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Losing Portia's Voice: The Metapragmatic Evaluations of "Quiet" and "Loud" Female Law Students in US Mock Trial Competitions

In US law schools, students not only learn how to "think" like a lawyer (Mertz 2007), but they also learn to "sound" like one using proper voice qualities. This article analyzes the discourses of mock trial judges who admonished female law students for their perceived lack or excess of acoustic amplitude or speech volume. Rather than explicitly comment that female law students sounded too "quiet" or too "loud," however, the judges used two different discourses to comment on female law students' voice quality. They employed direct metapragmatic discourse, voicing female law students in their role as attorneys, to negatively evaluate their low speech volume. Alternatively, the judges applied storytelling as an implicit metapragmatic discourse to comment on female law students whom they perceived as speaking too loud, articulating gendered ideologies about courtroom language that suggest that loud women break norms of courtroom speech decorum. An investigation into the metapragmatics of voice quality thus reveals that the mock trial experience can be doubly marginalizing for female law students: direct metapragmatics associates their low volume with weakness, and implicit metapragmatics associates their high volume with negative, unfeminine, and unlawyerly traits. [law school socialization, language socialization, gender socialization, metapragmatics, non-modal voice, voice quality]

Introduction

Portia is the smart, beautiful heroine in Shakespeare's play, *The Merchant of Venice*, who outwits the play's villain, Shylock, in a court of law. Portia showcases her canniness and cunning wit not as a woman, however, but in a man's disguise. For many women who attend law school in the United States, Portia's gender disguise is a fitting metaphor for their socialization into the male-dominated legal profession. Achieving success in law school entails "becoming gentlemen" (Guinier, Fine, and Balin 1997), acquiescing to academic, social, and behavioral expectations structured around masculine privileges hidden behind a veil of institutional objectivity. Portia's fictional success in the courtroom, therefore, does not represent the reality of many female law students, for whom law school is a story of academic and professional marginalization, social alienation, and personal disillusionment (Carrington and Conley 1977; French-Hodson 2014; Homer and Schwartz 1990; Kindschy, Perrin, and O'Neil 2014; Krakauer and Chen 2003; Mullins and Leong 2011; Neufeld 2005 ; Peralta 2015 ; Purvis 2012 ; Schwab 2003). Female

students in law school have no choice but to modify their gender behavior (Guinier et al. 1997).

This article asks how gender socialization accompanies legal socialization in mock trial competitions. It draws on research on language socialization in classrooms, which has shown that “language play” plays an important role in the development of social identity and its attendant hierarchies in the classroom (Pomerantz and Bell 2007; Ramirez-Verdugo 2005; Silverstein and Urban 1996). Through language play activities such as mock trials, law students learn to set up institutional boundaries between the social world and the legal world, and the social actors and legal actors that respectively inhabit these separate domains. Whereas research on law school metapragmatics emphasizes the explicit pedagogical discourses of “thinking” and “speaking” as a lawyer (Mertz 2007, 3) through the use of specialized legal language (Tiersma 2000), the marginalization of female law students points to a negative consequence of legal language socialization: Law students learn that there are certain *improper* ways of speaking the legal language, improper ways that are linked to notions of proper and improper speech for women and men. In other words, law students are socialized into “a kind of noncitability” (Goodman, Tomlinson, and Richland 2014, 458) that is closely associated with gendered norms of public speaking.

The mock trial judges analyzed in this article used both explicit and implicit discourses to categorize the perceived voice quality of female law students as improper ways of speaking in the courtroom. On the one hand, they used direct discourse to critique “quiet” mock trial participants, a metapragmatic perception of voice quality conveyed by quoting their speech using low amplitude. On the other hand, the judges used implicit discourse in the form of storytelling to compare the high amplitude of “loud” mock trial participants with overly aggressive prosecutors and witnesses, thereby casting the participants in a negative light. How female law students in mock trials were variously critiqued thus reveals that “the courtroom metapragmatic work cannot be fully understood without connecting it to other talk outside the courtroom about language use” (Philips 1999, 255), as well as to the ideologies associated with this “other talk.” If, as Agha has noted, “the unity of a register of speaker gender derives not from aspects of language structure but from a metapragmatic model of language use” (2007, 159), this article shows that institutional metapragmatics and the social metapragmatics of gendered language imbricate themselves in the linguistic socialization of female law students.

Discourse Analysis of Voice Quality and Gender

This article applies the lens of discourse analysis to interrogate the socializing power of judge evaluations in mock trials. The judges’ evaluations expose the bonds between institutional practices of language socialization and broader gender ideologies. I analyze these bonds by focusing on how mock trial judges comment on the voice quality of female law students during their performance as trial advocates. I bring together two strands of research that help examine the relationship between the perceived voice quality of female law students and gendered behavioral expectations, strictures, and transgressions: (1) the ideologies and (2) the metapragmatics associating voice quality with gender.

