#MeToo, Discursive Injustice, and Shifting Social Norms
— A Linguistic Case Study of Commonwealth v. William Henry Cosby Jr.

Amanda Izes*

Abstract

This paper explores the effect of the #MeToo movement on sexual assault discourse and social norms in legal discourse in the United States through a case study of *Commonwealth v. William Henry Cosby Jr.*, a trial that occurred both before and after the emergence of the movement. Specifically, to what extent did #MeToo affect sexual assault culture and discussions around it in legal settings? Using Kukla's (2014) theoretical framework of Discursive Injustice (DI) in order to analyze portions of *Commonwealth v. Cosby*, I observe the level of performative power the complainant in the trial, Andrea Constand, is able to express and the frequency with which her expression is limited by other actors, namely defense lawyers. I find that the largest changes in aggressiveness and frequency of DI between the 2017 and 2018 portions of the trial occur during juxtapositions between Constand and "victim" stereotypes of sexual assault. This shift suggests a larger social change in community conventions regarding stereotypes and expectations of sexual assault survivors. This paper augments the growing literatures on the impact of the #MeToo movement on sexual assault culture and DI as a theory of linguistic and social power.

* Hofstra University, aizes1@pride.hofstra.edu.

1. Introduction

The recent #MeToo movement brings questions of voice and power to the public eye in the United States. In addition to constructing a community in which survivors could feel supported and unified, the emergence of the #MeToo movement also created discursive space for survivors, a vulnerable community, within national and international discourse. While the construction of this space clearly connected a large population of survivors of sexual assault, the question of the movement's effect on the larger discursive and social environments surrounding rape culture still remains.

The relationship between social power and voice is one of the central questions in sociolinguistics. Though most humans possess a biological capacity to speak and communicate, cultural norms and standards often produce a gradation of power for the way in which these linguistic abilities are realized in daily discursive behavior. While socially powerful members of a community find it easy to speak and be heard, socially vulnerable individuals and groups often struggle both to find space to speak and to be listened to once they find this space. At times, this struggle to be heard or have one's thoughts communicated occurs directly because of more powerful social actors. Rebecca Kukla (2014) refers to this blocking or weakening of uptake or performative force of a powerless actor's utterance by a powerful actor as *discursive injustice* (DI). In this paper, I am interested in the ways in which the effects of #MeToo can be understood through this theoretical lens.

The main purpose of this case study is to evaluate the effects of #MeToo on discursive behavior and social norms in a legal setting. Throughout this paper, I begin to explore the following question:

> To what extent did the emergence of #MeToo affect sexual assault discourse in the US in legal settings?

I pursue this investigation of #MeToo through an analysis of the changes in discursive styles used in the cross examination of Andrea Constand by defense lawyers – lawyers of the accused – in *Commonwealth v. William Henry Cosby, Jr*. This sexual assault trial contained two distinct portions – a trial and retrial – which occurred before and after the emergence of #MeToo in October of 2017. In observing the natural minimal pair, I intend to determine if the real-life manifestation of DI, and, subsequently, the social conventions which fuel DI, changes between the first and second pieces of the trial.

After discussing the theory of discursive injustice, sexual assault stereotype, and their relationship within the courtroom, I present an analysis of the discourse contained in the defense's, or Cosby's lawyers', opening statements and cross examination of Andrea Constand with regard to the presence and characteristics of discursive injustice. Ultimately, I show that discursive injustice becomes more explicit in the retrial after the emergence of #MeToo, indicating some level of flux in social norms regarding power dynamics in sexual assault. Specifically, I argue that the largest shift in DI, and thus the

largest shift in social norms, occurs with regard to sexual assault victim discursive and behavioral stereotypes. Potential confounding factors in this examination are described and accounted for in the concluding segments of this work. This paper builds on and integrates works that examine theoretical interactions between discourse and power and applied or real-world effects of linguistic behaviors in the context of a sexual assault trial. The study also adds to a growing body of literature analyzing the social effects of the #MeToo movement.

2. Background

2.1. Discursive Injustice

Because most discussion about sexual assault revolves around notions of agency and the ability to use one's language to consent to or refute sexual acts, I will analyze changes in sexual assault discourse through the level of performative power the female complainant, Constand, in the trial is able to express and the frequency with which her expression is limited by other actors in the trial, namely defense lawyers. The theory of DI in conjunction with various analyses of common linguistic styles used in courtroom discourse to maintain conversational power provide a structure for how to accurately identify and describe these expressions of agency and non-agency. DI is defined as an event in which

> "members of a disadvantaged group face a systematic inability to produce a specific kind of speech act that they are entitled to perform, and in particular when their attempts result in their actually producing a different kind of speech act that further compromises their social position and agency." (Kukla, 2014: 440)

Specifically, the concept predicts that a lower-status member of a social group will have difficulty having their utterances be accurately and effectively interpreted by their proximate speech community because of prevailing social norms and conventions.

Kukla (2014) demonstrates the real-life implications of this theory through a hypothetical narrative of a female manager in a primarily male workplace. In this example, the female manager utters a command, such as *Finish cleaning up!*, to her male workers and receives a negative, possibly angry response. Kukla asserts that this response occurs because of an interference of social norms for women in the workplace on the accurate uptake of the woman's initial utterance. Specifically, because women are not expected to be leaders in the workplace under traditional gender norms, they subsequently are not expected to have the authority nor meet the felicity conditions for issuing a command. Kukla argues that this constraint on female language disallows anything said by the female manager from being interpreted as an imperative. Instead, Kukla asserts, the utterance is downgraded to a request, which is more acceptable given social convention. Because requests are normally presented using aspects of positive politeness, such as

the addition of *please*, when the command *Finish cleaning up!* is interpreted as a request, it is considered rude, and thus infelicitous by fellow conversation members. This distorted pathway from utterance to understood meaning prevents individuals with less social power from possessing full control over their voice and the performative force of their utterances. Crucially, Kukla states that discursive injustice only occurs "when our loss of control over speech comes from our inability to mobilize conventions in the standard way, resulting in a failure of agency that tracks and enhances social disadvantage" (2014: 455). While socially advantaged individuals may not have complete mastery over the performative force of their utterances, they do not face this difficulty due to their status in a community. This reliance on social norms as a source for DI implies that changing social norms should alter the appearance of DI in linguistic interactions.

Throughout her discussion of discursive injustice, Kukla only refers to instances in which the performative force of utterances is weakened, or made less compelling. This consistent inability of the socially less powerful to make strong statements (i.e., commands or assertions) bolsters Kukla's argument that DI both reflects and fuels social inequality.

