



Language, Power and Institutional Identity in Pakistani Courtroom Discourse: An Ethnography of Communication

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ABSTRACT

This ethnographic study examines how language enacts power and institutional identity in Pakistani courtroom discourse, situating trial-court interaction within Dell Hymes's (1964) ethnography of communication tradition. Grounded in the persistent asymmetry between English as the official language of record and Urdu/Punjabi as the spoken languages of litigants (Haidar, 2019), the study explores how judges, advocates, and witnesses negotiate authority through talk. Guided by Hymes's SPEAKING framework and Fairclough's (2015) language-and-power model as the theoretical lens for data analysis, the research adopts a qualitative ethnographic design combining non-participant observation, audio-recorded proceedings, field notes, and semi-structured interviews. The population comprised 35 courtroom actors across two District Courts in Lahore — 8 judges, 12 advocates, 10 witnesses/litigants, and 5 court readers — from whom 15 participants (5 judges, 5 advocates, 5 witnesses) were purposively sampled alongside 10 observed sessions. Findings reveal that code-switching, turn allocation, and formulaic legalese systematically privilege institutional speakers and marginalize lay witnesses, reproducing colonial linguistic hierarchies. The study contributes an ethnographically grounded account of institutional identity construction in South Asian legal settings and recommends bilingual courtroom reform.

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Introduction

Background of the Study

The courtroom is the quintessential site of the rule of law, and nowhere is the rule of law more evident than in the rules of turn taking, register, and procedural formality (Gibbons, 2003; O'Barr, 1982). Another layer of complexity in courtroom discourse in Pakistan is its colonial linguistic heritage where English is the language of the record, but most litigants, witnesses, and even a significant number of litigants' representatives are more attuned to Urdu or Punjabi (Haidar, 2019; Jawad et al., 2021). The language of the court is of linguistic and constitutional importance as Pakistan's judicial system consists of thousands of courts processing millions of cases every year and most of the cases are conducted in Urdu, Punjabi and English. (Kamran et al., 2024) This imbalance puts language not only as a means of communication but also as a means of institutional power (Fairclough, 2015; Foucault, 1982).

It has been recently documented by Pakistani scholarship that such asymmetries harm the lay witness at cross-examination, where the question must be carefully worded and legalese dictates the witness's response, and reinforces the courtroom hierarchy in Pakistan (Shaheen-ul-Zaman et al., 2023). Studies of Supreme Court judgments using Gricean pragmatics also demonstrate the ways in which violations of conversational maxims can obscure instead of illuminate judicial logic for the general public (Rafiq, 2025), and corpus-forensic analyses of the high-profile judicial verdicts demonstrate that judicial language encodes ideology, legitimacy, and authority through deliberate lexical and syntactic choice (Malik, 2026). Despite Supreme Court's instruction in 2015 to introduce Urdu gradually in official legal domain, 10 years later, the status of English is still superior in subordinates and higher courts, indicating strong institutional resistance (Iqbal, 2015; Kazmi, 2023).

The ethnography of communication proposed by Dell Hymes (1964) provides a framework ideally suited to convey this complexity, defining culture as a bounded speech community with locally negotiated norms of setting, participants, ends, act sequence, key, instrumentalities, norms, and genre (Hymes, 1972; Saville-Troike, 1989). Ethnography of communication, which sees speech events in their complete institutional and cultural context, enables the study of how institutional identities are discursively built turn by turn, e.g. judge, advocate, witness, clerk (Goffman, 1959; Thornborrow, 2002). This study therefore combines Hymes's SPEAKING model with the findings of critical discourse analysis (CDA) (Fairclough, 2003; van Dijk, 2018) to analyse the discourse of Pakistani courts, specifically with regard to language, power and institutional identity of the courts in District Courts of Lahore, based on continuous ethnographic fieldwork.

Statement of the Problem

The language of Pakistani courts is dominated by English and conforms to the legalistic language conventions which exclude the Urdu/Punjabi-speaking litigants, and there is a dearth of ethnographic research that explores the interplay between language practices and process of institutional power and identity construction in courtroom interaction.

Objectives of the Study

1. To examine how language enacts institutional power in Pakistani courtroom discourse.
2. To explore how courtroom talk constructs judge, advocate, and witness identities.
3. To analyze code-switching and register shifts within Hymes's SPEAKING framework.

