

Research Article

An Analysis of the Observance of the Cooperative Principle Maxims in Selected Kenyan Courts of Law

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Abstract

In legal settings, such as courts of law, the observance of the Cooperative Principle (CP) is particularly crucial. Maxim observance, according to the cooperative principle developed by philosopher H. P. Grice, is a concept in the field of pragmatics and linguistics that explains how people engage in effective communication by following certain conversational norms and expectations. Paul Grice proposed the cooperative principle, which is divided into four maxims (manner, quantity, quality and relation), as a framework for understanding how people convey meaning in conversation. Hence, using the Gricean cooperative principle, this paper seeks to examine the observance of the Cooperative Principle maxims in Selected Kenyan Courts of Law. This study used a total of 12 cases collected during the examinations and cross examinations phases of the selected courtroom trials. Data was analyzed from the 12 purposively sampled cases to show the instances of occurrence of the observance of the CP maxim. The study discovered that there was adherence to the CP maxims. The maxim of manner was observed the most, followed by the maxim of quantity, quality then relation during courtroom interactions, particularly in the examination and cross-examination phases thus the principles of fairness, justice, and professionalism were upheld.

Keywords

Cooperative Principle, Courtroom Discourse, Kenyan Courts, Maxims, Observance

1. Introduction

The Cooperative Principle, introduced by philosopher Paul Grice, is a fundamental concept in pragmatics that describes how effective communication is achieved in social interactions. Grice posited that speakers and listeners generally adhere to certain conversational maxims—quantity, quality, relation, and manner—to facilitate understanding and cooperation during discourse. Legal discourse often involves complex interactions where clarity and precision are paramount. The way in which the courtroom participants communicate can significantly impact the outcomes of cases. Violations of the Cooperative Principle can lead to misun-

derstandings, misinterpretations, and ultimately, injustices. Therefore, analyzing how these maxims are observed in Kenyan courts can provide insights into the effectiveness of legal communication and the implications for justice delivery.

The cooperative principle is the assumption that participants in a conversation normally attempt to be informative, truthful, relevant, and clear [18]. Effective communication in accordance with the Cooperative Principle helps streamline courtroom proceedings. Irrelevant or redundant information can lead to inefficiencies, delays, and wasted resources [15]. Clear, truthful, relevant communication enhances the effec-

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Received: 9 October 2024; **Accepted:** 12 November 2024; **Published:** 7 December 2024



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tiveness of legal proceedings, protects the rights of individuals, and maintains the integrity of the legal system as a whole.

2. Theoretical Framework and Literature Review

2.1. Theoretical Framework

This section presents the theories used in this study.

2.1.1. The Cooperative Principle

In 1975, a linguist called H. P. Grice conducted research into the fundamental mechanisms that allow co-operation for a conversation to function so well. In other words: Why is it that the person with whom I'm speaking understands what I mean, even when I don't actually say what I mean? In this way, what intrigued him the most was how we, as competent language users, make desired meanings out of words that don't actually correspond to these desired meanings? An example of this may be idioms – phrases whose meaning doesn't directly correspond to the meaning of each individual words. So, he concluded, after much research, that in order for a conversation to succeed, the participants assume that everyone must be participating and aiming for a mutual goal in the conversation. This was very relevant to the current study considering the goal-oriented nature of the courtroom discourse. The fundamental ways in which we converse were split into four categories, known as Grice's Maxims or the Co-operative Principle [7] this was the focus of the present study.

The success of a conversation depends upon the way the sender and the receiver interact. Cooperative principle can be defined as the way in which the speaker and the hearer try to make their dialogues effective and meaningful. To convey and to get the messages clearly in each turn of conversation the speaker and the hearer should cooperate among each other, so the speaker intends to deliver his message clearly in an understandable fashion and the hearer intends to understand the speakers' message in each turn of the conversation. The conversation should follow some principles to be a successful conversation. Grice (1975) proposed a principle called "co-operative principle" and if the speaker and the hearer follow those principles they will have a successful communication and he named them as "Conversation Maxims." He classified them into four groups which are: Maxim of quality, Quantity Maxim, Relation Maxim and Manner Maxim. They are called: The conversational conventions or well-known as maxims.

2.1.2. Discourse Analysis Theory

Discourse analysis, a methodological approach to studying language use, proves to be an invaluable tool when examining communication within the confines of a courtroom. In the legal setting, discourse analysis delves into the intricacies of

linguistic expression, scrutinizing how language is crafted and deployed by legal professionals to construct persuasive arguments and narratives. The term discourse analysis refers to the study of language above the sentence or above the clause [19] In other words, discourse analysis is to study larger linguistic units, for instance, conversational exchanges or written texts. Thus, discourse analysis also focuses on language use in social contexts, hence, the interaction or dialogue between speakers. On the same note, this study focuses of conversational exchanges in the context of subordinate Kenyan courts of law.

2.2. Literature Review

A critical discourse analysis of power asymmetry among discourse participants in sampled Kenyan courts was done. Specifically, the study investigated the questioning and pragmatic strategies used by lawyers, police prosecutors and unrepresented accused persons during direct examination and cross examination phases of trial, as well as the use of various speech act functions and background contributions by the examiners, using audio recording as the instrument for data collection. His study used CDA theory among other theories to investigate the various speech acts functions in courtroom discourse. Kiguru conducted a critical discourse analysis in Kenyan courts, examining the questioning strategies of lawyers and police prosecutors, as well as the speech acts of unrepresented accused persons. His findings underscore the significance of speech acts in courtroom discourse, establishing a foundation for analyzing cooperative interactions in legal contexts [12].

The functions of Gricean cooperative principle were investigated in two Iranian newspaper; "Hamshahri" and "Jame Jam" [11]. The study revealed that if the masses do not observe the maxims, they cannot be in the dark and that they will still understand what they read in the newspapers. On the other hand, this study focused on spoken discourse and so it will help the courtroom participants to understand the need for cooperation during courtroom interactions. This study illustrated that the public's understanding of newspaper content does not solely rely on the strict observance of Gricean maxims. This is relevant for courtroom discourse, as it suggests that while cooperation enhances clarity, the audience can still derive meaning from non-cooperative exchanges. This paper examines which of the Gricean maxims was mostly observed and the reason for the observance.