2.2. #MeToo and Discourse

The #MeToo movement exemplifies a context in which members of a less advantaged social group fought to change social norms and accepted power dynamics in order to gain discursive space and influence in a larger community. Through rallies, internet virality, and non-violent protests, survivors of sexual assault joined together to fight against social myths and norms which perpetuated acceptance or ignorance of the prevalence of sexual misconduct in society. This attempt to change social norms through online and real-life discourse provides an interesting environment in which to use DI to observe the relationship between discursive choices and social conventions.

Initially, the 2017 popularity peak of this movement focused mainly on the concurrent accusations of sexual assault and harassment against Bill Cosby, Harvey Weinstein, and other prominent members of the Hollywood elite. However, as the hashtag continued to spread and become a more well-known symbol of advocacy for survivors of sexual assault, the movement generalized, both in spirit and media coverage, to focus on the problem of sexual assault in society as a whole (Hawbaker, 2018).

Although #MeToo is no longer "going viral," it remains a living, changing movement both in the US and internationally. In using the term 'living', I refer to the continuing efforts by activists, through both civil and legal means to progress the mission and increase the visibility of #MeToo. While increased unity among survivors is relatively easy to see – for example, on college campuses, during celebrity awards shows, through increased general media coverage, and in the organization of larger marches – the effect

of the movement on overall culture both nationally and internationally is less clear and little research on the topic has been conducted.

2.3. Discursive Injustice, Law, and Sexual Assault

DI may occur as a result of strict rules and power dynamics in courtroom discourse. Specifically, this phenomenon may be affected by social and linguistic relationship between those testifying and the lawyers questioning them. The lawyer-testifier dynamic inherently supports a power asymmetry in which the lawyer has more authority to speak and guide a conversation than the testifier. This dynamic arises primarily due to the question-and-answer format of legal depositions and testimony. Because lawyers are capable of felicitously asking questions while testifiers are not, lawyers necessarily both guide the content of the conversation and control the capacity of the testifier to respond. Conley and O'Barr (2005) point out several strategies through which lawyers maintain and exploit their linguistic power. For example, the authors discuss the effectiveness of repeated questions and tag questions (i.e. questions ending in "right?" or "correct?") in controlling the topic of the testifier's answer by limiting the ways in which they may felicitously respond. In each of these cases, testifiers' responses are limited to very specific content or simple confirmation and negation.

An additional strategy includes the exploitation of turn-taking behaviors and silence. Turn-taking in a courtroom differs from the normal turn-taking conventions used in daily conversation. Conley and O'Barr (2005) define traditional turn-taking through the following conditions: (1) A person who is speaking can expect to finish a syntactically complete utterance before the issue arises of who gets to talk next, and (2) A speaker who reaches a syntactically complete point in the utterance (or one that another speaker considers complete) must either relinquish the turn or attempt to continue speaking. In contrast, turn-taking in a courtroom conversation between lawyer and testifier is almost entirely determined by the utterances and linguistic choices made by the lawyer. In this context, the lawyer determines when they finish speaking and when the testifier finishes speaking. Interruptions and long silences by lawyers between syntactic phrases are considered acceptable in this type of discourse. Often, this discursive control can aid in emphasizing the content of a lawyer's utterance or inhibiting a testifier from expressing or clarifying a statement. A third strategy through which lawyers maintain discursive control is through epistemological filters. Epistemological filters refer to the capacity of the lawyer to control the testifier's capacity for knowledge (Conley & O'Barr, 2005). This type of control can occur in the form of direct challenges to the testifier's knowledge or memory or through more subtle questioning techniques such as repetition, interrupted turn taking, silence, or tag questions. Such tactics create an environment in which lawyers express large amounts of control over both how much a testifier may utter

and how believed their statement may be by the judge and jury. It appears that discursive injustice may occur more blatantly in the courtroom than in everyday life because lawyers make use of recognized strategies to distort the meaning of testifier's utterances or prevent them from being interpreted correctly.

While discursive injustice strategies exist in all courtroom settings, they may occur more prominently in certain types of trials than others. Sexual assault trials present an environment in which discursive injustice may be exploited especially frequently. This pattern most likely arises due to the inherent power asymmetry contained within a sexual assault event itself in which one person, the assailant, refuses to acknowledge the verbal or behavioral dissent of another person, the victim. Based on the legal definition as "sexual interaction *against the victim's will*", sexual assault inherently contains elements of discursive and performative injustice. Sexual assault occurs when a person's verbal language or physical behavior does not indicate consent to a sexual act, but the sexual act is still performed (US Legal, 2018). Cases in which verbal dissent is given and the sexual behavior still occurs present the clearest case of discursive injustice. Though an explicit "no" was given in these cases, its expected performative force of ending the interaction does not occur. Instead, the command to stop is either entirely ignored or interpreted as a suggestion – an utterance which may be felicitously ignored – and its anticipated performative effect does not occur, leading to sexual assault (Hornsby & Langton, 1998).

DI accurately predicts the frequency of he said-she said scenarios – defined as a situation in which the accuser and accused offer two different narratives of the same sexual interaction – in conflicts regarding sexual assault. While the victim perceived her utterance as a command to stop, the accused, because of social norms which present consent as optional or ignorable, understood the utterance as either a vacuous statement, a suggestion of slowing down, or in some more extreme cases, a request to continue. Under the DI theoretical framework, he said-she said scenarios arise because of a distortion of performative force which essentially denies the victim the capacity to refuse.

In a trial setting, the DI that occurred during the actual event may be exacerbated by defense lawyers' questions and conflicting testimony. While the accuser or complainant is attempting to describe a narrative already fraught with elements of DI, defense lawyers' questions add a second layer of utterance distortion in an attempt to piece together a narrative that supports their accused client. For the purposes of this analysis, I propose that the narrative presented in a sexual assault trial is made up of three parts: (1) the courtroom discourse itself, (2) the sexual assault event itself, and (3) the translation of that event into courtroom discourse through socially conventional filters. Utilizing the strategies discussed above, defense lawyers can invoke discursive injustice in order to distort any piece of this framework. These instances of DI generally attempt to frame the complainant as having an inconsistent, and thus unreliable, narrative or possessing an overall character which deviates from accepted stereotypes for victims of sexual assault.

2.4. Weaponization of Stereotypes of Sexual Assault in the Courtroom

During sexual assault trials, defense lawyers often use DI to weaponize the stereotypes associated with sexual assault in order to distort the translation of the alleged assault into courtroom discourse (Part 3 of sexual assault narrative construction). Due to the private nature of sexual assault, evidence of these events is often anecdotal and circumstantial and made up of contradictory narratives from the defendant (perpetrator) and complainant (victim) rather than tangible materials. This reliance on narrative, scholars argue, leads jurors to turn to schemas and stereotypes of typical assaults, assaulters, and victims in order to evaluate the truth of a complainants claim (Stuart et al., 2016). Lawyers often exploit this dependency on stereotypes in order to make their clients appear more credible.