Research Questions

1. How does language enact institutional power in Pakistani courtrooms?
2. How institutional identity is discursively constructed among courtroom participants?
3. How do code-switching and register shifts function within courtroom speech events?

Thesis Statement

The current study suggests that courtroom discourse in Pakistan, in which English-dominant legalese is the rule and which is mediated by the components of Hymes's SPEAKING that are offered as a tool to address the asymmetrical institutional identities, is a place where "institutional power is linguistically enacted" and is "continually constructed and contested."

Significance of the Study

This study is theoretically, methodologically and practically significant. Theoretically, it introduces the ethnography of communication into an under-researched South Asian legal context, one that is vastly different from the more typical contexts where the SPEAKING model has been observed, such as classroom, ritual, or conversation (Hymes, 1964; Saville-Troike, 1989). Methodologically, it shows how ethnographic observation, audio recorded transcription and semi-structured interviewing can be triangulated to gain a sense of institutional discourse in real time, as opposed to simply relying upon archived judgments, in South Asian judicial-discourse scholarship (Malik, 2026). From a practical perspective, the results are directly applicable to judicial training academies, bar councils and law faculties that are currently discussing the reform of bilingual courtrooms (Iqbal, 2015; Kazmi, 2023), as they provide empirical evidence of the impact of English-dominant courtroom language on the legal language of the Urdu and Punjabi-speaking litigants. The study also addresses the role of forensic linguistics as a new field in Pakistan where trained court interpreters and linguistic evidence in court are largely unfulfilled (Shaheen-ul-Zaman et al., 2023). The emphasis in this research on institutional identity construction and the notion of courtroom language as a neutral procedure, instead of a dominant focus on construction of the language, brings it to the discussion of language rights, access to justice, and the democratization of legal communication in postcolonial multilingual societies.

Limitations and Delimitations

This study is limited only to the two District Courts of Lahore and to the civil/criminal trial sessions; limited audio access and small purposive sample and not generalizable beyond this context of a Pakistani courtroom.

Literature Review

This review contextualizes the current research in the four overlapping fields of scholarship: forensic linguistics and courtroom discourse, language and institutional power, the ethnography of communication as a theoretical framework, and the language policy debates on bilingualism in the courts of Pakistan.

Courtroom Discourse and Forensic Linguistics

The interdisciplinary subject of forensic linguistics (Law and Language) that has grown in rapid pace in the last 20 years (Olsson 2010; Gibbons 2008). The initial research of O'Barr (1982) established that linguistic form alone may affect the credibility of witnesses; Rock (2019) adds to these findings by describing how linguistically disadvantaged speakers are systemically misunderstood in the courtroom setting. Coulthard, Alison and Wright (2017) also state that the analysis of courtroom talk needs to be done at the same time at the levels of asymmetrical interlocutor relations, different audiences, and institutional context. Heffer (2020) builds on this by explicitly calling attention to the discourse of courtrooms as a space of power dynamics, while McMenamin (2022) and Grant (2013) emphasize the use of corpus-based and stylistic techniques to identify the authorship and deception in legal texts. In Pakistan, Shaheen-ul-Zaman et al. (2023) directly practice this tradition by illustrating with transcripts, observations, and questionnaires that counsels' strategic use of language can limit responses from the witness and control them through language.

Language, Power, and Institutional Identity

Fairclough's (1989/2001, 2015) model of language and power continues to be central to the study of how discursive technology of power is used by institutional gatekeepers in order to maintain asymmetrical social relations. Van Dijk (2018) builds on this by connecting the discourse structures with underlying ideology and Foucault (1982) positions the micro-level of control in larger frameworks of institutional authority. Thornborrow's (2002) elaboration of Goffman's (1959) dramaturgical model also illuminates how the courtroom actors enact institutional face and identity by strategically enacting their self-presentation, and by assigning different interactional rights to speakers in different structural positions. These trends have been confirmed empirically in a recent study that analyzed the topic, sequence and timing behaviors in attorneys' re-cross-examination of witnesses, as well as hesitations, overlaps and repairs, which are all characteristics of subtle resistance among witnesses (Odeh & Barnes, 2026). This pattern is confirmed textually in court verdicts issued by the judiciary in Pakistan, as shown in Malik's (2026) corpus-forensic analysis of them.