The CP in the selected poems of Audre Lorde were analysed with the aim of discovering the extent to which Lorde was cooperative as well as flouting or violating the CP maxims [10]. The study was done to show to what extent listeners or readers understand what Lorde says or writes in her poems. The research findings discovered that Lorde (the poet) violated all the CP maxims identically. At the same time, there were instances that Lorde was cooperative through the use of literal meaning of words. The study was limited to the

analysis of written poem whereas this study focused on spoken discourse. The study also analyzed the extent of cooperative behavior in Lorde's poems, revealing a mix of maxim observance and violations. This contrasts with the current study's focus on spoken discourse, whose emphasis was on maxim observance and the reasons behind the observance in selected Kenyan courts of law.

A study was done that sought to shed light on the relationship between pragmatics and the language that law uses to discover the type of communication that occurs in legal contexts (contracts, acts, bills, last wills, agreements, and other legal documents) and also to observe the degree to which the CP is violated or obeyed. The concluding remark of this study was that those who work in a legal, work for the purpose of clarity and precision [20]. The study investigated legal language and the CP in various legal documents, concluding that clarity and precision are paramount in legal communication. This aligns with the current study's goal of assessing the observance of CP maxims within Kenyan courtrooms, highlighting the need for effective communication to facilitate fair trials. This study focused on the Kenyan legal context. It investigated the spoken language of the subordinate Kenyan courtroom interactions. The focus was on the observance of the CP maxims to find out which of the maxims was mostly observed and why.

A research was carried out on how a character from the TV show "The Office" adheres to Gricean maxims. Finding out how often and to what extent the character adheres to the conversational maxims in four episodes was the main goal of his research. It was discovered that violations of the maxims happened in 47% of the talks in which the character took part, with the maxim of relation being broken the most frequently [14]. The study explored conversational maxims in a fictional context (TV show "The Office"), finding significant maxim violations. This study emphasizes that conversational norms can vary greatly depending on the context, reinforcing the importance of analyzing courtroom dialogue in a formal setting. The present study examined the maxims from formal setting, which is the courtroom. The study researched on the CP maxims that are mostly observed and the reasons behind the observance of the Cooperative Principle Maxims.

The cooperative principle is the assumption that participants in a conversation normally attempt to be informative, truthful, relevant, and clear [18]. Norquist refers to the concept that was introduced by philosopher H. Paul Grice in his 1975 article "Logic and Conversation" in which he argued that "talk exchanges" were not merely a "succession of disconnected remarks," and would not be rational if they were. Grice suggested instead that meaningful dialogue is characterized by cooperation. "Each participant recognizes in them, to some extent, a common purpose or set of purposes, or at least a mutually accepted direction," [6]. The sum and substance of the Cooperative Principle might be put this way: Do whatever is necessary to achieve the purpose of your talk; don't do anything that will frustrate that purpose. People undoubtedly

can be tight-lipped, long-winded, mendacious, cavalier, obscure, ambiguous, verbose, rambling, or off-topic. Because human hearers can count on some degree of adherence to the maxims, they can read between the lines, weed out unintended ambiguities, and connect the dots when they listen and read [6]. The study discussed Grice's theory of the CP, emphasizing the expectation of cooperation in dialogue. This theoretical framework underpins the current study's exploration of communicative practices in Kenyan courts, aiming to ensure that courtroom interactions are conducive to justice. This made this study relevant since during courtroom interactions, communications should be cooperative for a fair trial. As such, this study sought to analyse the observance of the Gricean maxims in selected subordinate Kenyan courts of law.

The current study builds upon these foundational works by focusing specifically on the observance of Gricean maxims in the Kenyan courtroom context. It seeks to identify which maxims are most frequently observed, alongside the reasons for this observance. This focus on spoken discourse in a formal legal setting differentiates it from previous studies, which often examined written texts or informal dialogue.

2.3. Research Methodology

The study adopted a descriptive research design and employed both quantitative and qualitative research design. Descriptive research deals 'with describing the characteristics of a particular individual, or a group' [13]. Descriptive studies are mainly used to investigate social issues, and they enable researchers to come up with solutions or recommendations on how to deal with the disparities observe [16]. This study examined the observance of the CP maxims to investigate which of the maxims is mostly observed and the reason for the observance. The researcher collected data from three subordinate courts in Kenya.

The sample size comprised a total of twelve cases. It is anticipated that the population as a whole will be rather homogeneous with regard to the variables being studied, which supported the use of a relatively small sample [17]. Additionally, it has been noted that linguistic studies don't need big samples because tiny samples can produce data that's reflective of the bigger picture [2, 21]. Consequently, twelve cases of data was regarded sufficient to permit the study of the research objectives that the study was based on avoiding data redundancy [3]. For the current study, the researcher gathered data for this study using audio recording and an observation schedule.

The analysis of the data was conducted systematically in accordance with the guidelines followed [3]. The study employed thematic analysis strategies in the analysis of the study data with the aid of Nvivo 14 software. This facilitated the process of data storage, sorting, coding, analysis and preparation of representation of data. The statistical findings on the observance of the cooperative principle maxims as used by the discourse participants were presented in tables showing

instances of occurrence in courtroom data.

The other issue of presentation was to touch on data that was originally in a language other than English. It is recommended that data be transcribed in the original language before translating it [3]. In this paper, a two-line format was adopted with the first line being any language apart from English and the second line being in the Standard English translation.

3. Results

The following data analysis and interpretation answers the research question that asks which of the CP maxims is most observed in Selected Kenyan Courts of Law (SKCL) and why.

From the courtroom proceedings that were recorded and transcribed, the instances of the CP maxim observance were coded then analysed as in the table below:

Table 1. Instances of the CP maxim observance table.