Stereotypes about male assailants and female victims in sexual assault trials parallel typical gender stereotypes and related power dynamics. While male assailants are usually imagined as strong, confident, and aggressive, female complainants are expected to appear weak, naive, and fragile. How closely actors in a trial match these prototypes affect how jurors determine respective levels of credibility and culpability (Stuart et al., 2016). Deviation away from the male assailant stereotype increases the chances of acquittal of the accused because they appear less aggressive and intimidating. Deviation away from the female "victim" stereotype, interestingly, also improves the chances of acquittal for the accused. Adherence to "victim" stereotypes, particularly in acquaintance rape trials, has been found to lead to a higher rate of conviction for defendants.

Ehrlich (2001) and Hildebrand-Edgar and Ehrlich (2017) note the ways in which language used by actors hurts or aids in the adherence to prototypical victim behavior. In Hildebrand and Ehrlich (2017), the authors analyze the language used in a Canadian rape trial in which the defendant was acquitted. Ultimately, they assert that the complainant, a young female, deviated too extremely from her associated stereotype due to a lack of expressed uncertainty and powerless language (operationalized through tag questions and hedging) in her testimony. The defendant's lawyers maximized this deviation from accepted stereotype for the jury in the form of questions regarding her sexual history and confidence levels.

In *Commonwealth v. Cosby*, these strategies and implementations of DI appear throughout both trials and may provide insight into the ways in which linguistic behaviors, their social impacts, and the social norms on which they are based change in a legal setting over the period of time in which #MeToo gained popularity as a social movement.

3. Analysis of Commonwealth v. William Henry Cosby Jr.

3.1. Design

This analysis of the cross examination of Andrea Constand from the *Commonwealth v. Cosby* is based on a simple minimal pair study design. This analytic structure is allowed by the timeline of the trial itself. Conducted in two parts, a 2017 trial and a 2018 retrial, *Commonwealth v. Cosby* can be conceptualized as having occurred twice, once before the emergence of #MeToo and once after the movement had reached its peak level of visibility. This emergence of #MeToo is one of the only major differences between the trial and retrial. Thus, in observing the discursive differences between the trials, we can gain insight into the effect of #MeToo on linguistic styles in the courtroom. Additionally, the use of a natural minimal pair in this study is advantageous because it allows me to keep power dynamics between Constand and lawyers and Constand and Cosby which could act as confounding variables, such as race or age, constant throughout analyzed discourse. Other differences that may not have been consistent throughout both trials are addressed and accounted for in section 4.2.

3.2. Analytical Structure

The *Commonwealth v. Cosby* trials present a clear case of DI occurring within the three-part framework of a sexual assault narrative presented in section 2.4. The discourse actually used in the courtroom, (1), the facts of the sexual assault event itself, (2), and the translation from actual event to narrative form through social filters, (3), are distorted in various ways throughout both the 2017 and 2018 trial. In the following analysis, I present evidence supporting the observation that the aggressiveness and explicitness of DI in each of these categories increases between the trial and retrial. In the following section, I will provide evidence suggesting that this change is due, at least in part, to the emergence of #MeToo. In the data presented, defense lawyers are referred to as DL and Andrea Constand is referred to as AC.

3.3. The Influence of #MeToo in Discursive Styles and Strategies

In a broad sense, #MeToo changes the discursive strategies of defense lawyers between the 2017 and 2018 trials in that it drives them to explicitly and overtly consider public culture beyond the courtroom in their construction of the sexual assault narrative. The presence of the #MeToo movement in legal strategies in the retrial is exemplified through an explicit integration of surrounding sexual assault culture into the opening

statement of defense. While the prosecution's opening statement remains largely unchanged from the 2017 trial, the defense's statement is appended to acknowledge, and attempt to discredit, #MeToo as a movement both within and beyond the courtroom.

The defense, headed by Tom Mesereau, attempts to diminish #MeToo's presence in the American cultural landscape by framing it as a "media sound bite" in which bias is omnipresent and evidence is nonexistent. Because the movement emerged via social networks and popular online sources, #MeToo and its principles are consistently bound to the concept of media and popular culture. The defense attacks the movement's validity by making statements such as, "regardless of what shallow media says and regardless of what people say outside this courtroom who don't know the evidence at all, I am convinced and we are convinced that at the end of this, you're going to say to yourselves, Mr. Cosby isn't guilty". In his final address to the jury, Mesereau explicitly refers to the effect the #MeToo movement, and subsequent cultural changes may have on the outcome of the trial: "But what I think they're hoping is that somehow in the current climate in America, maybe you'll be prejudiced. Maybe you won't see the truth. Maybe you won't see the facts. Maybe you'll just be too blinded by the accusations." This trend of aggressive discrediting and distorting of social principles associated with #MeToo, as I will show in the remainder of my analysis, is a core tenet of the defense lawyer's discursive strategy in the 2018 retrial (*Commonwealth v. Cosby*, 04/10/2018: 26; 04/11/2018: 49).

3.4. Discursive Injustice and Courtroom Discourse

In *Commonwealth v. Cosby*, defense lawyers enact discursive injustice through direct distortion of Constand's utterances while testifying. Specifically, defense lawyers use the strategies discussed in section 2.4 in order to maintain control over both what Constand may utter and how Constand's utterances are integrated into the overall sexual assault narrative.

3.4.1. Paraphrasing and Direct Quoting

The defense lawyers distort Constand's testimony in court by directly inhibiting her capacity to speak and take ownership over her own statements. This inhibition, manifested in the use of paraphrasing, tag questions, and direct quoting, gradually increases in severity between the 2017 and 2018 trials. In 2017, the defense lawyer, Agrusa, maintains linguistic control, and thus causes instances of DI, through the use of paraphrases of Constand's responses and tag questions. Paraphrases of Constand's narrative distort her voice and weaken her claims against Cosby from being certainties to possibilities. Tag questions limit Constand's capacity to generate her own voice and share her own narrative by limiting the way in which she may felicitously answer. Further, when asked

in combination with a paraphrased statement from Constand's narrative, tag questions limit or entirely remove her ability to refute the performatively weakening effects of defense lawyers' discursive injustice. Though instances of tag questions and paraphrasing occur throughout the entirety of this cross examination, I will only closely analyze one relevant section of trial discourse in this paper. The section of transcript below includes the portion of testimony from the 2017 trial in which Agrusa and Constand talk through one of Constand's first uncomfortable experiences with Cosby:

(1) (2017)

DL: But in fact what really happened that night is that when you got there, as you told the detectives, you had fire – excuse me – dinner by the fire. There was a fire burning; correct?

AC: Yes.

DL: And Mr. Cosby came and the two of you sat with your legs directly against one another on the couch; correct?

