



1 people understand indirect communication. This branch of the philosophy of language is  
2 centered around the theory of conversational implicature discussed by H. Paul Grice in  
3 his paper, "The Logic of Conversation," which was written in 1967 and revised and  
4 published as "Logic and Conversation" in 1975. (Grice, H.P. 1975. Logic and  
5 conversation. In: Peter Cole and Jerry L. Morgan, eds., *Syntax and Semantics 3:  
6 Speech Acts*. New York: Academic Press, pp. 41-58.) Since its publication, this paper  
7 has become an indispensable foundation document in a wide array of academic fields:  
8 not only philosophy and linguistics (pragmatics and sociolinguistics in particular), but  
9 also in psychology, anthropology, literary criticism and the law, to name a few.

10 7. My more than 30 years of professional experience in linguistic analysis  
11 includes considerable experience in the Gricean theory of implicature, and my work in  
12 this area is discussed and cited in technical journals and books. Relevant publications of  
13 mine include:

14 Questionable answers and answerable questions. In B. Kachru et al. (eds.),  
15 *Papers in in Honor of Henry and Renee Kahane*. Urbana, Ill.: University  
16 of Illinois Press, 1973: 453-67;

17 The logic of politeness; or, minding your p's and q's. In *Papers from the  
18 Ninth Regional Meeting of the Chicago Linguistic Society*, 1973;

19 What you can do with words: politeness, performatives, and pragmatics. In  
20 A. Rogers, R. Wall, and J.P. Murphy (eds.), *Proceedings of the Texas  
21 Conference on Performatives, Presuppositions, and Implicatures*.  
22 Washington, D.C.: Center for Applied Linguistics. Pp. 79-106. 1977;

23 How to look as if you aren't doing anything with words: speech act  
24 qualification. In J. Boyd and S. Ferrara (eds.), *Speech Acts Ten Years After*.  
25 *Versus*, Milan, 1981: 29-47;

26 The rationale of psychotherapeutic discourse. In J. Anchin and D. Kiesler  
27 (eds.), *Handbook of Interpersonal Psychotherapy*. New York: Pergamon,  
28 1982: 132-46;

Persuasive discourse and ordinary conversation: advertising as an example.

1 In D. Tannen (ed.), *Georgetown University Round Table on Languages and*  
2 *Linguistics*, 1981. Washington, D.C.: Georgetown University Press, 1982:  
3 25-42;

4 Interpretation in ordinary language and psychotherapeutic discourse.  
5 *Forum Linguisticum* VII.2:123-39. 1984;

6 [With Deborah Tannen] Communicative strategy and metastrategy in  
7 pragmatic theory: the case of *Scenes from a Marriage*. *Semiotica*,  
8 49.3/4:323-46. 1984;

9 Philosophy of language meets the real world; or, When is "enough"  
10 enough? In *Papers from the Sixteenth Regional Meeting of the Berkeley*  
11 *Linguistic Society*, 1990, pp. 472-81;

12 Lewis Carroll: Subversive Pragmaticist, *Pragmatics*, Dec. 1993, pp. 367-  
13 85;

14 Conversational logic. In *Handbook of Pragmatics: Manual*. Ed. J.  
15 Verschuieren, J. Östman, and J. Blommaert, Benjamins, 1995, pp. 190-7;

16 Conversational implicature. *Handbook of Pragmatics*, ed. J. Verschuieren,  
17 J. Blommaerts;

18 True Confessions? Pragmatic competence and criminal confession. In  
19 *Social Interaction Social Context, and Language: Essays in Honor of*  
20 *Susan Ervin-Tripp*, D.I. Slobin, J. Gerhardt, and J. Guo (eds.). Mahway,  
21 N.J. Erlbaum. Pp. 481-93. 1996.

22 8. The Gricean theory of conversational implicature is based upon the  
23 principle that people in any communicative interchange act cooperatively: they trust one  
24 another to behave so as to be likely to satisfy one another's needs to make sense of what  
25 is being communicated. To this end, Grice proposes the Cooperative Principle: "Make  
26 your contribution such as is required, at the stage at which it occurs, by the accepted  
27 purpose or direction of the talk exchange in which you are engaged." In other words,  
28 your job when communicating is understood to be getting your intention across. Just  
how you do this (directly or indirectly and in what style and level of formality, etc.) will  
depend on the kind of talk in which you are engaged and based on how much you can

1 assume your listeners already know, and what they need to know.