	DC1	DC2	DC3	DC4	DC5	DC6	DC7	DC8	DC9	DC10	DC11	DC12	TOTAL
Manner	14	16	11	11	18	12	14	10	10	12	10	12	150
Quantity	8	8	7	4	7	8	5	10	6	5	8	10	86
Quality	4	5	7	3	5	8	7	8	6	4	7	8	72
Relation	4	4	7	6	3	10	4	5	4	6	7	8	68
TOTAL	30	33	32	24	33	38	30	33	26	27	32	38	376

From the data cases (DCs) 1 to 12 from which the data was analyzed, quantity maxim manner maxim had 150 instances of maxim observance, quantity maxim had 86 instances of maxim observance, quality maxim had 72 instances of maxim observance and the maxim of relation had 68 instances of observance. DC6 and DC12 had the highest instances (38 instances) of the CP maxim observance while DC 4 had the least instances of maxim observance (24). The maxim of manner was observed the highest, at 150 out of the 376 recorded instances of the CP maxim observance. That is 39. 10% of the instances of maxim observance. Followed by the quantity maxim then quality and relation as shown the table below:

Table 2. Instances and percentages of maxim observance.

	No. of instances	Percentage
Manner	150	39. 90%
Quantity	86	22. 87%
Quality	72	19. 15%
Relation	68	18. 09%
TOTAL	376	100%

From table 8 above, the maxim of manner had the highest instances of occurrence at 39. 90% followed by the quantity maxim at 22. 87%. The quality and relation maxim had 19. 15% and 18. 09% respectively.

Illustrations from the data transcribed on instances of

maxim observance are discussed in relation to the four cooperative principle maxim as follows:

1. Maxim of quantity

This maxim states that: make your contribution as informative as is required (for the current purposes of the exchange). Do not make your contribution more informative than is required [6]. According to this Maxim of Quantity, Grice mentioned that the first sub-maxim related to Quantity is naturally essential in conducting debate as any type of conversation tries to present specific information that has to be adequate for the targets of the conversational exchange otherwise, the intended message could not be transmitted effectively to the listener. From another point of view, Grice confesses that the maxim of quantity is arguable in relation to violation; this maxim can be construed as time wasting but would not contravene the Cooperative Principle. It is alleged that such over-informativeness may be confusing in that it is liable to raise side issues [6]. In SKCL, the instances for the observance of the quantity maxim were 86 accounting for 22. 87% of the instances of maxim observance.

Text 1 turn 4, is a typical example of the accused who was reminded to stick to the procedures of court. In the extract the accused is trying to explain how it all happened before he was arrested, he is intercepted by the magistrate and told to tell the court exactly what happened according to the questions asked with no more or less information. He gives more information than is necessary and that's why according to the following examples he is reminded to stick to answering only the asked questions.

Text 1

1. ACC1: Mimi nilishikiwa nini?

Why was I arrested?

2. WIT: Wewe ndiwe ulikuwa umeweka vitu zenye mliiba.
You are the one who was storing the things that you stole.

3. ACC1: Mimi nililetewa vitu niwawekee. Na sababu ni watu najua nikawawekea...

I was brought things to store for them. And because they are people I know I stored for them-

4. MAG: Can you stop explaining and ask questions.

5. CI: Huu sio wakati wa kueleza. Muulize maswali kulingana na ushahiddi wake.

This is not the time to explain. Ask her questions as per her testimony.

In Kenyan courts of law, the accused are supposed to ask the witnesses questions and not give any explanation to the witnesses during the examination and cross examination phases. In text 1, the accused is given time to ask the witness questions that may lead the magistrate to understanding the case at hand for a fair judgment. When the accused starts to explain to the witness what he knows regarding the case, as in turn 3, he is immediately reminded to stick to asking questions. The magistrate in turn 4 tells him, 'Can you stop explaining and ask questions'

The following illustrations show instances of the maxim of quantity observations: In SKCL, the first statements during examination and cross examination phases, the accused and the witnesses are supposed to precisely give their personal information. It was discovered that they gave these details exactly as asked without giving any more or less information. For instance when told to give their full names, place of stay, and place of work, all of the respondents gave their details in full as shown:

Text 2

6. PRO: ambia koti majina yako kamili

Tell the court your full names

7. WIT1: Naitwa _

Am called _

8. PRO: unaishi wapi

Where do you live?

9. WIT1: naishi _

I live at _

10. PRO: Unafanya kazi gani?

What is your occupation?

11. WIT1: Nafanya biashara ndogo ndogo

I do the business in small scale

12. PRO: Tarehe saba mwezi huu saa tatu jioni ulikuwa wapi?

On 7th this month around 9pm where were you?

13. WIT1: Ilikuwa jioni na nilikuwa naandalia familia yangu chakula cha jioni. nikasikia nduru kwa jirani yangu

It was in the evening I was preparing supper for my family, I heard screaming from my neighbor

The answers, 'I am called _', 'I do the business small scale,' 'I work as a house help' in turns 7, 9 and 11 respectively are answers to questions regarding the witness name and place of work as illustrated in text 2 and 3. They are all observing the maxim of quantity

Text 3

14. PRO: Eleza hii koti majina yako kamili

Tell the court your full name

15. WIT1: Majina yangu ni _

My name is _

16. PRO: Bi_ unafanya kazi gani?

Where do you work?

17. WIT1: Mimi ni mfanyi kazi wa nyumba yaani DM

I work as a househelp meaning DM.

18. PRO: Unafanyia kazi wapi?

Where do you work ?

19. WIT1: Nafanya kwa _ pale _

I work there at _

20. PRO: Eleza mahakama kilichofanyika siku hiyo

Explain to the court what happened that day?

Text 4

21. PRO: Introduce yourself.

22. WIT: I am.

23. PRO: Where are you attached?

24. WIT: I am attached at _ Police station.

25. PRO: And then in September, 2022 where were you attached?

26 WIT: I was attached to the Flying Squad.

In text 4, the prosecutor asks the witnesses questions which the witness responds exactly as asked without giving more or less information than the one demanded as shown. For example when asked to introduce himself the witness in turn 22 just says, 'I am _.' When asked, 'where are you attached,' he says in turn 24 'I am attached at _ police station.' The answers to the prosecutor's questions are all straightforward thus observing the quantity maxim.