AC: No. Mr. Cosby sat beside me.

…

DL: And that "Mr. Cosby reached over and he touched my pants and my inner thigh and was coming very close. And he was touching my clothes and my waist and my inner thigh." Correct?

AC: That's correct.

DL: So on that night, Miss Constand, of that first encounter that you had in Mr. Cosby's home, he invited you into his home, the fire was going in the fire place; correct?

AC: No ma'am. He lit the fire when I sat down.

DL: And you sat down in front of the fire on the couch and you ate your dinner? AC: Yes.

DL: And then he came and sat next to you and you were sitting side-by-side; correct? AC: Yes.

(*Commonwealth v. Cosby*, 6/7/17: 47–8)

Here, we see Agrusa speaking almost exclusively through paraphrases of Constand's previous testimony and tag questions. The use of paraphrasing rather than allowing Constand to speak her own utterances permits the lawyer to distort Constand's narrative against Cosby from an uncomfortable memory to a potentially flirtatious moment in which "the fire was going" and Constand and Cosby were consensually "sitting side-by-side". Further, the use of tag questions at the end of each of these paraphrases limits Constand's capacity to answer questions fully and to refute the paraphrased narrative delivered by Agrusa. Constand's responses are strictly limited to the content included in Agrusa's questions. For example, when Agrusa asks *the fire was going in the fire place; correct?*, Constand response is limited to *No ma'am. He lit the fire when I sat down*. In this case, though Constand is able to negate Agrusa's paraphrasing, the refutation is limited only to the content – the fire – put forth by Agrusa's initial question. Agrusa maintains control over conversational topic and, subsequently, Constand's discursive behavior. This

inability to correct misleading paraphrased statements freely ultimately leads to Constand's inability to avoid the resultant discursive injustice.

This blocking of Constand's voice increases in the 2018 cross examination. Instead of simply paraphrasing Constand's utterances, the defense lawyer uses direct quotes from prior testimony. While direct quotes are often considered less misleading in a legal setting than paraphrases, I argue that they have the potential to deprive the less powerful of greater levels of discursive control than paraphrases. Unlike paraphrases, direct quotes are communicated with the assumption that the original speaker believed the *exact* content of the statement to be true and accurate. In cases where these quotes are shared without appropriate citation or context and the original speaker is not given the opportunity to correct usage (as is the case during cross examination), lawyers may distort the meaning of these statements in equal amount to cleverly crafted paraphrases. In direct quotes, however, these distorted meanings more directly affect interpretation of the original beliefs of the speaker than paraphrases. This conflation of distorted meaning and speaker-intended meaning strips the speaker of primary ownership over her recorded statements. We see this confiscation of power occur for Constand by comparing the 2017 excerpt above to the portion of the 2018 trial discussing the same event:

(2) (2018)

DL: You told the police you sipped brandy watching a fire; correct?

AC: Yes.

DL: Mr. Cosby came and sat next to you; right? AC: He did.

DL: "I gave him a hat, T-shirt and some incense"; correct? AC: Yes.

DL: "And he thanked me for them and he opened them right there"; correct? AC: Right.

DL: "As time passed, I was sipping my brandy"; right? AC: Yes.

DL: "At one point he bent to put more brandy in my cup as I was making a move to get ready to go home"; correct?

AC: Yes.

DL: Is that what you told them? AC: Yes.

DL: "So then he reached over and he touched my pants and my inner thigh and was coming very close to – he was touching my clothes and my waist and my inner thigh."

(*Commonwealth v. Cosby*, 4/13/18: 142–3)

Here, the same experience as discussed in (1) between Agrusa and Constand is examined. However, in this instance, direct quotes from Constand's previous 2005 testimony, much more than paraphrased summaries, are used to describe her interaction with Cosby. Importantly, these direct quotes are used without introduction or recognition as different from the lawyer's own speech acts. I assert that direct quoting of Constand constitutes a more aggressive mode of DI than parallel paraphrasing. While par-

aphrasing clearly limits Constand's voice and allows the lawyer to distort the performative force of her descriptive utterances, direct quoting, *without explicit recognition or citation of the quoting that is occurring or its context*, takes away Constand's control over her utterances. This overtaking of Constand's utterances, in addition to their conversion into tag questions in most cases, almost entirely removes Constand as an autonomous actor in the conversation. Both her past utterances and current voice are controlled by the more socially powerful actor.

3.5. Discursive Injustice and Facts of the Sexual Assault

In addition to maintaining control over Constand's voice in the courtroom, defense lawyers also use discursive strategies to control and distort the facts of the sexual assault event.

3.5.1. Factual Debate

The most fundamental discursive distortion during the cross examination of Constand in *Commonwealth v. Cosby* occurs at the level of factual content about Constand's relationship with Cosby and the sexual assault event itself. Throughout the 2017 and 2018 trials, Constand's factual assertions are consistently rejected from the common ground of courtroom discourse by the defense lawyers. This rejection of Constand's factual assertions into the common ground increases in explicitness between 2017 and 2018. Specifically, while the same factual contexts continue to be either completely rejected or skeptically accepted, the explicitness with which this denial occurs becomes more apparent in the 2018 trial.

For example, Constand and the defense lawyers in both 2017 and 2018 disagree on the manner in which Constand and Cosby met each other. Constand insists on an unintentional meeting which she expresses through the use of the passive: *we were introduced*. In opposition, the lawyers fail to accept this passive expression as true, instead choosing to describe the event as one in which Constand actively introduced herself to Cosby. The lawyers convey this rejection in both trials by using the active phrase: *you introduced yourself*. In 2017, the defense lawyer inhibits Constand's utterances from entering the common ground by creating competition between her utterance and other elements already in the discourse context. In contrast, in 2018, the defense lawyer attempts to completely semantically block Constand's utterance through the use of the same techniques used in 2017 and additional canonical questioning techniques. (3) below contains the relevant excerpt from the 2017 trial:

(3) (2017)

DL: So did you remember that you met him – that was a true statement? You met him at a basketball game and, in fact, you introduced yourself to him and you took him on a tour of the new facility; right?

AC: Yes, we were introduced.

DL: Well, didn't you tell the officers that the complainant, you, introduced yourself to Mr. Cosby?

AC: I wouldn't walk up to Mr. Cosby and introduce myself. Joan Ballast introduced us. DL: So, once again, the fact that the officers wrote you introduced yourself to Mr. Cosby must have been their mistake, not something you told them?

AC: I can't speak for them.

