GENDER IDENTITY IN MIKE ROSS'S TRIAL IN THE AMERICAN TV SERIES THE SUITS

Sanni Oluwole, University of Warsaw, Poland
Mentor: Joanna Osiejewicz, University of Warsaw, Poland
https://orcid.org/0000-0001-8812-8276

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Keywords: Cross-examination, Examination, Court, Gender Identity, Performed Speech

DEFINITION OF TERMS
Hedges: Fraser (2010) sees it as rhetorical device or phrasal constructions that suggest non-commitment to a stated proposition.
Courtroom scenes: Performed acts in the law court involving lawyers, witnesses, judges, and jury.
Gender identity: Representation(s) of individual/people based on societal and cultural factors.
Cross-examination: Interrogating of witnesses by opposing lawyers.
Examination: Interrogating of witness by the supporting lawyer.

INTRODUCTION
Gender is a cultural and sociological construct that has shaped perceptions and attitudes to phenomenon. Interestingly, identity aside reflecting nationality, race, social status, and education is forcibly influenced by the gender construct which explains the inexhaustible theorizing about the way gender influences language use and constructions. Relating to this perspective is Li (2014) who posits that studies on gender and language revolves around three purviews: "gender differences in language, sexism in language, reasons for sexism and gender
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INTRODUCTION

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differences in language." Significantly, these dynamics of gendered linguistic constructions is evident in different social contexts like classroom, business meetings, and courtroom. In the courtroom, the seminal study of O'Barr & Atkins (1980) argued that women language is regarded as 'powerless language' because they are perceived to be subordinate and inferior to men. They note that female witnesses in their study used a lot of hesitations and polite forms more than their male counterparts leading them to arrive at the conclusion that 'gender meanings draw on social meanings.' These theorizing on gendered constructions spurred the assumptions underlying this study that: (a) female texts are characterized with hedging; (b) females hedge to show positive politeness and non-commitment and; (c) female lawyers might avoid confrontations and strong statements in (performed) court scenes.

Lakoff (1975) seminal study explores the linguistic patterns of women speech to include “hesitations, tag questions, intensive adverbs, compound requests, and lack of humour” a loose categorization she called “hedges”. Furthermore, she notes that women language is characterized by weaker expletives, and hypercorrect grammar; deliberately done to avoid confrontations and strong statements. These theorizing result in the linguistic construction of ‘genderlect’ which is a marked use of language characterized by empty adjectives, interrogative forms and questions, polite expressions, hedges, correct grammar; raising pitch at the end of a statement, and use of less taboo words. These linguistic patterns are the reported features of females (Lakoff, 1975). Coates (2004) added to these genderlect features to include minimal responses, yes/no questions, less interruption, less commands / imperative. It is against this backdrop that two studies on gender identity are reviewed. Hirschman (1994) study was experimentally inclined with the aim of identifying the linguistic differences in how male and female interact in conversations. Using 2 males and 2 females in a dyadic conversation that lasted for 60 minutes. The study notes that female speakers use more first person pronominal and limited third person pronominal compared to their male counterparts. Also, they note there is a high occurrence of specific discourse markers (such as fillers: mmm, and hmm) in female speech.

Drawing insights from conversational analysis, the study claimed that females interrupt more, and there are few occurrences of dysfluency in female-to-female interaction. Still in the purview of gender and language, is Zhang & Kramar (2012) study which investigates the variable of gender in the linguistic constructions of online Urban Chinese women. The participants were college students who participated in three synchronous online focus groups to discuss female-oriented topics in contemporary China. Their findings reported that urban Chinese young women talk is characterized with sharp talk, humor, lady talk, baby talk, and cursing. Sharp talk means a sarcastic manner of speaking used intentionally to appeal to their audience. Lady talk connotes gentle, tolerant, and polite expressions which they regard as the traditional expectations of women’s speech. Baby talk means tone and voice similar to little girls with the linguistic manifestation of lengthened vowels and softened consonants which they describe as indirect and informal strategy to influence listeners outside their homes. Cursing is the use of euphemistic expressions that has negative connotations. They note that humour and cursing were socially and culturally termed inappropriate in women’s speech. These studies only examined female to female interaction and not female to male interactions which suggest one shortcoming.
Performed or scripted movies and TV series also relate to the discourse on language differentials based on gender especially in the representation of the women language in the courtroom. Buttressing this viewpoint is Holmes & Meyerhoff (2005:56) study which states that “texts are examined for what they reveal, not about the author’s gender but about the author’s assumptions, about gender or more accurately, about the representation of gender that text offers up.” It is against this backdrop that this present study seeks to understand how gender identity is represented in performed and scripted genres using selected courtroom scenes in the TV series Suits. The overarching aim of this study is to investigate how female lawyers use language in performed courtroom scenes.