Text 5

27. PRO: So you cannot be able to identify him?

28. WIT: Yeah.

29. PRO: And to date has your money been returned back to you?

30. WIT: No, the money has not been returned.

31. PRO: So you lost how much?

32. WIT: I lost six thousand six hundred and thirty.

33. PRO: That's all your Honour.

34. MAG: Mr. last time you said you didn't have statements.

Do you have them now?

35. DC: Yes your Honour.

36. MAG: You got them?

37. DC: Yes, thank you your Honour.

38. MAG: Proceed

In text 5, the prosecutor asks: 'so you can be able to identify him?' the witness says, 'yeah,' turn 28. The magistrate in text 5, asks the defense counsel if he got the statements in turn 33 and in turn 34 and the DC says, 'yes' thus observing the quantity maxim of giving the required information clearly. This makes the litigation process simple and the magistrate then tells the DC to proceed with cross examination, turn 38.

In text 6 below, the first witness is asked questions concerning the case at hand, including how he behaved, what

happened in turns 39, 41 and 43 and the gives the exact details as required that is why the prosecutor kept telling him to continue with the explanations as to how the whole incident transpired.

Text 6

39. PRO: Wakati huo alipokupa hiyo kitu na akajaribu kukimbia wewe ulifanya nini?

When she gave you that thing and tried to run, what did you do?

40. WIT1: Nilimfuata na nikamrudisha hapo kwa security. *I followed her and returned her at the security desk.*

41. PRO: Baada ya kumrudisha nini ilifanyika? *After returning her what happened?*

42. WIT1: Nilimrudisha na nika kagua hizo vitu alinipea. *I returned her and I inspected those things she had given me.*

43. PRO: Na uliweza kuandika statement yako katika kituo cha polisi baadaye?

And you recorded a statement at a police station thereafter?

44. WIT1: Niliandika statement katika Police Station. *I recorded a statement at Police Station.*

45. PRO: Hiyo statemernt yako ukiiona unaweza kuitambua?

If you see your statement would you recognize it

46. WIT1: Naweza tambua. *I can recognize.*

47. PRO: Sasa nataka kukuonyesha hii (showing the witness papers) statement. Unaweza kutambua hiyo statement?

Now I want to show you this statement. Can you recognize that statement?

48. WIT1: Naweza kuitambua. *I can recognize it.*

In text 47, turns 40, 42, 44 and 46 are precise answers to the questions asked. The first witness in the text doesn't give more or less information thus observing the Gricean maxim of quantity.

Observing the quantity maxim ensured that clarity, efficiency and fairness in the SKCL discourses were maintained. This helped streamline the court processes, ensured a focused presentation of facts. Adhering to the quantity maxim further enhanced communication amongst the courtroom participants.

3.1. Maxim of Quality

This maxim states that: Do not say what you believe to be false. Do not say that for which you lack evidence. Regarding Quality, Grice refers to a super maxim that is simply expresses the truth. According to Grice, this super maxim includes two sub-maxims; the first one implies not telling lies and the second one indicates not saying things which you are not sure about. Maxim of Quality states that when you are involved in conversation, the Maxim of Quality requires that: 'not saying what you believe to be incorrect, and that you do not say that

for which you do not have ample evidence.' In other words, do not commit the crime of lying. The Maxim of Quality required information provided in conversations to be genuine and justified. Grice presents this maxim as an explanation for a certain type of consistency in conversational behavior regarding to the genuineness of information given at each turn of a conversation. Attorneys and witnesses who communicate clearly and truthfully are more likely to be perceived as credible by the court and jury.

The maxim of quality, which emphasizes not making false statements, underpins the credibility of information presented in court [19]. The quality maxim comes third after the maxims of manner and quantity. This maxim has 72 instances of maxim observance accounting to 19. 75% of the CP maxim observances.

In SKCL, the witnesses, the accused and the defense counsels were expected to give truthful accounts of what transpired in the matters in the courtroom. The way they gave their words For instance, when the witness says, "Me I explained to them that I had not stolen any phone from anyone," they are adhering to the maxim of quality by asserting their innocence, (text 7 turn 54)

Text 7

49. PRO: Ehe?

Next?

50. WIT1: Guess what? alikuwa ameniletea birthday gift, zawadi ya simu. For me it was a dream come true. tukapiga piga tuselfie hapo. nikapika tukala then akarudi job yake.

Guess what he had brought to me a birthday gift, a gift of a phone. for me it was a dream come true. we took some selfies there. i cooked, we ate then he left.

Baada ya masaa kama manne hivi nkasikia tena hodi, nikafikiria ni yeye amerudi tena, kufungua mlango wueh ni maafisa wa polisi. sema kutetemeka! nilitetemeka mpaka nikaisha nguvu. wakaniambia, kumbe ni wewe unatembea ukiibia watu masimu zao?

After like four hours, I heard another knock at the door, I thought its him again, on opening the door, I was surprised it's the police officers. say shaking! I shook until I became weak. they told me that it's me who walks around stealing peoples phones.

Nikashtuka. kwani mimi nimeibia nani? sikuelewa walikuwa wanasema nini?

I was shocked! Who have I stolen from? i didn't understand what they were saying.

51. PRO: Halafu?

Then?

52. WIT1: Wakanieleza kuna simu imeibiwa na mwenye aliibiwa alikuwa hali mbaya ati wameitrack wakaipata kwangu.

They explained to me that there was a phone which was stolen and the one who was stolen from is in a bad state, that they had tracked it up to me.

Sema kusweat, karibu nifaint.

Say sweating, I almost fainted.

53. PRO: Endelea.

continue

54. WIT1: Mimi nikawaeleza sijaibia mtu simu, the only phone I have ni ile nilinunuliwa na boyfriend wangu na ingine mlika mwizi nilinunua na pesa zangu. wakaniitisha ile enye nililetewa, nikawapa

Me I explained to them that I had not stolen any phone from anyone. the only phone I have is the one bought to me by my boyfriend and the other one is "mlika mwizi" which I bought using my own money. they asked for the one that was brought to me, I gave it to them.

