Gender

CHAPTER 35

"Women's Language" or "Powerless Language"?

William M. O'Barr and Bowman K. Atkins
(1998 [1980])

William O'Barr and Bowman Atkins set about to test the hypothesis that there were absolute differences in the ways women and men talk. They looked in particular at the ways witnesses speak and are spoken to during courtroom trials.

There has been a lot of research on linguistic interactions in various institutions, such as law, medicine, and schools. In each institution, individuals play particular roles, which always have linguistic dimensions. Sometimes they reflect broader social roles and sometimes they are particular to that setting.

O'Barr and Atkins summarize Robin Lakoff's findings about the features of women's language, features that appear obvious through introspection but may not be empirically evident. They find that in some cases their data corresponded quite well to Lakoff's, but in other cases there were significant differences. This led them to suggest an alternative explanation for the features they found.

Reading Questions
- What advice do trial practice manuals give about special treatment for women?
- Which features of "women's language" did O'Barr and Atkins find used by women? By men? Under what circumstances? How did O'Barr and Atkins explain their findings?

The understanding of language and sex in American culture has progressed far beyond Robin Lakoff's influential and provocative essays on "women's language" written only a few years ago (Lakoff 1975). The rapid development of knowledge in what had been so significantly an ignored and overlooked area owes much to both the development of sociolinguistic interest in general and to the women's movement in particular. But as a recent review of anthropological studies about women pointed out, this interest has grown so quickly and studies proliferated so fast that there is frequently little or no cross-referencing of mutually supportive studies and equally little attempt to reconcile conflicting interpretations of women's roles (Quinn 1977). A similar critique of the literature on language and sex would no doubt reveal many of the same problems. But in one sense, these are not problems—they are marks of a rapidly developing field of inquiry, of vitality, and of saliency of the topic.

Our interest in language and sex was sharpened by Lakoff's essays. Indeed, her work was for us—as it was for many others—a jumping off point. But unlike some other studies, ours was not primarily an attempt to understand language and sex differences. Rather, the major goal of our recent research has been the study of language variation in a specific institutional context—the American trial courtroom—and sex-related differences were one of the kinds of variation which current sociolinguistic issues led us to consider. Our interest was further kindled by the discovery that trial practice manuals (how-to-do-it books by successful trial lawyers and law professors) often had special sections on how female witnesses behave differently from males and thus special kinds of treatment they require.

In this [chapter], we describe our study of how women (and men) talk in court. The research we report here is part of a 30-month study of language variation in trial courtrooms which has included both ethnographic and experimental components. It is the thesis of this study that so-called women's language is in large part a language of powerlessness, a condition that can apply to men as well as women. That a complex of such features should have been called "women's language" in the first place reflects the generally powerless position of many women in American society, a point recognized but not developed extensively by Lakoff (1975: 7–8). Careful examination in one institutional

setting of the features which were identified as constituting "women's language" has shown clearly that such features are simply not patterned along sex lines. Moreover, the features do not, in a strict sense, constitute a style or register since there is not perfect co-variation.

[This chapter proceeds] as follows: first, it examines the phenomenon of "women's language" in the institutional context of a court-of-law; second, it shows that the features of "women's language" are not restricted to women and therefore suggests renaming the concept "powerless" language due to its close association with persons having low social power and often relatively little previous experience in the courtroom setting; [...] and finally, it calls for a refinement of our studies to distinguish powerless language features from others which may in fact be found primarily in women's speech.

HOW TO HANDLE WOMEN IN COURT—
SOME ADVICE FROM LAWYERS

One of the means which we used in our study of courtroom language to identify specific language variables for detailed study was information provided to us in interviews with practicing lawyers. More useful, however, were trial practice manuals—books written by experienced lawyers which attempt to discuss systematically successful methods and tactics for conducting trials. Typically, little effort is devoted to teaching and developing trial practice skills in the course of a legal education. Rather it is expected that they will be acquired through personal experimentation, through watching and modeling one's behavior after successful senior lawyers, and through reading the advice contained in such manuals. Those who write trial practice manuals are experienced members of the legal profession who are reporting on both their own experiences and the generally accepted folklore within the profession. In all these situations, the basis for claims about what works or what does not tends to be the general success of those who give advice or serve as models—judged primarily by whether they win their cases most of the time.

