

# Challenging Works and Disalignment in the Historical Courtroom: A Case of the Salem Witchcraft Trials

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## Abstract

This paper aims to investigate the processes of stancetaking in the historical courtroom. Approaching historical courtroom discourse from an interactional and intersubjective perspective, the paper focuses on the linguistic resources to which the defendants resorted when expressing disagreement with the examiners, thereby challenging the authority and assumptions of the court. Drawing upon the transcripts of the Salem Witchcraft trials (1692), the analysis reveals that the defendants used a wide range of devices, such as discourse markers, rhetorical questions, irrealis modality, or even silence, in positioning themselves (subjective uses) and calibrating alignment vis-à-vis their examiners who held a different position and point of view (intersubjective uses). The paper argues specifically that while the negotiation of stances and calibration of alignment in the historical courtroom were joint processes carried out by the defendant and the examiner, these participants came with pre-determined and specific stances in mind. In this way, the paper contributes to and enhances our understanding of the interactional and intersubjective aspects of the Salem witchcraft trials and of courtroom discourse in general.

## บทคัดย่อ

บทความเรื่องนี้มีวัตถุประสงค์เพื่อแสดงผลการวิเคราะห์กระบวนการสื่อสารจุดยืน (stancetaking) ในการพิจารณาและตัดสินคดีความของศาลในอดีต โดยใช้สำเนาคำให้การในการพิจารณาคดีของแม่มดซาเล็มในสหรัฐอเมริกา (ค.ศ. 1692) เป็นข้อมูลหลักในการวิเคราะห์ ในงานวิจัยชิ้นนี้ ผู้วิจัยมุ่งวิเคราะห์เครื่องมือและกลวิธีทางภาษา ที่จำเลยใช้ในการแสดงความคิดเห็นที่ขัดแย้ง ใช้ในการทำทนายอำนาจของเจ้าหน้าที่ตามกฎหมาย รวมไปถึงการทำทนายข้อสันนิษฐานของศาล

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ผลการวิจัยพบว่า จำเลยใช้กลวิธีทางภาษาหลายกลวิธี เช่น ใช้ตัวบ่งชี้สัมพันธสาร ใช้คำถามเชิงวาทิลิปป์ ใช้ทัศนภาวะที่ตรงข้ามกับความเป็นจริง หรือใช้การนิ่งเงียบ เพื่อแสดงจุดยืนของตัวเองซึ่งตรงกันข้ามกับจุดยืนของผู้พิพากษา ถึงแม้ว่าการเจรจาเพื่อแสดงจุดยืนของจำเลยและผู้พิพากษาจะเป็นกระบวนการที่ต้องเกิดร่วมกันในชั้นศาล แต่อันที่จริงแล้ว ทั้งสองฝ่ายต่างก็มีจุดยืนของตัวเองที่คิดและตัดสินใจไว้ก่อนที่จะกระบวนการในชั้นศาลจะเริ่มต้น บทความวิจัยเรื่องนี้จะช่วยทำให้เข้าใจ การปฏิสัมพันธ์และอัตวิสัยร่วมระหว่างบุคคล ที่ปรากฏในการพิจารณาคดีแม่ดชาเล็มและในสัมพันธสารการพิจารณาคดีโดยทั่วไปทั้งในอดีตและปัจจุบัน

## 1. Introduction

Recently, the historical courtroom has been a topic of great scholarly interest (see, for example, Archer, 2002, 2005, 2006; Włodarczyk, 2007; Kryk-Kastovsky, 1998; Culpeper and Kytö, 1999a, Culpeper and Kytö, 1999b). One of the sources that makes it possible for historical pragmatics to analyze and explore the use of language and interaction in the historical courtroom is the records of the Salem witchcraft trials (1692)<sup>2</sup> Despite some practical issues that complicate its utilization, Boyer and Nissenbaum's (1977) three-volume Salem Witchcraft Papers (henceforth SWP)—which showcases primary documents, including trial transcripts in a direct question-and-answer format, warrants, depositions, and indictments—is a goldmine of information that provides access to discursive strategies and patterns of historical courtroom interactions, “adopted in circumstances in which life and death was at stake, and in which emotion and personal attitudes overruled justice and righteousness” (Kahlas-Tarkka and Rissanen, 2007: 2)<sup>3</sup>

Using evidence from the Salem witchcraft trials, researchers have examined various features of historical courtroom interaction. Hiltunen (1996) and Archer (2002) explore linguistic features of the examinations, in particular the questions used by the examiners. Elaborating on

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<sup>2</sup> Interested readers are referred to Archer (2005) for more detailed discussion on the availability of historical natural language data.

<sup>3</sup> Currently, a new edition and database of the documents is underway; the international project team consists of members from the US, Finland, and Sweden. The new edition is due sometime in late 2010 by the Cambridge University Press. This paper was complete before the release of this new edition and, therefore, did not draw upon it as the source of the data. One of the major contributions of this new edition is to produce a chronological format of documents, rather than alphabetical—a limitation which makes Boyer and Nissenbaum's edition problematic in terms of the arrangement of the data.

Hiltunen (1996) and on Archer (2002), Kahlas-Tarkka and Rissanen (2007)'s pilot study compares and contrasts the answering strategies of eight accused individuals who were successful in saving their lives with those of the defendants who failed to do so, through the lens of politeness theory and the cooperative principle. In addition, Doty and Hiltunen (2002) and Hiltunen and Peikola (2007) examine scribal characteristics of the records, while Grund, Kytö, and Rissanen (2004) comment on the nature and characteristics of the primary documents themselves. More recently, in my own project (Chaemsaitong, 2009), I examine the ways in which the accused individuals exploited self-politeness strategies as a way to defend themselves in the historical courtroom from the perspective of self-politeness. Through self-politeness, the accused attempted to enhance or restore their public images and were able to partially go beyond the discursive restraints faced in the Salem courtroom. As many as nineteen strategies were found to be used by the accused individuals—including showing no concern, shifting the blame to another individual, giving a sarcastic answer, or pretending to have a fit, to name but a few.

