

“I Have Never Touched It”: Flouting and Violation of Maxims in a Court Testimony

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ABSTRACT:

The present study examines the flouting and violation of maxims in a defendant's court testimony. It also investigates the possible reasons for flouting and violation of maxims committed by the defendant. As a descriptive qualitative study, the data of the present study are in the form of transcripts of a defendant's full testimony in the session 26 regarding the court of Olivier café murder case. By employing Grice's (1975) theory of Cooperative Principle, the findings show that the defendant flouts the maxims of quality, quantity, relation, and manner. It is also found that the defendant only violates the maxim of quality. This present study also discovers that the reason to why the defendant flouts the maxims is generally to build a public image that she is innocent. Furthermore, the defendant violates the maxim of quality because of the intention to get a lesser sentence in the court. The findings suggest that the defendant of the court tends to flout and violate the maxims in giving her testimony to yield hidden additional meanings and intentions in her utterances as well as to mislead her audiences.

Keywords: *Cooperative Principle, maxims, flouting, violation, court testimony*

INTRODUCTION

Conversation has a set of rules that can help people communicate effectively. These rules operate as a guidance for the speakers and hearers or their interlocutors to follow the rules or to be cooperative (Grice, 1975). One of the sets of rules is the conversational maxims which were proposed by Paul Grice (1975). The maxims consist of four types which are maxim of quality, maxim of quantity, maxim of relation, and maxim of manner (Grice, 1975). Each of the maxims has a criteria that people have to follow or observe a maxim in order to achieve mutual conversation ends.

In some circumstances; however, people may deliberately or unintentionally do not observe the maxims which are known as non-observance of maxims. There are several types of non-observance of maxim, they are flouting, violating, opting out, and infringing. Each type of non-observance of maxim occurs in a different condition and has different effects respectively. Flouting a maxim occurs when a speaker blatantly fails to fulfill a

maxim (Grice, 1975). By flouting a maxim, a speaker has conveyed an additional meaning which is what Grice (1975) coined as implicature (Yule, 1996). On the other hand, when a speaker violate a maxim, he causes his utterances to mislead the interlocutors (Grice, 1975). Furthermore, opting out arises when a speaker is indisposed to cooperate or to observe the maxim (Grice, 1975). Instead, when a speaker does not have enough linguistic competence to observe the maxims, the speaker is infringing the maxims (Thomas, 2014).

In terms of non-observance of maxims, flouting and violation of maxim; in fact, seem to be the most frequent non-observance of maxim in institutionalized setting as in a courtroom (Archer, 2005, Coulthard & Johnson, 2010, Pei, 2015).

This present study aims to investigate flouting and violation of maxims in a courtroom. The present study, particularly, focuses on the analysis of flouting and violation of maxims in the defendant's court testimony. Furthermore, the present study also aims to investigate the

possible reasons for flouting and violation of maxims by the defendant. To do the analysis, the present study applies the cooperative principle theory proposed by Grice (1975).

LITERATURE REVIEW

The present study focused on investigating the flouting and violation of maxims in a defendant's court testimony based on Gricean cooperative principle (1975) theory. The Cooperative Principle coined by Paul Grice has been considered as one of the most the most influential theories in the development of pragmatics for its attempt to describe the mechanism of a conversation and or how the speakers and their interlocutors can get the expressed meaning and the implied meaning (Thomas, 2014). The cooperative principle describes that the speakers and their interlocutors have an assumption that everyone involved in a process of communication understands and follows the principle of communication (Griffiths, 2006). Furthermore, the cooperative principle states "makes your

conversational contribution such as is required, at the stage at which it occurs, by the accepted purpose or direction at the talk exchange in which you are engaged" (Grice, 1975, p. 45). Grice (as cited in Holmes, 2013) further elaborates the Cooperative Principle into the conversational maxims, they are maxim of quantity, quality, relation and manner.

In a conversation, sometimes, a speaker or an interlocutor does not always adhere to the maxims. The reasons why they do not adhere the maxims is various; it can be intentional or unintentional. This is in line with Palupi (2006) who argues that, in some circumstances, the several reasons why people cannot meet the obligation to observe the maxims because they probably do not have the capability to speak clearly or likely because they decide to lie. The state in which people are unsuccessful in adhering the maxims is called as non-observance of maxims (Thomas, 2014). The non-observance of maxims is divided into several types, they are opting out, infringing, suspending, flouting, and

violation of maxims (Andresen, 2013). Regarding courtroom context, flouting and violation of maxim seem to be the most frequent non-observance of maxim in institutionalized setting as in a courtroom (Archer, 2005, Coulthard & Johnson, 2010, Pei, 2015),

One of the way a speaker fails to observe a maxim is violation of maxims. According to Thomas (2014), some scholars mistakenly define the term 'Violate' as all types of non-observance of the maxims. However, Grice (1975) use the term violation of maxims as an act of not observing the maxims in which the speaker are unostentatious. Therefore, the speaker who violates a maxim "he will be liable to mislead" (Grice, 1975, p. 49). In other words, the speaker of violation of maxims intentionally do not observe the maxims so that it will cause misunderstanding on their interlocutors in order to achieve certain purposes (Sadehvandi & Khosravizadeh, 2011). Therefore, violation of maxims disrupts some elements of communication (Muslah, 2015).