First, several researchers at the intersections of sociolinguistics, interactional analysis, and linguistic anthropology (Chun 2000, 2004; Inoue 2003, 2004) have expanded the analyses of perceived voice quality by focusing on its ideological functions in verbal interaction. Their research has shown that the acoustic production of the human voice, and its felicitous reception or lack thereof by interactants, is always mediated by historically contingent, social ideas of language use. Research on the links between perceived voice quality and speaker gender has long highlighted the functions of sociophonetic features as semiotically marked linguistic devices used to materialize and transmit stereotypical expectations of gendered speech behavior. For example, male speakers are expected to speak in monotone while female speakers

are expected to have greater pitch variability (Aronovich 1976; Henton 1989); or women may be expected, in certain situations and social contexts, to speak in a higher vocal pitch (van Bezooijen 1995). This body of research associating perceived voice quality with gender stereotypes helps better understand the evaluation of female participants in mock trials, as it helps document the “gender implicatures” (Wijayanti 2016) of perceived deviations from presupposed ideals of acceptable courtroom speech behavior.

Second, judge responses to female law students’ voice quality constitute a “metapragmatic” system of linguistic evaluation, featuring social stereotypes of gendered speech. In general terms, “metapragmatics” refers to the ways that individuals characterize the social meaningfulness of, or an act achieved by, the utterance by another speaker (Agha 2007, 19; Silverstein 1976, 54). In the present case, metapragmatics refers to how mock trial judges produce and project the proper voice of lawyers in contrast to the improper voice of female law students. By articulating notions of proper and improper speech, judges rationalize the use of courtroom language in broad sociocultural terms, anchored to “how language makes people feel” (Hill 2008, 40). Metapragmatic discourse can be both explicit and implicit. It may explicitly rationalize the pragmatics of language use through institutional discourse that include verbs of saying. A mock trial judge may, for example, tell a law student not to say “I would like to” admit evidence because it shows lack of assertiveness. More often than not, metapragmatic discourses are conveyed implicitly. Such implicit metapragmatics is common in educational settings where educators often avoid explicitly stating that a certain pronunciation or grammatical formulation is correct or incorrect. Instead, they implicitly convey ideas of correctness and incorrectness by producing “metapragmatic models” of proper speech, such as when a teacher uses grammatically correct Spanish phrases in a Spanish language class (Pomerantz 2007, 253). This article shows that mock trial judges respond to the voice quality of female law students through both explicit and implicit metapragmatic discourse.

In what follows, I investigate how judges talked about the perceived voice quality of four law students, “Amber,” “Jane,” “Kristen,” and “Judy,” during post-trial evaluations. Judges used direct metapragmatic discourse to comment on the low amplitude of Jane and Kristen, whose voice was explicitly contrasted against the judges’ own assertive voice. Alternatively, judges used implicit metapragmatic discourse to comment on the high amplitude Amber’s and Judy’s speech. Judges achieved this implicit discourse through the telling of vivid courtroom stories aimed at conveying a moral or didactic message. In these stories, judges caricatured the harsh, meaningless, or sexualized voice quality of overly aggressive female prosecutors and criminal defendants. Through semiotic processes of (1) sonic “reduction,” (2) “scaling,” and (3) “displacement,” these negative voice qualities were simultaneously ascribed to Amber and Judy. By superimposing undesirable, gendered characterological figures over the voice of Amber and Judy, the judges effectively transformed the latter from institutional subjects with the agentive “will to [referential] language” (Inoue 2004, 47) to inarticulate objects of ridicule and criticism. Through both direct and implicit metapragmatic discourses, judges conveyed pedagogical lessons on proper and improper ways of speaking in the courtroom at the expense of the targeted female law students.

Investigating Legal Socialization within Mock Trial Competitions

Unlike other research that has looked at language socialization in law school lecture classrooms (Mertz 2007; Philips 1982), this article explores language socialization in mock trial competitions which are conducted outside the classroom and are led by students, alumni, and legal practitioners without contractual relationship with the law school. While pedagogical practices in the law school classroom play a critical role as “an institutional site of socialization to the legal register” (Agha 2005, 55), it is

not the only site of socialization for law students. Within the broader cultural scheme of the law school curriculum, students follow diverse “trajectories of socialization” (Wortham 2005, 97) in and outside the classroom. In fact, out-of-class activities, such as “student-managed case clubs, or moot courts” (Brown 1959, 182) or “debating court” (Harvard Law School Association 1918, 73) have long played a central role in legal education. In these spaces, law professors are markedly absent, not being involved in professional “modeling of any kind outside the classroom” (Tamanaha 2012, 31). In mock trials, the judges take over this pedagogical, modeling role.

This article focuses on mock trial judges’ use of modal and non-modal voice qualities as a key tool in their negative evaluation of female law students. Non-modal voice qualities include changes in intonation pattern, fundamental frequency or pitch, and acoustic amplitude or speech volume. These qualities combine to produce acoustic signals that deviate from modal or “normal-sounding” speech, leading to the perception of harshness, aggression, and other voicing effects (Chafe 2002; Lempert 2012). Participant observation and review of the mock trial recordings revealed that, among the various aspects of the female law students’ voice quality, judges isolated their speech volume for particular critique. I use a modified version of transcription conventions used in conversation analysis (see Appendix; Jefferson 2004) to pinpoint how judges compared and contrasted courtroom modal speech volume to the non-modal speech volume ascribed to the female law students, bringing into play “the cultural politics of imagery and representation” (Rampton 2006 19) of gendered speech. Through judge evaluations, female law students internalize non-modal voice as a negative trait that they must avoid as women in the courtroom. Yet at the same time, they find it hard to divest their legal voice from a gendered interpretation by judges. As the data below show, female law students transmit these negative gender speech associations and predicaments to other female students as they come to act as judges themselves.

