A Critical Discourse Analysis of Language Used in Courtroom Cross-Examinations in Pakistani Dramas

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Abstract

This study has been carried out to analyze linguistic choices used by legal participants to assert dominance during cross-examinations in Pakistani dramas by using Fairclough's 3D model of CDA. The justice system in Pakistan holds significant power governed by law. A qualitative approach was used, with data being collected through purposive sampling. In this regard, Six Pakistani dramas were selected which involve cross-examination scenes among the lawyers, total thirty scenes. The analysis followed Fairclough's 3D model of CDA (1665), focusing on three dimensions: text analysis, discursive practices, and social practices. Findings revealed that linguistic choices used by legal participants play a significant role in asserting control and dominance during cross-examination scenes in Pakistani dramas. It has been found that asymmetrical power dynamics exists, with lawyers exerting more power and control through language behaviors than witnesses. This study contributes to Critical Discourse Analysis, forensic linguistics, and legal discourse analysis in Pakistan.

Keywords: language and power, legal discourse, Critical Discourse Aalysis (CDA), Fairclough 3 D Model

Introduction

The legal system in Pakistan is often criticized for its lack of refinement, where criminals live freely while innocents suffer the consequences. The courtrooms are often portrayed as a battleground where legal battles are fought with argumentations and evidence presentations. Language plays a crucial role in courtroom interactions, where almost everything is communicated through speech. The language used in courtrooms is different from everyday language. The justice system holds significant power in societies. Language shows asymmetrical relationships among legal participants and reflects power dynamics, control, inequality, Injustice, and discrimination. The judges and lawyers have more power as compared to witnesses and defendants. They use their position and resources to confuse or manipulate the victim on the witness stand. They can use aggressive questioning or attempts to degrade the victim's character. The lack of victims' familiarity with the legal procedures and further victimization make it easy for the opponent lawyers to control them.

Asymmetrical relationships can be seen everywhere in the world and in every field of life (Ajayi & Oluwafemi, 2015). This study is concerned with asymmetrical relationships in the

legal context. Several studies have confirmed that there is an asymmetrical power relationship in the courtroom. This relationship can be among: the lawyer and witnesses, lawyer and judges, lawyers and lawyers, and even among judges and witnesses. In courtrooms, conversation is based on questions and answers. During courtroom proceedings, power dynamics can be seen between the legal participants where lawyers hold more power than the witnesses during the cross-examination process. As lawyers have the authority, they can ask different questions to witnesses; on the other hand, the witnesses are legally obligated to answer those questions truthfully. They must respond to the questions that are posed to them even if they feel uncomfortable or pressured. This creates an asymmetry of power where the lawyers have more control than the witnesses.

This is commonly highlighted in Pakistani dramas where courtroom scenes are more than mere legal battles. It provides insights into the complex ways of power operating within the society in various situations. Pakistani dramas often reflect the values, beliefs, and behaviors of a society. These dramas are usually based on real-world experiences. When the characters in dramas pose questions to each other, they are not just arguing, they are showing who has power and who has been challenging it. They use power to show control over others (Rozzaq et al, 2015). Power is one of the principles of CDA that has an important role in building conversations at times. Pakistani dramas present a vivid description of inequality of power (Tahir et al, 2021). These dramas sometimes also misrepresent the truth and manipulate people to lead a certain way of life (Khan et al, 2016).

This study holds significant value for individuals involved in Critical Discourse Analysis, forensic linguistics, and legal discourse analysis in Pakistan. By analyzing language in Pakistani courtroom dramas, this study provides insights into different societal issues that exist in Pakistan such as how socioeconomic background and class difference creates unequal access to justice. This research highlights the role of language in asserting authority, dominance or challenging power within courtrooms. By shedding light on actual courtroom practices, it raises awareness on the complexities and inconsistences of the legal system in Pakistan. It urges citizens to challenge power dynamics and demand fair treatment. In this regard, following research questions has been generated:

Research Questions

In this regard, following research questions have been generated:

- How do the linguistic choices used by legal participants assert dominance during cross-

examinations?

● How power is negotiated through language in courtroom cross-examinations as depicted in Pakistani dramas?

Literature Review

Literature has been reviewed in the domain of Critical Discourse Analysis (CDA) and legal discourse. CDA has become a well-established field in the social sciences since the late 1980s. Critical Discourse Analysis is a method that analyzes language as discourse, which means "language is conceived as one of the elements of the social process dialectically interconnected with others" (Fairclough, 2002, p. 188). The focus of CDA is on the relationship between the discourse and social power. Its main aim is to find out 'unequal relations of power' and to 'reveal the role of discourse in reproducing or challenging socio-political dominance' (Bell & Garret, 1998, p.6).

On the other hand, Forensic linguistics is a new field of applied discourse analysis that covers a wide range of research on language in legal settings (Johnson, 2014). It examines writing styles, linguistic patterns, or the language used by them to provide insights in legal proceedings. Sociolinguists and discourse analysts approach legal discourse from different perspectives. They consider 'the differences in ideology, gender, and social class and those between lawyer and client, which may result in power differences in their relationships' (Wodak and Meyer 2009).

According to Wang (2006), 'power can be characterized as the ability to control and as the capacity to achieve one's aim; as the freedom to achieve one's goals and as the competence to impose one's will on others'. Language plays an important role in creating and maintaining balance. The way we use language establishes certain rules and norms of behaviors in society.