One kind of advice which struck us in reading through several of these manuals was that pertaining to the special treatment which should be accorded women. The manuals which discuss special treatment for women tend to offer similar advice regarding female witnesses. Readers are instructed to behave generally the same toward women as men, but to note that, in certain matters or situations, women require some special considerations. Some of this advice includes the following:

1. **Be especially courteous to women.** ("Even when jurors share the cross-examiner's reaction that the female witness on the stand is dishonest or otherwise undeserving individually, at least some of the jurors are likely to think it improper for the attorney to decline to extend the courtesies customarily extended to women.") (Keeton 1973: 149.)

2. **Avoid making women cry.** ("Jurors, along with others, may be inclined to forgive and forget transgressions under the influence of sympathy provoked by the genuine tears of a female witness." "A crying woman does your case no good.") (Keeton 1973: 149; Bailey and Rothblatt 1971: 190.)

3. **Women behave differently from men and this can sometimes be used to advantage.** ("Women are contrary witnesses. They hate to say yes.... A woman's desire to avoid the obvious answer will lead her right into your real objective—contradicting the testimony of previous prosecution witnesses. Women, like children, are prone to exaggeration; they generally have poor memories as to previous fabrications and exaggerations. They also are stubborn. You will have difficulty trying to induce them to qualify their testimony. Rather, it might be easier to induce them to exaggerate and cause their testimony to appear incredible. An intelligent woman will very often be evasive. She will avoid making a direct answer to a damaging question. Keep after her until you get a direct answer—but always be the gentleman.") (Bailey and Rothblatt 1971: 190–1.)

These comments about women's behavior in court and their likely consequences in the trial process further raised our interest in studying the speech behavior of women in court. Having been told by Lakoff that women do speak differently from men, we interpreted these trial practice authors as saying that at least some of these differences can be consequential in the trial process. Thus, one of the kinds of variation which we sought to examine when we began to observe and tape record courtroom speech was patterns unique to either women or men. We did not know what we would find, so we started out by using Lakoff's discussion of "women's language" as a guide.

Briefly, what Lakoff had proposed was that women's speech varies from men's in several significant ways. Although she provides no firm listing of the major features of what she terms "women's language" (hereafter referred to...as WL), we noted the following features, said to occur in high frequency among women, and used these as a baseline for our investigation of sex-related speech patterns in court.

1. **Hedges.** ("It's sort of hot in here"); "I'd kind of like to go."); "I guess....; "It seems like....; and so on.)

2. **(Super)polite forms.** ("I'd really appreciate it if...."); "Would you please open the door, if you don't mind?"; and so on.)

3. **Tag questions.** ("John is here, isn't he?" instead of "Is John here?"; and so on.)
4. Speaking in italics. (Intonational emphasis equivalent to underlining words in written language; emphatic so or very and so on.)
5. Empty adjectives. (Divine; charming; cute; sweet; adorable; lovely; and so on.)
6. Hypercorrect grammar and pronunciation. (Bookish grammar; more formal enunciation.)
7. Lack of a sense of humor. (Women said to be poor joke tellers and to frequently "miss the point" in jokes told by men.)
8. Direct quotations. (Use of direct quotations instead of paraphrases.)
9. Special lexicon. (In domains like colors where words like magenta, chartreuse, and so on are typically used only by women.)
10. Question intonation in declarative contexts. (For example, in response to the question, "When will dinner be ready?", an answer like "Around 6 o'clock?", as though seeking approval and asking whether that time will be okay.)

**What We Found**

During the summer of 1974, we recorded over 150 hours of trials in a North Carolina superior criminal court. Although almost all of the lawyers we observed were males, the sex distribution of witnesses was more nearly equal. On looking for the speech patterns described by Lakoff, we quickly discovered some women who spoke in the described manner. The only major discrepancies between Lakoff’s description and our findings were in features which the specific context of the courtroom rendered inappropriate, for example, *tag questions* (because witnesses typically answer rather than ask questions) and *joking* (because there is little humor in a courtroom, we did not have occasion to observe the specifically female patterns of humor to which she referred).