2 9. Within the Cooperative Principle, Grice proposes two systems of encoding  
3 meaning: The Maxims of Conversation and Conversational Implicature. The Maxims  
4 supply the ideal, or direct expression: everything that one needs to know in order to  
5 understand what is said. The four Maxims are named:

- 6 • Quantity: make your contribution as informative as is required [and no  
7 more];
- 8 • Quality: make your contribution one that is true (do not say what you  
9 believe to be false; do not say anything for which you lack evidence);
- 10 • Relation or Relevance: be relevant; and,
- 11 • Manner: be perspicuous: avoid obscurity, avoid ambiguity, be brief and  
12 be orderly.

13 10. In fact, humans often violate (or flout) one or more of the Maxims in their  
14 communication. In so doing, we engage in Conversational Implicature. As long as  
15 participants know what is expected and can figure out the reasons behind indirectness,  
16 they will be able to apply the rules of implicature to the indirect utterances to derive the  
17 intended meaning. The assumptions speakers rely on include the following:

- 18 • What is “normal” in the context;
- 19 • The connection between the normal meaning and what is actually said;  
20 and,
- 21 • The reason for the inexplicitness.

22 11. The Cooperative Principle, then, in the form of Maxims and Implicatures, is  
23 a representation of the mental process of ordinary people engaging in most forms of  
24 ordinary communication, under most conditions. Normally, we work to make sense of  
25 the irrelevant, the meaningless, the contradictory or the stylistically peculiar. In a  
26 newspaper article, this work includes the tendency to search for the “normal” usage, the  
27 most “newsworthy” interpretation—the most surprising, the most unexpected - just as  
28 we search for the most critical, or negative interpretation in a piece of literary or other

1 criticism.

2 12. Using this theory and relying upon my general experience in linguistic  
3 analysis, I have formed the opinion that, when read as a whole, the "Larger Than Life"  
4 article conveys the implication that Michel Thomas is lying about his WWII  
5 experiences, including his experience as a CIC agent, his presence at the liberation of  
6 Dachau, his discovery of Nazi party membership cards, and his interrogation by Klaus  
7 Barbie. Furthermore, it is my opinion that the article, read as a whole, implies that  
8 Thomas' language training method is a sham.

9 13. The basis and reasons for my opinion are as follows: the Article is  
10 constructed as a whole to create the implication and impression that Thomas is not to be  
11 believed. This is done in two ways: by casting doubt on the story itself and by casting  
12 doubt on Mr. Thomas as an unreliable person. The Article accomplishes this task  
13 through its overall construction and its use of numerous linguistic devices that flout the  
14 Gricean Maxims of Conversation causing a reader to make use of implicatures that cast  
15 Mr. Thomas and his claims in a negative light.

16 14. The Article's construction of this understanding begins by setting Mr.  
17 Thomas up as someone who is not to be taken seriously – by casting doubt on Mr.  
18 Thomas personally. This is concentrated in the first 15-20 paragraphs of the Article and  
19 is accomplished through the following methods:

- 20 • *Suggestions that THOMAS is a teller of tall tales*, as in the phrases, ". . .  
21 as he recounts various exploits, " ". . . THOMAS readily admits his  
22 stories are hard to believe." "But it wasn't the language system that  
23 grabbed writer Christopher Robbins' attention. It was the wild tales."  
24 "Many of his claims are hard to prove – or disprove." and, "Indeed, his  
25 biography is laced with vivid recollections, . . . playing *boule* slot  
26 machines in the foyer of Monte Carlo's casino in 1941, where he  
27 pocketed a tidy sum over four months by 'pulling the lever with exactly  
28 the same pressure every time.' (Casino officials, after consulting their

1 archives and various experts, say the type of slot machine *THOMAS*  
2 describes 'to our knowledge was never in Monte Carlo.')

- 3 • *Use of loaded or slanted words and phrases* in such statements as the  
4 Article's title, "Larger Than Life," and in the opening sentence,  
5 beginning, "If everything he says is true. . .";  
6 • *Personal ridicule* in such statements as, "Dressed in a navy blue suit and  
7 sporting a silver pompadour of unknown origin . . .";  
8 • *Irony* in such phrases as, "He was the sole survivor of not one but three  
9 concentration camps in World War II . . ." and "who wasn't";  
10 • *Stylistic clash* between the seriousness of the subject (the Holocaust) and  
11 colloquial style, as in "Oh, and his New York and Beverly Hills  
12 language schools can teach anyone a foreign tongue in just three days,"  
13 "hobnobbed," "tagged along," and, "Then there's the trial of Klaus  
14 Barbie . . .";  
15 • *Suggestion of personal dishonesty* as in "'He was where he said he was,  
16 when he said he was,' says Robbins, who is splitting royalties from the  
17 biography with *THOMAS* . . ."and, "Although vague on details, . . .";  
18 • *Editorial tongue-in-cheek commentary*, as in ". . . Easier said than  
19 done."

