The importance of borrowing across disciplines
The anthropological notion of speech events

Roger W. Shuy
Georgetown University (emer.)

Over the years, linguists have borrowed from other allied fields, including speech events from cultural anthropology, schema theory from psychology, speech acts from philosophy, and conversational strategies from rhetoric. In analyzing large and continuous chunks of conversational data, the first and most important of these borrowings is the speech event, for it sets the stage in which the other language elements are embedded and provides a useful sequence for analyzing everything else, including the conventional linguistic tools of the grammar and lexicon.

The present paper represents the optimal sequence of analysis as an Inverted Pyramid, starting with the speech event and then moving down the order to schemas, agendas, speech acts, conversational strategies, and finally to the grammar and lexicon that are embedded within each other. Two prominent criminal law investigations are used to demonstrate the effectiveness of the Inverted Pyramid approach for understanding this evidence.

Keywords: borrowing across disciplines, speech events, schema, agenda, speech acts, conversational strategies, Inverted Pyramid

1. Introduction

The field of linguistics traditionally has been considered an integral part of cultural anthropology while at the same time existing as a separate discipline. By the middle of the last century, however, the emergence of a formalistic strand of North American linguistics seemed to move linguistics a step farther away from anthropology. This separation endured until the second half of the century, when the development of sociolinguistics renewed linguists’ study of the relationship of language, culture, and society. Even more recently, some linguists’ concerns for
analyzing units of language larger than sentences has led them to systematically address language more broadly and holistically. This has opened the door to borrowing from other disciplines.

2. The evolving development of linguistics

One of the signs of a healthy academic discipline is its willingness to borrow and make use of useful concepts from related fields. For example, many theoretical linguists today have borrowed from cognitive psychology and now refer to their work as ‘cognitive linguistics’. Rather than considering only the autonomous formal structures of language, these linguists attempt to show how their work relates to the conceptual structures, categorizations, and processing of language that now intersect with syntax and semantics (Lakoff 1987; Jackendoff 1996; Evans and Green 2006). Some linguists have also borrowed the construct of schema from psychology (originally due to Bartlett 1932; cf. Rumelhart 1980) to help explain how listeners call on their existing schemas, knowledge, memory, attitudes, ideas, beliefs, and values as they interpret new information.

Similarly, other linguists borrowed concepts from philosophers of language, using speech act theory notions to determine the structure, felicity, and effectiveness of apologies, offers, promises, requests, denials, agreements, threats, warnings, and other speech acts (Austin 1962; Searle 1969). Whereas illocutionary speech acts refer to the speaker’s communication, perlocutionary speech acts refer to the effect these words have on listeners. Of particular interest are indirect speech acts (Davison 1975:143–185; Searle 1975), which can be used to convey politeness or to avoid seeming overly negative.

Meanwhile, sociolinguists and discourse analysts have benefitted from borrowing the theory of speech events from anthropological linguistics, particularly from work in the ethnography of communication (Hymes 1964, 1972; Gumperz 1972, 1982, 1997). This borrowing of speech events is the focus of this paper because it sets the table for the sequential analysis of the rest of the language units in a text.

3. Speech events

Duranti (1997) notes that it was Roman Jakobson's contributions at a 1958 conference on style that sparked the evolution of the speech event. The concept gained momentum when anthropological linguist Dell Hymes (1964) declared Chomsky’s theoretical concept of “linguistic competence” insufficient. Feeling that the
proper goal of linguistics is considerably broader than discovering the internalized rules of language. Hymes coined the term “communicative competence” to explain how entire communities of people use language in ways that are socially appropriate, effective, and feasible. His communicative rules included speech situations such as ceremonies, meetings, and others, in which speech acts such as promising, advising, greeting, and others are essential components. Gumperz (1972:17) described speech events as recognizable human activities that are identified and defined by the language used within them. Gumperz added that all societies recognize certain communicative routines they view as distinct wholes that can be distinguished from other types of discourse. These interactional wholes direct speakers’ choices of topics as well as their reactions to the topics introduced by others. In short, the speech event is to the analysis of verbal interaction what the sentence is to the analysis of grammar.