The data presented in this article are based on research conducted during the 2013 academic year at Bramble Law School (BLS), a private law school in the US state of Michigan. BLS’s student-run Mock Trial Club organizes several mock trial competitions, varying in level of difficulty, throughout the academic year. The transcripts below derive from three of these competitions. The First Year Competition (FYC), held in June, is a “beginners” competition, designed to introduce first-year law students to the fundamental procedures of a jury trial. The Evidence Competition, held earlier in March, is open to students who have taken the evidence course and focuses on applying the principles and rules of evidence in the courtroom. Both the FYC and the Evidence Competition were judged by a combination of upper-class members of the Mock Trial Club, BLS alumni employed as defense attorneys or working for local trial courts or at the prosecutor’s office, and professors who have taught trial advocacy and evidence courses. By contrast, the Invitational Competition, held in July, is the most complex and “realistic” competition and presided over by practicing courtroom judges invited to adjudicate the competition rounds.

The three competitions were held on Saturdays, starting at nine in the morning and lasting until past nine in the evening when the winner or winning team was announced and commemorative photos were taken. They all consisted of two round-robin rounds, a semifinal round, and a final round. At the end of each round, the presiding judge gave oral feedback on the performance of each of the competitors. During these feedback sessions, which are open to the public, the judges often commented on the volume of female law students’ speech, whenever it seemed for them to be either too high or too low. As detailed in excerpts from the competitions, the judges used direct and implicit metapragmatic discourses to convey their ideas of proper, lawyerly courtroom speech volume.

Direct Discourses on "Quiet" Female Law Students

When judges deemed law students' speech volume to be too low, they tended to directly quote examples of their silent speech during the course of the trial. Excerpt 1 gives an example of Judge "Aspen," a recent graduate from BLS, commenting on the low volume of "Jane," a first-year student.

Excerpt 1: On Jane's Weak Voice, Evidence Competition

1	Judge Aspen:	As far as demeanor with you? You gotta, you gotta be more
2		assertive.
3	Jane:	Okay.
4	Judge A:	Okay? ((...)) You know like you objected to one thing and then
5		you changed your obje- I'm like wh- wh- so what are you
6		objecting to you know. If you wanna object to something,
7		object to that. You know? and stick with it. You know you
8		gotta be, you gotta be more assertive in what you're saying.
9		There's a couple of times you were
10	→	like, ((in a higher pitch, "weaker" tone)) °we:ll° ((previous
11	→	voice)) you know I thi:nk u:r you know I'm like NO. Either it
12		is or it isn't.
13	Jane:	Yeah.
14	Judge A:	Even if you don't. No shit. say it like it is. You know who- who
15		cares. I- if you sound, confident nobody will ever know the
16		difference, really you know? So, um, be assert- be more
17		assertive.

In this excerpt, Judge Aspen connects Jane's inability to articulate a clear evidential objection during the trial to a state of indecision indexed by her use of the hedge "I thi:nk" and hesitation form "we:ll," the latter of which Judge Aspen directly quotes through his use of the colloquial quotative "like" (lines 10–11) and voices with a higher pitch and lower volume. Jane herself, who became a judge in the following First Year Competition, commented on the low-volume speech of another female law student, "Kristen," using a very similar discourse tactic as Judge Aspen. In excerpt 2, she directly quotes Kristen's courtroom performance using the quotative "like" while commenting on the indecisive way that she ended her closing argument.

Excerpt 2: "Give my client a verdict of not guilty," FYC

1	Jane:	And the only thing on your closing? When you're asking for the
2		verdict? ((snaps finger)) ask for that verdict like, it IS the law.
3		Say it like, give my client a, verdict of not guilty.
4	Kristen:	Okay I think I asked=
5	Jane:	→ =you were like, ((high pitch)) high a little like, ((strained vocal
6		→ cords, slurring)) °gi:v:y:r:: verdict not guilty° ((previous
7		→ voice)) like that is your weakness, the moment of your, like
8		your closing was like really, tough, strong, and then it was the
9		→ only one where it was like, ((high pitch, strained vocal cords))
10		a:h
11	Kristen:	Okay.

Kristen's attempted response in line 4 shows that she interpreted Jane's criticism to refer to the content of her utterances; for she did end her closing argument with the proper formulation as defense attorney: "give my client a verdict of not guilty." But Jane's interrupting response makes it clear, through her use of the quotative "like" (lines 5 and 9) that she was referring to Kristen's high-pitched, strained voice quality rather than the words she uttered. In the three months that passed between the

Evidence Competition and the First Year Competition, Jane had already internalized Aspen's comments on her voice as a "weakness" (line 7). Now as judge, she had learned to listen to non-modal voice quality and transmit the same message to another "quiet" female student.

Although Judge Aspen did not directly refer to Jane's gender in his evaluation, Jane does mention gender to shape her comments to Kristen. Jane's awareness of the link between gender, voice quality, and metapragmatic evaluation is apparent in excerpt 3, when Jane admonishes Kristen to "act confident."