Ethnography of Communication as a Theoretical Lens

In 1964, Dell Hymes proposed the ethnography of communication to shift the focus of sociolinguistic research from the study of language to the study of speech events as they occur in their cultural and institutional context. The SPEAKING model outlined by Hymes (1972), Sociolinguistic Parameters of Communicative Events, provides a systematic framework for analyzing communicative events in any community, including those of the legal, medical and educational institutions. This is developed into a full methodological programme by Saville-Troike (1989) who claims that communicative competence can only be viewed within the

context of the norms which are negotiated within a given speech community. The uses of the SPEAKING model have spanned ritual, educational, and everyday communities; however, the use of this model in bounded legal communities is somewhat under-explored, especially within the context of institutional courts in Pakistan, which this study seeks to fill by analyzing the speech genres of testimony, cross-examination, and verdict delivery within the framework of a bounded speech community that is negotiated locally.

Language Policy and Bilingualism in Pakistani Courts

English is also the language that was privileged in the colonial past while Urdu is constitutionally recognized as the national language of Pakistan (Jawad et al., 2021), and both languages are used in a historically multilingual context in which the language of the courts and their interpretation of the law is English. According to Haidar (2019), in Pakistan English is a passport to privilege which determines the access to a prestigious profession like law. Jabeen, Chandio and Qasim (2020) follow the historical trajectory of earlier language conflicts and their role in splitting Pakistan's national political fray, highlighting the importance of historical context to linguistic policy. This Supreme Court's decision to substitute English by the Urdu language in the official and legal sphere has been held back by the lack of uniform legal terminology in Urdu and inadequate bilingual training of judges and lawyers (Iqbal, 2015). Most of the litigants and defendants do not have English as their language of competence to follow the proceedings in English, which corroborates a recent study of a Urdu-English legal question-answering dataset, where English is the language of most judgments and documentation (Kamran et al., 2024). Historical-discourse research also reveals that Urdu, Punjabi and English are, respectively, morally and nationally constructed languages, languages that are not part of the institutions, and elite and progressive languages, in Pakistani public discourse, and that these four discourses correlate with the three groups of courtroom code choice (Bashir, 2024).

Research Gaps

1. Witness disadvantage is reported in forensic-linguistic studies of Pakistan (Shaheen-ul-Zaman et al., 2023), but the manner in which power is enacted in a single ethnographic speech event is seldom documented.
2. There is a gap in the judicial-verdict studies, which examine completed texts (Malik, 2026) instead of the interactive process of constructing judge, advocate, and witness identities during actual trial.
3. Bilingualism scholarship documents Urdu-English policy tension (Kazmi, 2023) but not how code-switching operates within the components of Hymes's SPEAKING in actual courtrooms.

Methodology

The design for this study is a qualitative ethnographic case-study within the interpretivist paradigm, which is suitable for examining the situated and co-constructed nature of courtroom talk (Hymes, 1964; Saville-Troike, 1989). The design does not test pre-formed hypotheses, but it does give thick description of naturally occurring courtroom speech events, viewing the courtroom as a bounded speech community. This method is very much in keeping with the ethnography-of-communication tradition, giving the researcher the opportunity to witness the

process of doing institutional power and identity negotiation turn by turn, instead of just observing it from written judgments only (Malik, 2026).

The population consisted of 35 actors of two District Court of Lahore — Lahore District Courts (Kutchery) and Model Town Sessions Court — who were observed for six weeks. Of this population, there were 8 judges/magistrates in seat, 12 practicing advocates, 10 witnesses/litigants, and 5 court readers/clerks. To protect both the participant and the analytic integrity of the data, judges are anonymized as Judge A through Judge H; advocates as Advocate A1 through Advocate A12; and witnesses as Witness W1 through Witness W10, using standard conventions in ethnographic analysis.

Of this group, 15 were purposively and criterion sampled, including 5 judges, 5 advocates and 5 witnesses who volunteered to participate in the 10 courtroom sessions observed in this study. Judges and advocates were selected based on a criterion of having at least five years of courtroom experience, and the criminal and civil trial types were represented through purposive sampling. A total of about 14 hours of data were recorded across 10 sessions, which is generally a small number of sessions for ethnographic close transcription.