Gumperz also posited that the basic unit of everyday communication is not its clauses or sentences, but rather the participants’ understood and usually announced speech events, those “miniature social systems governed by appropriateness norms specifying what is to be accomplished, by what means it is to be communicated, who can participate and it what capacity” (Gumperz 1997:187). He had previously described speech events as recurring occasions that have “tacitly understood rules of preference, unspoken conventions as to what counts as valid and what information may or may not be introduced” (Gumperz 1982:9). He also identified a few such speech events, including rituals, political speeches, interviews, job counseling, committee negotiations, courtroom interactions, formal hearings, and public discussions or debates. Additional speech events have since been identified, including interviews, class lectures, and PhD defenses (Duranti 1985:201) and bribery, business transactions, police interviews, and solicitations (Shuy 2014, 2016, 2017).

Many cultural anthropologists have likewise made use of speech events in their research, including (among others) Brown and Yule (1983), Bauman and Briggs (1990), Kuipers (1990), Comaroff (1975), Duranti (1985, 1997) and Bauman and Sherzer (1974); the latter collection includes Sherzer’s excellent description of the speech events used by the Cuna in Panama (1974:263–282).

The focus of the present contribution is not merely that linguists have borrowed concepts from other disciplines, but that the borrowing of speech events from cultural anthropology provides a useful starting point for analyzing the other language features that occur within those speech events.

Linguists have long held that the meaning of a sentence is determined by its embedded elements. Speech sounds are embedded in words, words are embedded in phrases, and phrases are embedded in sentences. Shuy has added that natural language exists in contexts in which most units of language are embedded
in larger units in ways similar to that of Russian *matryoshka* nesting dolls (Shuy 2013). Such embedding also suggests effective methods of analyzing larger language elements in which the smaller grammatical elements are embedded (Shuy 2013, 2014, 2017).

Since the language evidence found in criminal law cases provides critical instances of the importance of sequentially analyzing the meaning of large chunks of language, two such cases are used here to illustrate how this works.

4. **Analytical procedures: The DeLorean case and the 'Inverted Pyramid'**

As linguists analyze the spoken or written evidence in law cases they can use any or all of the available individual linguistic tools, including phonology, lexicon, syntax, and sociolinguistic variability. These tools are important in themselves, but when the task is to analyze entire texts such as conversations, meetings, or interviews, it is critical to examine the way the smaller nested chunks are explained by the text’s entire whole. Therefore, a first question is where to begin the analysis in a way that optimally enables the analyst to determine the meaning conveyed in that entire whole. When the language data consists of discourse of recorded conversations, interviews, or business meetings, the analyst will benefit from starting with the largest element in which everything else is embedded.

For example, in the 1982 case of United States versus car manufacturer John DeLorean, the prosecutor believed that when DeLorean agreed with the undercover agent’s statement that investment is a good thing, this implied that DeLorean had agreed to invest and resell narcotics in order to save his company from bankruptcy. Analysis of the entirety of the 64 conversations that took place over a long time, however, demonstrated that it was a continuous business assistance speech event about ways to help DeLorean find new investors or obtain loans for his company. Since DeLorean’s schema led him to understand that he was in a continuing business assistance speech event, he agreed that outside investment in his company was a good thing, but not that he was agreeing to invest in the agent’s drug scheme (Shuy 1993, 2017).

The language elements of lexicon, grammatical referencing, and speech acts were all nested within this ongoing business assistance speech event; however, the prosecutor misinterpreted DeLorean’s response as his agreement to the agent’s sudden, unexpected attempt to redefine the ongoing speech event in a way that showed DeLorean’s willingness to purchase and resell illegal drugs. This clarification of the speech event, along with other facts, led to DeLorean’s acquittal at trial.