Excerpt 3: Jane Admonishes a Competitor, FYC

1	Jane:	Starting with, opening statements, and just throughout the
2		whole thing? Even if you, don't feel confident? just act
3	→	confident it helps a lot like, (1.0) I found you broke
4	→	character? ((...)) I could tell, in your face (.) which is fine. But
5		just in real life? when the jury's looking at you they're gonna be
6		like, oh my god that girl, she like (.) you don't want them
7		((unintelligible)) to think like, oh my god she didn't know what
8		she was doing.
9	Kristen:	Okay.
10	Jane:	But they won't know. cause juries have like, the mind of a
11		twelve-year-old. so.
12		((Laughter))
13	Jane:	If you don't tell them, they won't know.
14	Kristen:	Yeah.
14	Jane:	So, um, (1.5) careful on saying when you admit evidence? may
15		I ple:ase or (1.5) just say, (1.5) I move to admit. or (.) may I,
16	→	approach. May I (.) like very firm- especially when you're a
17	→	woman too? cause it just sounds like, (2.0) ((high pitch)) ° can
18	→	I please come in there° ((normal voice)) you know just, like
19		(("confident" voice)) may I approach↓ May I admit↓ You
20		know, sounds better.

Unlike Judge Aspen, Jane makes a direct reference to gender ("especially when you're a woman too," lines 16–17), and associates it with a low-volume, high-pitched voice ("can I please come in here," lines 17–18). Jane's reflexive, metapragmatic feminization of this voice quality conveys the message that female mock trial participants should avoid using it in the courtroom if they want to avoid "breaking" their lawyerly "character" (lines 3–4).

Indirect Stories of "Loud" Women in the Courtroom

Contrary to the metapragmatic discourses that the mock trial judges used to comment on law students speaking in low volume, they used a more elaborate narrative to comment on female law students whom they perceived as speaking with excessive, high volume. This narrative involved three major semiotic steps: First, a *reduction* of the female law student's voice to the acoustic materiality of her sound. Second, the *scaling* of this sound through the telling of various kinds of legal and social stories populated by vivid characters. And finally, the *displacement* of the female law student's voice into the voice of negatively portrayed characters in these stories.

(1) *Sonic Reduction to Meaningless Sound*

In order to comment on the loudness of a female law student, mock trial judges isolated the sonorous properties of her voice. This isolation was achieved by voicing the target law student in such a way that acoustic amplitude became the focal point

of attention. Excerpt 4, featuring Judge "Birch," a practicing judge, and "Amber," a recent BLS graduate working at the prosecutor's office who was observing his mock trial, is a vivid example of mock trial judges reducing female participants' "will to mean and signify something in a rational manner" (Inoue 2003, 167) into pure, senseless sound.

Excerpt 4: Meaning Reduced to Sound, Invitational Competition

- | | | |
|----|-------------------|--|
| 1 | Club President: | Judge Cypress is coming for the finals. |
| 2 | Judge Birch: | Oh you talked him into it, huh? |
| 3 | | ((Laughter)) |
| 4 | | → Oh Amber gives you the good red-head smile, |
| 5 | | ((Laughter)) |
| 6 | | → ((In a high pitch, teasing tone)) she gives you little puffy |
| 7 | | cheeks? |
| 8 | | ((Attenuated laughter)) |
| 9 | | She says, ((with an undulating, low-high-low-high [ə] vowel)) |
| 10 | | → ju::dge? |
| 11 | | ((Attenuated laughter)) |
| 12 | Prosecutor Amber: | I'm the same way in court, right? ((breathy, high-pitched tone)) |
| 13 | | Just a little smile, |
| 14 | Judge B: | → Ooh, let me tell you- let me tell you about Amber. |
| 15 | | ((Laughter)) |
| 16 | | → And the- and the defense attorney that was getting on her, |
| 17 | | <u>nerves</u> . |
| 18 | | ((Laughter)) |
| 19 | | (0.8) |
| 20 | | She, lit him up. |
| 21 | | ((Attenuated laughter)) |
| 22 | | → Like, Amber you're supposed to be, one of- not- you're |
| 23 | | supposed to be, (2.0) sweet and nice and kind. Aw man she |
| 24 | | → was RRRURRRURRRURRRURRRURR |
| 25 | | ((Laughter)) |
| 26 | | → RRRURRRURRRR, GRUMBLE GRUMBLE grumble |
| 27 | | grumble. |
| 28 | Amber: | You said it. Amber don't play. You said it right? |
| 29 | Judge B: | → Yes, she doesn't play she quit school 'cause they had recess. |
| 30 | | ((Attenuated laughter)) |

In excerpt 4, Judge Birch gives an account of Amber's past courtroom performance but, instead of quoting the words she uttered, he reduces her utterances to pure, guttural sound, later grammaticalized into the onomatopoeic phrase, "GRUMBLE, GRUMBLE, grumble, grumble" (lines 26-27). Through such "degrammaticization" (Voloshinov 1973 [1929], 126), the judge filters all intelligibility out of Amber's voice. To the extent that Amber's voice is dispossessed of language and thus of her intelligibility as a proper "conveyor of orthographic texts" (Inoue 2003, 164), she is also denied institutional agency as a legal subject. Instead, her non-modal voice quality acquires an affective meaning as the physical expression of an overachieving personality, as line 26 suggests: A student "quit school" when they were just having "recess."