55. PRO: Ehe?

Next?

56. WIT1: Wakaniuliza kama najua aliyenipa hio simu mahali anapatikana nikasema eeh.

They asked me if I knew the one who gave me that phone, I said yes.

Nikawaeleza ni boyfriend wangu na ninajua mahali anaishi. I told them he is my boyfriend and I know where he stays.

57. PRO: Then?

58. WIT1: Nikawapeleka kwake wakamshika then tu-kaenda mpaka _police station. kuandikisha statement. kumbe BF wangu anakuwanga mwizi!

I took them to his place they arrested him and together we went up to the police station to write a statement. I wondered that my boyfriend is a thief!

59. PRO: Unaweza kumtambua huyo boyfriend wako ambaye alikupa simu

Can you recognize that man who gave you the phone?

60. WIT1: Ndio

Yes

In Text 7, the woman explaining how the boyfriend took to her a stolen phone even confirms to the prosecutor that he can recognize the man. In turn 59 the prosecutor asks the lady, 'can you recognize the man who gave you the phone?' the woman says, 'yes,' in turn 60. This confirms that the information she is giving is truthful thus the quality maxim observance.

From the data collected in text 8, there was a case of domestic violence where the son (AC) sounded truthful when he told the court that he was cut with a machete by the father (WIT) yet the father denies the claim. We come to know it is true when the son (AC) produces a medical report from the hospital where he was treated. In text 8 turn 63, the accused tells her dad, 'Explain before the court on June, did you not cut me with a machete?' at first the dad pretended that he had not heard the question in turn 64, the court interpreter interrupted the discourse by asking the witness the same question as in turn 63, then the witness said, 'I don't know', turn 65. After the intervention of the magistrate in turn 66, he then denies the claim in turn 67 and in turn 68 the accused showed the court the evidence that he was actually cut. Meaning the accused is truthful while the witness is not.

Text 8

61. AC: Ulinikata na panga, na nikaenda asubuhi yake ni-

katibiwa

You cut me with a machete, and I went the following morning I was treated

62. MAG: Hiyo ni swali kweli? Hatutaki maelezo, uliza yeye swali.

Is that really a question? We don't want an explanation, ask him a question.

63. AC: Eleza mbele ya korti, mnamo tarehe mwezi wa sita, si uliweza kunikata na panga?

Explain before the court on June, did you not cut me with a machet

64. CI: Ulimkata na panga?

Did you cut him with a machete?

65. WIT: Sijui.

I don't know.

66. MAG: Hujui namna gani mzee? Kuna siku ulimkata na panga?

How can you not know? Is there a day you cut him with a machete?

67. WIT: Mimi hapana kata yeye.

I have not cut him.

68. AC: Niko na barua your Honour kutoka hospitali mahali nilitibiwa

I have a letter your Honour from a hospital where I was treated.

In as much as text 8 shows that the witness is not sounding truthful when asked if he cut the accused with a machete he says, 'I don't know' sounding ridiculous. The son went ahead to provide evidence that whatever he was saying in the court was truthful thus observing the maxim of quality.

Further, in text 9, the witness was able to identify the handkerchief before the court that was used to tie the rolls of illegal drugs. The witness is also able to recognize the rolls and even their exact number as in turn 76. This showed that the version of his testimony was truthful.

Text 9

69. PRO: First, I would like to show you this. Can you recognize it?

70. WIT: Yes naitambua. Hii ndio handkerchief ilikuwa imefungiliwa juu.

Yes I recognize it. This is the handkerchief that was tied on top.

71. PRO: Sasa nataka kukuonyesha hizi kama utaweza kuzitambua.

Now I would like to show you these whether you can recognize them.

72. WIT: Naweza kuzitambua.

I can recognize them.

73. PRO: Ni nini?

What are they?

74. WIT: Hii ni rolls.

They are rolls.

75. PRO: Ni ngapi?

How many are they?

76. WIT: 100

Another example from text 51, the accused asks the witness if his wife is among the accused in the case where he was found in possession of stolen property (turn 78), the witness says she's is not charged and goes ahead to justify why she was not charged as in turn 80.

Text 10

77. MAG: Move on. Uliza swali ingine kama uko nayo.

Ask another question if you have one.

78. ACC: omokungu oyuo nasoereire ase ekina eke?

Is that woman an accused in this case?

79. CI: Huyo bibi yake ni mshtakiwa?

Is his wife an accused?

80. WIT: Hatukumshika. Yeye alisema hizi vitu zote ni zako.

We did not arrest her. She said all these things are yours.

81. AC: nki motamosoerete naende nere mwanyorete nebinto ebio

Why didn't you charge that woman and she is the one you found with these things?

82. CI: Kwa nini haukushtaki bibi yake nayeye ndiye alikuwa na hizi vitu?

Why didn't you charge her and she is the one you found with these things?

83. WIT: Vitu alisema ni zako. Ni wewe ulileta na pia nilisema alikuwa na mtoto mdogo. Yeye aliandika statement na tukamuachilia.

She said the things are yours. You are the one who brought them. I also said she had a small child. She just wrote a statement and we let her go.

84. ACC: mwarenge gocheki abinto ebio?

Why didn't you check those things?

In the same text 10, the witness told the court in answer to the accused's question as to why the woman (his wife) was not arrested yet she was the one who was found with the stolen property (turn 83), that they let her go because she recorded a statement on how the accused came with the stolen things. The statement is there to confirm that what the witness is telling is true as captured in turn 342.

In Text 11, turn 85, the witness is asked to explain to the court what he knew concerning the case in court. What is required at this stage is a truthful account of what transpired that led to the situation at hand. In turn 86 the third witness started by explaining how he made the decision to go the stage and board a 'matatu.'

Text 11

85. PRO: Eleza koti hii yale unajua kulingana nah ii kesi

Explain to the court what you know concerning this case.