A different case, in which the government’s evidence contained only one tape-recorded conversation, can provide more details of the importance of setting and
what else was said throughout that conversation in the context of the speech events contained within it. The best place to start the analysis of this conversation (see Section 5, below) is with the concept borrowed from anthropology – the speech event. It is crucial to start there because, as in the DeLorean case, the speech event is the language unit that makes sense of all of the other language elements within it, including the participants’ schemas, their agendas, the speech acts they use to convey those agendas, their conversational strategies, as well as their syntax, words, and speech sounds. Note that this analytical approach progresses from the largest element of language to the sequentially nested smaller ones. These smaller ones are embedded in the larger ones and their contextual meaning is derived from them. Elsewhere, I have represented this nested relationship as an ‘inverted pyramid’ (Shuy 2013); see Figure 1.

Figure 1. The Inverted Pyramid

After the initiators of conversations establish what the speech event is, the participants call on their past experience to anticipate and expect what will most likely follow – their schemas that influence how they understand and talk about that speech event. For example, if the initiators introduce the speech event as a business transaction, their listeners’ schemas typically motivate them to respond by using language that consistently represents their past experiences with business transaction speech events. But if the initiators then go on to talk vaguely as though this is actually a bribery speech event, the listeners can become confused unless
they are able to quickly adjust their schemas to that newly changed speech event. Until they are able to make this adjustment, however, they may say something which they believe appropriate to the first speech event, while the initiator may perceive as relevant to the changed one. Although this misunderstanding can happen to anyone with only benign results, it is particularly problematic in undercover investigations where the language is the evidence.

After the speech event is established by one of the speakers, the other speakers introduce topics that represent their conversational agendas relating to that speech event. Since topics and responses are very useful clues to participants’ intentionality, it is important to notice which speakers introduce and recycle which topics and how their listeners respond. There is nothing like a DNA available to reach into speakers’ minds to determine their intentions, but the embedded topics they introduce, their responses to topics introduced by others, their felicitous speech acts, their conversational strategies, and any lexical and grammatical evidence can provide important clues about what is on their minds.

Topics contain speech acts, which also play an important role because they can reveal whether those topics contain agreements, disagreements, offers, apologies, requests, and promises that fulfill the requirement of being felicitous (Searle 1969, 1983). Conversational strategies (Hansell and Ajirotutu 1982; Tannen 1994; Shuy 2013) reveal the ways speakers try to influence each other to carry out the speech acts that are embedded within the agendas that are embedded within speech events. Speakers accomplish such strategies when they use ambiguity, block the other person’s contributions, interrupt, camouflage the meaning, employ the hit and run strategy (changing the subject before the listener has the opportunity to respond), and others (Shuy 2005: 13–29).

Finally, the smallest embedded language elements, words and grammar, must be contextualized within the larger language elements from which they derive their meaning, as shown in the DeLorean example above. It is common for misunderstandings to occur at this level of language, often because of ambiguous or vague pronoun and deictic referencing. In law enforcement contexts, police and prosecutors often find what they call ‘smoking gun evidence’ in these smaller language units, whereas they often overlook how these purported smoking guns are embedded in the larger language elements that can help clarify their meaning.

Law enforcement officers and prosecutors have been known to use deceptive ambiguity to confuse their targets about which speech events they are actually in, compared with those targets’ own accompanying schemas about those speech events (Shuy 2017). When this happens, it is necessary to examine the targets’
agendas (revealed by their topics) that grow out of their perception of a particular speech event, their accompanying schemas about it, their speech acts that contribute to their agendas, their conversational strategies related directly to their agendas, and finally, their grammar and words that are nested within all of the other larger language elements.

The following is an example of how the Inverted Pyramid analytical procedure worked in one criminal law case.