In addition to our early finding that some women approximate the model described by Lakoff, we also were quick to note that there was considerable variation in the degree to which women exhibited these characteristics. Since our observations were limited to about ten weeks of trials during which we were able to observe a variety of cases in terms of offense (ranging from traffic cases, drug possession, robbery, manslaughter, to rape) and length (from a few hours to almost five days), we believe that our observations cover a reasonably good cross-section of the kinds of trials, and hence witnesses, handled by this type of court. Yet, ten weeks is not enough to produce a very large number of witnesses. Even a single witness may spend several hours testifying. In addition, the court spends much time selecting jurors, hearing summation remarks, giving jury instructions, and handling administrative matters. Thus, when looking at patterns of how different women talk in court, we are in a better position to deal with the range of variation we observed than to attempt any precise frequency counts of persons falling into various categories. Thus, we will concentrate our efforts here on describing the range and complement this with some non-statistical impressions regarding frequency.

Our observations show a continuum of use of the features described by Lakoff. We were initially at a loss to explain why some women should speak more or less as Lakoff had described and why others should use only a few of these features. We will deal with our interpretation of these findings later, but first let us examine some points along the continuum from high to low.

A. Mrs. W, a witness in a case involving the death of her neighbor in an automobile accident, is an extreme example of a person speaking WL in her testimony. She used nearly every feature described by Lakoff and certainly all those which are appropriate in the courtroom context. Her speech contains a high frequency of *intensifiers* ("very close friends," "quite ill," and so on often with intonation emphasis); *hedges* (frequent use of "you know," "sort of like," "maybe just a little bit," "let’s see," and so on); *empty adjectives* ("this very kind policeman"); and other similar features. The first example below is typical of her speech and shows the types of intensifiers and hedges she commonly uses. (To understand what her speech might be like without these features, example (2) is a rewritten version of her answers with the WL features eliminated.)

(1) L. State whether or not, Mrs. W, you were acquainted with or knew the late Mrs. E. D.
W. Quite well.
L. What was the nature of your acquaintance with her?
W. Well, we were, uh, very close friends. Uh, she was even sort of like a mother to me.

(2) L. State whether or not, Mrs. W, you were acquainted with or knew the late Mrs. E. D.
W. Yes, I did.
L. What was the nature of your acquaintance with her?
W. We were close friends. She was like a mother to me.

Table 35.1 summarizes the frequency of several features attributed to WL by Lakoff. Calculated as a ratio of WL forms for each answer, this witness’s speech contains 1.14—among the highest incidences we observed.

B. The speech of Mrs. N, a witness in a case involving her father’s arrest, shows fewer WL features. Her ratio of features for each answer drops to .84. Her testimony contains instances of both WL and a more assertive speech style. Frequently, her speech is punctuated with responses like: "He, see, he thought it was more-or-less me rather than the police officer." Yet it also contains many more straightforward and
assertive passages than are found in A’s speech. In example (3), for instance, Mrs. N is anything but passive. She turns questions back on the lawyer and even interrupts him. Example (4) illustrates the ambivalence of this speaker’s style better. Note how she moves quickly to qualify—in WL—an otherwise assertive response.

(3) L. All right. I ask you if your husband hasn’t beaten him up in the last week?
W. Yes, and do you know why?
L. Well, I...
W. Another gun episode.
L. Another gun episode?
W. Yessiree.

(4) L. You’ve had a controversy going with him for a long time, haven’t you?
W. Ask why—I mean not because I’m just his daughter.

C. The speech of Dr. H, a pathologist who testifies as an expert witness, exhibits fewer features of WL than either of the other two women. Her speech contains the lowest incidence of WL features among the female witnesses whose speech we analyzed. Dr. H’s ratio of WL features is .18 for each answer. Her responses tend to be straightforward, with little hesitancy, few hedges, a noticeable lack of intensifiers, and so on. (See Table 35.1.) Typical of her speech is example (5) in which she explains some of her findings in a pathological examination.