While the above studies convincingly present a wealth of linguistic issues that occurred in the courtroom (such as the use of questions, the patterns of confessions, scribal inferences, pragmatic politeness and cooperation), the analyses do not focus on what many scholars have deemed, arguably, to be the central role of trial talk: conflict and disagreement (Nader, 1965; Brennels, 1988; Phillips, 1983, 1990; Lakoff 1989; Conley and O'Barr, 1990; Penman, 1990; Komter, 1998; Culpeper, Bousfield and Wichmann, 2003; Cavalieri, 2009). If these scholars are correct, viewing courtroom interaction from a politeness perspective may not truly reveal the workings of courtroom discourse, as it is in this setting that conflict, rather than harmony, is sought. Therefore, in the light of the fact that disagreement and conflict reign supreme in the court, this present study aims to investigate how disagreement is linguistically manifested in courtroom discourse. In particular, the paper sets out to explore the linguistic resources that the defendants drew upon to display their position on a particular issue and negotiate their point of view and alignment with the interlocutors. To this end, the paper adopts the concept of stancetaking—an intersubjective, socially-constructed activity—and focuses on the way in which the defendants constructed their stances and showed disalignment, thereby performing challenging actions in the courtroom. Predicated on the widely-accepted assumptions that language use involves making choices and that language use plays a part in shaping language form, this paper demonstrates the

ways in which a group of accused individuals in the Salem witchcraft trials used a wide range of linguistic resources, ranging from devices such as discourse markers to rhetorical questions in positioning themselves (subjective uses) and in calibrating alignment with respect to their examiners who held a different position and point of view (intersubjective uses). The paper argues specifically that while the negotiation of stances and calibration of alignment in court were joint processes carried out by the defendant and the examiner, the participants came with pre-determined and specific stances in mind.

To some extent, this paper consists of integrating and strengthening claims made elsewhere. That is, in previous analyses of questions and answers, it has been found, for example, that the examiners used questions that were conducive and carried negative presuppositions (Hiltunen, 1996; Archer, 2002), and that while the accused individuals who were successful showed cooperation with the examiners, those who were not did not show cooperation (Kahlas-Tarkka and Rissanen, 2007). However, in these studies, the stancetaking processes and the resources for disalignment either receive no attention or play an implicit, rather than an explicit, role. The goal of this present paper is to develop a model that deals explicitly with such resources in the historical courtroom.

This paper is organized as follows. In Section 2, I explain my corpus data and relevant information about the data. In Section 3, I provide a short socio-historical background of the Salem witchcraft trials before I proceed to a detailed discussion of the concept of evaluation. Applying the concept of stancetaking (Swales 1990; Biber et al., 1999; Hunston and Thompson, 2000; Hyland, 2000, 2005; Englebretson, 2007), I then discuss the ways in which the defendants used linguistic resources to express stances and disalignment as evidenced in the Salem witchcraft trials. Finally, I conclude with some observations that can be made based on the analysis.

## 2. Data and Methodology

For this particular study, I obtain the data from Boyer and Nissenbaum's (1977) three-volume set titled *The Salem Witchcraft Papers*. I examine the transcripts of sixteenth individuals accused of being witches, namely Martha Carrier, Martha Corey, Nehemiah

Abbott, Jr., Tituba, Rebecca Nurse, Sarah Osborne, Richard Carrier, Sarah Carrier, Abigail Hobbs, Dorcas Hoar, Mary Black, John Willard, George Jacobs, Sr., Susannah Martin, Mary Esty, and Marry Warren. The reason I have chosen these individuals is that their trials were documented in direct discourse, which provides evidence for stancetaking and negotiation of alignment.

In order to examine the linguistic devices used in the corpus, I use a text-driven methodology. That is, I go through the corpus “hunting” for manifestations of disagreement on the part of the defendants. In particular, I adopt Pomerantz (1984)’s and Sacks (1973)’s proposal that disagreement emerges in dispreferred turns, and that these turns are structurally marked, displaying such dispreferred features silence and delay, amongst others (Pomerantz, 1984: 70). When I find those turns, I observe what linguistic devices are used therein, and present them in the findings below. Generally speaking, the grammar of late Early Modern English, which is the period in which the trials took place, differs slightly from that of present-day English. Any relevant grammatical difference that is present in my corpus data will be noted and discussed in detail.

### 3. Socio-Historical Background of the Salem Witchcraft Trials

During the Salem witchcraft trials (1692), with the setting in Puritan Massachusetts, approximately 140 individuals, including children and adults, were accused of witchcraft and many were put on trial. The first examinations began in March, 1692 and the last were held in January, 1693. Out of the 140 individuals accused of practicing witchcraft and harming others, 19 were hanged, 1 was pressed to death, while some others died in prison.

While there has been no consensus amongst historians as to the cause of the Salem witchhunt, the first event that led to the tragic end of many can be pinpointed with certainty. In February 1692, a young girl, Betty Parris, became strangely ill. She dashed about, dove under furniture, appeared to be in pain and complained of fever, and her cousin, Abigail Williams, displayed similar symptoms. A doctor was called in to examine them, but no physical cause could be found, and because of this, it was concluded that the children had been bewitched. After being questioned as to who had bewitched them,

the two girls named the slave of the house, Tituba; a homeless beggar, Sarah Good; and a recluse who did not participate in religious services, Sarah Osborne.