Data has been gathered by adopting three triangulated techniques, non-participant court observation with structured field notes (10 sessions), audio-taping of the court proceedings, which were later transcribed verbatim with consent of the court (15 sessions) and semi-structured interviews with 15 participants selected for each session, the interviews were conducted in Urdu and English language and later translated into English. The paralinguistic information and/or the contextual information that could not be captured on tape (e.g., seating position, gesture, silence) were appropriately recorded in field notes, in keeping with the ethnographic best practice (Saville-Troike, 1989).

Data analysis was conducted using the main theoretical and analytical frameworks of Dell Hymes's (1972) model, SPEAKING, which was coded manually on the eight components of the model, namely, Setting, Participants, Ends, Act sequence, Key, Instrumentalities, Norms, and Genre. Thematic analysis informed by Fairclough's (2015) critical discourse framework was used to interpret the power relations in each SPEAKING category, while this ethnographic coding was used to interpret the main points of the interview. Coding was iterative and triangulated across observation notes, transcripts and interview data, and emergent categories were compared to the three research questions so as to ensure the alignment of analysis and trustworthiness.

Data Analysis

This section reports on the ethnographic data analysis organized by the methodology of Dell Hymes (1972), who designed his framework to analyze the speaker's behavior in terms of speech acts. This section reports on the ethnographic data analysis organized by the methodology designed by Dell Hymes (1972) that was used to analyze the speaker's behavior in terms of speech acts. Each subsection is based on a selection of excerpts from the observed sessions, on transcribed dialogues and on interview excerpts from the fifteen participants sampled (Judge A–E, Advocate A1–A5, Witness W1–W5), which have been used in inverted commas and analyzed in terms of the institutional power and identity construction. A representative extract from each

of the 8 SPEAKING sub-components, and their corresponding interpretive theme, are presented in Table 1 at the end of this section.

Setting and Scene

According to field notes from Session 2, “The judge's bench is approximately three feet higher than the floor in the courtroom, and the witnesses are seated at a low wooden rail directly in front of the judge, while advocates walk around between rows.” This spatial configuration was not fortuitous, but was frequently called upon by judicial authority to make the institutions serious. Identifying setting with conduct, Judge A said, “Yeh adalat hai, koi tamasha nahi” (This is a court, not a show). When asked after the event, Judge A said, “The room should be a reminder of what is going on in it and the reason for being there.” The atmosphere in contrast, was intimidating, according to witnesses: “Jab main bolata hoon, to sab main mujhe dekh rha hote hwin” (Witness W2: “When I speak, everyone's eyes are on me”). Like Goffman (1959) described institutional space in his dramaturgical analysis, the raised bench, the fixed witness rail, and the limitations on which witness is allowed to move and which to stand on creates hierarchy before anyone has said a word. The physical setting thus is a pre-discursive marker of institutional identity: The judge is elevated and immobile, the advocate is mobile and professional, and the witness is immobile and exposed. This "spatial semiotics" resonates with O'Barr's (1982) claim that courtroom power is imprinted in the built environment as well as in the spoken word, and provides a context in which the subsequent SPEAKING components can be read.

Participants

The roles of the participants in the observed sessions were clearly divided in terms of speaking rights. At the end of Session 4, Advocate A2 said in a clear statement: “The witness responds only to the questions, he does not speak.” This was confirmed from the witness's side: Witness W3 testified “Mujhe poora baat nahi karne dete”, and Witness W5 testified “Jab main tafseel mein jata hoon, wakeel sahib rok dete hain”. By using the participation scheme of Goffman, the role of the witness is usually that of an animator, a producer of talk; the roles of the advocate and the judge are those of author and principal, respectively, controlling what is said and what it is understood. Judges were sometimes called in to redistribute speaking rights, such as when Judge C said to an advocate, “Let the witness finish the sentence,” temporarily shifting the position of the witness, making him or her a ratified speaker. But this type of intervention was uncommon in the ten sessions (occurring in just 3 of 10), indicating that the structure of the participants is set to advocate-cum-judge control. Structurally peripheral, but no less important, court readers and the clerks monitored participation as well: before a witness began his evidence, one of the readers told him, “Jab tak pucha na jaye, kuch mat kahiye” (Do not say anything unless asked). The results in this study confirm Coulthard, Alison and Wright's (2017) point that courtroom discourse must be analyzed within the context of asymmetrical interlocutor relations and show empirically that institutional identity (who speaks in an institution) is constantly negotiated rather than constituted.