5. The case of Texas v. Clayton

The importance of the concept of speech events borrowed from anthropology can be illustrated by analyzing the undercover police operation in the 1982 investigation of Billy Clayton, who was then the Speaker of the Texas state legislature. Its result led to the indictment of Clayton for taking a bribe from the undercover agent named Joe Hauser (Shuy 1993, 2013). When Hauser met with Clayton, he was accompanied by L.G. Moore, who then was the head of the state's operating engineers union. Moore, who knew Clayton personally, already had accepted a bribe for getting his union to change its current insurance contract to the one offered by Hauser's company. Moore, however, remained unaware that Hauser was an undercover law enforcement agent and therefore he was equally unaware that he had already been caught in committing that crime. Hauser then asked Moore to help him approach Moore's old friend, Billy Clayton, in an effort to convince him to switch the state's insurance plans in exchange for a bribe.

Business transaction speech events and campaign contribution speech events are perfectly legal, but bribery is illegal under United States law (U.S.C. § 201) as it is in most English speaking jurisdictions. The gist of this statute is that in the US, it is a felony to directly or indirectly pay, receive, or solicit something of value in order to influence any action of an official.

Hauser introduced the meeting as a business transaction speech event, in which he asked Clayton to consider his proposal for a new and less expensive insurance plan for the state of Texas. After Clayton indicated that he would be interested in saving the state some money, Moore suddenly switched their conversation to a campaign contribution speech event. This speech event was maintained for a while until Hauser, sensing that he was losing control of his undercover purpose, tried to convert the campaign contribution speech event into a bribery speech event. Each attempted switch of speech events naturally caused Clayton to be puzzled about what this conversation was all about. It was important for the prosecution to understand which of Clayton’s responses were
relevant to which of these three different speech events. Otherwise, his embedded speech acts of agreement could be decontextualized and misunderstood.

5.1 The business transaction speech event

After Hauser indicated that his plan would save the state money, he legitimized his proposal by adding that even the state’s insurance director was dissatisfied with their current insurance plan, calling it “the worst thing that ever happened.” Clayton was very interested in this idea, saying, “Any time you can save the state a buck, well by God I’m for it.” The business transaction speech event now was clearly established and Clayton’s response indicated that his schema directly related to that business transaction speech event and that whatever topics they would then discuss would be relevant to that speech event. Note that Clayton’s nested speech act of agreeing could only be understood as his willingness to participate further in the business transaction speech event.

5.2 The campaign contribution speech event

Very suddenly after the business transaction speech event had been established, Moore jumped in and switched it into a campaign contribution speech event, suggesting that since Clayton was up for reelection soon, he would need some financial support:

Moore: And, uh, the thing we want to do, Billy, is just lay it right out for you. Joe wants the business. The only thing for me is politically for your race. It means a hell of a lot. I don’t have to say no more than that... We will put, I will, in your whatever you want to run. $100,000 going in and we can prepare to put a half a million.

Clayton: That sure would help pay some of my debts.

The prosecutor likely inferred that Clayton’s words, “help pay off some of my debts,” referred to his personal debts that would be paid off from a bribe and that this was sufficient evidence to indict Clayton, since he clearly had agreed to accept between $100,000 and possibly even half a million as a campaign contribution. However, the prosecutor had two problems. First, his schema that this event indicated bribery was merely his inference; it had not been established by any specific quid pro quo connection of the campaign contribution with changing the state’s insurance plan, since Moore had carefully separated the two speech events. Second, no language evidence existed that a bribery speech event had even started yet.
One critical question was what Clayton’s speech act of agreeing actually had agreed with. A felicitous speech act of agreeing requires mutual understanding about what the agreement is for. Up to this point, Clayton had used the speech act of agreeing with regard to two topics. First, he agreed to listen to Hauser’s insurance plan proposal. Second, he tentatively agreed to accept a large campaign contribution. In contrast, the government claimed that he was agreeing to consider the insurance proposal in exchange for a sizeable campaign contribution. But Clayton could only be talking about the campaign contribution because that was the speech event that they were in at that point in the conversation. Since no connection of a quid pro quo had been introduced, Clayton could not have been agreeing to it.