(*Commonwealth v. Cosby*, 06/06/17: 234)

In repetitively questioning Constand about the manner in which she met Cosby, Agrusa inhibits Constand's ability to credibly update the common ground of the discourse. Though the lawyer acquiesces slightly after Constand states *I wouldn't walk up to Mr. Cosby and introduce myself. Joan Ballast introduced us*, she never explicitly accepts Constand's utterance as fact. Rather, she directly contrasts the statement with a fact previously introduced in the discourse context – that officers wrote down that Constand introduced herself to Cosby. This response creates an environment in which revision of the common ground, an effortful discursive choice for any listener, is necessary in order to accept Constand's initial utterance into the discursive context as a credible statement. While Constand is not entirely blocked from entering information into the discursive common ground, her statements are purposefully placed in direct competition with contradictory information introduced by the defense, minimizing their impact on shared knowledge among trial participants and jurors. This defense strategy continues more aggressively in the 2018 trial.

(4) (2018)

DL: Did you introduce yourself to Cosby?

AC: I was introduced to Mr. Cosby.

DL: So you didn't tell police in Canada you introduced yourself to him?

AC: Well, no. I was introduced by Joan Ballast.

DL: Okay. So if the police in Canada wrote down you introduced yourself to Cosby, that would be incorrect; right?

AC: It would be that I was introduced to him, but not necessarily what – what you're saying is I walked up to him and introduced myself to him versus somebody being in the presence – in his presence with me?

DL: Well, did you introduce yourself to Bill Cosby?

AC: No.

DL: And if the police wrote that down, that would be wrong; correct?

AC: Correct.

(*Commonwealth v. Cosby*, 04/13/18: 124–5)

Similarly to (3), this interaction between Constand and Mesereau demonstrates an attempt from the defense to block Constand's ability to enter facts into the common

ground. Again, repetitive questioning and emphasized direct comparison to content already in the common ground, such as the information contained in the initial police report of the assault, are used to create doubt surrounding the veracity of Constand's statement. Here, unlike in 2017, the lawyer continues to ask *Did you introduce yourself to Bill Cosby?* even after Constand initially responds saying *No.* Because canonical questioning indicates that the speaker lacks information about the content of the interrogative, this repetitive asking expresses a refusal to include or acknowledge Constand's statement as part of the lawyer's commitments or discursive common ground (Gunlogson, 2008).

Questioning eventually concludes with Constand confirming the question *And if the police wrote that down, that would be wrong; correct?*. While the end of this questioning period may be taken as a signal that the lawyer has accepted Constand's statements into the common ground, it is important to note that the defense does so only on a question in which Constand is pressured to declare that police, individuals with high levels of social power and authority, are incorrect. Even in apparently accepting Constand's statements, the defense creates obstacles for Constand's self-expression.

Between the 2017 and 2018 trial, attempts to change or manipulate the factual content of the assault narrative increase noticeably. In 2017, the goal of the defense lawyer seems to be to point out inconsistencies between Constand's testimony and other recorded versions of the narrative, thus making it more difficult for Constand to update the common ground felicitously. In contrast, in 2018, the defense lawyer not only points out inconsistencies in order to inhibit or slow Constand's common ground update, but also more aggressively blocks her capacity to add to the common ground by using increasingly repetitive questioning techniques and appeals to social power inequity.

3.5.2. Metalinguistic Dispute

Bolstering the efforts by the defense to simply block Constand from updating the common ground, incidents of metalinguistic dispute between the defense lawyers and Constand distort Constand's utterances that *do* reach the common ground of courtroom discourse. Specifically, the defense lawyers in each trial attempt to alter the words through which Constand chooses to describe her narrative. In manipulating word choice, the defense also attempts to manipulate underlying connotation of words, leading to distortion of the factual descriptions of interactions between Constand and Cosby prior to the sexual assault.

One of the key points in the defense's case includes the argument that Cosby and Constand had engaged in sexual encounters multiple times before the alleged assault. Both Agrusa and Mesereau seek to prove this point through repeated blunt and detailed questioning of Constand and Cosby's interactions before the date of the assault. In 2017, Agrusa continuously attempts to use the term *sexual* – a word connoting direct physical intimacy – when describing events between Constand and Cosby, but she is repeatedly

refuted by Constand's use of the term *suggestive*, a word implying no explicitly consensual intimate interaction. This metalinguistic conflict continues through the 2018 trial. While in the 2017 trial, this dispute occurs mainly through repetitive questioning and paraphrasing, in the 2018 trial, the disagreement occurs more aggressively through repetitive questioning and direct quoting of Constand by the lawyer. Examples of the metalinguistic dispute in 2017 are included in (5) and (6) below:

(5) (2017)

DL: But, in fact, you had been alone with Mr. Cosby prior to the night that you claimed he assaulted you and without the chef being in any visible sight; right?

AC: Right.

DL: And, in fact, you had, not including the night in question, two evenings of sexual contact with Mr. Cosby prior to the night in question?

AC: Not what I would consider sexual contact, ma'am. I said it was suggestive in a sexual advance.

DL: But there was sexual contact between you and Mr. Cosby on two evenings prior to the night in question?

(*Commonwealth v. Cosby*, 06/06/17: 240)

(6) (2017)

DL: You previously stated under oath, haven't you, that you believe that sexual contact includes excitement generated by touching somebody; correct? You've said that?

AC: Yes, I believe so.

DL: So when there was touching of the thigh, that would include, by your definition, sexual contact; correct?

AC: Suggestive contact.

DL: Let's move forward in the statement to the Court by the Durham Regional Police Department.

(*Commonwealth v. Cosby*, 06/06/17: 247)

Throughout (5), the lawyer repeatedly includes *sexual* in her questions even after Constand has explicitly defined the interactions as suggestive. Further, though no explicit opposition to *suggestive* occurs in (6), the topic of conversation is drastically changed before acceptance can be indicated. Instead, it appears that the dispute is simply left unresolved. In both cases, definite uptake fails to occur, and it seems that Constand's utterance has no notable effect on Agrusa's strategic narrative construction through the cross examination. Constand's lexical choices with respect to her interactions with Cosby are largely ignored and do not noticeably impact the common ground of the discourse.

This metalinguistic debate is explicitly noted in Agrusa's discussion with the judge about her repetitive questioning technique:

(7) (2017)

DL: Did you say [you had sexual contact with Cosby], Miss Constand?

AC: Well, I was – I was answering to yes, there was suggestive contact. I don't know it if was a trick question, but I answered – I said yes, there was suggestive contact. The answer is yes.

DL: The question is "did you have prior sexual contact,", and then the question is "the answer is yes?" And you said "yes."

Judge: Look, I'm not going to let you say – you read what it said. She said right here "there was some suggestive contact." Again, I thought this is where we were going to go, which was terminology. So just – there's words. You say "sexual contact." Her answer said "suggestive contact." I think we're clear on that. That's what was said.