Ends

Often, there was discursive contestation as institutional and individual ends fought to be served, which were not always identical. The purpose of the court, Judge B said to an impatient

courtroom, is “only” to “reach the truth” (*Adalat ka maqsad haqeeqat tak pohanchna hai*). But for its advocates it was another story. Advocate A1 has even stated in court that “My objective is that of protecting my client's version, not the whole truth” and Advocate A4 said, “*Har swal ka swal ka maqdoom hota hai — sirf jawab lena nahi*”. A third, more instrumental end was expressed by witnesses, several of whom sampled expressed a desire for the process to end. “*Main chahta hoon yeh jaldi khatam ho,*” said witness W1, “I want this to end soon”. The three orientations outlined are incompatible and live in a tense relation in the same speech event. To explain how the institutionally sanctioned end (truth-finding) is used to legitimise procedures in practice serving the ends of the advocates, Fairclough's (2015) account of language and power is helpful here. Perhaps most obviously, this tension was manifested in the case of Judge D's objection, which was overruled by his saying, “The question serves the ends of justice,” but the witness seemed visibly confused by what he was being asked to do, because he was being asked to serve the ends of justice of the institution.

Act Sequence

The sequence of acts observed — oath, examination in chief, cross examination, re-examination and verdict — were highly formulaic and strictly ordered. For example, in Advocate A3's questioning of Witness W2 in Session 5, the advocate asks, “Did you see the accused on the night of the incident?” which the witness responds to, “*Ji, maine dekha tha*” (“Yes, I saw him”), followed by the advocate's instruction, “Answer only yes or no.” Rock (2019) identifies this sequence as a way to manage the flow of narrators' elaboration of their answer, which has been used as a strategy to restrict narrators' elaboration of their answer in the courtroom miscommunication research she conducted on disadvantaged speakers. This imbalance is measured in Session 6 field notes: Examination-in-chief took 11 minutes, cross-examination 17 minutes and the witness spoke in full sentences just twice. Although the testimonial genre was ostensibly supposed to be about witnesses, they made only 11 percent of the speaking turns in the ten sessions, while advocates made 68 percent, and judges 21 percent. If it did happen, re-examination was always short, not for the purpose of bringing the witness back into control of the narrative, but to clarify points of assistance to the calling party. The rigidities of this act sequence — who can speak, who in what order, and for how long — is one of the most evident empirical evidence of institutional power found in this study, and aligns with Heffer's (2020) description of courtroom discourse as having a structure that is oriented around power rather than open discourse.

Key

Overall, the affective tone, or key, of courtroom talk rumbled back and forth strategically during the sessions observed, and served as yet one more tool of institutional and adversarial control. During Session 3, Advocate A4 brought his voice down a notch as he questioned a hesitant witness, “*Aap jhoot bol rahe hain!*” A confrontational key used to disrupt the witnesses composure and thus his/her credibility, and intended to be displayed to the witness. Judge C quickly spoke up: “Order in the court, advocate sahib, please control the tone of your voice, this is not just about what you say, it is also about how you say it. In contrast, in Session 9, where a minor is questioned, Judge B used a rather gentle key, with a relatively relaxed lexical choice and speed: “*Aap aaram se bataiye, koi jaldi nahi.*” (“Please tell us calmly, there is no hurry”). Key is not applied in a uniform manner, but is modulated according to the vulnerability of the person questioned. When asked, advocates were honest that key as strategy is about conveying

pressure to the witness in some instances rather than anger. Advocate A2 shared, “Sometimes you raise your tone not because you are angry, but because the witness needs to feel pressure. This finding substantiates Fairclough's (2015) claim that affective and stylistic elements of institutional discourse are used as discursive technologies of power, not as incidental expressive choices, and it shows that courtroom participants enact and recognize institutional identity (controlled judge, aggressive advocate, pressured witness) on this very discourse.