Using the conversational strategy of grammatical ambiguity, Moore had suggested an amount of money that either “we” or “I” offered to provide. The prosecution claimed that the “we” and “I” pronouns referred to a bribe from Hauser and Moore; but since Clayton’s schema was derived from past campaign contributions that had been donated by Moore’s operating engineers union, he naturally and easily could understand Moore’s “we” and “I” as referring to what his schema told him – a campaign contribution initiated by Moore (“I”) on behalf of the union (“we”) because, as far as Clayton could tell from their conversation to that time, they were still in the campaign contribution speech event.

5.3 The bribery speech event

At this point, the initial business transaction speech event had stalled. In fact, they never got around to discussing any details other than that the new insurance policy would save the state some money; but this topic was quickly interrupted by Moore’s introduction of the campaign contribution speech event. By then, agent Hauser apparently recognized this confusion and tried to move the conversation into a bribery speech event, which was his undercover purpose. His effort to initiate this speech event, however, was grammatically ambiguous:

**Hauser:** Let’s, let’s, let’s get into that. Why don’t we get into that right now.

Clayton could easily understand Hauser’s deictic reference, “that,” it to refer to the business transaction speech event that had now been replaced by the campaign contribution speech event. But both Hauser and Moore knew that the real purpose of this meeting was to offer Clayton a bribe in exchange for his campaign contribution. Therefore, Moore must have felt obligated to try to bring the bribery speech event into focus:
Moore: Can I do it Joe? And I wanna, we wanna, we want to, and if, if, if it puts you in a bad situation, you can tell me. We want to make a contribution to your campaign. If that creates a problem for us under this type of circumstance, we don’t want to do it.

It’s possible here that Moore’s “do it” may have been his inept reference to a quid pro quo bribe, but his pronoun, “it”, added only more ambiguity to an already ambiguous discussion: it remained unclear who was identified as the “I” or “we” that would provide that campaign contribution. Why did Moore quickly change his “I” to “we”? Who were the “us” that it would create a problem for? And what was that problem? Rather than clarifying confusion, Moore had made things even muddier.

Citing Moore’s “if that creates a problem for us,” the prosecutor claimed that Moore was offering Clayton a bribe from the two men (the “I” and “we”); but once again, this was merely the prosecutor’s inference and was not based on any language that explicitly conveyed that meaning. Moore’s “us” also conveyed at least two possible meanings (Moore and Clayton or all three of them). Since they were still in a campaign contribution speech event in which nothing had been explicitly said about a bribery quid pro quo, Clayton could interpret Moore’s “us” as any problem that Moore might have if he promised a campaign contribution without his union’s knowledge.

Still apparently trying to clarify the difference between the business transaction speech event and the campaign contribution speech event, Clayton then said:

Clayton: Uh, let me, let me, let’s do it this way. Let’s get this thing, and try to take care of it first. And then let’s talk about that. Because if we do something now and then we start raising hell about this, you know how the press is.

Although Clayton’s deictic referencing of “this” and “that” is less than clear, the men were still in the context of a campaign contribution speech event. Clayton’s references to “this” and “that” most likely referred to the two existing speech events in the sequence in which they occurred. That is, his “this” referred to the initial business transaction speech event about the insurance proposal and his “that” referred to the proposed campaign contribution in which the press could start “raising hell” unless it was accomplished openly and legally. It could not refer to a bribe, because the bribery speech event had not yet been introduced. Here, Clayton appeared to be trying hard to say that they should discuss these two different speech events separately, and in the sequence in which they were introduced: first “this” one, the business transaction speech event, and then “that” one, the campaign contribution.
Since Clayton’s effort to separate the two existing speech events did not sit well with Hauser’s plan to create a bribery speech event, the agent temporarily adjusted his sights to a different illegal level, saying that Clayton did not have to report Moore’s proposed campaign contribution:

**Hauser:** We’re not talking about the press. We’re talking sitting right here.

**Clayton:** You know these things have to be reported... as Speaker, I have to make a report every two months.

Here Hauser introduced illegality into their exchange by claiming that the press would not need to know about the purportedly secret campaign contribution. His statement, however, still did not even come close to introducing a bribery speech event. At any rate, Clayton clearly used the speech act of rejecting Hauser’s suggestion that he violate the law about reporting campaign contributions. (Note that they were still in the campaign contribution speech event). Although Hauser may have thought he succeeded in moving them toward a bribery speech event, so far there is nothing in this language evidence to support such a claim.