20 15. Each of the cases described above flouts one (or more) of Grice's Maxims,  
21 leading readers to utilize an implicature. In many cases, more information is given than,  
22 to be strictly informative, the article would need to do. One such case is paragraph 2,  
23 "not one but three concentration camps." This is, in my opinion, a flouting of the  
24 Maxim of Quantity: the simple factual report would be that he escaped from "three"  
25 concentration camps. "Not one but" implies that *one* such escape would be enough;  
26 three must be an exaggeration, above and beyond the norm. Similarly, "an accepted  
27 publishing arrangement" in paragraph 26 flouts Quantity: why *might* a reader suspect  
28 that the arrangement wasn't "accepted"? To mention this makes it an issue.

1           16. In the report of the facts surrounding Thomas' WWII service and  
2 experiences, the use of these linguistic devices to indicate and create suspicion is  
3 continued by contrasting Thomas' descriptions of events with counter-descriptions and  
4 counter arguments against the truth of these descriptions, often accompanied by  
5 descriptions of the sources as authority figures and subtle reminders that Thomas'  
6 credibility is questionable and his tale is just a "story."

7           17. By thus representing Thomas as someone unworthy of belief, the writer has  
8 chosen sides in the allegedly factual reports and counter-reports. The Article's thorough  
9 attack on Mr. Thomas encourages the most negative interpretations of all his claims,  
10 while the use of "authority figures" on the opposing side further encourages belief in the  
11 arguments of those authorities and disbelief of Thomas'. For example, paragraphs 52  
12 and 53 describe the discovery of the Nazi party cards. Thomas is quoted as saying "Of  
13 course" the cards specifically mentioned the Nazi Party. Immediately following, the  
14 writer of the "official history of the files," i.e. an authority figure, denies the claim  
15 directly. Either Thomas or the authority is flouting (or rather violating outright) the  
16 Maxim of Quality by lying. Who? Well, in paragraph 55, asked about the contradiction,  
17 Thomas "bristles," suggesting that he is protesting too much, a subtle reminder of the  
18 discrediting implications conveyed above.

19           18. Each of the cases referred to above, taken alone, may be insufficient to  
20 justify a claim of bias. But the large number of these devices, all tending toward the  
21 same negative interpretation of Mr. Thomas' account of his past, and their unusualness  
22 in the editorial content of a respected newspaper (in which readers conventionally  
23 assume objectivity), lead to an almost unavoidable conclusion: that the account is not  
24 credible. If the article had merely represented the narrative of Thomas' history, along  
25 with counterclaims by other sources, it might have presented a journalistically  
26 permissible and neutral story, as a reader might in that case be in a position to make up  
27 his/her own mind about who is to be believed. However, since the writer has departed  
28 from neutrality by setting forth a host of suggestions that depict Mr. Thomas as

1 unreliable, the reader is invited, in fact virtually forced, to take sides against Mr. Thomas  
2 from early on, and the decision whom to believe is no longer free. The only natural  
3 conclusion given the above implicatures and the Cooperative Principle is that Thomas'  
4 claims about his life and military experiences are false, that he is therefore lying about  
5 each experience relayed in the article, and that these experiences simply did not happen  
6 as Thomas claims.

7 19. Rivenburg utilizes the same devices to create bias in the mind of the reader  
8 regarding the efficacy of Thomas' language teaching methods. As mentioned above,  
9 Rivenburg is careful not to be direct in his criticism. However, Rivenburg's subtlety,  
10 combined with his repetition, has an even more powerful effect on the reader than a  
11 simple unambiguous remark: the reader starts to mentally add them up, piling up the  
12 zingers. For example, in paragraph 3, Rivenburg uses the phrase "Oh, and . . ." The  
13 word "oh" is generally used orally, rather than in writing, and is used to indicate an  
14 afterthought, something trivial: yet the claim is actually a bombshell. The irony of the  
15 contrast brings home the shock of the claim, while at the same time suggesting that it  
16 "can't" be true (or else it would be no afterthought).

17 20. Similarly, in paragraph 14, Rivenburg states "Yet nobody on his staff can  
18 duplicate the feat." Just like the example cited above, Rivenburg's language here  
19 suggests the implausibility of Thomas' claim. Although more explicit than the example  
20 above, it is still implied, rather than stated outright. The strongly adversative nature of  
21 "yet" encourages skepticism, via the contrast between what Thomas says he can do, and  
22 what other people can do: i.e., who does he think he is? In paragraph 17, Rivenburg  
23 chooses the word "intones" which recalls church, or a setting where speakers persuade  
24 via hypnōsis rather than reason. Moreover, the choice of this word implies pomposity,  
25 since only people in positions of influence get to "intone."