Another way not to observe the maxims is flouting a maxim (Damayanti, 2011). If a speaker flouts a maxim, it means that he blatantly fails to fulfill a maxim (Grice, 1975). Given the concept, it means that flouting a maxim happens because of the intention of the speaker itself to do so. Additionally, it means that the speaker is also capable of adhering to the maxim but he chooses not to do so (Grice, 1975). Since the hearer has the assumption that the speaker is able to fulfill the maxim, this situation will trigger a process of reasoning in the hearer where he will find the meaning of the utterance (Mey, 2001). In the process of finding the additional meaning, the hearer will observe the maxims (Mey, 2001).

Flouting a maxim can trigger an implicature. It means that conversational implicature is an implicature in which conversational maxims are expected. In other words, both speaker and hearer have the basic assumption of what meaning that speaker will convey. This is in line with what Yule (1996) states, "it is speakers who communicate

meaning via implicatures and it is listeners who recognize those communicated meanings via inference. The selected inferences are those which will preserve the assumption of the cooperation” (p. 40). In line with Yule (1996), Mey (2001) argues that the concern of conversational implicature is the way we understand the utterance regarding what we expect to hear. Furthermore, Davies (2000) adds that in a conversational implicature, the additional meaning is not triggered by the conventional meaning of the words but it needs logical explanation to be communicated.

From the explanation about flouting and violation of maxims above, it can be inferred that flouting and violation of maxims are intentional acts. Therefore there must be several reasons why people flout and violate the maxims. This is in line with Archer (2005) who argues that people rarely do not observe the maxims without reasons; rather, we intentionally fail to observe the maxims for a range of reasons.

The first reason of flouting a maxim is because the desire to make

one’s language more/less interesting (Thomas, 2014). Thomas (2014) argues that people most likely tend to take a pleasure in using language. On the other hand, flouting maxim can also be used to increase the force of one’s message (Thomas, 2014). This is quite similar with interestingness. The difference with interestingness is the speakers exploit language (by flouting a maxim) in order to emphasize their message. In other words, it is intended to make the hearers “to work at understanding the message so that they have ‘investment’ in the message” (Thomas, 2014, p. 144).

Another reason of flouting maxim is because of a clash between two goals. Pyle (as cited in Thomas, 2014) argues that flouting a maxim caused by competing goals relies on the interlocutors’ capacity to identify the competing goals. In some cases, however, the interlocutors do not always able to detect the competing goals because of cross-cultural situations (Thomas, 2014). The last reason of flouting of maxim is politeness regarding face. Flouting a maxim, which is also called by

Thomas (2014) as indirectness, can be used because of politeness/regard for ‘face’. When flouting a maxim is motivated by politeness, it is dealt with ‘what is said’ which is attached at the utterance level (Thomas, 2014). Pyle (1975 as cited in Thomas, 2014) argues that flouting a maxim caused by politeness happens because people’s “communicative goals conflict: for example, when their desire to avoid hurting someone's feelings conflicts with their obligation to tell the truth” (Pyle in Thomas, 2014, p. 179).

On the other hand, since violation of maxims is an unostentatious act, it will mislead the audiences (Grice, 1975). Moreover, it is the speakers’ intention to mislead the audience when they violates the maxims. Thus, it can be concluded that the reasons why people violate the maxims is to mislead their audiences so that they gain advantages from the use of it. For instance, the defendants of a court may use violation of maxim to fabricate their story so that people will believe them and they will get a lesser sentence (Coulthard &

Johnson, 2010). In line with this, Archer (2005) argues that a defendant uses violation of maxim to manipulate the termination of his/her examination.

METHODOLOGY

Data Collection

The data of this study are in the form of a transcript of a video. The video that is used as the data is FULL:4 Jessica Menjawab...Lupa dan Tidak Ingat Kata yang Sering Keluar dari Jessica dalam Sidang video (length: 01:24:47) that is taken from CNN Indonesia Youtube channel (<https://www.youtube.com/watch?v=xkaXsED2HHM&list=PLmriyx1tVZAxpacwsloorJGAsqCcIxukR>). The selected video is the documentation of the court of the defendant of Olivier café murder case session 26. Specifically, it contains the testimony of the defendant. Although the court of the defendant has 32 sessions, the session 26 is chosen because it is the only session that contains the defendant’s full testimony. In addition, one video which has duration more than one hour is considered adequate to get

the intended result in a qualitative study. This is in accordance with Creswell (2013) who states that the researcher of qualitative study needs to focus on some of the data and neglect other parts of it because the data is so dense and rich for qualitative study.