(5) L. And had the heart not been functioning, in other words, had the heart been stopped, there would have been no blood to have come from that region?
W. It may leak down depending on the position of the body after death. But the presence of blood in the alveoli indicates that some active respiratory action had to take place.

What all of this shows is the fact that some women speak in the way Lakoff described, employing many features of WL, while others are far away on the continuum of possible and appropriate styles for the courtroom. Before discussing the reasons which may lie behind this variation in the language used by women in court, we first examine an equally interesting finding which emerged from our investigation of male speech in court.

We also found men who exhibit WL characteristics in their courtroom testimony. To illustrate this, we examine the speech of three male witnesses which varies along a continuum of high to low incidence of WL features.

D. Mr. W exhibits many but not all of Lakoff’s WL features. Some of those which he does employ, like intensifiers, for example, occur in especially high frequency—among the highest observed among all speakers, whether male or female. His ratio of WL features for each answer is 1.39, actually higher than individual A. Example (6), while an extreme instance of Mr. W’s use of WL features, does illustrate the degree to which features attributed to women are in fact present in high frequency in the speech of some men.

Table 35.1 Frequency Distribution of Women’s Language Features* in the Speech of Six Witnesses in a Trial Courtroom

<table>
<thead>
<tr>
<th></th>
<th>Women</th>
<th></th>
<th></th>
<th>Men</th>
<th></th>
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<tbody>
<tr>
<td></td>
<td>A</td>
<td>B</td>
<td>C</td>
<td>D</td>
<td>E</td>
<td>F</td>
</tr>
<tr>
<td>Intensifiers</td>
<td>16</td>
<td>0</td>
<td>0</td>
<td>21</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td>Hedges</td>
<td>19</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>5</td>
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<td>52</td>
<td>20</td>
<td>13</td>
<td>26</td>
<td>27</td>
<td>11</td>
</tr>
<tr>
<td>W asks L questions</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
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<tr>
<td>Gestures</td>
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<td>0</td>
<td>2</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>Polite forms</td>
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<td>2</td>
<td>2</td>
<td>0</td>
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<td>6</td>
<td>32</td>
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<td>5</td>
<td>0</td>
<td>0</td>
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<td>0</td>
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<tr>
<td>Total (all powerless forms)</td>
<td>103</td>
<td>27</td>
<td>24</td>
<td>85</td>
<td>47</td>
<td>24</td>
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<tr>
<td>No. answers in interview</td>
<td>90</td>
<td>32</td>
<td>136</td>
<td>61</td>
<td>73</td>
<td>52</td>
</tr>
<tr>
<td>Ratio (no. powerless forms for each answer)</td>
<td>1.14</td>
<td>0.84</td>
<td>0.18</td>
<td>1.39</td>
<td>0.64</td>
<td>0.46</td>
</tr>
</tbody>
</table>

*The particular features chosen for inclusion in this table were selected because of their saliency and frequency of occurrence. Not included here are features of WL which either do not occur in court or ones which we had difficulty operationalizing and coding. Based on direct examination only.

1. Forms which increase or emphasize the force of assertion such as very, definitely, very definitely; surely, such as, etc.
2. Forms which reduce the force of assertion allowing for exceptions or avoiding rigid commitments such as sort of, a little, kind of, and so on.
3. Pause fillers such as um, er, ah, and “meaningless” particles such as oh, well, it’s see, you know, so you see, and so on.
4. Use of question intonation in response to lawyer’s questions, including rising intonation in normally declarative contexts (for example, “thirty,” “thirty-five” and questions asked by witness of lawyer like “Which way do you go…?”)
5. Spoken indications of direction such as over there, and so on.
6. Include please, thank you, and so on. Use of sir counted separately due to its high frequency.
7. Assumed to be an indication of more polite speech.

Not typically observed in court under restrictions on language which restrict the situations under which a witness may tell what someone else said.

Source: Original data.
And you saw, you observed what?

Well, after I heard—I can't really, I can't definitely state whether the brakes or the lights came first, but I rotated my head slightly to the right, and looked directly behind Mr. Z, and I saw reflections of lights, and uh, very, very, very instantaneously after that, I heard a very, very loud explosion—from my standpoint of view it would have been an implosion because everything was forced outward, like this, like a grenade thrown into a room. And, uh, it was, it was terrifically loud.