(*Commonwealth v. Cosby*, 06/07/17: 244)

The interjection by the judge marks the point in the 2017 cross examination at which the metalinguistic dispute reaches an overt head. Transitioning from an implicit metalinguistic disagreement to an explicit one, this dispute between terms becomes a salient component of the legal discourse and thus can be confidently considered an influence on narrative construction in the cross examination.

The metalinguistic DI present in the 2017 trial is repeated, with notably increased aggression, by Mesereau in the 2018 trial. In the retrial, Mesereau alternates between simply ignoring prior metalinguistic dispute through non-inquisitive uses of *sexual* and actively using *suggestive* in environments where Constand did not initially license the term, such as in descriptions of her actions towards Cosby. In (8), the defense lawyer uses the term *sexual* in a declarative question. In embedding the term within an expression which conveys conversational commitment or belief, Mesereau presupposes that the term is already included in the common ground of the discourse, essentially overriding a stage of metalinguistic dispute in which this inclusion in the common ground could be debated (Gunlogson, 2008).

(8) (2018)

DL: Okay. Now, you had a total of three sexual contacts with Mr. Cosby at his house? AC: I don't recall having sexual contacts.

DL: You don't?

AC: I don't believe I ever had.

(*Commonwealth v. Cosby*, 04/13/18: 166)

In contrast to this avoidance of the dispute, (9) shows a case in which Mesereau uses his discursive power to take control of the use of the term *suggestive* in specific parts of Constand's narrative and testimony.

(9) (2018)

DL: The prosecutor asked you some questions where she used the word suggestive. Do you remember that?

AC: Yes.

DL: And you agreed that the behavior towards Mr. Cosby could be suggestive; is that correct?

AC: His behavior toward me.

DL: No, she was talking about your behavior toward him. And you agreed with her that it was suggestive is that correct?

AC: I'm confused.

…

DL: You didn't say your behavior was suggestive towards him?

AC: It never was. He made a pass at me and he touched my thigh. That's suggestive.

(*Commonwealth v. Cosby*, 04/16/18: 154–5)

While the content of the dispute remains identical to the 2017 trial, the communicative strategy employed in 2018 shows a more explicit form of linguistic control by Mesereau. Unlike the 2017 trial in which the lawyer attempts to override Constand's use of the word *suggestive* with the term *sexual* through repeated use during questioning and paraphrasing of Constand's responses, (9) shows Mesereau actively using the term *suggestive* in way that is contradictory to Constand's initial narrative. Constand uses *suggestive* only to refer to Cosby's actions towards her. However, in this excerpt, Mesereau frames Constand's use of the term as describing *her* actions towards Cosby. This manipulation of directionality occurs in the questions, *and you agreed that the behavior towards Mr. Cosby could be suggestive; is that correct?* and *you didn't say your behavior was suggestive towards him?* Through this repeatedly misplaced use of *suggestive* in both questions, Mesereau seems to take control over the distribution of Constand's lexical contribution to the discourse, leaving her with extremely little control over the description of her interactions with Cosby. This behavior distorts the factual content of the dynamics of Cosby and Constand's relationship and Constand's eventual assault. Ultimately, this use of DI intends to undermine the credibility of Constand's testimony by making her interactions with Cosby appear more consensual. Here, we see the implementation of metalinguistic dispute as a strategy through which the defense may distort characteristics of Constand's past actions and relationships.

Both factual debate and metalinguistic dispute demonstrate cases in which the defense lawyer uses his social power to control discourse in the courtroom in order to change the perception of the sexual assault event itself. This exertion of linguistic control by the defense markedly increases between the 2017 and 2018 trials.

3.6. Discursive Injustice and the Translation of the Assault to Courtroom Discourse

Acting as a bridge between the actual sexual assault event and the way about which it is spoken in court, perception of testifier's credibility, character, and intentions play

an influential role in determining how comprehensively a victim's narrative will be accepted by judge and jury in a sexual assault trial. This perception is most often biased by the presence of stereotypes which dictate how a 'believable' or 'credible' victim should behave both within the assault narrative and during its telling in the courtroom. As discussed in section 2.5, divergence away from the 'victim' stereotype in sexual assault trials increases the chance of acquittal for the accused. In the 2018 cross examination of Andrea Constand in *Commonwealth v. Cosby*, appeals to stereotypes are used extensively in an attempt to decrease Constand's credibility as a complainant and the believability of her narrative.

3.6.1. Sexual Assault Stereotypes and the Discursive-Injustice-Induced Agency

Entirely absent from the cross examination in 2017, in 2018 Mesereau uses discursive strategies in order to make Constand's past and current behaviors and utterances appear more agentive. This distortion serves two purposes for the defense lawyer: (1) to frame Constand as a liar and con-artist who was exploiting Cosby, and (2) to create a larger divergence between Constand's identity and the fragile, non-agentive 'victim' stereotype in sexual assault. Both of these purposes aim to make Constand appear less believable as an accuser. In the invocation of these strategies, the defense lawyer expands the reach of his discursive power to utterances beyond the scope of the sexual assault event in order to disparage Constand's overall character and, subsequently, decrease her capacity to credibly tell her story. This tactic specifically manifests itself in Mesereau's seemingly tangential questioning of Constand's involvement in a pyramid scheme – a scam that often steals money from people – at Temple University and formal sexual assault training.

Purposefully pushing Constand away from the stereotype of a naive victim, Mesereau attributes undue intentionality and culpability to Constand in his line of questioning regarding her involvement in a pyramid scheme:

(10) (2018)

DL: Is this an email you wrote?

AC: I believe I – I cut and pasted some information from Sherri. DL: So you didn't know what you were sending; is that correct?

AC: I believe it was some things that she just told me to include when telling Leanna about this.

DL: So you're blaming all of this on Sherri; is that correct?

AC: I never started this, sir, and I – like I said, Sherri was a person who was guiding me through all of this. I was never dedicated to it.

DL: How long were you in it?

AC: From – seems from the 10th of December to middle of May.

(*Commonwealth v. Cosby*, 04/13/18: 197)

Mesereau ignores Constand's claims that she was not closely involved in a pyramid scheme, and thus refuses to allow these utterances any performative force. In the beginning of this excerpt, Constand asserts that emails she sent regarding a pyramid scheme were not actually her words, but rather a product of copy and paste. The lawyer at first appears to accept this distancing from the past virtual utterance through his use of co-operative clarifying questions like *So you didn't know what you were sending; is that correct?*. However, as the excerpt continues, he begins to distort Constand's claim of relative ignorance through pointed questioning. For example, he forces specific additional performative actions, such as *blaming all of [the pyramid scheme] on Sherri*, on Constand's basic claims of non-involvement.