86. WIT3: Sasa hio siku mimi sikutembea na gari yangu ilivyo kawaida yangu, kwa sababu ya ii hali ya maisha ambayo kila mtu anaelewa. So mimi nikaamua kuenda _stage ili nichukue gari za kuenda_.

Now that day I did go with my car as it's my custom because of the state of economy as you all understand. so I decided to go to _stage so that I may board vehicles heading to_

87. PRO: Ndio?

Yes?

88. WIT3: Mimi kufika stage nakutana na watu wengi wanaita watu to different vehicles going to different stations. So vijana hawa wawili wakanikaribia wakaomba kunisaidia bag wakinielegeza kwa gari ambalo lilikuwa linaelekea_____.

Arriving at that stage I found so many people calling people to different vehicles going to different stations. so this two youths approached me and asked to help me carry my bag to the vehicle. they ushered me to the vehicle that was heading to_

89. PRO: Ehe?

Yes?

90. WIT3: Mimi nilipoingia kwa hiyo gari nikaomba nipewe hio bag yangu maan sikuona haja ya kubebewa na haikuwa mzito. kuuliza bag iko wapi, Sikuona hao vijana! nikaamua kuleta vurugu nikaanza kushout nikiuliza wako wapi niki wadiscibe vile walikuwa wamevaa

On boarding that vehicle I asked to be given my bag because I didn't see the reason as to why they should help me carry my bag. on enquiring where my bag was, I didn't see those youths. i decided to disturb the peace of that place by shouting asking where they are as I described them and how they dressed.

91. PRO: endelea?

Continue?

92. WIT3: Kumbe hawakuwa wameenda mbali. watu wakawashika wakawaleta wakiwapiga makofi na mateke. Askari waliposkia kizaazaa wakaja wakawaokoa kutoka kwa watu waliokuwa na hasira. bag haikuwa na laptop, simu na pesa kiasi Fulani.

They hadn't gone far, people caught them and brought them to the limelight while beating them with blows. The police were attracted by the mob and the noise and saved them from the angry mob. in the bag there was no laptop and phone and some amount of money.

In turn 91 he is signaled to continue giving the information. The third witness is giving details on how he lost his bag at the bus stage in an orderly and clear manner. Since the witness sounds sincere, the prosecutor keeps prompting him to continue with the testimony by using such words as, 'continue...' as in turns 87, 89 and 91. In turns 88, 90 and 92 the third witness gives all the details without any interruption.

In a courtroom, where the pursuit of justice relies on the presentation of truthful and reliable information, adhering to this maxim is crucial. False or misleading information can lead to miscarriages of justice, undermine the credibility of witnesses, and damage the integrity of the legal system. In legal proceedings, the credibility of all participants, including witnesses, lawyers, and judges, is paramount. Observing the maxim of quality by providing truthful and accurate information enhances the credibility of those involved in the process [9]. When individuals are seen as credible, their arguments and testimony are more likely to be trusted and given weight by the court.

Legal professionals, including attorneys and witnesses, have ethical and legal obligations to provide truthful and accurate information in court. The legal system is built on principles of fairness and due process [8]. Providing truthful and accurate information is essential to ensure that all parties have a fair opportunity to present their case and that judgments are based on a reliable foundation. Deviating from the maxim of quality by introducing false or misleading information can compromise the fairness of the proceedings. Just as in any other context the participants in SKCL adhered to the maxim of quality promoting efficient communication. This led to reduced time in the cases because when information presented is truthful and accurate, it reduces the need for time-consuming challenges, cross-examinations, or fact-checking, streamlining the legal process. Courtroom proceedings are typically recorded or transcribed, and these records serve as the basis for appeals and further legal actions. Providing false or misleading information not only undermines the current case but can also have long-term consequences if discovered later through the review of records or new evidence. These are among the reasons why there was observance of the quality maxim of the cooperative principle.

3.2. Maxim of Manner

This maxim states that: Be perspicuous; Avoid obscurity of expression; Avoid ambiguity; be brief (avoid unnecessary prolixity); and be orderly. This means being concise (avoid unnecessary wordiness) and being well-ordered [6]. Grice proposes that manner maxims are totally different from the others; whereas other maxims care about “what is said”, the manner maxim focuses on “how what is to be said is said”. When participating in a discussion, the Maxim of Manner requires you to be a person who has clear, expressions which can be understood, which includes, but not limited to other smaller maxims like avoiding obscurity of expression, avoiding ambiguity, being brief (avoiding unnecessary prolixity) and being orderly. The maxim of manner is related to the manner in which something is being said in the conversation. Grice proposes this maxim as an explanation for a certain kind of regularity in conversational behavior with respect to the way information is provided at each turn of a conversation. The conversation proceeds in an orderly manner, with each participant taking their turn to speak. The maxim of manner had the highest frequency far as the instances of maxim observance was concerned. It had 150 instances of occurrence accounting for 39. 90%.

The maxim of manner in the example below, text 12, shows how the prosecutor prompted the witness to give information in an orderly manner. That is why he was able to just use words like; ‘next? ehe?’ ‘yes?’ as in turn 95 and 97 because the discourse was going on well and was getting the details as expected.

Text 12

93. PRO: Unaweza kueleza tarehe saba usiku kulitokea nini

kuhusu hii kesi?

Can you tell the court on 7th at night what happened that is related to this case?

94. WIT2: Hio tarehe nilikuwa kazini kukawa na emergence call, Kuna mwanaumme ambaye aliletwa akiwa ameumia sana kwa kuchomeka makalio

That date I was at the hospital, there was an emergence call, there was a man who was brought to the hospital and was in pain having been burnt by the buttocks.

95. PRO: Ehe?

96. WIT2: Huyu mwanaumme alikuwa amechomwa na maji moto kwa makalio, na alikuwa na bites kwa mikono na mabega.

That man had been burnt at the buttocks by hot water and had some bites at the hands and shoulders.

97. PRO: Ndio?

Yes?