Mr. N, more toward the low-frequency end of the continuum of male speakers, shows some WL features. His ratio of features for each answer is .64, comparable to individual B. Example (7) shows an instance of passages from the testimony of this speaker in which there are few WL features. Example (8), by comparison, shows the same hedging in a way characteristic of WL. His speech falls between the highest and lowest incidences of WL features we observed among males.

After you looked back and saw the back of the ambulance, what did you do?

After I realized that my patient and my attendant were thrown from the vehicle, uh, which I assumed, I radioed in for help to the dispatcher, tell her that we had been in an accident and, uh, my patient and attendant were thrown from the vehicle and I didn't know the extent of their injury at the time, to hurry up and send help.

Did you form any conclusion about what her problem was at the time you were there?

I felt that she had, uh, might have had a sort of heart attack.

Officer G, among the males lowest in WL features, virtually lacks all features tabulated in Table 35.1 except for hesitancy and using sir. His ratio of WL forms for each answer is .46. Example (9) shows how this speaker handles the lack of certainty in a more authoritative manner than by beginning his answer with "I guess...". His no-nonsense, straightforward manner is illustrated well by example (10), in which a technical answer is given in a style comparable to that of individual C.

Approximately how many times have you testified in court?

It would only have to be a guess, but it's three or four, five, six hundred times. Probably more.

You say that you found blood of group O?

The blood in the vial, in the layman's term, is positive, Rh positive. Technically referred to as a capital r, sub o, little r.

Taken together these findings suggest that the so-called women's language is neither characteristic of all women nor limited only to women. A similar continuum of WL features (high to low) is found among speakers of both sexes. These findings suggest that the sex of a speaker is insufficient to explain incidence of WL features, and that we must look elsewhere for an explanation of this variation.

Once we had realized that WL features were distributed in such a manner, we began to examine the data for other factors which might be associated with a high or low incidence of the features in question. First, we noted that we were able to find more women toward the high end of the continuum. Next, we noted that all the women who were aberrant (that is, who used relatively few WL features) had something in common—an unusually high social status. Like Dr. H, they were typically well-educated, professional women of middle-class background. A corresponding pattern was noted among the aberrant men (that is, those high in WL features). Like Mr. W, they tended to be men who held either subordinate, lower-status jobs or were unemployed. Housewives were high in WL features while middle-class males were low in these features. In addition to social status in the society at large, another factor associated with low incidence of WL is previous courtroom experience. Both individuals C and F testify frequently in court as expert witnesses, that is, as witnesses who testify on the basis of their professional expertise. However, it should be noted that not all persons who speak with few WL features have had extensive courtroom experience. The point we wish to emphasize is that a powerful position may derive from either social standing in the larger society and/or status accorded by the court. We carefully observed these patterns and found them to hold generally. For some individuals whom we had observed in the courtroom, we analyzed their speech in detail in order to tabulate the frequency of the WL features as shown in Table 35.1. A little more about the background of the persons we have described will illustrate the sort of pattern we observed.

A is a married woman, about 55 years old, who is a housewife.

B is married, but younger, about 35 years old. From her testimony, there is no information that she works outside her home.

C is a pathologist in a local hospital. She is 35-40 years old. There is no indication from content of her responses or from the way she was addressed (always Dr.) of her marital status. She has testified in court as a pathologist on many occasions.

D is an ambulance attendant, rather inexperienced in his job, at which he has worked for less than 6 months. Age around 30. Marital status unknown.

E is D's supervisor. He drives the ambulance, supervises emergency treatment, and gives instructions to D. He has worked at his job longer than D and has had more experience. Age about 30-35; marital status unknown.

F is an experienced member of the local police force. He has testified in court frequently. Age 35-40; marital status unknown.
"Women's Language" or "Powerless Language"?