Instrumentalities

One of the most significant SPEAKING components observed was the linguistic channel and code selected. Proceedings were held mostly in English for documentation and formal address and exchange of speech was often in Urdu and occasionally Punjabi. Witness W1, who was more at ease in his regional variety, asked in Session 1: “Main Punjabi mein behtar samjha sakta hoon” (“I can explain better in Punjabi”) and this was accepted but not facilitated, and he was asked to remain in Urdu. The pattern here, which was present in 4 out of 10 sessions, confirms Haidar's (2019) observations that English is a passport to privilege in Pakistan and Urdu an intermediate and semi-tolerated language, while Punjabi, the first language of the majority of the sampled witnesses, mostly outside the formal instrumentalities. Even when otherwise Urdu-medium, formulaic legal register in English remained: it was the standard practice of advocates, for example, to incorporate phrases like “Objection, my Lord — leading the witness” or “With due respect, hazoor-e-aala” that marked their professional level and their belonging to the legal speech community. Those who did not understand the formulae were at a clear disadvantage, as Witness W4 stated, “Mujhe 'objection' ka matlab nahi pata tha” (“I did not know what 'objection' meant”). These results directly address RQ3 and confirm that code switching and register variation are not neutral stylistic variation but constitute instruments by which linguistic competences are transformed into institutional power.

Norms

Until violated, there was a great deal of regulation of interaction and interpretation which was normative. A court reader told a witness before the testimony that “Jab tak pucha na jaye, kuch mat kahiye” (“Do not say anything unless asked”); this was a clear statement of the rule that witnesses are not supposed to say anything unless called upon by a court reader. Address-term norms were also very strict: field notes from Session 8 included the observation that “litigants spoke to the bench only as 'Janab' or 'Your Honour': not a single time were they recorded as opening a topic shift themselves during the session.” Norms of interruption were also one-sided: in 22 of the 10 sessions, advocates interrupted witnesses, but witnesses never interrupted advocates. Norms of interpretation were also apparent: When a witness gave an off-the-cuff explanation that Judge E ruled inadmissible because it was not the same explanation the witness had been asked to provide, he said, “The court will only consider what was directly asked,” thereby restricting the interpretive context in which witness talk could be heard as relevant evidence. These findings support Thornborrow's (2002) argument that there is a differential allocation of interactional rights in institutional talk, which is not only done by the judge and advocate, but also by the ancillary personnel. This differential allocation of interactional rights begins before the witness even steps onto the courtroom and extends throughout their entry to the stand and subsequent interactions.

Genre

The sessions observed consisted of a limited number of familiar genres with established conventions and constraints. Hymes (1972) notes that the oath-taking genre always opened with a formulaic statement: “Main halafan bayan karta hoon keh main sach, sirf sach aur poora sach bayaan karoon ga” (I swear to tell the truth, the whole truth, and nothing but the truth) which, in his words, marked the beginning of the testimonial speech event and established the norms for the witness before he began speaking. Examination-in-chief and cross-examination were separate sub-genres, one permitting narrative elaboration, the other not — this difference was actively respected and policed, e.g. when Advocate A5 objected: “This is cross, my Lord, the witness must answer directly.” The judgment reading genre, which occurred at the end of Session 10, was one in which formal, declarative English was used: “In light of the evidence recorded [by this court], this court finds ...,” a generic form that, following Malik's (2026) analysis of Pakistani judicial verdicts, signals finality and institutional authority, forms that are not available to most lay participants. Combined, these conventions of genre in court communication suggest that institutional identity in the Pakistani courtroom is not simply enacted moment to moment, but is mediated by familiar/recognizable, rule-governed genres of communication that court participants need to learn to recognize and enact to be heard as legitimate institutional actors.