98. WIT2: Iljulikana alikuwa amechomwa sana baadaye tukajua alikuwa amechomwa na mke wake because of domestic issues.

Later we learnt that he had been burnt by his wife because of domestic issues.

In text 13 below, the second witness a police officer is giving details how they came to learn about the theft case at the bus stage. The prosecutor in turn 100 just asks him to continue with the details by just saying, ‘then?’ This was so because the details are presented in an orderly manner thus observing the maxim of manner.

Text 13

99. WIT2: Mimi na maofisa wengine tulikuwa tu kwa patrol ya kawaida tukawa attracted na hayo makelele tukasongea kuona kunani?

Me and other officers we were patrolling as is our norm and we were attracted by the mob to see what was going on.

100. PRO: Then?

101. WIT2: Tulipofika hapo tukapata watu wamekoner hao vijana wamewaleta pamoja na walikuwa wamepigwa though sio saana

The maxim of manner emphasized the need for clear and organized communication. In a courtroom setting, where complex legal issues are discussed, it is essential that all participants, including judges, lawyers, jurors, and witnesses understand the arguments and evidence presented. Observing the maxim of manner promotes clarity in communication.

The maxim of manner encouraged speakers to avoid ambiguity and vagueness in their language. Ambiguous statements can lead to misunderstandings, which can be particularly problematic in legal proceedings. By being precise and clear in their expressions, participants in the courtroom reduced the potential for misinterpretation. That is why in text 53 turn 353, the witness gives details as required and in turn 354 the prosecutor signals him continue with the evidence. In legal contexts especially in SKCL, it is important to minimize confusion and ensure that everyone involved understands the information being presented. The maxim of manner helped

prevent unnecessary confusion by discouraging convoluted or overly complex language. Mother tongue was discouraged and an interpreter sought as was necessary as in text 19 turn 115 the witness is reminded to stick to the use of Kiswahili.

3.3. Maxim of Relation

In this maxim, Grice talks about a sub-maxim that is related to relevance, and simply, it refers to the exchange information that meet the goals of the conversation, [6]. For instance, if John requires a screw driver, James is expected to hand in a screw driver but not a hammer, machete, car keys, etc. Grice suggests this maxim as clarification for a specific kind of regularity in conversational behavior; taking in his considerations the information provided at each level of a conversation should be relevant. Grice pointed out that when you are involved in a conversation, Relation Maxim assumes you to be relevant. Grice presents this maxim as an explanation for a certain kind of regularity in conversational behavior with respect to the relevance of information provided at each turn of a conversation. Transparency in communication is essential for maintaining public trust and confidence in the justice system [1]. Adhering to the principle of relevance, courtroom participants ensure that information presented is pertinent to the case and its proceedings, enhancing transparency [5].

The maxim of relation emphasizes that communicators should provide information that is relevant to the ongoing conversation or the specific context. In a courtroom, relevance is critical to ensure that the proceedings stay focused on the legal issues at hand. Irrelevant information can waste time, confuse participants, and potentially bias judges or jurors.

In text 14, the witness answers the questions from the prosecutor in a very relevant way. He answers exactly what he is asked. The questions in turns 102, 104 and 106 are all answered in a very relevant way. The prosecutor also asks only the questions that are relevant to the case at hand. These ensures cooperation that leads to the information needed before the verdict can be passed. Here are some of the examples:

Text 14

102. PRO: Na hii kisu ilipatikana wapi?

And where did you get this knife?

103. WIT: Hapo alikuwa analala.

Where he was sleeping.

104. PRO: Aliacha hapo?

He left it there?

105. WIT: Ndio.

Yes.

106. PRO: Ukapeleka wapi hii kisu?

Where did you take this knife?

107. WIT : Nikapeleka polisi.

I took it to the police

The answers are in turns 103, 105 and 107 are relevant to the case thus observing the cooperative maxim of relation.

Further, in text 15 below, the first witness narrates how he restored stolen things from the accused. He explains that after

restoring the things and taking the accused back to the security personnel, he recorded a statement which he can recognize in the court, turns 108, 110, 112, and 116 were all relevant details regarding the case in court.

Text 15

108. WIT1: Mimi nikamsimamisha. Nikamwitisha chenye alikuwa nacho akanipea na akajaribu kukimbia.

I stopped her. I asked her for what she was carrying and she gave it to me then tried to run.

109. PRO: Wakati huo alipokupa hiyo kitu na akajaribu kukimbia wewe ulifanya nini?

When she gave you that thing and tried to run, what did you do?

110. WIT1: Nilimfuata na nikamrudisha hapo kwa security.

I followed her and returned her at the security desk.

111. PRO: Baada ya kumrudisha nini ilifanyika?

After returning her what happened?

112. WIT1: Nilimrudisha na nika kagua hizo vitu alinipea.

I returned her and I inspected those things she had given me.

113. PRO: Na uliweza kuandika statement yako katika kituo cha polisi baadaye?

And you recorded a statement at a police station thereafter?

114. WIT1: Niliandika statement katika Police Station.

I recorded a statement at Police Station.

115. PRO: Hiyo statement yako ukiiona unaweza kuitambua?

If you see your statement would you recognize it

116. WIT1: Naweza tambua.

I can recognize

In text 15 for example, the first witness was asked, 'if you see your statement would you recognize it?' (Turn 115) the witness then said in turn 116, 'I can recognize it.' He gives a very relevant answer to the question asked.

According to text 16, there is also a good example of an instance of relevance maxim observance. For instance, the prosecutor asks the witness straightforward questions regarding the case in court in turns 117, 119, 121 which the witness also answers directly in turns 118, 120 and 122 without beating around the bush. This made the litigation process so easy. For example: the prosecutor asked in turn 117, "Where did you get the information from?"

Text 16

117. PRO: Where did you get the information from?

118. WIT: We received it from our informer.

119. PRO: What did you do?

120. WIT: Now we went there at around 4 am

121. PRO: You went with whom?

122. WIT: We went with other police officers and a driver

123. PRO: And then?

124. WIT: On getting there we knocked on the door and it was opened by a woman. We conducted a search and found very many things which are before the court.