In the previous section, we presented data which indicate that the variation in WL features may be related more to social powerlessness than to sex. We have presented both observational data and some statistics to show that this style is not simply or even primarily a sex-related pattern. We did, however, find it related to sex in that more women tend to be high in WL features while more men tend to be low in these same features. The speech patterns of three men and three women were examined. For each sex, the individuals varied from social statuses with relatively low power to more power (for women: housewife to doctor; for men: subordinate job to one with a high degree of independence of action). Experience may also be an important factor, for those whom we observed speaking with few WL features seemed more comfortable in the courtroom and with the content of their testimony. Associated with increasing shifts in social power and experience were corresponding decreases in frequency of WL features. These six cases were selected for detailed analysis because they were representative of the sorts of women and men who served as witnesses in the trials we observed in 1974. Based on this evidence, we would suggest that the phenomenon described by Lakoff would be better termed powerless language, a term which is more descriptive of the particular features involved, of the social status of those who speak in this manner, and one which does not link it unnecessarily to the sex of a speaker.

Further, we would suggest that the tendency for more women to speak powerless language and for men to speak less of it is due, at least in part, to the greater tendency of women to occupy relatively powerless social positions. What we have observed is a reflection in their speech behavior of their social status. Similarly, for men, a greater tendency to use the more powerful variant (which we will term powerful language) may be linked to the fact that men much more often tend to occupy relatively powerful positions in society.

Conclusion

In this study, we have attempted to argue that our data from studying male–female language patterns in trial courtrooms suggest that Lakoff's concept of "women's language" is in need of modification. Our findings show that, in one particular context at least, not all women exhibit a high frequency of WL features and that some men do. We have argued that instead of being primarily sex-linked, a high incidence of some or all of these features appears to be more closely related to social position in the larger society and/or the specific context of the courtroom. Hence, we have suggested a re-naming of the phenomenon as "powerless language." What has previously been referred to as "women's language" is perhaps better thought of as a composite of features of powerless language (which can but need not be a characteristic of the speech of either women or men) and of some other features which may be more restricted to women's domains.

Thus, Lakoff's discussion of "women's language" confounds at least two different patterns of variation. Although our title suggests a dichotomy between "women's language" and "powerless language," these two patterns undoubtedly interact. It could well be that to speak like the powerless is not only typical of women because of the all-too-frequent powerless social position of many American women, but is also part of the cultural meaning of speaking "like a woman." Gender meanings draw on other social meanings; analyses that focus on sex in isolation from the social positions of women and men can thus tell us little about the meaning of "women's language" in society and culture.

Notes

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1. Actually each feature should be treated as a separate continuum since there is not perfect co-variation. For convenience, we discuss the variation as a single continuum of possibilities. However, it should be kept in mind that a high frequency of occurrence of one particular feature may not necessarily be associated with a high frequency of another.

2. Names have been changed and indicated by a letter only in order to preserve the anonymity of witnesses. However, the forms of address used in the court are retained.

3. These examples are taken from both the direct and cross examinations of the witnesses, although Table 1 uses data only from direct examinations. Examples were chosen to point out clearly the differences in style. However, it must be noted that the cross examination is potentially a more powerless situation for the witness.

4. This speaker did not use some of the intonational features that we had noted among women having high frequencies of WL features in their speech.

5. We do not wish to make more of this pattern than our data are able to support, but we suggest that our grounds for these claims are at least as good as Lakoff's. Lakoff's basis for her description of features constituting WL are her own speech, speech of her friends and acquaintances, and patterns of use in the mass media.

References


Critical Thinking and Application

- Does the list of features of “women’s language” seem plausible to you? Why or why not? Would you change this list? How?
- Where besides a courtroom might you expect to find evidence of “powerless language,” and which groups would be likely to use the features of powerless language?
- O’Barr and Atkins wrote this article based on research conducted in the 1970s. Since that time, there has been considerable social change, including some change in gender roles. Gain permission to record at a trial, analyze the data using the features in O’Barr and Atkins’s analysis, and compare the similarities and differences between their results and yours. Alternatively, you could analyze trial scenes on television or in movies. This would convey people’s stereotypes about courtroom behavior rather than actual behavior.

Vocabulary

hedge          style
register        tag question

Suggested Further Reading [See list following Language and Identity; Gender unit introduction]