26 21. In further derogation of Thomas' language teaching methods, Rivenburg  
27 uses the phrase "vague on details" in paragraph 78 to suggest to the reader that Thomas  
28 is a braggart: all talk and no proof. Likewise in the final paragraph of the Article,

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1 paragraph 85, Rivenburg characterizes Thomas' statement to author Chris Robbins as  
2 having been stated with "characteristic bravado." Again, this choice of words implies  
3 that Thomas is all talk or exaggeration and that a reader cannot take anything he says  
4 literally. In paragraph 79, Rivenburg goes on to explain events regarding the language  
5 techniques by stating "something goes awry . . ." suggesting that he is a maker of lame  
6 excuses and does not take responsibility for his actions.

7       22. In addition, there is another factor, extrinsic to the article itself, that leads  
8 me to conclude that Rivenburg's statements exhibit bias. In his Declaration, Dr.  
9 Theodore C. Kraus alludes to his interview with Rivenburg (paragraph 11), stating that  
10 he relayed a series of facts, of most of which he was himself a witness, attesting to the  
11 truth of many of the most significant points of Thomas's narrative, points that (as noted  
12 above) Rivenburg explicitly or implicitly casts doubt upon. Assuming the truth of Dr.  
13 Kraus's sworn statements, both of the events he states that he witnessed (Paragraphs 4-  
14 10) and that he communicated the material contained in Paragraphs 4-10 to Mr.  
15 Rivenburg prior to the publication of the article, I am of the opinion that Mr.  
16 Rivenburg's deliberate omission of that material from the article represents a form of  
17 non-objectivity, a conscious choice of material in favor of that which represents Mr.  
18 Thomas badly, and against that which represents him favorably. The possible  
19 counterargument, that a newspaper article has a predetermined length and cannot include  
20 everything said by all a reporter's sources, is not valid here. It would have been  
21 perfectly feasible, within the length of the article as it appeared, to have included some  
22 of Dr. Kraus's positive statements – perhaps occupying some of the space taken by Mr.  
23 Rivenburg's innuendos in the article as published. In other words, reportorial bias  
24 tending toward causing a typical reader to disbelieve Michel Thomas's story can be  
25 discerned reliably not only from what is explicitly present in the story itself. It is also  
26 discerned in what is absent that, in a truly objective report, ought to be present;  
27 statements from both sides, as long as both sides are (as they are here) available to the  
28 reporter.

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1           23. I am also informed that Rivenburg was provided, and/or offered to be  
2 provided with various documents, which are listed in Paragraph 16 of the Complaint.  
3 Rivenburg's deliberate failure to share this corroborating evidence with his readers is  
4 further evidence of Rivenburg and the Los Angeles Times' intent to bias readers against  
5 Thomas.

6           24. The problem is all the more acute, I believe, because the story is after all a  
7 newspaper story. A reader approaches a narrative with specific expectations depending  
8 on the narrative's venue. If it is the pages of a book explicitly identified as a "novel,"  
9 the reader expects the narrative not to be in keeping with reality, not to be "true"; if it is  
10 called a "memoir," the reader normally assumes that it is a representation of events as  
11 they happened. Likewise, if a reader of any sophistication encounters a report in the  
12 National Enquirer (e.g. to the effect that Elvis Presley is the father of Hillary Rodham  
13 Clinton's love child), he or she is likely to take it with a large grain of salt, assuming that  
14 the reportage is not totally objective, that the reporter has a bias in favor of the  
15 sensational, and that reliable witnesses were not consulted or their testimony not given  
16 full weight. If, on the other hand, the reader encounters a story in a newspaper of  
17 excellent repute such as the Los Angeles Times, he or she is likely, and fully entitled, to  
18 believe that the reporter acted in a way consonant with the ethical and professional  
19 standards of the field; consulted sources on all sides and gave expression to all sides in  
20 the final article. A reader under these conditions is more than likely to draw the  
21 conclusion that evidence such as Dr. Kraus offers in his Declaration simply did not exist  
22 – that if it did, Mr., Rivenburg would have drawn upon it, and it would have been  
23 present in some form in the article. So the absence of this material in this context is as  
24 likely to create in the reader's mind bias against Mr. Thomas, as is the presence of the  
25 explicitly unfavorable commentary in the article itself.

26           I declare under penalty of perjury under the laws of the State of California and the  
27 laws of the United States that the foregoing is true and correct.  
28

Executed December 16, 2001 at Berkeley, California.



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