DATA

The TV series Suits is predominately about the legal institution, legal processes, legal tussles, legal representations, and courtroom discourse. The series has nine seasons with each season having not less than ten episodes. The study would restrict itself to Mike Ross court trial with both female and male legal representations. The choice of this court trial is because the decision and verdict of the trial influences the chain of events in the TV series as the person under trial is one of the protagonists in the TV series. The trial is about the crime of forgery leveled on the protagonist for practicing Law without a Law license or degree. In this particular trial, there were different types of interaction within the courtroom. Interaction between lawyers and their opposing counsel; lawyer and the judge; lawyer and the witness, and lawyer and the jury. The only time where there is no dialogue is when lawyers address the jury in their opening and closing statements as the jury are only expected to listen and observe the whole court proceedings before giving a verdict. Thus, the data for this study would be analysed based on all these identified forms of interactions.

THEORETICAL FRAMEWORKS

Hyland’s (2005) hedging model is adopted with insight from Fraser (1996) pragmatic markers which would account for the discourse pragmatic implications of the hedges used. Also, insight would be drawn from Schegloff, Jefferson, & Sacks (1977) conversational analysis to account for instances of interruptions, silence, minimal responses, directness, and turn taking. Hyland (2005) model of hedges involves modal auxiliaries, introductory verbs, adjectives classifications (indefinite, frequent, approximate etc), adverbs, and noun classifications (such as tentative cognition noun, nouns of tentative likelihood, and non-factive associative nouns).

Insights form Fraser (1997) involves examining the frequencies of if clauses, subjectivity markers, downgraders, tentativizers and performative hedges in the data. Hyland (2005) model of hedging includes modal auxiliaries as he argues that these auxiliaries especially will, can, may, could express uncertainty, likelihood, and probability which suggests the speaker’s non-commitment to the expressed propositions. He went ahead to enumerate the different content words that are used to show hedged constructions. He notes that verbal items like claim, propose, suggest, imply are non-factive assertions that express likelihood and indefiniteness. Similarly nouns such as proposition, assumption, possibility is either non-
factive assertive nominals or tentative cognition nouns that suggest likelihood. Furthermore, he identified numerous adverbs and adjectives that constitute hedged constructions which express probability, indefiniteness, and mitigated force: frequently, perhaps, possible etc. These examples would be examined in the performed courtroom scenes. In the analysed performed courtroom discourse, hedged constructions come in different forms:

Constructions of likelihood:

*Is it true, is it also true, isn’t it possible, is it at all possible, is it correct, do you find it suspicious, it is likely, it looks like*

From these hedged constructions the female lawyer drastically, mitigated commitment to the proposition but used these phrases and multiword constructions to convey tentativeness, indefiniteness, likelihood, and probability. In other words, the female counsel was careful not to make conclusive and committing assertions when cross-examining and examining witnesses.

Non-factive verbal and nominal assertions:

*He claims to have attended Harvard Law, You mean he never graduated from college, You mean he was someone else, I think we have heard all we need to hear, I happen to be familiar with your son’s case, I understand that in order to reopen this case Mr. Ross risked increasing his sentence to life, I think everybody in this courtroom know how they will feel, If you believe his testimonies I got a bridge over Brooklyn I would love to sell you, If you believe his testimonies I got a bridge over Brooklyn I will like to sell to you, Loaded hedged constructions:*

*If you believe his testimonies I got a bridge over Brooklyn I would love to sell you, If you believe his testimonies I got a bridge over Brooklyn I will like to sell to you, This construction contains indirectness realized through the ‘if conditional sentence.’ Also, the modal auxiliary would express the uncertainty in the female lawyer speech. Thus, this whole construction is an example of metaphoric construction of indirectly avoiding explicit commitment to the stated proposition(s), Modal auxiliaries hedged constructions:*

*May I remind you that perjury carries up to a sentence of five years, Adverbs as forms of hedges:*

*According to Hyland (2005) adverbs such as almost expresses approximation to the force of the verb which introduces tentativeness, I almost wanted to let him go, Other hedged expressions:*

*It is my understanding, to the best of your knowledge*

These expressions are subtle ways the female lawyer evades being definite. Using the construction ‘it is my understanding’ conveys a sense of probability, and likelihood. Also, using the construction ‘to the best of your knowledge’ the lawyer shifts commitment to the proposition to the witness which is a strategy of shifting responsibilities without being definite and exact.
The data is also analysed based on the different forms of interactions in the courtroom discourse.