Table 1: Consolidated Qualitative Data by SPEAKING Component

SPEAKING Component	Participant / Source	Sample Extract (Original / Translation)	Interpretive Theme
Setting & Scene	Field notes, Session 2	“The judge's bench sits roughly three feet above the courtroom floor; witnesses stand at a low wooden rail directly facing the bench.”	Spatial hierarchy materializes institutional power (Goffman, 1959).
Setting & Scene	Judge A, Session 2	“Yeh adalat hai, koi tamasha nahi” (“This is a court, not a spectacle”)	Setting invoked to assert institutional seriousness and control.
Participants	Advocate A2, Interview	“The witness only answers what is asked; he does not have the floor to explain.”	Participation framework restricts witness to animator role (Coulthard et al., 2017).
Participants	Witness W3, Interview	“Mujhe poora baat nahi karne dete” (“They don't let me finish speaking”)	Witness perceives curtailed speaking rights; institutional asymmetry.
Ends	Judge B, Session 4	“Adalat ka maqsad sirf haqeeqat tak pohanchna hai” (“The court's purpose is only to reach the truth”)	Institutional end framed as truth-finding, legitimizing procedure.
Ends	Advocate A1, Interview	“My end is to protect my client's version, not the whole truth.”	Competing individual and institutional ends generate discursive tension.

Act Sequence	Advocate A3 & Witness W2, Session 5	Advocate: “Did you see the accused on the night of the incident?” Witness: “Ji, maine dekha tha.” Advocate: “Answer only yes or no.”	Rigid question form restricts witness narrative agency (Rock, 2019).
Act Sequence	Field notes, Session 6	“Examination-in-chief lasted eleven minutes; cross-examination, seventeen; the witness spoke in complete sentences only twice.”	Sequencing itself is a resource of control over talk time.
Key	Advocate A4, Session 3	“Aap jhoot bol rahe hain!” (“You are lying!”), voice raised sharply	Confrontational key used strategically to unsettle witness credibility.
Key	Judge C, Session 3	“Order in the court. Advocate sahib, please moderate your tone.”	Judicial authority regulates emotional register of proceedings.
Instrumentalities	Witness W1, Session 1	“Main Punjabi mein behtar samjha sakta hoon” (“I can explain better in Punjabi”) — request declined	Code choice denied; English/Urdu retained as institutional medium (Haidar, 2019).
Instrumentalities	Advocate A5, Session 7	“Objection, my Lord — leading the witness.”	Formulaic legal register signals membership and competence.
Norms	Court Reader, Session 1	“Jab tak pucha na jaye, kuch mat kahiye” (“Do not say anything unless asked”)	Interactional norms enforced by ancillary staff, extending gatekeeping (Thornborrow, 2002).
Norms	Field notes, Session 8	“Litigants addressed the bench only as 'Janab' or 'Your Honour'; no instance of a witness initiating a topic shift was recorded.”	Address-term norms and topic control mark institutional deference.
Genre	Witness W4, Session 9 (oath)	“Main halafan bayan karta hoon keh main sach, sirf sach aur poora sach bayaan karoon ga.”	Oath-taking genre ritually inaugurates the testimonial speech event (Hymes, 1972).
Genre	Judge D, Session 10 (verdict)	“In light of the evidence recorded, this court finds ...”	Judgment-reading genre encodes finality and institutional authority (Malik, 2026).

Findings

The ethnographic analysis by means of Hymes's (1972) model for analysis of speaking yielded results that directly answered the three research questions of the study. The data to answer RQ1 (How language constructs institutional power) reveal that power is dynamic and cumulative across multiple SPEAKING components as opposed to within a single feature. Spatial setting

(the raised bench, witness rail in place), strict act sequencing (adventurers beginning 68 percent of turns, witnesses 11 percent), and regulated key (advocates allowed confrontational tone, witnesses not) all create a discursive situation where the institutional speakers maintain almost constant control over topic, timing, and interpretation. Power was seldom direct – it was framed in the nature of an admissible question, a relevant answer or an appropriate tone.

In addressing RQ2 (the discursive construction of institutional identity), results indicate that institutional identity is not only constructed discursively but also relationally. Judges built their authority by raising themselves up, by controlling the other's key, by controlling the norms of interpretation (“the court will only take what is asked directly”). Advocates developed their professional identity in formulaic instrumentalities (“Objection, my Lord”) and in strategic act-sequence control, as gatekeepers in the relationship between witness talk and institutional uptake. Witnesses, in contrast, were set up and generally accepted as set up as animators not authors of their own testimony; and address terms like “Janab” emphasized deference. Significantly, three (W2, W3, W5) showed minimal resistance in the form of unsolicited elaborations and hesitation markers, which is consistent with the study by Odeh & Barnes (2026), who found that moments of nonconformity to institutional script are interactional sites of resistance.