Further, though Constand's response to this statement refutes his added performative effect, the negation of close involvement is ultimately ignored in the next question, *How long were you in [the pyramid scheme]?*, thus disallowing it from having an effect on the already accepted information in the common ground. In this case, the lawyer distorts Constand's past online linguistic behaviors surrounding a cruel scam in an attempt to make them appear more intentional and malicious. This plotting behavior directly contrasts with the innocence stereotype associated with sexual assault victims, and thus makes Constand appear less believable as an accuser.

In addition to utilizing strategies to make Constand's behavior appear more intentional, the lawyer also uses his cross examination to attribute increased knowledge of sexual assault prevention and reporting to Constand. A portion of this discourse is reproduced below:

(11) (2018)

DL: And it says you received your copy of the sexual assault/sexual harassment policy and attended the sexual harassment awareness training; correct?

AC: Yes.

DL: Tell us what the training involved.

AC: I don't remember. I don't know how they put that together. DL: But you did acknowledge you had taken the training; correct? AC: Yes.

DL: Was it part of what you were required to take as Director of Operations for the women's basketball team?

AC: You got it.

DL: And what did they teach you?

AC: I don't know what was on their agenda. Obviously something related to the title of the course.

DL: Were you taught to report sexual assault or sexual harassment?

AC: Nothing stands out in my mind.

DL: But you recognize somebody acknowledged you were trained in it; correct?

(*Commonwealth v. Cosby*, 4/13/18: 177)

In this excerpt, Mesereau again ignores Constand's utterances of ignorance, and thus does not allow them to have performative force as assertions. Though Constand states that she does not recall the content of the training, the lawyer insists that the taking of the training is equivalent to having the knowledge of that training in one's mind. For example, though Constand repeatedly states that she doesn't recall the content of the course through assertions like *I don't know* and *nothing stands out in my mind*, the lawyer continues to ask questions which suggest synonymy between training and current knowledge such as, *but you recognize somebody acknowledged you were trained in it; correct?*. Here, the lawyer uses his discursive power in order to minimize the effect of Constand's assertion on the common ground and maximize the salience of the presuppositions of Constand's knowledge included in his line of questioning. Like attributions of intentionality and agency, this attribution of knowledge pushes Constand away from the typical "victim" stereotype of naiveté, and thus intends to weaken her credibility as a complainant.

I argue that this type of discursive distortion targets and inhibits the effective translation of the sexual assault event into courtroom discourse. This assertion is made on the basis of the assumption that people expect fellow conversational actors to adhere to Grice's maxim of quality. If actor credibility and trustworthiness are taken away, as is what occurs in this type of DI, the assumption of quality of that person's utterances no longer stands, and the conversational actor, in this case Constand, has a lessened capacity to effectively share her story during the trial. This manifestation of DI through strategic appeals to stereotyped expectations of sexual assault victims appears only in the 2018 retrial. Specifically, Mesereau attempts to portray Constand as intentional and knowledgeable, putting her in direct contrast with the traditional 'victim' stereotype of frailty, hysteria, and innocence in order to make her appear less trustworthy as a complainant. While the facts of the assault and Constand's ability to speak freely are challenged in both trials and result in a lessening of Constand's narrative credibility, direct attempts to diminish Constand's character, and, thus overall believability as a complainant, through DI of past discursive behavior and present narration of past action, only appears in 2018. The shift from absence of ad hominem attacks via DI to salient presence of them appears to be the most marked change between the 2017 and 2018 trials.

4. Discussion

The analyses conducted above are discussed and expanded upon in the following sections.

4.1. The Relationship between Speech Styles, DI, and the #MeToo Movement in Commonwealth v. Cosby

In Constand's cross examination in *Commonwealth v. Cosby*, courtroom discourse shifts between 2017 and 2018 to include linguistic behaviors associated with DI more explicitly and aggressively. In the 2017 trial, DI behaves predictably in weakening the force of Constand's discussion of the facts of the sexual assault event and her utterances during the discourse itself. In contrast, DI in the 2018 trial more aggressively targets not only the factual content of the event and trial discourse, but also the translation of the event itself into trial discourse through socially normative filters. Targeting Constand's credibility as a 'model victim', the defense lawyer invokes increasingly more aggressive tactics involving DI in order to impede Constand's capacity to credibly translate her narrative into courtroom discourse and enter information into the common ground of the discourse. Because the phenomenon of DI is fueled by power dynamics and social norms, any shift in its manifestation can be attributed to shifting social conventions or power dynamics. Thus, I assert that this increase in the frequency and intensity of DI indicates a change in underlying social norms relating to sexual assault. Specifically, it appears that the greatest shifts in DI, and thus social norms, occurred in the context of sexual assault stereotypes, victim credibility, and their relationship with the translation of the sexual assault event into narrative form.

This shift in norms regarding the association between credibility and adherence to "victim" stereotypes between the 2017 and 2018 trials parallels the mission of #MeToo to increase unity among and awareness of all types of victims. #MeToo created a platform through which survivors of sexual assault could share their stories freely to a large audience of people. In promoting this platform both online and in person, #MeToo activists also, perhaps indirectly, constructed a large, publicly accessible repertoire of victim identities and narratives. This newfound visibility of survivor diversity may have acted to combat the detrimental effect of stereotypes on sexual assault accuser credibility by demonstrating the true heterogeneity of survivors' physical appearances, personalities, and responses to trauma. Because the influence of stereotype was weakened in 2018 as compared to 2017, attempts to invoke its consequences required increased discursive explicitness and thus more aggressive DI. Thus, the aggressiveness of DI in 2018, I theorize, emerged, at least in part, as a reactive attempt of those traditionally in discursive control – in this case, the defense lawyers – to maintain the norms of their power even within a changing social context that affords them less influence. The less marked but

still present increase in DI in courtroom discourse itself and the facts of the assault between the trials is likely a result of a reverberation outward of this response of the defense lawyers to this shift in stereotype perception.

4.2. On Other Differences Between the 2017 and 2018 Trials

In addition to the emergence of #MeToo, a few additional situational factors changed between the 2017 and 2018 trials. This section will discuss and account for these changes through the lens of the analyses above.

Firstly, Cosby switched legal representation between 2017 and 2018. While in 2017 he was represented by Agursa, a female, in 2018 he was represented by Mesereau, a male. The results of this study must be accounted for in light of this additional change between trials. Discursive injustice is the notion of one having a level of control over the performative force of another person's utterances due to higher social status or superior social capital. In this study, the principles of social power and the effects they have on discursive behavior relate both to a speaker's gender and a speaker's role in the courtroom. While this change in defense lawyer gender between 2017 and 2018 certainly deviates from what would be the most preferable comparison, I assert that it should not change our interpretation of the potential effects of #MeToo on any differences in discursive behavior that we observe between the trial and retrial. The power dynamics between lawyer and testifier roles do not change between trials, creating a limitation on the ways in which increased power from gender may arise. At most, I argue that this shift from female to male lawyer may make behavioral and discursive changes appear more marked than they would have without this change. This characteristic of the trial may limit my ability to draw conclusions regarding the overall extent to which discursive behaviors change in raw frequency. However, it does not inhibit my capacity to observe and compare changes in the characteristics of legal linguistic strategies as categorical measures of discursive injustice between trials.