Judge Birch's reduction of Amber's voice in this fashion is closely linked to her identification as a woman. In lines 2-10, Judge Birch comments on the fact that Amber had persuaded Judge "Cypress," another judge in the local court, to participate in the Invitational Competition. The judge begins by using a high-pitched tone to teasingly describe Amber's facial expression in her attempt to persuade Judge Cypress ("good red head smile," at line 4; "puffy cheeks," at lines 6-7). He then gives a voice to Amber's facial expression when he ostensibly quotes her addressing Judge Cypress, a male judge, with an undulating, seductive "ju::dge" (line 10) Among two possible contrastive voices, Amber's prosecutorial voice and her feminine voice, it is

the latter that is expected of her to have used, that is, for Amber to have been “sweet and nice and kind” (lines 22–23) to convince Judge Cypress to participate in the Invitational Competition. Having been drawn from the verbal repertoire of this larger heteronormative matrix, Amber’s “grumbling” and growling in the courtroom is inappropriate because it transgresses an implicit expectation that she be “sweet and nice and kind” in the courtroom. Noteworthy in this respect is the fact that no male mock trial participant observed in this study was similarly mocked for the loudness of his voice. It may have been less remarkable for male lawyers to project a similar, “growling” kind of loudness. Loudness may be positively associated with male lawyer roles, projecting toughness and perseverance, as portrayed in movies such as *A Few Good Men* and *A Time to Kill*.

To the extent that Amber simultaneously projects her sensuality and, unlike her male counterparts, breaks norms of courtroom speech decorum, her abilities as prosecutor is diminished in turn, as is apparent by the jocular tone of the storytelling and by the laughter this story elicits among the audience members. The pedagogical effect for the members of the audience is achieved indirectly: Judge Birch implicitly defines verbal norms of *proper* courtroom behavior through his non-modal voicings of Amber’s feminine sensuality and her overachieving loudness in the courtroom, a loudness that is excessive *because* Amber is a woman.

(2) Narrative Scaling to Familiar but Distant Worlds

Line 14 in excerpt 4 above points to the second major feature of how judges commented on the high volume of female law students. The sonic quality of Amber’s voice became an occasion for the telling of a story (“let me tell you about Amber”), in this case an undefined courtroom scene where Amber’s opposing defense counsel was “getting on her nerves” (lines 16–17). Other judges also treated the material quality of female law students’ high amplitude as an iconic index (Silverstein 2004, 626; Mertz 2007, 245) or tropic emblem (Blommaert 2015, 11) occasioning the telling of vivid, elaborate stories separated in time and space from the mock trial’s present moment of the telling. Excerpt 5 shows Judge Cypress at the end of the final round of the Invitational Competition addressing the audience with the telling of the play, “Cyrano de Bergerac,” to convey the importance of staying calm before a combative witness. The high volume of his voice in the telling of this story made it apparent to one of the finalists, Judy, that this story was indirectly targeting the loudness of her voice during the trial.

Excerpt 5: Cyrano de Bergerac

- | | | |
|----|----------------|---|
| 1 | Judge Cypress: | Whoever saw the play, Cyrano de Bergerac? ((Silence)) Okay? |
| 2 | | Of course not. |
| 3 | | ((Laughter)) |
| 4 | Judge C: | ((...)) Cyrano de Bergerac is the guy who is hideous looking. |
| 5 | | and he uses HIS words because he is in love with the princess |
| 6 | | Roxanne, okay? And the handsome soldier, Christian, likes |
| 7 | | Roxanne. And it’s Cyrano’s words, that he feeds to Christian. to |
| 8 | | woo Roxanne. Okay? And Roxanne is in love with the words |
| 9 | | being used. But Cyrano the author of the words is hideous, |
| 10 | | okay? Hideous looking. So, (1.0) when Roxanne confronts him, |
| 11 | | (1.0) she, starts asking him, and you were the one that said this- |
| 12 | → | he screams no. And you were the one who said that. He |
| 13 | → | SCRE:AMS no. And YOU were the one that said this. And he |
| 14 | → | says, °no°. She- she goes and why so great a no. Okay in other |
| 15 | | words, it’s almost silent. but it is communicating the same |
| 16 | | thing. Everybody follow me on that? |
| 17 | | ((Several students answer in unison, “mhm”)) |
| 18 | Judge C: | So use that, when you really are, hammering down |
| 19 | | ((unintelligible word)) witness that’s doing you no goo- that |
| 20 | | isn’t, really helping you but you really want to battle whip |

(Continued)

- 21 them? Slow so slow? Pop in a hard question, pop in a loud
 22 voice? But let the jury SOAK it in. (0.5) Rather than being,
 23 more concerned about, oh man there's a fight about to break out
 24 call the deputies here you understand?
 25 ((Attenuated laughter))
 26 Alright. So. that's [another thing=]
 27 Judy: → [I ((wasn't that)) loud?]
 28 Judge: → =that- that I noticed, that **you wanna [make sure you]**
 29 **don't get yourself so revved up.**
 30 Judy: → [((unintelligible))]

Judge Cypress's storytelling has a didactic message, which he spells out in lines 18–24: vary the tone of your voice, and avoid being caught in a loud, “revved up” state (line 29). This message is carried through the contrastive way by which he indirectly or directly quotes de Bergerac's voice quality: “He SCRE:AMS no”; “And he says, °no°” (lines 12–14). Aware that the story is in response to her performance, Judy interrupts Judge Cypress, complaining that she was not that “loud” (lines 27, 30). The judge ignores her complaint and completes his didactic lesson (lines 28–29).

This was not the only judge from whom or competition in which Judy was cited for the apparently high amplitude of her voice. During the first round of the Evidence Competition held four months earlier, Judge Aspen, the same judge who criticized Jane's low speech volume in excerpt 1 above, comments on Judy's closing argument critiquing her voice for never coming “back down” from a steady, excessively high volume.