**INTERACTION BETWEEN FEMALE LAWYER AND OPPOSING MALE COUNSEL**

There was the use of interruption and direct statements by the female lawyers. This conversational and discourse strategies contravenes existing literature (Lakoff, 1975) theorizing that females are powerless in their use of language. There was no instance of hedges but explicit conveyance of direct illocutionary force and attitude. However, this conversational pattern is a marked instance of women’s use of language which demonstrates the expression of a new women identity who wields unlimited power and can challenge authorities even in institutional settings such as the courtroom. The predominant strategy was the use of rhetorical questions which represents being armed with power as lawyers only demonstrate power in the court through the use of questions (as they are the only individuals entitled to ask questions in the court), hence, for her to use her power through her use of interruptions and questions (on her male colleagues) suggests the awareness of the power she possess and utilizing it to the fullest.

**LAWYER AND WITNESS (FEMALE WITNESS 1) (CROSS EXAMINATION)**

There are uses of hedges in the utterance of the female lawyers when they speak to witnesses from the opposing side. The use of hedges might also be because she is speaking to another woman and thus uses the ‘women language’ not necessarily to show dominance but mitigate control and achieve mutual cooperation. The lawyer uses hedged linguistic constructions throughout this interaction to show politeness and demonstrate how the gender of the addressed influences the use of language. Examples of this include:

- *I happen to be familiar with our son’s case.*
- *I understand that in order to reopen it, Mr. Ross risked increasing his sentence to life.*
- *I think everybody in this courtroom knows...*

The above sentences demonstrate a hedged manner of conveying a proposition without showing commitment. These hedged constructions show an indirect way women use language which subtly conveys uncertainty. The underlined verbs are examples of Hyland (2005) introductory verbs used to convey tentativeness and indefiniteness.

**FEMALE WITNESS 2 CROSS-EXAMINATION**

- *Its my understanding that you arranged for Mr. Specter to interview for the position currently filled by Mike Ross. Is it correct?*
- *Do you find it suspicious that Mr Ross was not listed on Harvard class ranking in his 1st year?*
- *If you are so good at your job, how will you allow someone who isn’t to the interview to get a room alone with Harvey Specter?*
- *Now we have established that Mike Ross is an imposter and we are going to find out if you are a liar.*
- *Don’t feel bad Ms. Paulsen, I feel others will do the safe thing too.*
Ms. Paulson, to the best of your knowledge did Mike Ross go to Harvard Law school or not? The witness would be excused Your Honour! I feel we have heard what we need to hear.

The line of questioning in this interaction suggests non-commitment and uncertainty. Also, there were indirect ways of conveying insults through the use of the IF conditional construction. Similarly, there is the use of the inclusive pronoun ‘we’ to avoid direct commitment to propositions and the use of hedged verbal constructions which according to Hyland (2005) is deployed by the female lawyer to show politeness and empathy to the female witness.

### CROSS EXAMINATION OF MALE WITNESS

In this specific interaction, the lawyer was direct and maximally exploits her power through her line of questioning. However, there are still instances of indirectness and hedging as used in the bolden examples which represents tag questionings (introductory hedged strategies following Hyland, 2005).

Isn't it true that 2 days ago Mr. Ross contacted you on the street outside of your office? Is it also true that Mike got your aunt a large settlement several months ago and if he gets convicted it is likely that the settlements get overturned. But you are lying because the person saying the truth won't say they not lying at all. (direct). Your honour I have had enough of this witness, he is excused and the prosecution rests. (direct).

### EXAMINATION OF WITNESSES

There was use of explicit hedging and indirectness because the female lawyer is interrogating her own witness (a male) as seen thus:

Oh wait, I am confused, why would he have to resort to that if he was a college graduate

Wait you mean he never graduated from college?

Is it at all possible that Mike Ross ever attended Law school?

This is an explicit demonstration of hedging as the direct conveyance of these questions would be: Is he a college graduate? Did he attend law school? Using such hedged construction is a female’s way of not showing commitment to the proposition (Lakoff, 1975).