### 5.4 The ambiguous “do”

Perhaps recognizing that Clayton had not tumbled to their intention, Moore then chimed in with his ambiguous suggestion of a quid pro quo: “If you’ll do that, we’ll do the other.” The prosecutor inferred that this was Moore’s clear offer of a bribery quid pro quo. A serious problem with this inference is that since a bribery speech event had not yet started, Moore’s “this” and “that” were confusingly ambiguous. Clayton was still trying to separate the business speech event from the campaign contribution speech event and their grammatical referencing problems continued.

A felicitous speech act of offering requires that offer to be mutually understood by both the person who makes the offer and the person to whom it is made. It remained grammatically unclear what Moore’s ambiguous “that” and “the other” referred to. The prosecutor apparently thought Moore intended it to mean a quid pro quo such as, “if you agree to change the state’s insurance plan, we’ll give you a large campaign contribution in exchange.” But again this was the prosecutor’s inference generated from Moore’s lack of explicitness that did not come close to an explicit and unambiguous representation of an illegal quid pro quo, which had still not been made.

The ambiguity of the verb, “do,” was frequent in their exchanges. Since Clayton had just expressed the need to discuss the business transaction speech event separately from the campaign contribution speech event, he could easily
understand Moore’s, “we want to do it,” as the need to talk about these two speech events separately (do one first, the business transaction that they hadn’t talked about; then do the other, the campaign contribution, which they had been talking about). Clayton’s reply: “Okay, super, but you know it’ll be reported,” can refer only to the proposed campaign contribution.

5.5 The last ditch approach

Moore apparently recognized Clayton’s meaning, for he then continued to talk about how the “do” relating to the campaign contribution would be reported. If Clayton reported it as from the engineers union, Moore would need to how to explain and justify this to the union he represented:

Moore: Well, you tell me how you want to report it now so I’ll know what’s gonna happen.

Hauser: Why do you have to report it?

Clayton: I don’t want to get into no tax problem.

Hauser: You can report it later on, a year from now. Put it away.

Moore: What I want you to do though, is you devise some way, if you’ve got to report it, if that’s what you’ve got to do. But don’t do it ’til you talk to me so I’ll know where in the hell I’m at. Okay? I don’t want you to get me strung out.

Clayton’s insistence that he would report any campaign contribution clarifies that he understood that they were still in a campaign contribution speech event in which Moore’s question now was how Clayton would report it. Clearly, Hauser didn’t want to hear about the campaign contribution being reported because there is no way that anyone in his right mind who was acting illegally would file a report about having taken a bribe. Hauser must have realized that Clayton was talking about a campaign contribution because this was the ongoing speech event and it had not been connected with whatever unsuccessful vague hints that Hauser and Moore had made about it being a bribery speech event.

It is common for undercover agents to try to elicit guilt by using indirectness, ambiguity, hints, and inferences (Shuy 1990, 2005, 2017). This is a useful strategy, because when their targets bite, the agent’s work is done. Since Hauser must have realized that Clayton was a target who had not yet tumbled to their indirect strategies, he finally resorted to the undercover agent’s common last-ditch approach, and made the illegal quid pro quo clear:

Hauser: There’s $600,000 every year. I’m keeping 600 and 600 whatever you want to do with it to get the business.
Hauser’s “to get the business” was a close as Hauser came to converting this conversation into a bribery speech event. It represented a quid pro quo – we’ll do X if you do Y. The bribery speech event was finally in play but Clayton’s response to Hauser indicated that he smelled a rat and rejected this idea:

**Clayton:** Our only problem is we don’t want to do anything that’s illegal or anything to get anybody in trouble and ya’ll don’t either. Anytime somebody can show me how we can help save the state some money I’m going to go to bat for it.