Excerpt 6: “Jacob Silj,” Evidence Competition

- 1 Judge Aspen: → You went from zero to a hundred and **you never came back**
 2 **down.** Okay not even when you said, thank you.
 3 ((muffled laughter))
 4 → **Like- like THANK you.**
 5 ((laughter))
 6 Like walked there and stormed off. It's like=
 7 Jane: =God=
 8 Judge A: =Okay hh? You know like, (0.5) just sa- I- I'm being- I'm being
 9 dead serious. Before you stand up to- to do anything. ((inhales))
 10 .hh take a deep breath. Because I know some of it's nerves.
 11 Okay- I know it is.
 12 Judy: Mhm.
 13 Judge A: That's why, (0.5) I mean (0.5) Ben used to do it, too. He
 14 → used to- I mean **his VOICE.**
 15 Judy: Mhm.
 16 Judge A: Like have you ever see- .hh Have you ever seen that SNL
 17 → with- with Will Ferrell he's like ((in a breathy tone)) °**I suffer**
 18 **from voice immodulation.**°
 19 ((laughter))
 20 → Yeah he's like. ((in a breathy tone)) °**I have trouble**
 21 **controlling the tone of my voice.**° Right that's=
 22 Judy: =mhm=
 23 Judge A: =what I felt like through a lot of it, you know so, just take a
 24 deep breath (0.5) relax and, say what you gotta say. Okay?

In excerpt 6, Judge Aspen occasions the voice quality of Judy's final remark in her closing argument to the jury, "THANK you" (line 4), to link two different stories featuring ostensibly the same non-modal voice quality. In the first story, Judge Aspen likens Judy's excessive amplitude to the voice quality, "his VOice," of "Ben" (lines 13–14), who was his partner during a national mock trial competition that they had participated in as BLS students. The second story links Judy's voice with a retelling of an episode of the American comedy show, *Saturday Night Live*, aired in 2001, in the weekly news section where actor Will Ferrell played a "US State Department Attaché" named "Jacob Silj," who suffered from a parodic medical condition called "voice immodulation" (line 18) (*Saturday Night Live* 2013). Silj's steady, high amplitude is marked by that term and not by the volume of Judge Aspen's voice, which stayed breathy as he quoted Silj. Significantly, Judy's ascribed excess of amplitude was as much a manufactured figment of the judges' narratives as something that could be objectively quantified and verified. As excerpt 7 shows, contrary to Judge Aspen's characterization, Judy's actual "thank you" during her opening statement was barely audible (lines 14–15).

Excerpt 7: Judy's actual "thank you," Evidence Competition

1		How much does a six-pack? and some lottery tickets cost (0.5) six dollars?
2		eight dollars (.) twenty dollars? (1.0) Well you'll all find out because
3		testimony will show you (0.5) that it costed (1.0) an innocent security
4		guard's life in pursuit of stealing some lottery tickets and some beer. Good
5		afternoon ladies and gentlemen, my name is Judy Bark, (1.0) a:nd you're
6		hear today to hear a story and the point of that story, is for you to
7		determine, what is reasonable and who is honest. (1.0) And the facts that
8		you will hear will describe a story. A story about an unjustified killing,
9		((continues opening statement))
10		((approximately 3 minutes 30 seconds later))
11		And that (0.5) so listen carefully to the facts. presented to you and be
12		mindful what you consider reasonable and who you consider honest. And
13		it will be ea- very easy for you to conclude and the end of this trial. that the
14	→	defendant (0.8) is guilty of felony murder ((in a barely audible, creaky
15		voice)) °thank you.°

Excerpts 5 and 6 show that non-modal voice quality not only triggers metapragmatic commentary, but it further allows judges to invoke broader social contexts by using their "scale affordances" (Blommaert 2019, 2) to tell stories with various degrees of space-time displacement from the present moment of storytelling (Goebel and Manns in press). Such "interscalability" notwithstanding (Carr and Lempert 2016, 14), excerpt 7 suggests that Judge Aspen's and Judge Cypress's ascription of Judy's high amplitude does not make it an objective fact. Other judges in various competitions did not comment on her volume; at least, her volume did not always count against her. She and her teammate, for example, had won the First Year Competition.

(3) Role Displacement as Disingenuous Women

Not only was Judy's closing remark, "thank you," uttered in a creaky voice, it was also delivered during the opening statement at the beginning of the trial, and not during the closing argument at the end of the trial as Judge Aspen claimed. This disconnect between Judy's actual utterance and Judge Aspen's comments points to a third major characteristic of the metapragmatic narratives addressing the high volume of female law students. Despite the differences in genre and media, the stories of Cyrano de Bergerac, Jacob Silj, Amber the Prosecutor, and Ben at the national mock trial competition all share a hyper-real, fictive quality that was as

much about provoking an affective reaction among audience members as it was about documenting an objective observation of past events. They share a liminal space that is not real but is not false either, an ideological space that is precipitated in the fusion of fact and social value (Dumont 1980). This ideological space takes on an "aesthetically heightened textual form" (Silverstein 1993), characterized by "an intensification of formal reflexivity, memorability, and repeatability . . ." (Bauman 1996, 324–325). As such, the iconic-indexical qualities of the human sound allow judges to place their mock trial stories on different narrative scales, casting them in a fantastic light for pedagogical effects.