### INTERACTION WITH THE JURY

The explicit demonstration of hedges and indirect language is demonstrated when the female lawyer addresses the jury who are the people that issue the verdict. Hence, she utilizes all their ‘women language’ to sway the emotions of the jurors to decide in her favour. In this interaction, the lawyer also uses discourse markers to show uncertainty as seen below:

Well it is an interesting thing, really how criminals can play with our emotions

In the expression, the use of the discourse marker ‘well’ suggests hesitation and uncertainty to the next statement to be said. The lawyer did not explicitly call the accused a criminal but indirectly suggested that. Also, the female lawyer constantly uses exclusivity to show non-commitment and the use of subjectivity markers through the use of the phrasal construction ‘I think’.
LISTENING TO HIS CLOSING ARGUMENT I ALMOST WANT TO LET HIM GO MYSELF
I THINK I AM GONNA I AM GONNA PRETEND TO BE A LAWYER
MIKE ROSS THINKS HE IS BETTER THAN YOU
HE THINKS HE DOESN’T HAVE TO PLAY BY THE SAME RULES

DISCOURSE MARKERS IN THE COURTROOM SCENES

Drawing insights from Fraser (1996) categorization of discourse markers which include: topic change marker, contrastive marker, elaborative marker, and inferential marker. These markers are closely linked to power and domination in conversations as it is used by those in power (through turn taking and interruptions) to direct the narratives and events in a conversation.

In the performed courtroom scenes, the female lawyer uses these markers:
**So** Trevor could lie but you won’t lie from your end. *(Topic change marker)*
**So** Ms Paulsen to the best of your knowledge *(Elaborative marker)*

INSIGHTS FROM CONVERSATIONAL ANALYSIS

Throughout the trial the instances of interruptions were from the female who interrupted the defense lawyer more than three times. Such conversational strategy suggests power and willingness to take turns without waiting for turn allocations. Also, silence was mostly displayed by the judge (female) whenever the female counsel interrupts. This conversational strategy might affirm the ‘powerless women language’ as the judge always rules in the favour of the male counsel when they are interrupted. The language of the female lawyer to opposing counsel was marked with directness and use of interrogatives. Overall, the statements of the female lawyer were not characterized with pauses, hesitations, stammers which are conversational features of powerless participants. Thus, there seems to be a revamp of the perception of gender identity in these interactions as the female lawyer was being direct and confrontational in the courtroom. Instances of direct language are:

*What?*
*Co counsel? What planet are you on?*
*I want them waiving all rights to a mistrial and I want it on record.***
*He is a liar*
*He did not go to college*
*There is no record of his enrollment, no applications to Law school...*
*He didn’t commute to Harvard one day a week as he laughably claims*
*Mike Ross is a fraud*
*Did he say he was someone else?*
*Are you going to recant your testimonies?*
*The only instance when the lawyer was polite was when addressing the judge through the use of the honorific ‘Your honour’*
DISCUSSION AND CONCLUSION

The female lawyer use of hedges is done nebulously and dexterously as a face protection strategy to disclaim responsibility and subtly emphasize non-commitment to the validity of a proposition which is needed in the adversatorial/adversarial legal system. Thus, the hedged constructions used were to subtly convey shared knowledge and gain reassurance on the validity of a statement. Expressions like ‘it is true’ ‘claim’ ‘isn’t it possible’ ‘I think’ ‘Is it correct’ are strategies of indirectness and hedges although, the phrasal construction ‘I think’ seems to be the most prevalent hedging strategy. From the analysed data, female lawyer hedged to achieve linguistic imprecision although this was done confidently.

Hedge is a flexible resource used not necessarily to signal powerlessness but to achieve intended outcomes thus, hedged constructions are context dependent in terms of sociolinguistic interpretations. Hedges though used by the female lawyers as ‘verbal fillers’ to allow for ‘linguistic planning time’ is also used for ‘intratextual coherence function’ to yield the floor in addition to being used as an ‘interactive pragmatic device of inviting the addressee’ into the conversations. However, these hedged constructions demonstrate the female lawyer confidence of alluding specifically to the context of the utterance.

In conclusion, while performed and scripted use of language might not reflect spontaneous and natural linguistic phenomenon. Performed acts also represent instances of language use because movies’ propensities of influencing individual beliefs and values are enormous (Cape, 2003).

REFERENCES