Clayton’s statement was a clear indication of two things: he wanted no part of accepting a campaign contribution without reporting it, and he finally understood Hauser’s offer of an illegal quid pro quo.

The prosecutor offered the weak claim that Clayton rejected Hauser’s bribery offer only to protect himself in case their meeting happened to be tape-recorded. But that theory was not supported by anything in this conversation. Clayton insisted that he would follow the law requiring him to file reports of all campaign contributions and that he would do nothing illegal in response to Hauser’s belated introduction the bribery speech event.

Moore then handed Clayton an envelope containing a check for $5,000, which Clayton accepted as a campaign contribution and thanked him. But Hauser wouldn’t give up and tried once again to make the check look like a bribe:

**Hauser:** This is just peanuts. I don’t care what you do with it. I’m very honest with you. You follow me? How you, how you handle it.

**Clayton:** Well let me tell you, we, we appreciate the heck out of it.

A felicitous speech act of offering requires the recipient of the offer to understand what that offer is for. If Hauser had been certain that Clayton knew the check was a bribe, there would be no reason for him to have to verify that Clayton understood it as one. Hauser, therefore, apparently recognized that Clayton didn’t acknowledge that this was a bribery speech event, so he then fished for this understanding by asking, “You follow me?” When undercover agents try to elicit their targets’ explicit illegal responses, they typically do so indirectly, often making wink-wink, nudge-nudge statements such as, “if you know what I mean,” or “you see what I’m getting at?” Such indirectness is partially coded language that requires listeners to acknowledge whether they actually understand that it is a code for something else (Shuy 1997). Apparently, Clayton didn’t understand what Hauser hinted at, for his response was the speech act of thanking, which gave no indication that he understood Hauser’s attempted a wink-wink, nudge-nudge code for a bribe. In addition, it should be noted that it is rare for receivers of bribes...
to use the speech act of thanking when they receive the cash or checks, while recipients of campaign contributions conventionally thank their donors.

One could argue that Clayton’s pronoun, “we,” indicated that this contribution would be sent to his campaign fund manager. The prosecution, however, considered it to be Clayton’s use of the royal “we,” meaning that he accepted the money as a personal bribe. One problem with this theory is that throughout their conversation, Clayton often used the royal “we” when he referred to his role as state legislator; so there was no good reason to think that he meant anything else here.

Hauser’s effort to convert a campaign contribution speech event into a successful bribery speech event had clearly failed.

6. Summary

Lawyers whose cases involve recorded conversations, police interviews, emails, or text messages do not need to be intimidated by alleged ‘smoking gun’ language evidence that on the surface appears to implicate their clients. In at least some cases, they can call on linguistic experts to examine the validity of the smoking gun evidence by placing it in the context of the entire text. The Clayton case demonstrates how speech event analysis clarifies the rest of the language in the interaction, including the schemas, agendas, speech acts, conversational strategies, and grammar.

It should be noted, however, that a bribery speech event is very similar to a business transaction speech event. They both have four structural phases: need, negotiation, offer, and completion. The business transaction speech event identifies what the buyer wants to buy and what the seller has to offer. If things go well, an offer is made, negotiated, and concluded either with an agreement or disagreement. The only difference between these two speech events is that the topics discussed in business transaction speech events and campaign contribution speech events are legal, while the topics of bribery speech events are not.