But these are not any random, idealized fantasies but "certain sanctioned fantasies, sanctioned imaginaries" (Butler 2011 [1993], 89) that are institutionally elevated, for what matters in these stories is less about representing facts than about articulating relations between legal and non-legal actors in the institutional knowledge of the world. The voicing contrasts in these stories animate various figures of personhood—recognizable stock characters—whose juxtaposition is structured in a way that reflects established regimes of legal knowledge and legal processes.

Specifically, judges tell conflict stories in the courtroom between lawyers and witnesses. In the stories told in excerpts 8 and 9 below, which followed soon after Judge Cypress told the story of Cyrano de Bergerac to indirectly target Judy's high volume, Judy's voice is displaced from the lawyer to the witness, who is characterized as female and insincere. Excerpt 8's story was a response by Judge Cypress to a question posed by the President of the Mock Trial Club at the end of the final round, asking for suggestions on dealing with "combative" witnesses.

Excerpt 8: From "Sing-Songy" to "WHAT," Invitational Competition

- | | | |
|----|---|---|
| 1 | | Try to drag the judge into it. And don't battle the witness too |
| 2 | | much. (0.5) I had a case? where I was defense counsel aggravated assault. |
| 3 | | Clearly the chair leg- the metal chair leg was used to whack the victim in |
| 4 | | the head. So it looked bad for us. And the uh, the victim's sister took the |
| 5 | | witness stand? just ((unintelligible)) for the prosecution, and could have |
| 6 | → | put her testimony to music. It was melodic . It was sing-songy . It was a |
| 7 | | beautiful thing to hear. Okay? And then on cross-examination first thing? |
| 8 | → | She turned hard of hearing. ((in a high volume, low, guttural voice)) |
| 9 | | WHAT, |
| 10 | | ((Laughter)) |
| 11 | → | Let me re- let me repeat the question, okay? Every answer was an in- |
| 12 | | your-face back at'cha. Okay? And we talked to the jurors afterwards they |
| 13 | | couldn't stand the sister? Didn't believe a single thing that they said? And |
| 14 | | it, came back not guilty. |

According to Judge Cypress, the witness's "melodic," "sing-songy" voice during direct examination (line 6) was an act, revealed by the sudden shift in attitude ("she turned hard of hearing," line 8) marked by the guttural sound of her response, uttered with high amplitude, "WHAT" (line 9). With that single utterance (and the ensuing laughter among the audience members) the witness was made to sound primitive and mad in both its affective and psychological states. Void of referentiality, the witness's voice became "fabular," speaking "a speech that does not know what it says" (de Certeau 1984, 160), one side of an institutional conflict between legal agents striving to maintain social order and senseless beings threatening to break it down. The lawyer's modal, normative voice is produced as the acoustic counterpoint to the excess volume of the witness's single utterance, here exhibited in the level calmness of Judge Cypress's response, "Let me re- let me repeat the question, okay?" (line 11). Similarly in excerpt 9, Judge Cypress talks about a case that he lost as a defense lawyer, describing the "snarling" quality of his client being cross-examined by the prosecutor (line 5).

Excerpt 9: "ARE YOU CALLING ME A LIAR," Invitational Competition

- 1 I had a witness one time? Uh my own client in a horrible CSC ((Criminal
 2 Sexual Conduct)) case. Got away with a little something as defense
 3 counsel. My client was on the witness stand just getting destroyed. by the
 4 prosecutor- ugly CSC crime on her own daughter. Okay? And so finally,
 5 → she **just SNARLS back. Much nicer than Jane. did.**
 6 → ((“snarling”: very loud and gruff)) **ARE YOU CALLING ME A LIAR.**
 7 ((Attenuated laughter))
 8 (1.5)
 9 And, her counsel? Knowing something has to be done right away? Stands
 10 → up, **now Sandra she’s not calling you a liar she’s just trying to ask you**
 11 **some questions ((...))**

To the extent that this excerpt is a continuation of his critique of Judy’s high speech volume, Judge Cypress achieves a “reaccentuation” (Morson and Emerson 1990, 139) of her voice, resulting in “a violent shuttering” (Spivak 1988, 306) of her legal agency, pointing instead to the stereotypical figure of the out of control, hysterical woman (Butler 2011 [1993], 119), materialized here through the witness’s non-modal voice quality. Again, the “snarling” quality of this voice is contrasted against Judge Cypress’s modal voice as defense lawyer in the story: “now Sandra she’s not calling you a liar, she’s just trying to ask you some questions” (lines 10–11). To the extent that Judge Cypress feminizes non-modal voice quality in the figure of the snarling, female witness, the modal voice that materializes as its response becomes masculine and institutional, traits reinforced by the fact that it is rendered through Judge Cypress’s own, male voice.

This sense of being an out-of-control woman is something that Judy internalized as a source of anxiety, as the following interview excerpt shows. The interview was conducted after Judy had completed the Evidence and Invitational Competitions. There were several times throughout the interview where Judy mentioned her natural tendency to “come off” in the courtroom with an “attitude” that she did not “do on purpose.” Her “aggressive” style complemented the more “flowing” style of her teammate, Tami, for example, which helped them win the First Year Competition as first-year law students. Judy associates this unintended, “aggressive” style with gender anxiety. In excerpt 10, Judy explains her fear of “becoming” like her “mean” father (lines 1, 6) as opposed to her “nice” mother and sister (line 12).