As days passed, there were other girls who appeared to display similar symptoms, and with this came a list of people who were accused of bewitching and afflicting other people. The accused were put on trial, asked accusatory questions that presupposed their guilt, and sometimes were tortured and explicitly told to confess. While in today's court, the presumption of innocence prevails and is the standard, in the Salem witchcraft trials, guilt was the presumption (Archer, 2002). Later in the year, public support and belief in the witch trials began to wane. Members of the community, including respected ministers, started to believe that some innocent people were wrongly accused and executed for no evidence. Finally, after the Salem witchcraft trials were over, jurors and magistrates apologized, with a restitution made to the victims' families and a day of fasting and remembrance were instituted.

With regards to the discursive aspects of the Salem courtroom, it is claimed that those who were successful in their defense (i.e. avoiding the gallows) chose the right defensive strategies, while those who failed died because they chose the wrong strategies. Kahlas-Tarkka and Rissanen (2007) identify cooperativeness as being vital for a successful defense. In being cooperative, successful individuals provided the court with details and admitted what they were accused of (even though they might have been lying about this), but at the same time, denied hurting other people intentionally. In other words, they did not argue with the examiners; rather, they were humble and showed remorse and willingness to help in the trial process. Unsuccessful individuals, on the other hand, refused to admit their guilt, denied all involvement in witchcraft, and questioned the validity of evidence and even the intelligence of the court. Kahlas-Tarkka and Rissanen (2007: 15) make a further claim about the accused participants:

In one way or other, they did not conform to the rules and conventions of society, and for this reason they tended to make every strategic error possible. But their obstinacy and bravery in trying to convince the court that the procedure relied on untenable or even ridiculously false evidence is admirable. In contrast, the survivors, consciously or unconsciously, chose strategies that were favorable for them but may have worsened the situation of the other people accused.

Indeed, as Kahlas-Tarkka and Rissanen (2007) observe, such patterns can be found in the defense strategies of both successful and unsuccessful defendants. However, irrespective of whether they stood their ground in claiming innocence in the face of execution, or whether they would try any strategy possible just to survive (which might have involved lying to show cooperation), both groups necessarily utilized linguistic resources in negotiating their stances vis-à-vis their interlocutors and the surrounding context, in order to maneuver their defense strategies in the way that they wanted to. In other words, both successful and unsuccessful individuals relied principally on specific linguistic resources to construct and (dis)align their position in relation to the examiners'. This has led me to turn my attention to the following section, in which I discuss in detail the concept of stancetaking and the framework that I adopt for my analysis of the Salem witchcraft trials.

### 3. Stance and Stancetaking

Quite an “elusive” concept (Bondi and Mauranen, 2003), stance as used in the linguistics literature is never a monolithic concept and may be referred to as “evaluation”.<sup>4</sup>

However, for the purpose of this paper, I will use the term stance, and will follow two main recent trends in the conceptualization of “stance”: subjectivity and intersubjectivity.

“Stance”, as adopted in this paper, is a broad term that covers the expressions of the speaker’s (or, in written discourse, writer’s) attitude towards, or feelings about, the entities or propositions under consideration. Working from this perspective, Biber et al. (1999: 66) define stance as “personal feelings, attitudes, value judgments, or assessments”. Such a definition of “stance” implicates the subjective use of language. Note that this subjective use reflects not only the speaker’s personal value system, but also the value system of their community with which they have affinity.

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<sup>4</sup> Some scholars, such as Thompson and Hunston (2000: 5), prefer the term “evaluation” to “stance”. They define evaluation through stance: “the expression of the speaker or writer’s attitude or **stance** towards, viewpoint on...” (my own emphasis). Such a term may be chosen in order to emphasize the evaluative nature of stance. Other scholars, for example, Conrad and Biber (2000), whose study is featured in Thompson and Hunston (2000), choose the term “stance”.

At the same time, however, a particular stance that speakers take is a means by which they acknowledge, engage, and connect to their interlocutors. White (2003: 259) for example, contends that stancetaking is an inherently dialogic activity, as it involves resources that “provide the means for speakers/writers to take a stance towards the various points-of-view or social positionings being referenced by the text and thereby to position themselves with respect to other social subjects who hold those positions”. Thus, stancetaking is interactional and intersubjective in nature as well. In sum, suffice it to say that when engaged in stancetaking, a speaker not only stamps her personal take onto her utterances and arguments but also is involved in the negotiation and calibration of her alignment by pulling along the interlocutors, focusing their attention, acknowledging their uncertainties and including them as discourse participants. In doing so, a speaker is able to guide the interlocutors to a particular direction and to invite them to consider her personal position on the issue at hand.

In taking stances, speakers necessarily make use of linguistic resources, and such resources may be found on three levels: lexical, grammatical and discoursal. Lexical items conveying stances include adjectives (such as “splendid”, “terrible”), adverbs (such as “happily”, “unfortunately”), nouns (such as “success”, “failure”) and verbs (such as “succeed”, “fail”). Any grammatical structure that departs from basic narrative syntax is a marked form, and thus can be used to suggest stances, while the arrangement and organization of text (such as the position of sentences and paragraphs) can also be used for such a purpose as well. The following two constructed examples, which are very common to encounter, illustrate how stances may emerge on the above-mentioned levels:

- 1) a. I shall ignore his **callousness**.  
b. **It is his callousness that** I shall ignore.
- 2) What were they thinkin’ when they made this? **I mean... really!**

In 1a), “callousness” is a lexical item that already conveys the speaker’s (negative) evaluation of another individual’s character, thereby being indexical of the speaker’s stance. In 1b), the cleft construction beginning with “it is...” helps to highlight the stance in 1a) even further through its emphasis on the noun phrase “callousness”. In 2), on the other hand, the placement of the following comment clause, which consists of a subject noun phrase and a

verb phrase, does help to make it clear that the preceding question is essentially not a question that asks for information, but should be interpreted as a complaint of sorts. Interacting with other linguistic resources such as intonation and stress, the comment clause “I mean...really” provides a signal that the speaker’s evaluation of the third-person referent is negative. Below is a table that summarizes linguistic resources for expressing stances:

**Table 1: Three levels of linguistic resources for expressing stances**

<b>Level</b>	<b>Explanation</b>	<b>Possible resources</b>
<b>Lexical</b>	Stancetaking is made at the level of word	adverbs, adjectives, nouns, prepositional phrases
<b>Structural</b>	Stancetaking involves manipulating sentence structures and is made at the level of sentence	conditional sentences, comparative/superlative construction, cleft-sentences, topicalization
<b>Discoursal</b>	Stancetaking is made beyond the level of sentence.	discourse markers, parallelism, repetition

Expressing stances and calibrating alignment are particularly critical in courtroom interaction, historical and present-day alike. This is because courtroom interaction essentially involves positioning oneself in relation to others and declaring a particular point of view. In court, an individual’s point of view is inescapably either in line with another participant’s, or in direct contrast with hers, as the participants—including the judge, the defendant, the prosecutor, and the overhearing jurors—are likely to bring with them a particular value system. Thus, in the attempt to express themselves and to have their words taken seriously, defendants must be so competent as to discursively align themselves with another value system, or to indicate dissociation from it, if they wish to do so. This attempt is largely made possible and achieved through linguistic resources. Such resources enable the defendants to establish relationships between them and their interlocutors and between their viewpoints and their interlocutors’ viewpoints. Thus, in expressing and negotiating stances, defendants essentially gave themselves an opportunity for their voice to be heard against different and conflicting value systems that may also concurrently be in operation.

In the case of the Salem witchcraft trials, I argue that all participants had to resort to evaluation in the courtroom, regardless of whether they successfully saved their lives in the end. In the Salem trials, the inquisitorial approach was in place, where a single judge listened to accounts from both sides and questioned parties, rather than the adversarial lawyers carrying out the questioning. Thus, while the judge tried to find facts about what happened primarily by evaluating the answers from both sides, the accused were left to themselves to present their arguments in such a way that would convince the judge, whether they chose to confess or deny the charge. In defending themselves, expressions of stances and attitudes towards the information they provided inescapably affected the judge's assessment of reliability.<sup>5</sup> In the case of the accused who were said to defend themselves successfully and saved their lives by rendering confessions and constructing testimonies that resonated with the assumptions of the court, they used stances to show not only that they acknowledged their guilt but also that they were aware that what they had done was not entirely their fault. Weisman (1984: 159) argues that the magistrates' ultimate goal, which in turn explains their persistence and diligence during the trials, is that of communal regeneration, and thus when an accused individual confessed, he or she "offered not just a proof of witchcraft but a means of communal expiation...". Thus, following Weisman (1984), those who chose to confess (whether or not they were actually involved in witchcraft as accused) used stances to connect with the judge's value system.

On the other hand, as regards those who were steadfast in claiming their innocence (regardless of whether they were actually involved in witchcraft as accused), which led ultimately to their execution, stancetaking helped them to display their firm belief as well as faith in God, and to show their undaunted attitude, despite the prospect of being hanged. Similarly, in doing so, they were able to connect to the value system of the judge (despite the tragic consequences that ensued). This is because in this Puritan society,

every law and every episode of community intolerance flowed from the notion that they must purge themselves of behavior and beliefs unsuitable in the sight of God, toleration of which might bring on the next plague or massacre (...). Their conviction that

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<sup>5</sup> *O'Barr (1982) and O'Barr and Atkins (1980) show how the witnesses' degrees of certainty affect the assessment of reliability and truth in the courtroom.*

individual and nature were corrupt made the saving grace of a church and godly society of utmost importance in redeeming both the elect and nonelect in this life (Johnson, 2002: 13).

Thus, since the individuals accused of being witches were members of the society who shared a more or less similar value system in terms of what was shameful and praiseworthy, and since in this very religious society, to be accused of being a witch was shameful and disgraceful, even to the extent of eternal damnation, those who failed to save their lives can be said to use stances to construct their identity and connect to the Puritan value system (although such a move might not be accepted by the court). This in turn explains why they could not stand to have their innocent image be tarnished through confessions.

The dilemma between having to choose the right strategies to survive and the need to protect self-image can be seen in the following petition written by one of the accused individuals, who was later executed:

I Petition to your honours not for my own life for I know I must die...I Question not but your honours to the utmost of your Powers in the discouery and detecting of witchcraft and witches and would not be guilty of Innocent blood for the world but by my own Innocencye I know you are in the wrong way...I would humbly begg of you that your honours would be plesed to examine theis Afflicted Persons strictly and keepe them apart some time and like wise to try some of these confesing wichis I being confident there is seuerall of them has belyed themselue (Mary Esty; 658)

The above petition points out to the fact that the accused was concerned with her social image while at the same time was being aware that despite their innocence, several accused individuals prevaricated and chose the strategies that would help them survive.

Put succinctly, the motivation for expressing and negotiating stances in both the successful and unsuccessful defendant's defense strategies lies not only in the fact that in the legal system of this period, guilt was automatically assumed but also in the fact that their interlocutors, namely the examiners and the Puritan society, were much more powerful than they were, and these powerful interlocutors could always refuse to listen to what the

defendants had to say, not to mention administering torture and imprisonment to obtain confessions. Because of this, the defendants played an active and constitutive role in selecting optimal linguistic resources during the trials. In the following section, the linguistic resources that the defendants made use of are discussed in detail.

## 4. Findings<sup>6</sup>

As many as seven main linguistic resources are found to be recurring devices used for challenging and showing disalignment. Below I provide a detailed discussion for each device and show how it was used by the defendants. Note that since these devices recur and can be seen to be in use by several defendants, I choose to show a few examples of each.