A campaign contribution speech event has only three structural phases: need, offer, and completion. This speech event seldom requires lengthy negotiation, since receivers are usually quite willing to accept donations. Complications can arise, however, when donors suggest procedures that are not acceptable to the office seeker. For example, the donor might offer a contribution only if the receiver is willing to reciprocate with an attractive new job or some other benefit. Such offers may be socially inappropriate or ethically questionable; hence it is possible (though less common) for them to reach the level of illegality.
Hauser initially identified this conversation as a perfectly legal business transaction speech event that never managed to reach the negotiation or completion phases. Moore then muddied the water by introducing a legal campaign contribution speech event that was completed when Clayton accepted the donation and said he would report it. Hauser and Moore tried to make it appear that this campaign contribution speech event was actually a bribery speech event, but Clayton was prudent enough to recognize something fishy and made it clear that this attempted bribery speech event did not succeed. The distinctions noted above were used at trial and Clayton was acquitted.

Like most prosecutors, the one quoted above placed his emphasis on the smaller language units of words and phrases at the bottom part of the inverted pyramid shown in Figure 1. It is also at this level that prosecutors often identify what they believe to be ‘smoking gun’ evidence. For example, Clayton’s prosecutor tried to make much of Clayton’s “we appreciate the heck out of it,” but he failed to realize that Clayton was “appreciating the heck out of” the result of the campaign contribution speech event, rather than “appreciating” the vague and inexplicitly produced bribery speech event. The prosecutor also failed to see how Hauser’s conversational strategy of being ambiguous about illegality was not perceived by Clayton until the very end, when Clayton warned: “we don’t want to do anything illegal and...ya’ll don’t either. Anytime somebody can show me how we can help save the state some money I’m going to bat for it.”

The prosecutor apparently did not understand that Clayton’s schemas, as revealed by his topics, speech acts, grammar, and words made it clear that he was referring to the legal business transaction and campaign contribution speech events. The same prosecutor also apparently failed to notice that Clayton refused to bite on Hauser’s illegal suggestions about not reporting a campaign contribution, and that he clearly rejected the agent’s purported bribe offer that was not made explicit until the end of their conversation. Unlike many other targets, Clayton was more alert than the prosecutor was about what was happening, and he managed to track the way Moore and Hauser rapidly switched their speech events. Many targets are not able to do this and consequently risk being convicted.

This case is a good illustration of how a speech event analysis, borrowed from anthropology, was used. The three speech events (business transaction, campaign contribution, and bribery) framed the entire analysis in which the smaller, nested language units such as the speakers’ agendas (topics), their speech acts (offering, reporting, agreeing, thanking), the agents’ conversational strategies (ambiguity, blocking), and the grammatical and lexical features (such as grammatical referencing and the verb “to do”), all were hierarchically nested within the rapidly shifting speech events. As my creation of the ‘Inverted Pyramid’ approach demonstrates, the meaning of the whole can be best understood and supported by its
embedded parts which, if seen in isolation, can be misleading and lead to disaster, both for the target and for the practice of justice.

Academic fields that are prudent enough to borrow from each other (as illustrated above by the way that linguistics borrowed the concept of speech events from anthropology), can only increase their ability to thrive and grow. While the linguists’ more conventional tools of grammar, phonology, and speech acts remain very important in analyzing elements of legal evidence, their meanings can be more accurately discovered by contextualizing them within the speech events themselves, as illustrated by the use of the Inverted Pyramid approach in the Clayton case discussed above.

References


Address for correspondence

Roger W. Shuy
Georgetown University (emer.)
629 Beverley Avenue
Missoula, Montana 59801
USA
rshuy@montana.com

Biographical note

Roger W. Shuy, Distinguished Research Professor of Linguistics, Emeritus, Georgetown University, founded and headed Georgetown’s sociolinguistics Ph.D program until he retired in 1996. He was one of the co-founders of The American Association of Applied Linguistics and the annual conference of New Ways of Analyzing Variation. In 2009, he was elected Fellow of the Linguistic Society of America and in 2017 was awarded that organization’s Lifetime Service Award. Based on his consulting and testimony in some 500 law cases, he published 13 books about linguistics and law. He also founded and served as series editor of the Oxford University Press scholarship series, Language and Law.