatics and the design and use of historical corpora”. Nevertheless, the distinction between written and spoken language should not be seen as a clear-cut dichotomy and we should be aware of the fact that we may find samples of the language of immediacy in historical written sources (Jucker, 2004: 90).⁴ The fact that historical data have only survived in the written code does not imply that such data cannot tell us anything about the spoken language of the past. In the particular case of trial proceedings and court records, for instance, what we face is a clear attempt to be an exact reproduction of what people actually said in court. They are therefore, “likely to show more features of orality even if the renderings are not one hundred percent faithful to the spoken word in court” (Jucker, 2004: 14).

3. Speech Acts in this study

It seems unnecessary to develop here a full argumentation in favour of the assumption that whenever we use language, we do not simply report some state of affairs but rather perform acts through words. Our utterances are speech acts in that they may actually change the interlocutors’ world in some small but significant way. In Arnovick’s (1999: 8) words, speech acts are communicative activities “defined with regard to the intentions of the speaker and the effects achieved on a listener”. Similarly, it seems enough to point out simply that the relationship between clause type and illocutionary force is not one-to-one but many-to-many, and with speech acts there is no predictable link between form and function.⁵ The functions of utterances, then, have less to do with the forms of such utterances than with the contexts in which they are used (cf. Geis, 1995). In this sense, we may know that *accusing* implies saying that somebody did something (generally, something bad), and the verb *charge* (in the sense under discussion) “is similar to *accuse* in assuming a certain norm (doing Y is bad), and in asserting that this norm has been violated” (Wierzbicka, 1987: 166). Yet, such speech acts may be performed either by means of uttering explicit performatives (i.e. using terms such as *accuse*, *charge*, *accusation*), or less directly, using indirect speech acts or implicit performatives.⁶

The concept of indirectness in speech acts that is adopted in this study draws on Downing and Locke’s (2006), who distinguish two slightly different types of indirectness. Accordingly, on the one hand, indirect speech acts may be the result of a particular form or clause type being used to convey an illocutionary force, or intended meaning, that is different from its basic one (with the help of the appropriate intonation). On the other hand, indirect speech acts may also appear when the words we use do not express the full illocutionary force of our intended speech act. These are cases where addressees recover the intended meaning of the utterances basing their inference on the assumptions of cooperativeness, truth, relevance and cultural knowledge, as pointed out above. Such a type of indirect speech act can be seen in situational dialogues like the following one (from Downing and Locke, 2006: 179):

A: *The door-bell’s ringing.*

B: *I’m in the bath.*

A: *Ok. I’ll go.*

Admitting that the difference between both types of indirectness is indeed mild, as the second one might be regarded as a sub-type of the first one which somehow goes a step further, the purpose of the project is to analyse the whole range of such accusation speech acts, regardless of this mild distinction. Despite the above mentioned impossibility to trace a full analysis of the changes experienced by these speech acts in the recent history of English, this project is meant to pave the ground for an analysis of possible similarities and/or differences between the motivations and realisation of indirect speech acts in Modern English and those in Contemporary English.

The analysis of the corpus has been made on the basis of the assumption that it is not always possible to make a clear-cut distinction between one type of indirect speech act and another (e.g. *Sit over here by my side* may be either a request or an invitation, or a combination of the two). This implied the need to pay close attention to the situational context (i.e. trials, in this case) and the relationship between hearer and speaker (most frequently, a relationship of inequality in terms of authority), as in different situations or at different points of a conversation, any utterance may take on a different pragmatic force. Far from considering this a drawback, “[t]his indeterminacy of pragmatic meaning is not, in general, a disadvantage, as it allows the interlocutors in a situation to negotiate the outcome of any one utterance as they go along” (Downing and Locke, 2006: 179).

⁴ For further comments on the spoken-written distinction and the orality-literacy scale and the blurring of orality and literacy for historical texts, cf. Jucker, 2004: 13 and Carroll *et al.*, 2003: 5-6.

⁵ cf. Kohnen (2004) for comments on this lack of a one-to-one coincidence between form and function as one of the basic methodological problems that corpus-based diachronic study of speech acts is faced with.

⁶ Due to the space constraints imposed on a paper like this, and given that the definition of indirect speech acts has raised a considerable amount of controversy, I will not refer to the fuzzy, and possibly problematic, concept of indirect speech act here. Instead of that, as pointed out in the introductory section, a more general concept will be adopted, and attention will be paid to any accusation speech act carried out with a certain degree of indirectness in the sense of being carried out without using an explicit performative, as explained above.

Cf. Geis (1995) for comments and criticism on different theories of indirect speech acts.