### 4.1 Discourse markers

At the risk of oversimplifying the matter, I use the term “discourse markers” in this paper to refer to a group of minor linguistic elements that are usually, albeit not always, associated with spoken language, that function to express pragmatic aspects of communication and to signal interpersonal relations, and that do not contribute to the propositional content of the utterances within which they occur.<sup>7</sup> Three discourse markers are found to be selected by the accused individuals: “well”, “but”, and “oh”. Below are examples that show the use of these markers.

3) Scribe: Mercy Lewes pointed to her & fell into a little fit. Ann Putnam threw her Glove in a fit at her The examinant laught.

Q: What do you laugh at it?

A: **Well** I may at such folly. (Susannah Martin; p. 228)

4) Q: how came they thus tormented,

A: what doe I know you bring others here and now you charge me with it

Q: Why who was it.

A: I doe not know **but** it was some you brought into the meeting house with you

<sup>6</sup> In presenting the findings, I have made some slight changes to the format of the data presented in Boyer and Nissenbaum's SWP. In this paper, I use adjacency pairs to present the examiner's questions and the examinee's responses. Note also that I omit indirect discourse, such as comments that the scribes of the court made to describe and report the event in the courtroom, for it does not have bearing on my analysis.

<sup>7</sup> For those interested in exploring the background of discourse markers, Brinton (1996) and Fraser (1990) are two introductory sources to start with.

Q: wee brought you into the meeting house

A: **but** you brought in two more (Sarah Good; p. 127)

5) Q: Do you know Goody Cloyse and Goody Proctor?

A (a witness): Yes, here is Goody Cloyse.

Q (Cloyse): when did I hurt thee?

A: A great many times.

Cloyse: **Oh!** You are a grievous liar. (Sarah Cloyce and Elizabeth Proctor; SWP; p. 173)

In 3), at this point in the trial, one of the witnesses identified Susannah Martin as the witch, and the two witnesses started to show strange behavioral symptoms as if to affirm their identification. In response, the accused laughed, and with this came a question from the judge as to why she did so. Replying to the judge's question, the accused prefaced her answer with the discourse marker "well". In this period in the history of the English language (i.e. the Early Modern period), the discourse marker "well" functions interpersonally in that it prefaces and can imply some degree of disagreement and/or the possibility of a conclusion (Jucker, 1997). In other words, viewed from a relevance-theoretical perspective, the use of "well" as a discourse marker indicates a shift in context, in the sense that it sends out a signal to the hearer that the background assumptions need to be renegotiated in order to establish common ground (Jucker, 1993). The same position is taken by Smith and Jucker (2000). Exploring the pragmatic function of "actually", "well", and "in fact", it is found that these pragmatic markers all "introduced repairs to the common ground" (p. 209). In the case of Sasannah Martin's, then, the discourse marker "well" was called for, as the accused felt that there was a discrepancy between her and the judge's positions, and the prefatory "well" gave a signal that the following message would present a challenge to the assumption lodged in the utterance of the previous speaker. Essentially in this instance, she declared that the entire identification procedure was nonsensical and, therefore, could not be taken as true.

In 4), the accused was asked to explain why the victims were inflicted with pain. She first replied with a rhetorical question (to be discussed in detail below) and followed it with a statement to suggest, through an implicature, that she was not involved in the crime and that others that were brought to court might be guilty. The judge, however,

responded with a question that concerned the identity of the culprit. Resolute, the accused still insisted that she did not know the answer, and through the use of the contrastive marker “but”, she directly suggested that it was someone who had been brought to the court with her. According to Fraser (1998: 309), the discourse marker “but” helps to “signal simple contrast...and the speaker will select it when intending to highlight a contrast”. The accused used “but” here to show contrast between her previous statement (i.e. “I don’t know”) and the information that followed. Such use of “but” seems to be the case here. That is, although the accused did not use “but” to directly challenge the judge’s position in this instance, it can be argued that the accused was trying to calibrate alignment with the interlocutor through self-contradiction in order to shift the blame to a third party. In response, the judge issued a statement with the implicature that the culprit was no one but the defendant herself. Defending herself, Good again resorted to the contrastive “but”, and in doing so, she signaled contrast with the judge’s implied message. As Fraser (1998) points out, “but” can also be used to signal a contrast to the direct, presupposed, entailed or implied message of the previous utterance.

In 5), after the identification procedure, the accused had a rare opportunity to address a question to one of her victims regarding the occasion of the alleged infliction (which was questionable to her). Contrary to her expectation, an affirmative answer was given. Avowing her innocence, Cloyse prefaced her response with the discourse marker “oh”. Regarding the use of “oh”, Heritage (1984) claims that this discourse marker is not only an interjection, but it is also a signal that displays that its producer has undergone some kind of change in his or her current state of knowledge, information, orientation or awareness. Heritage (2002) further claims that the discourse marker “oh” is used at turn beginnings to convey a stance towards what the previous speaker has said, and when speakers use “oh” to preface their response, they are commonly understood to have acted in a fashion that problematizes the action to which they are responding. Along the same lines, Person (2009) finds, based on evidence from Shakespeare’s plays, that “oh” may be used to preface a response when a speaker wishes to assert epistemic authority over the interlocutor through disagreement. Thus, in this particular instance, “oh” both helped the defendants in displaying a change in her orientation upon reception of the answer and

functioned to challenge the credibility of the previous utterance. Using “oh” to preface her response to the witness’s testimony, Cloyse indicated that she knew better, and together with “you are a grievous liar”, she negotiated with the interlocutors that her point of view should be the perspective from which the issue was to be considered, thereby indexing and affirming her claim of epistemic authority over the victim’s.