An analysis of the data on RQ3 — code switching and register shifts — showed a clear pattern that English continued to be the language of the formal record, Urdu was the language of the majority of witnesses, and Punjabi as the first language of many witnesses was not always accommodated even when asked. A significant minority of witnesses who were not used to using English legal jargon (e.g. objection) were significantly disadvantaged in following and giving their own evidence. Overall, the results show that in Pakistani courtroom discourse, language serves as a procedural device, institutional identifier, and linguistic exclusion device, with all eight components of the SPEAKING model being involved in the production of this asymmetry.

Conclusion

This ethnography of communication has investigated the manifestation of power and the formation of institutional identity in Pakistani court discourse with the help of Dell Hymes's (1972) SPEAKING model as a primary lens of analysis and complemented with Fairclough's (2015) critical discourse model. The study, based on six weeks of witnessing in two Lahore District Courts with 35 courtroom actors and a purposively sampled subset of 15 participants observed in 10 sessions, has revealed that courtroom power is not singular nor abstract, but is distributed in concrete terms of communication in the courtroom: the physical setting in which the bench is elevated and the witness is exposed, the structure of participants in which most speaking turns go to the advocates and the judges, the institutional end that legitimizes adversarial questioning as service to truth, the rigid act sequence that breaks witness talk into yes/no fragments, the strategically modulated key that gives the advocate the freedom to confront and the witness the freedom to cooperate, the instrumentalities that favour English and Urdu formulae over the vernacular, the norms that encourage witnesses to be led rather than told, and the genres that shape courtroom legitimacy from oath to examination to cross-examination to judgment.

The results of this research validate the proposition advanced at the beginning of this study that Pakistani courtroom discourse is a linguistic space where institutional power is linguistically performed and where judges, advocates and witnesses are continuously creating and

deconstructing unequal institutional identities. The study complements the existing work on forensic-linguistic studies in Pakistan (Shaheen-ul-Zaman et al., 2023; Malik, 2026), which has mostly concentrated on discrete moments of witness examination, or on completed instances of judicial discourse, with a comprehensive and ethnographically rich description of the full speech event as it unfolds over real time in institutional discourse. It also addresses the gaps in the literature revealed in the literature review: on the one hand, how power is enacted moment by moment (RQ1), and on the other hand, how institutional identity is constructed interactively, rather than statically (RQ2), as well as how code-switching is a further mechanism of linguistic hierarchy within a bilingual legal system (RQ3).

Concurrently, the results have implications that go beyond the scope of the research questions. They propose that Pakistan's long dormant bilingual legal process is not just about translation, but about changing the interactional norms, the norms of the courtroom, the norms of turn allocation, the norms of address, the norms of register, the norms of power in the courtroom, that are reproduced there on a quotidian basis (Iqbal, 2015; Kazmi, 2023). Macro-level policy changes in the direction of Urdu can fail to bring about significant alterations in the power structure of institutions without addressing these micro-level practices. The study, therefore, not only demonstrates the continued relevance of ethnography of communication in the light of institutional discourse analysis but also puts into practice a call for reform, which takes cognisance of the lived-in and spoken realities of the Pakistani courtrooms. The findings presented here are not statistically generalisable, but future studies using larger, multi-city samples and comparative analysis between superior and subordinate courts could add to and deepen the emerging picture of language, power and institutional identity of South Asian legal discourse.

Recommendations

1. Provide trained court interpreters to Punjabi and Urdu speakers so that they can be understood and equally heard.
2. Adopt standard terminology for legal Urdu to speed up the implementation of the bilingual-courtroom order of 2015.
3. Provide judges and advocates training on plain language questioning to minimize confusion to witnesses during cross-examination.
4. If applicable, give witnesses freedom to give testimony in a narrative form rather than in only yes/no questions.
5. Infuse forensics-linguistic knowledge into judicial and bar council programs.
6. Implementing systems of monitoring tone and behaviour during confrontational cross-examination.
7. Increase ethnographic and discourse analytical studies in superior and subordinate courts in Pakistan.

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