The witness answered in turn 118, 'we received it from our

informer'. The prosecutor continued, 'you went with whom?' the witness said, 'we went with other police officers and a driver.' The answers and questions are all relevant to the case thus observing the maxim of relation.

Since courtroom proceedings often have strict time constraints, adhering to the maxim of relation by focusing on relevant information allowed for more efficient and streamlined proceedings. This would ensure that cases are resolved in a timely manner, which is important for the overall functioning of the legal system. In addition, since irrelevant information can distract participants and lead them away from the central issues of the case, the relevant maxim had to be adhered to. In a courtroom, where the goal is to fairly and impartially adjudicate legal disputes, it is essential to minimize distractions and keep the focus on the pertinent facts and arguments. Focusing on relevant evidence and arguments allowed each side to present their case effectively and ensured that their rights to due process and a fair trial were upheld. Many legal systems including SKCL have rules of evidence that dictate what information is admissible in court. These rules are designed to ensure that only relevant and probative evidence is presented. Observing the maxim of relation is essential for complying with these legal rules and procedures.

4. Discussion

From data analysis, it was discovered that the maxim of manner was observed most, 150 occurrences that is 39.90% compared to the observance of the other maxims. Quantity maxim followed with 72 occurrences accounting for 22.87%, the maxim of quality at 72 occurrence that is 19.25%. The maxim of relation was the least observed at 18.09%. The main reason for adhering to the maxim of manner in court is to ensure clarity and understanding. Courtroom discussions involve complex legal terminology, statutes, and arguments. By speaking clearly and concisely, legal professionals convey their points effectively to judges, juries, witnesses, and the opposing party. In cases where the defense counsel was not involved, the prosecutor used appropriate language in his questions in a clear and unambiguous way. Ambiguity in courtroom discourse can have serious consequences, potentially leading to misinterpretations, legal errors, or misrepresentations. Lawyers and witnesses in SKCL expressed themselves in a straightforward manner to avoid any confusion that could compromise the integrity of the case. Courtroom proceedings often involve high-stakes legal matters, where individuals' rights, liberties, or property are at risk. Adhering to the maxim of manner was very essential to ensure that everyone's legal rights are accurately presented and defended.

It was also found out that in SKCL, the participants provided relevant information and this enhanced the clarity of communication. Irrelevant or tangential details which can obscure the main points and make it more difficult for participants to understand the core arguments and evidence being presented were avoided. The questions and responses between

the prosecutor and the witnesses are related to the domestic violence case, gathering relevant information about what happened. This maxim relates to providing information that is relevant to the questions asked. The witnesses are expected to respond directly to the questions posed by the prosecutor and the accused. For example, when the witness describes the events leading to the accusation, they are adhering to the maxim of relation.

The Gricean maxims, especially the maxim of manner, emphasize the importance of avoiding ambiguity and vagueness in communication. Misunderstandings in legal contexts can lead to costly errors, appeals, or even miscarriages of justice [4]. Courts are institutions of justice, and decorum and respect are paramount. Adhering to the maxim of manner in courtroom discourse helped maintain respect for the judicial process, judges, and opposing parties, contributing to an environment of professionalism and fairness. When a jury is involved, the maxim of manner was very crucial. Jurors often lack legal expertise, so the DCs and prosecutors presented arguments and evidence in a clear, concise, and persuasive manner to ensure they fully understand the case.

Legal professionals are bound by ethical standards, which include communicating respectfully and honestly. Adhering to the maxim of manner aligns with these ethical obligations, preventing unethical or unprofessional behavior in the courtroom. Legal arguments made in court may influence future legal precedent. Clear and well-articulated arguments, consistent with the maxim of manner, contribute to the establishment of persuasive legal precedent. Court proceedings are recorded verbatim for future reference and potential appeals. Clear and precise language ensures an accurate record, which is essential for reviewing decisions or addressing legal issues that may arise later. In summary, adherence to the maxim of manner is paramount during courtroom interactions, particularly in the examination and cross-examination phases, to uphold principles of fairness, justice, and professionalism. Clear communication enhances the effectiveness of legal proceedings, protects the rights of individuals, and maintains the integrity of the legal system as a whole.

In previous studies, light was shed on the relationship between pragmatics and the language that law uses to discover the type of communication that occurs in legal contexts (contracts, acts, bills, last wills, agreements, and other legal documents) and also to observe the degree to which the CP is violated or obeyed. The concluding remark of this study was that those who work in a legal context work for the purpose of clarity and precision [20]. On the same note, the SKCL discourse confirmed that there was clarity and precision. This was so because there were instances where all the four CP maxims were observed. Example in text 47 turns 299, 301, 303, 305 the witness gives clear, enough, true and relevant information.

Similarly, a study was carried out that talked about the cooperative principle as the assumption that participants in a

conversation normally attempt to be informative, truthful, relevant, and clear [18]. Norquist refers to the concept that was introduced by philosopher H. Paul Grice in his 1975 article "*Logic and Conversation*" in which he argued that "talk exchanges" were not merely a "succession of disconnected remarks," and would not be rational if they were. Grice suggested instead that meaningful dialogue is characterized by cooperation. The current study also confirms that the maxims were all observed during the SKCL discourse.

5. Conclusion

Discourse participants observed the maxim of manner more than all the maxims. Followed by the quantity maxim then quality and relation. By speaking in a clearly, concisely, truthful and relevant way, the courtroom discourse participants conveyed their points effectively to judges, juries, witnesses, and the opposing parties. Observing the Cooperative Principle and its associated maxims in the courtroom context promotes effective communication, trustworthiness, fairness, and efficiency, all of which are essential for upholding the rule of law and ensuring justice is served.

Abbreviations

CP	Cooperative Principle
PRO	Prosecutor
WIT	Witness
AC	Accused
CI	Court Interpreter
MAG	Magistrate
SKCL	Selected Kenyan Courts of Law
DC	Defense Counsel

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Conflicts of Interest

The authors declare no conflicts of interest.

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