#### 4.2 Rhetorical questions

All of the rhetorical questions found in my corpus are wh-questions. In form, these rhetorical wh-questions share the same syntactic characteristics with other wh-questions, namely, movement of the wh-word and auxiliary inversion. However, pragmatically, instead of asking for new information, a rhetorical question is used to convey the epistemic stance of the questioner, indicating a negative assertion. According to Quirk et al. (1985: 826), a rhetorical question is “equivalent to a statement in which the wh-element is replaced by a negative element” and “the answer is a foregone conclusion”. The negative assertion denies the existence of the basis for the claims, actions or feelings expressed through the utterances it challenges. In addition, Bolinger (1957: 157) claims that such a negative assertion is “some synonym of “zero”: nobody, nothing, nowhere, none, no reason, etc.” Based on corpus data from the Early Modern English period, Wikberg (1975) and Archer (2005) find that rhetorical questions help the speakers to make stronger statements, with greater implications, in comparison to what otherwise would be straightforward assertions. The following example from my corpus shows such use:

6) Q: cannot you confess what you think of these things?

A: **Why should I confess that I do not know.** (Dorcas Hoar; 226)

Here it can be seen that the judge used a leading question, phrased as a negative yes/no question. According to Luchjenbroers (1997), such a question has an accusatory function and can exert control by limiting the accused’s realm of possible answers. In essence, the judge was telling the accused to confess. Insisting on her innocence, the accused responded with a rhetorical question in her attempt to cancel the illocutionary effect of the judge’s question.

Additionally, Koshik (2003: 68) observes that the wh-questions may be accompanied by accounts which contain the grounds for the challenge, and “(t)he accounts can be used as increment-like utterances, latched onto the wh-question, and fitted grammatically

and semantically to the implied negative assertion, rather than to the question form of the utterance”. Through such accounts, speakers can display that they are not inviting answers to the questions, as the following example shows:

7) Q: How came they thus tormented

A: **what doe I know** you bring others here and now you charge me with it.

(Sarah Good; 127)

In this example, it can be seen that in addition to the rhetorical wh-question, which posed a challenge to the judge's question, the accused added an additional utterance, implying that she was wrongly and one-sidedly accused, and therefore she had no information to provide whatsoever.

#### 4.3 Boosters

According to Hyland (2005: 179), boosters are a linguistic resource that allows speakers and writers to “express their certainty in what they say and to make involvement with the topic and solidarity with their audience”. Helping speakers to present themselves with assurance mainly through emphasis and intensification, boosters are a powerful tool for them to get their claim accepted. Four sub-types of boosters are found in the corpus: lexical expression, metaphor, emphatic-do, and multiple negation. These sub-types are shown, respectively, in the following examples:

8) Q: Tell how far you have gone, who hurts you?

A: I do not know, I am **absolutely** free. (Nehemiah Abbott, Jr.; p. 205)

9) A: S<r> I cannot confess that w[Lost] I do not know

Q: Well but if these things are true Heaven and Earth will rise up against you.

A: I am **as innocent as** the child that is now to be borne. (John Willard 288)

10)Q: What doe you say now you see they charge you to your face

A: I never **did** hurt them in my life I **did** never see these persons before I am **as innocent as** the child unborn (Bridget Bishop; 183)

11)Q: Is this [i.e. what the witness claimed] true Goody Nurse

A: I **never** afflicted **no** child **never** in my life.

Q: You see these accuse you, is it true

A: No (Rebecca Nurse; 157)

In 8), the adverb “absolutely” was used as an intensifier to enhance the claim of being free. In 9), despite his polite, explicit attempt to testify that he was not involved in what he had been accused of, his testimony was met with disagreement from the judge, expressed through the discourse markers “well” and “but”, both of which gave a signal that the defendant’s previous utterance was being negotiated. Thus, the defendant resorted to the use of a metaphor in the next turn to affirm the same stance expressed in his previous utterance. In 10) and 11), the defendants’ unflinching attempts to testify about their innocence were evident: Bridget Bishop used the emphatic “do” twice before she called for a metaphor to strengthen her stance, while Goody Nurse used multiple negation. In all the above cases, the speakers showed a high degree of commitment to their stances through the use of boosters.

#### 4.4 Negative indefinites

Negative indefinites are words specialized for expressing nonexistence. Words such as “nobody”, “nothing”, or “no person” are generally considered to be generalized quantifiers that are semantically negative. These negative indefinites become effective devices for challenges and disalignment because when used to answer a question, they overtly deny the (negative) presupposition that the questioner has, as in the following examples:

12)Q: Why do you hurt these folks?

A: I hurt nobody. (Mary Black; 206)

13)Q: Sarah Good what evil spirit have you familiarity with

A: **None**

Q: Have you made no contract with the devil,

Scribe: good answered no

Q: why doe you hurt these children

A: I doe not hurt them I scorn it.

Q: who doe you imploy then to doe it

A: I imploy **no body**.

Q: what creature doe you imploy then,

A: **no creature** but I am falsely accused (Sarah Good; 127)

In examples 12) and 13), it can be seen that the questions put forth by the judges were accusatory: they showed the judges' assumption that the accused were involved and guilty for the crime of witchcraft. For example, the question "Why do you hurt these folks" presupposed that the accused had hurt some people. Similarly, all the wh-questions that Sarah Good was asked carried negative presuppositions about the accused. However, both Mary Black and Sarah Good tried to deny such negative presuppositions. In doing so, they used indefinite negatives such as "nobody", "none", and "no". Pragmatically, the negative presuppositions can be cancelled through such a device; however, in practice, outright denials through indefinite negatives were not sufficient to prevent the judges from moving on to other conducive and accusatory questions (which maight be due to the fact that the accused did not supply explanation in accompaniment of the denial). In the case of Sarah Good, for example, the judge moved from assuming her involvement with the evil spirit to seeking her reason for hurting the children and, finally, to extracting the third party— human or animal—she employed to harm the children.