With regard to data collection procedure, the data collection is accomplished in several steps and the steps are done simultaneously. First, the researcher watches carefully the video. Second, the researcher does the thematic transcription. The thematic transcription means that the researcher transcribes the defendant's utterances that flout or violate the maxim once the researcher finds them. During this process, the researcher identifies whether the utterance flouts the maxim or violates the maxim. This process is repeated three times in order to get the comprehensive data.

Data Analysis

The data that have been obtained are analyzed according to the Gricean Cooperative Principle theory (1975). The process of data analysis of the

study is conducted in several steps, they are identifying and categorizing maxim, quantifying, interpreting findings, and drawing conclusion.

The researcher identifies what maxims that are flouted and violated in the defendant's testimony based on Gricean cooperative principle theory (1975). The identification process is done by making a table consisting of the data, the type of non-observance of maxim (flouting or violation), and the type of maxim.

After, identifying the maxims, the researcher has to find the possible reasons of the flouting and violation of maxim in the defendant's testimony in order to answer the second research question. The process of finding the possible reasons is done by several steps. First, the researcher examines the table of the identification of maxim. Afterwards, the researcher constructs the possible reason of the flouting or the violation of each data by linking with the literature.

FINDINGS AND DISCUSSIONS

The research discovers that the defendant flouts all the maxims:

quality, quantity, relation, and manner, but the defendant only violates the maxim of quality. The findings of the study finds that the total occurrences of flouting and violation by the defendant is 37 occurrences. Considering the duration of the video which is approximately one hour twenty four minutes, it is safe to say that the number occurrences committed by the defendant is quite high. It can be found after dividing the duration of the video (84 minutes) by the occurrences of flouting and violation (38). Thus, it is discovered that the defendant flouts and violates the maxims approximately every two minutes which is can be considered as quite often. This high number of occurrences is highly motivated by the speaker's role as a defendant. It can be said that flouting and violation of maxims are used by the defendant as a linguistic strategy to defense herself in the court.

The frequency of flouting maxims is 76.3% and the frequency of violation of maxims is 23.7%. The table further shows that the defendant flouts the maxims for 29

times out of 38 occurrences of flouting and violation of maxims. In other words, flouting maxims has a higher amount of occurrences rather than violation of maxims. The defendant mostly flouts the maxim of relation for 14 times out of 38 occurrences of flouting and violation of maxims. Since the maxim of relation deals with relevance of conversation, it can be inferred that the defendant's testimony tends to be irrelevant in terms of conversational maxims. It can be said that the defendant mostly invest additional meanings by the breach of maxim of relation. Furthermore, the defendant flouts the maxim of quantity for 12 times out of 38 occurrences. The defendant flouts the maxim of manner for 2 times out of 38 occurrences and the maxim of quality is flouted 1 times out of 38 occurrences. In terms of maxim of manner and quality, the small number of occurrences can be influenced by the context of conversation. Since the context is courtroom, the testimony of the defendant tends to be formal. Hence, the defendant's testimony attempts to

avoid telling obscurity (flouting maxim of manner), irony, sarcasm, and figure of speech (flouting maxim of quality) because it can make her look suspicious.

The research also reveals that the defendant violates the maxims for 9 times out of 38 occurrences of flouting and violation of maxim. However, the defendant only violates the maxim of quality. Despite the small number of occurrences compared with the occurrences of flouting maxim, the occurrences of violation of maxim in the defendant's testimony shows that the defendant is not truthful. Furthermore, the result which shows that the defendant only violates the maxim of quality also proves that the defendant is not truthful and aims to mislead the interlocutors.

With regard to the possible reasons, the findings show that the reason why the defendant flouts the maxims is generally to impress the audience so that they get the impression that she is innocent. Moreover, the reason why the defendant violates the maxims, specifically the maxim of quality, is

to gain advantages which leads to getting a lesser sentence.

CONCLUSIONS

This study has investigated the flouting and violation of maxim in a defendant's testimony using Grice's Cooperative Principle theory (1975) theory. This study also has examined the possible reasons for flouting and violation of maxims in a defendant's testimony.

It is revealed that the Gricean cooperative principle (1975), specifically, flouting and violation of maxims also occur in the courtroom context. In addition, it can be concluded that the defendant of the court tends to flout and violate the maxims in giving her testimony which is evident by several occurrences of flouting and violation of maxims found in her testimony. In other words, the utterances produced by the defendant of the court are not fully relevant, truthful, and clear. Furthermore, the flouting maxims committed by the defendant shows that the defendant aims to yield hidden additional meanings and intentions in her utterances. On the

other hand, the violation of maxims committed by the defendant proves that the defendant attempts to mislead her audiences. It is also found that these attempts are triggered by several reasons such as showing her innocence and also getting a lesser sentence.

This study also reveals that the defendant mostly flouts and violates the maxim of relation. It can be inferred that the testimony uttered by the defendant tends to be irrelevant. In other words, the defendant attempts to unfold the truth from her audiences by changing the direction of the conversation. In addition, the occurrences of maxim of quality infer that the defendant unostentatiously fabricates her story so that the audiences believe to what she says. By doing so, the defendant appears to get advantages in the court such as proving her innocence and also getting a lesser sentence.

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