4. The corpus

The texts analysed for this study were drawn from the *Corpus of English Dialogues 1560-1760 (CED)*, 2006, a 1.2-million-word computerized corpus compiled under the supervision of Merja Kytö (Uppsala University) and Jonathan Culpeper (Lancaster University). The corpus contains texts which include constructed dialogue (Drama, Comedy, Didactic Works and Prose Fiction) as well as texts which purportedly record authentic dialogue (Trial Proceedings and Witness Depositions) (cf. Kytö and Walker, 2006 for a full description of the corpus and its components).

Aiming to work with a sample of language as close as possible to the speech of the time, only texts subsumed within the 'authentic dialogue' category of the CED were considered for the study. More specifically, only Trial Proceedings were analysed, as "scribal intervention tends to be limited to speaker identification or to explanatory comments on the proceedings" in them (cf. Kytö and Walker, 2006: 20).⁷ The 31 texts that were selected for the study contain a total of 202,690 words, distributed through the periods covered by the corpus as specified in Table 1 below:

Table 1: Distribution of words in the corpus

Period	Word count
1 (1560-1599)	19,940
2 (1600-1639)	14,430
3 (1640-1679)	47,850
4 (1680-1719)	82,660
5 (1720-1760)	37,810
Total	202,690

As explained by Kytö and Walker (2006: 20), trial proceedings contain the records of court proceedings written down by official scribes or any other observers who were not otherwise involved in the proceedings. Such records collect the speech, most frequently, in dialogue form, in question and answer format. As mentioned above, scribal intervention tends to be limited in them, unlike in the case of witness depositions, for instance, where the testimony is for the most part recorded as a third person narrative and there is "considerable intervention on the part of the scribe" (Kytö and Walker, 2006: 21).

The texts selected mostly contain direct speech, although a certain amount of reported speech is also present in some of them, which was not excluded from the analysis. The vast majority of the examples were, then, drawn from direct conversations. Nevertheless, we did not exclude cases of clear accusation speech acts when they were couched in reported speech. It is assumed that scribes were faithful to the lawyers/defendants/judges⁸ speech and such indirect speech acts were not a result of their intervention.

Knowing that the corpus under analysis is made up of trial proceedings, it seems necessary to say a few words on the peculiar and specific features of the speech and writing used in the legal environment (which have, in turn, some historical basis). Legal language has always differed from ordinary speech in varying degrees (Tiersma, 1999: 7). Whenever such differences became notoriously large, there were generally protests and attempts to improve the situation by reforming it. Nevertheless, after each reform, the gap between legal and ordinary language widened again gradually. In essence, legal language is a variety of English, rather than a separate language. In contemporary English, this variety may be said to be characterised by the presence of lengthy and complex sentences, wordiness and redundancy, usage of conjoined phrases and lists of words, unusual sentence structure, abundance of impersonal constructions, or even editorial *we*, archaisms, etc. In addition to all that, it may be said that legal language is characterised by a general avoidance of pronouns, and a good use of strategic imprecision by obscuring the actor through passive voice and nominalizations. The use of vague language is also typical of legal registers. Even though these might be said to be the features of contemporary legal language, expectedly enough, most of them were found in the texts analysed for the study. In the corpus under analysis there are pleadings, depositions, interrogatories, requests for evidences and negotiations or plea bargaining.⁹

5. Results

In order to classify the (indirect) speech acts detected in the analysis of the corpus, Wierzbicka's semantic dictionary *English Speech Act Verbs* was taken as a reference. Admittedly, this is a semantic dictionary that is, at least in principle, meant to list, define and relate (performative) speech act verbs. Nevertheless, it seems equally appropriate as a tool for the classification of non-explicitly performative and indirect speech acts, given the

⁷ As pointed out by Jucker, Fritz and Lebsanft (1999: 16), records such as these might not tell us exactly how people spoke in Early Modern English, "but it is interesting in itself to study how Middle English and Early Modern English authors chose to represent dialogues."

⁸ For the sake of brevity, no distinction is made here between *solicitors*, *barristers*, *counsels*, etc. The term *lawyer* is adopted as general instead. Similarly, *defendant* refers both to those being accused and also to those interrogated as witnesses. For a detailed analysis of the speech and the communicative strategies of each type of participants in these trials, cf. Archer (2005).

⁹ Cf. Archer (2005) for a thorough analyses of the early Modern English courtroom, courtroom talk as 'activity type' and a review of the linguistic literature relating to historical courtroom discourse.

detailed nature of the definitions of the illocutionary forces it provides. Besides this dictionary, the context and the co-text were crucial for the classification of the speech acts.