#### 4.5 Irrealis Modality

Irrealis sentences are propositions which are "weakly asserted as either possible, likely or uncertain..., or necessary, desired or undesired" (Givón, 1994: 268). Irrealis modality "portrays situations as purely within the realm of thought, knowable only through imagination" (Mithun, 1999: 173). Iatridou (2000) observes that the conditional form in English that gives rise to a counterfactual inference requires past tense morphology in the antecedent. Notably, this past tense morphology does not contribute to a temporal interpretation. Rather, as Iatridou points out, the past tense morpheme is used as an exclusion feature which allows the speaker to exclude the actual world (i.e. the speaker's world) from the worlds being discussed (i.e. the topic worlds), thus establishing the implicature of counterfactuality. The following examples show the use of irrealis modality:

14)Q: How can you know you are no witch & yet not know what a witch it?

A: I am clear if I **were** any such person, you should know it. (Bridget Bishop; SWP; p. 84)

15)Q: and if you would find mercy of God, you must confess.

A: If I **should** confess this, I must confess what is false. (Nehemiah Abbot; 205)

In 14) and 15), the defendants both used counterfactual conditionals. In 14), the counterfactual conditional “if I were any such person” implied that the defendant was not a witch as accused, while in 15), “if I should confess this” implied that the defendant intended not to confess as he was told to do. In both cases, through irrealis modality, the defendants not only expressed their stances (i.e. that they were innocent) but also declared that their stances were in stark contrast with the examiners’, thereby challenging the examiners’ negative assumptions in the previous utterances.

#### 4.6 Imperatives and requests

Normally, imperatives and requests are unlikely in the courtroom, historical and present-day alike. This is because, as Penman (1987) and Van Dijk (1996) point out, the discourse rights of the defendants are limited: they are required to answer questions only (and only when required to speak) and to speak only about the topic discussed, and to use a polite, deferential style. As a result, to make a command or a request is almost out of the question in the courtroom. While imperatives may have other functions than simply commands (for instance, wishes, advice, suggestions, directions, invitation, and offers), in the Salem witchcraft trials, where it was presumed that the accused were guilty and where the judge would do everything possible to get them to confess, imperatives and requests were invaluable means by which the accused used to opt out of the conversation. Such devices enabled the defendant to powerfully assign the speaking turn to the examiner, and as a result the defendant could avoid answering the question. In this way, the defendant challenged the authority of the court and signaled her disalignment with the interlocutor (although the judge was likely to persist asking the same question in the next turn). The following examples show the use of imperatives and requests:

16)Q: Here are them that accuse you of acts of witchcraft. Well, let vs hear who are they, & what are they.

Abigail Willaims-

Scribe: Jacobs laught.

A: Because I am falsely accused –Your worships all of you do you think this is true?

Q: Nay: what do you think?

A: I never did it.

Q: Who did it?

A: **Don't ask me.**

Q: Why should we not ask you? Sarah Churchwell accuseth you, there she is...

(George Jacobs, Sr.; 251)

17)Q: You are now in the hands of Authority tell me now why you hurt these persons.

A: I do not

Q: Who doth?

A: **Pray give me leave to goe to prayer** (Martha Cory; 143)

18)Q: D<o> no<t> y<ou> s<ee> h<ow> God <evi>dently [Lost] you?

A: No, not a bit for that.

Q: All the congregation think so.

A: **Let them think wt. they will.** (Susannah Martin; 229)

In 16), after George Jacobs' futile attempt to deny the accusation, he resorted to the use of an imperative to straightforwardly ask the judge to not question him, while in 17), Martha Corey made a polite request to go to prayer. In both of these cases, the accused individuals tried to opt out of the conversation without answering the questions posed, thereby showing no cooperativeness in the interaction. The imperative used by the accused in example 18) is different in that this is a construction with "let", with a third-person referent. According to Collins (2004), with no specific addressee to appeal to for compliance, the illocutionary meaning of third-person "let"-imperative is either optative (i.e. showing a situation or an event a speaker hopes for, presents as a desirable, or concedes to be advisable, to name but a few), or deontic-assertive. The latter is the case with 18), as

the defendant conveyed through her response that regardless of what opinion the referent might have about her, she had no concern about it whatsoever. The use of “let”-imperative here not only allowed the defendant to display and project her stance on the issue at hand, but directly showed contrast with and denied the implicature in the judge’s previous utterance (i.e. that everyone was of the same opinion that she was guilty as charged).

#### 4.7 Silence

In contrast to all the above devices that have been discussed so far, this device essentially consists of an absence of explicit linguistic markers, and yet it can be considered one of the resources for disalignment. In the present-day courtroom, Walker (1987: 60) claims that even if it is a statement, such as “Your name is John Doe and you’re a civil engineer”, a response which confirms or denies such a proposition is expected. A similar situation concerning the speaking rights and roles was found in the historical courtroom (Archer, 2005). That is, the institutional role and the inquisitorial approach lent power to the examiner, and in this particular institutional setting, a proposition uttered by the examiner was not to be met with silence. In the Salem witchcraft trials, silence may be manifested in different forms, as the examples below show:

19)Q: Mary, you are accused of sundry acts of witchcraft: Tell me be a Witch?

Scribe: **Silent** (Mary Black; 206)

20)Q: What did they say you should do, & you should be well?

Scribe: **Then her lips were bit so that she could not speak.** So she was sent away (Marry Warren; 197)

In 19), the defendant did not answer the judge’s question, and instead offered silence as her response, while in 20), the defendant displayed a bodily symptom that prevented her from speaking (which, admittedly, could be genuine or under pretense, due to her unwillingness to speak).