The other significant difference between the 2017 and 2018 trials was the fact that six women were allowed to testify in 2018 while only two were allowed to testify in 2017. I assert that this difference can be attributed to both the practical fact of prosecution being better prepared for retrial *and* the emergence of #MeToo in between the trial and retrial. If #MeToo's largest success at the time of the 2018 trial was its effect on increasing awareness of the prevalence of sexual assault and the diversity of its survivors, then it would be expected that the belief that one testimony, namely Constand's, could adequately describe each Cosby accuser's experience would become less pervasive both in the court and society at large. The decreasing influence of this perspective would perpetuate an environment in which more accusers were asked and allowed to share their unique narrative with the jury. Other differences in prosecution strategy between 2017 and 2018 may exist, but were outside the practical scope of this analysis.

4.3. On the Results of the Trial

The results of this discursive analysis are consistent with the different results of the 2017 and 2018 trials. In 2017, the inconsistencies in Constand's narrative and subsequent divergence from the 'victim' stereotype, created via manifestations of discursive injustice by Agrusa, decreased Constand's credibility as a complainant. This strategy of discrediting contributed to a mistrial verdict. In contrast, in 2018, the defense's more aggressive methods of DI failed to elicit the same jury response as in 2017. I propose that this apparent backfiring of the defense's strategy may be a result of a diminished relationship between sexual-assault-victim stereotype divergence and Constand's perceived credibility as a complainant. Because DI is fundamentally based on social power imbalances, the defense's ability to use it as a primary means of distorting Constand's behaviors and language may have been diminished as #MeToo shifted attitudes towards sexual assault victims and accusers. Though the lawyers still had discursive power over Constand in the questioning environment, Constand may have gained social power as a result of the social beliefs introduced by #MeToo. This shift in cultural awareness of assault victims, I assert, aided in neutralizing the strategic power of DI in 2018 and led to a guilty verdict.

The additional accusers allowed to testify in 2018 may also have bolstered the robustness of this shift by keeping survivor diversity salient within the courtroom.

5. Conclusion

This analysis has demonstrated that discursive differences do exist between the 2017 and 2018 cross examinations of Andrea Constand in *Commonwealth v. Cosby*. The introduction of the #MeToo movement into the discursive environment of *Commonwealth v. William Henry Jr.* may have altered the linguistic styles used and choices made by key actors, namely defense lawyers, in the trial. This divergence in discursive strategy between the trial and retrial affected all levels of narrative construction, but centered most aggressively on part (3), the translation of the event into narrative form via social filters.

While DI in the 2017 trial focused mainly on Constand's narrative consistency, DI in 2018 was used to target both narrative consistency and personal credibility as a victim through direct and indirect verbal attacks on Constand's overall character and past behaviors. Because DI emerges as a result of surrounding social norms and power dynamics, this marked shift in DI with regard to Constand as an individual victim suggests that #MeToo had a noticeable effect on social conventions regarding the content and believability of the traditional sexual assault "victim" stereotype. This result is consistent with the notion that one of the biggest successes of #MeToo was to raise awareness about the prevalence of sexual assault in the US and internationally (Seales, 2018). By encouraging more women with diverse backgrounds to come forward with their stories of sexual assault and

recovery, traditional 'victim' stereotypes were weakened, and the conditions necessary to be considered a credible accuser shifted away from notions of naiveté and hysteria.

This paper augments the growing literatures on the potential impact of the #MeToo movement and discursive injustice as a theory of the interaction between linguistic behavior and social power. More broadly, this case study demonstrates the way in which social movements can affect language and how language can reflect the effect of social movements. More case studies and large-scale data collections need to be conducted in order to gain a greater understanding of the implications and consequences of #MeToo and other social movements on language and social norms.

References

Court of Common Pleas in the County of Montgomery, Pennsylvania. Transcript of *Commonwealth v. William Henry Cosby Jr.* April 2018. Available at montcopa.org/2312/Commonwealth-v-William-Henry-Cosby-Jr (accessed 4 June 2021).

Court of Common Pleas in the County of Montgomery, Pennsylvania. Transcript of *Commonwealth v. William Henry Cosby Jr.* June 2017. Available at montcopa.org/2312/Commonwealth-v-William-Henry-Cosby-Jr (accessed 4 June 2021).

Court of Common Pleas in the County of Montgomery, Pennsylvania. Police Criminal Complaint of *Commonwealth v. William Henry Cosby Jr.* December 2015. Available at montcopa.org/2312/Commonwealth-v-William-Henry-Cosby-Jr (accessed 4 June 2021).

Conley, John M. & O'Barr, William M. (2005). *Just Words: Language and Power.* Chicago: University of Chicago.

Ehrlich, Susan (2001). 'I didn't yell... I didn't scream': Complainant's ineffectual agency or strategic agency. In Ehrlich (Ed.) *Representing Rape*, 94–120. London/New York: Routledge.

Gunlogson, Christine (2008). A Question of Commitment. *Belgian Journal of Linguistics*. 22(1). 101–136. DOI: 10.1075/bjl.22.06gun.

Hawbaker, KT (2018). #MeToo: A Timeline of Events. *Chicago Tribune*. (5 December, 2018).

Hildebrand-Edgar, Nicole & Ehrlich, Susan (2017). "She Was Quite Capable of Asserting Herself": Powerful Speech Styles and Assessments of Credibility in a Sexual Assault Trial. *Language and Law*. 4(2). 89–107.

Hornsby, Jennifer & Langton, Rae (1998). Free Speech and Illocution. *Legal Theory*, 4(1), 21–37. DOI: 10.1017/S1352325200000902.

Kukla, Rebecca (2014). Performative Force, Convention, and Discursive Injustice. *Hypatia*, 29(2). 440–457. DOI: 10.1111/j.1527-2001.2012.01316.x.

Seales, Rebecca (2018, May 12). What has #MeToo actually changed? *BBC News*. Available at bbc.com/news/world-44045291 (accessed 4 June 2021).

Stuart, Shannon M., McKimmie, Blake M. & Masser, Barbara M. (2016). Rape Perpetrators on Trial: The Effect of Sexual Assault-Related Schemas on Attributions of Blame. *Journal of Interpersonal Violence*, 34(2), 310–336. DOI: 10.1177/0886260516640777.

US Legal (n. d.). *Sexual Assault Law and Legal Definition.* Available at definitions.uslegal.com/s/sexual-assault (accessed 4 December 2018).