Table 2 below displays the frequencies and distribution of utterances that convey the illocutionary force of accusation, charge or denounce, but could not be defined as performative. As pointed out above, the label *indirect accusation speech act* is used here so as to embrace all utterances expressing an accusation without explicitly containing terms such as *accuse*, *charge*, *accusation*, etc. Notice also that on several occasions the same utterance was found to convey more than a single illocutionary force. Such is, for instance, the case of examples (1)-(4) below. In them, the speaker utters interrogative clauses that, rather than trying to elicit information from the addressees, are actually accusing him as well as defying and daring him to deny his involvement in the crimes at issue:

- (1) *And diddest thou not signifie that thy purpose to the Pope by letters, and receiuedst letters fro~the Cardinall, howe he allowed of thyne intent, & excited thee to perfourme it, and thereupon diddest receiue absolution?* (B D1TPARRY)
- (2) *And diddest thou not conceyue it, promise it, vow it, sweare it, and receyue the Sacrament that thou wouldest doe it?* (B D1TPARRY)
- (3) *And diddest not thou thereupon affirme, that thy vowes were in heauen, and thy letters and promyses on earth to bynde thee to doe it?* (B D1TPARRY)
- (4) *And that whatsoever her Maiestie would haue done for thee, coulde not haue remoued thee from that intention or purpose, vnlesse she would haue desisted from dealing as shee hath done with the Catholiques, as thou callest them?* (B D1TPARRY)

Examples (5)-(6) below further illustrate the kinds of accusation utterances we are referring to:

- (5) [\$ (^L. C. J. Holt.^) \$] *What was your Name?*
[\$ (^Capt. Harris.^) \$] *My Name was (^Jenkins^)*
[\$ (^L. C. J. Holt.^) \$] *Who gave you that Name?*
[\$ (^Capt. Harris.^) \$] ***King (^James^)** at St. (^Germain^), and # he gave Mr. (^Hare^)* the Name of (^Guiney^), and Mr. (^Rookwood's^) Name was # (^Roberts^). ***King (^James^)** told us in his Bed-Chamber, We were to go by those Names* (B D4TROOKW)
- (6) [\$ (^Mrs. Goodwin.^) \$] *To my Brother-in-law (^Mr. George # Spur^). So at my going out, after I had delivered them to him, in my way back again, I found a small paper-Book, and a small parcel of Writings, who dropped them, or who laid them there, # I cannot tell. But taking them up unadvisedly, I put them among the prints, which I # carried out; I delivered them to my Brother-in-law. This is all I have to say as to # the papers.*
[\$ (^Stevens.^) \$] ***Three parts of what she hath said is false.***
[\$ (^Mr. Serj. Jefferies.^) \$] *Well, hold you your tongue.* (B D4TCOLLE)

Table 2: Distribution of accusation/charge (indirect) speech acts in the corpus (raw frequencies and the incidence counted per 1,000 words):

Period	Frequency of (Indirect) Accusation / Charge Speech Acts
Period 1 (1560-1599)	4 0.20
Period 2 (1600-1639)	17 1.17
Period 3 (1640-1679)	15 0.31
Period 4 (1680-1719)	24 0.29
Period 5 (1720-1760)	17 0.44
Total	77 0.37

6. Concluding remarks and questions for further research

The pilot nature of this study recommends caution when drawing conclusions from the analysis briefly presented here. In general terms, we have observed a preference for speakers to insert their accusations in their discourse with higher or lesser degrees of indirectness rather than using explicit performatives of the type *I accuse you*. Expectedly enough, accusation speech acts were attested in the speech of lawyers and magistrates, but they

were also present in the speech of defendants. The fact that in some of the trials under analysis, defendants and witnesses were allowed to narrate their own version of the events facilitates their introducing accusations in their discourse (something that might be more difficult if the trials adopted a rigid question-and-answer format).¹⁰ Thus, it is in these narratives that defendants and witnesses sometimes refer to other people as being involved in, or responsible for the crimes. On certain occasions, these accusations overlap with refutations of allegations and denials of liability, and the same utterance may be said to serve the speaker to deny liability as well as to accuse someone else. As claimed above, this indeterminacy of pragmatic meaning should not be regarded as a drawback, but simply as a resource for the interlocutors in a situation to negotiate the outcome of the utterances.

Given the brevity of this paper, a more exhaustive study of the degree of (in)directness of accusation speech acts in eModE trials is left open to further research. Such study would allow us to analyse (and contrast, if possible) the use of direct speech acts and indirect ones, discussing the somewhat controversial concept of indirect speech act. This would provide an interesting insight into the possibility of characterising this particular group of illocutionary forces (i.e. accusations) in the particular context of eModE trials. Similarly, the study attempts to pave the ground for a pragmaphilological analysis of the use of (indirect) accusation speech acts in the recent history of English, tracing any possible course of evolution and/or change between the eModE and the contemporary periods.

7. References

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¹⁰ For detailed comments on the different formats that the trials of the period adopted, as well as on the consequences this might have on their pragmatic features, cf. Archer (2005).