Kurzton (1995) distinguishes two types of silence: unintentional and intentional. Unintentional silence, which refers to the inability to respond, is due to lack of knowledge, incomprehension or inhibition, while intentional silence, which shows one’s ability to respond,

but he or she does not do so, is due to lack of willingness or, in some cases, to a lack of permission to speak. While it cannot be argued with certainty as to why the above individuals offered silence as response (e.g. they might have been involved in witchcraft and were too ashamed to confess, or they might have perceived that their denial would be futile in this court, and thus they chose to say nothing), it is nonetheless clear that they used silence as a way to negotiate power in this institutional context. With the judge wielding higher discursive power in the historical courtroom, when the defendants in 19) and 20) offered silence as response, they essentially did something that was unexpected with respect to their discursive rights and roles and, in doing so, reversed the situation of power imbalance they were faced with.

## 5. Discussion

There are some generalizations that can be drawn from the analysis above. First, the analysis confirms the widely-accepted hypothesis about stancetaking that speakers do not only express their subjective stances during an interaction, but they also orient to and engage with each other's stances, thus performing intersubjective moves. As far as challenges and disagreement are concerned, participants have a set of linguistic devices, ranging from discourse markers to silence, to draw upon, and these devices occur at every linguistic level. While these linguistic resources themselves do not necessarily constitute challenges, they help the user in expressing stances and performing (dis)alignment moves, when used in a local context along with other linguistic resources. These linguistic resources of disagreement are called for when the accused individuals wish to display that the assumption and presupposition in the previous utterance are problematic or doubtful for them. Such resources can be seen to be routinized and reused in the interactional context of the historical courtroom. Moreover, depending on the defendant's rhetorical objective, these devices could work in conjunction with one another, as in the following example, where the defendant used both the discourse marker "well" and a rhetorical question to signal disagreement:

21) Well Sir would you have me confess that that I never knew? (Mary Esty; 209)

Needless to say, the use of these resources does not necessarily terminate the issue at

hand. As can be seen in the analysis, the examiners, although faced with disaligning turns, may shift the content to a different, yet equally negative, question, as in examples 13) and 16), or in the following example:

22)Q: How can you say you know nothing, when you see these tormented, & accuse you that you know nothing?

A: **Would you have me accuse my self?**

Q: Yes if you be guilty. How far have you complied with Sa<ta>n, whereby he takes this advantage agt you?

A: Sir, I never complied but prayed against him all my dayes. I have **no** compliance with Satan, in this. **What would you have me do?**

Q: Confess if you be guilty.

A: I will say it, if it was my last time, I am clear of this sin.

Q: Of what sin?

A: Of witchcraft. (Mary Esty, 208)

While the above example shows that the defendant designed and developed her oppositional responses as they were engaged in the exchange, it is clear that the relentless judge whose intention to get the defendant to confess was not hampered by the linguistic devices that were called for to declare her stance (such as the negative indefinite and the rhetorical questions).

Furthermore, it seems that the discursive patterns seen in the historical courtroom contradict with what scholars of legal discourse over the past four decades have documented in regards to the coercive nature of courtroom testimony of defendants and witnesses in Anglo-American courts, then and now. Extensive evidence of coercion of defendants and witnesses in the discursive practices of the courtroom has been found. In particular, it is argued that these participants are controlled by the type of question they receive, that they cannot initiate topics on their own, that they can only answer the questions posed, that they cannot draw conclusions, that they can be interrupted by other courtroom participants at any time, and that they cannot refuse to answer questions (Danet et al., 1980; Walker, 1982; Matoesian, 1993; Taslitz, 1999). Such constraints were also more or less evident in the historical

courtroom as well (Archer, 2002; Kahlas-Tarkka and Rissanen, 2007; Hiltunen and Peikola, 2007). Stygall (2001), however, raises a point that there is an exception, arguing that the discourse rights of a group of witnesses, known as expert witnesses, are different. This is because they are elites, and they are not lay witnesses, as they are, for the most part, well-educated, upper middle-class, professions, people who expect to be listened to, people who are social and educational peers of the attorneys and the judges. Stygall (2001) finds linguistic devices (namely, the amplification of question responses, the use of the contrastive discourse marker “well” to express professional disagreement, and the embedding of professional practices into “so” clauses) that point to the different status of this group of witnesses.

What is clear in these arguments is that, except for expert witnesses, lay witnesses and accused individuals have very little discursive leeway, that they are almost under the complete control of the judges and the lawyers, and as a result, they are limited in their response patterns to using denials, confessions or straightforward refusals. However, it can be seen that my analysis of disagreement and challenging works in this paper contradicts the above-mentioned studies with respect to the coercive nature of courtroom discourse. In fact, the situation under scrutiny is nearly the reverse of what we would expect in courtroom interaction, where the accused individual is normally under control. Thus, even in a setting where power relations between the participants are not in balance, it does not always mean that a more powerful participant or a participant of higher socio-economic status will always be able to manipulate responses or abuse their power in the way he or she wishes. The less powerful participants do have access to linguistic devices and, by putting them to use, can help, to a certain extent, counteract and realign power inequality.

## 6. Conclusion

The purpose of this paper is to contribute to the understanding of stancetaking in the historical courtroom, with a special focus on disalignment and disagreement. Grounded in a functional-interactional approach, the paper find as many as seven types of linguistic resources for doing disalignment. In sum, this paper looks at how these linguistic resources contributed to stancetaking in the historical courtroom, and how they were used in

conjunction with other devices to not only construct the stances of the defendants but also to show their disalignment with the a proposition or a presupposition incorporated in the examiners' questions. The findings in this paper suggest that ordinary witness/defendant discourse shares some of the features found in expert witness discourse as well. Although the use of such devices does not always guarantee that the trial will end in favor of those who use them, it does show that, if power is seen as a shifting distribution of resources that enable some participant to achieve interactional effects not available to other (Hutchby, 1996), ordinary defendants and witnesses are not totally "powerless", seen through their access to some of the resources. Additional study of other resources is necessary in order to continue to make visible what can be done discursively to counterbalance asymmetrical relations and inequality in institutional discourse.

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