Excerpt 10: Judy’s Fear of Becoming like her Father

- 1 Judy: → ((...)) **because he’s so, mean and so- I feel like I’m**
 2 **becoming him=**
 3 Author: =uhuh=
 4 Judy: and I’m scared of that=
 5 A: =uhuh
 6 Judy: → **because of, how mean he is?**
 7 A: Uhuh?
 8 Judy: → **And so cold and emotionless?** And my mom is just the
 9 opposite it’s just, I c- and that’s why I bump heads with my
 10 sister ‘cause my sister’s like my mother,
 11 A: Uhuh
 12 Judy: → **and she is so nice you can’t yell at her you can’t do anything**
 13 **she’ll like get all emotional.**
 14 A: Hhh hh
 15 Judy: → And I’m like, I’m always- and **I don’t do it on purpose.**
 16 A: Uhuh?

This interview excerpt shows Judy expressing anxiety over verbally going out of control ("I don't do it on purpose," line 15), something that both Judge Aspen and Judge Cypress commented on her speech (excerpts 6 and 7). There is something about this out-of-control style that is unseemly for Judy's femininity for, similar to how Judge Birch talked about Ashley's overachieving, "grumbling" courtroom demeanor in excerpt 4, women are expected to behave in a "nice" and "emotional" manner (lines 12–13), not "cold and emotionless" (line 8), "emotion" referring to a state of affect that denotes a loss of control, invoking stereotypical images of the snarling, hysterical woman, as in excerpt 9's witness, as opposed to rational, calculating socially proper mental states historically reserved for men (Wollstonecraft 1792). It can be seen from Judy's experiences in the course of several mock trial competitions that, even though the judges did not penalize Judy for violating norms of feminine behavior, Judy had effectively internalized it as such.

To summarize, mock trial judges used implicit metapragmatic storytelling to comment on female law students whom they perceived as speaking with excess amplitude. This discourse is more complex than the direct metapragmatic discourses that judges used to comment on low-volume, "quiet" sounding female law students. It involves, at minimum, the semiotic operations of sonic reduction, narrative scaling, and role displacement. Despite this complexity, the indirect targets of this metadiscourse such as Judy apprehended its gender implications, resulting in a clash of professional and social identities driven by a gender anxiety—borne out of panic over losing one's femininity, thus becoming "monstrous in some way" (Butler 1997, 136)—to fit into a proper, lawyerly voice.

Conclusion

This article has shown that institutional metapragmatics and the social metapragmatics of gendered language imbricate themselves in the linguistic socialization of female law students. Together, direct and implicit metapragmatic practices played an important role in the language socialization of the female mock trial participants studied in this article because the judges' metapragmatic commentaries anchored dispreferred language in both institutional and social contexts. By voicing the lawyer-in-control, mock trial judges socialized students to what are considered proper ways of speaking in the courtroom. By voicing the out-of-control female prosecutor and witness as the acoustic antitheses of the proper lawyer's voice, mock trial judges penalized female law students for deviating from norms of proper courtroom speech. For the female participants, the mock trial courtroom thus became a site of "secondary socialization" (Mertz 2007, 22): their socialization into their professional identity, and their deeper socialization into heteronormative gender identity through institutional language regimentation. Fixed "neither here nor there" (Obiora 1996, 416), women in law schools are more likely to sound uncanny or "unpleasant to the ear" (Inoue 2004, 45), because they are simultaneously present and absent acoustically. They utter sound, but what they utter is inconsistent with norms associated with proper verbal conduct in the courtroom. But this inconsistency is remarkable precisely because the targeted students were women. In this way, norms of verbal behavior and gender identity are closely interlinked in the language socialization of law students in mock trial competitions.

By highlighting the socio-ideological underpinnings of these pedagogical practices, this article complements previous research documenting the disparate and disadvantaged experiences of women in law schools. Future work might collect a larger data set of mock trial participant interviews and surveys to explore how direct and implicit metapragmatic evaluations produce a keen sense of gender awareness among female law students. It could also systematically compare metapragmatic commentaries that judges make toward male and female participants, asking whether and why judges may be applying a double gender standard when calling out "loud" women in implicit ways. Finally, the tight interconnection between

metapragmatic practices and sociocultural ideologies in the language socialization of law students may be applied in other domains of professional socialization, such as medicine. Such broader exploration may shed light on the everyday verbal exchanges, practices, and projects of institutional socialization that penalize women, no matter how meaningfully they speak.

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Appendix

Transcription Conventions

.	end phrase boundary; falling intonation
↓	emphatic falling intonation
,	end phrase boundary; neutral intonation
?	end of phrase boundary; rising intonation
<u>underline</u>	emphatic stress; increased amplitude
ALL CAPS	very loud voice
°xxx°	quiet voice relative to surrounding speech
:	lengthening
=	latching; no pause between phrases
-	self-interruption; breaks in the word, sound abruptly cut off
(.)	pause of 0.3 seconds or less
(#. #)	measure pause of greater than 0.3 seconds
hh	outbreath (e.g. sigh, laughter); each token marks one pulse
.hh	inbreath
[]	overlapping speech
((...))	untranscribed stretches of speech
(())	transcriber's comment or description; physical action; nonvocal noise