Pakistani media shapes over lives. The younger generation is primarily influenced by the media as they feel emotional attraction to them. Media plays an important role in delivering information to the public regarding the matter of court proceedings, legal, verdicts of criminal decisions, and cases of corruption (Sahar, 2020). The portrayal of the legal profession and judicial system in Pakistani dramas is usually influenced by social- cultural factors which often reinforce or challenge traditional roles. The language used within the legal system has a real impact on people's experience of place and space (Pervaiz, 2023). The specific relationship between the lawyers and witnesses has been explored from different

angles. The asymmetrical relationship shows an imbalance between the interlocutors, i.e., who speaks to whom (Coulthard, 2010). According to Archer (2005), "powerful participants control and constrain the contributions of non-powerful participants in today's courtrooms through their use of questions" (Archer, 2005, p.16). The courtroom interactions manifest power relations. Gibbons (2003) noted that 'the interactions in the courtroom are many linguistic and we need to note that power relations manifestation mostly in language behavior' (Gibbons, 2003).

Several linguistic studies have taken place on courtroom proceedings in the last few years. Zhangl (2015) analyzed the implicatures in the courtroom discourse. In his study, during courtroom interaction, different participants employed conversation implications to achieve their purpose while violating the cooperative principle was their main aim. While, Ardi et al, (2021) explored the politeness strategies in the criminal trials. They adopted a qualitative method and used a content analysis approach. They found the role of politeness strategies in ensuring fairness and identified competitive (discourteous) and conflictive illocutionary functions. Competitive goals were seen in interruptions by the judge while conflictive goals dominated, with criticism between judge and accused, assertion conflicts between prosecutor and accused, and off-record conflicts between judge and accused. These impolite strategies risk compromising the trial's fairness.

Rozzaq & Ratnadewi (2015) carried out a study in Indonesia by using the theory of CDA to interpret the hidden meanings of words in the film "The Judge". They analyzed the power relations among the major characters. They found the power as control and as a threat that the main characters used in building their conversations. Similarly, Richard & Nwizug (2017) executed a study on the question-answer sequences of a direct and cross-examination through critical discourse analysis to understand the creation of unequal relationships among participants. Data was collected through the audio recording and personal observations of courtroom interactions. They found that Judges hold the ultimate power and dominance in the court while witnesses are powerless participants. Thus, there is an inequality in the courtroom which is manifested through language. In contrast, Rubab, Batool & Sahar (2022) explored the efficacy of plain language for legal aspirant's understanding of legal judgments. They worked on simplification of linguistic choices of judicial judgments to make the accessible. In Indonesia, Syukri et al. (2020) also analyzed law discourse by focusing on the study of language and its usage. The researchers used critical discourse analysis as a model that views

speech and writing as social practices. The findings revealed that the use of specific words, sentences, and styles in legal discourse is not just about communication. On the other hand, Rubab & Ashfaq (2024) carried out the research on Pakistani drama serials to investigate the communicative patterns used in the suicide notes by using the genre theory.

Fairclough 3D Model of CDA has been used as a theoretical framework in this undertaken study. According to Fairclough (1995), language is a form of social practice. He encouraged a critical examination of language use, to reveal how it shapes and reflects power relations in various contexts, from politics to media and beyond. Fairclough identifies three interrelated dimensions in CDA: text analysis, discourse practice, and sociocultural practice. It explores how language contributes to and is influenced by broader social structures and power relations. It involves understanding how discourse is shaped by and shapes social structures, norms, and beliefs.

Various researchers have explored the courtroom proceedings by focusing on different aspects of discourse but no study has been conducted on exploring the language of courtroom cross-examinations in Pakistan yet. Thus, the main focus is on exploring asymmetrical relationships which are manifested through language behaviors between legal participants during courtroom cross-examinations in Pakistani dramas through the lens of Critical Discourse Analysis. This study is an attempt to explicate such issues in Pakistani courtrooms. It will examine the courtroom cross-examination mainly between lawyers and witnesses

Research Methodology

This study is descriptive in nature. It adopts a qualitative research method to analyze the power dynamics in courtroom cross-examinations as depicted in Pakistani dramas. Fairclough's 3D Model of CDA is applied to examine the linguistic choices used by legal participants to assert power and dominance. Using purposive sampling, six Pakistani dramas- Udaari, Qurban, Cheekh, Aise Hai Tanhai, Dunk and Phaans- were selected, based on specific criteria: dramas must aired after 2015 and contain courtroom cross-examinations between lawyers and witnesses. These dramas adress three major themes such as child abuse, murder and rape with detailed information on episodes, scenes and dialogue durations, provided in table. Observation serves as the primary tool for data collection, with original dialogues transcribed directly from the episodes, available on their official Youtube channels.

Data Analysis

This study aims to explore how power is negotiated through language use during cross-examination scenes in Pakistani dramas. Thus, a total of 20 scenes featuring cross-examination between lawyers and witnesses, taken from six Pakistani dramas have been analyzed according to the 3D Model of CDA introduced by (Norman Fairclough, 1995). The model is based on three dimensions: text analysis, discursive practices, and social practices. These dimensions are discussed as:

Textual Analysis (Description)

Several linguistic features have been found in the selected cross-examination scene of Pakistani dramas.

1. **Turn-Taking:** All the cross-examination scenes of six Pakistani Dramas followed a structured turn-taking style where the lawyers questioned the witness and witnesses responded with their answers to the lawyers. The lawyers maintain the order in the courtroom while the judge occationally interfered to manage objections. The structured turn-taking style reflected the power dynamics of a courtroom setting where lawyers controlled the questioning and the witness was required to answer the questions that were posed to them. The drama serial "Udaari" followed a structured turn-taking pattern where lawyers control the questioning sequence and witnesses respond accordingly. In "Qurban" also, the lawyer dominate the conversation by asking personal questions and frequently interrupting the witness responses. The other dramas "Dunk", "Aise Hai Tanhai", "Phaans" and "Cheekh" also showcase a structured turn-taking pattern where the lawyers control the conversation by asking direct questions and maintaining dominance in the courtroom.

2. **Thematic Choices**: The themes of these Pakistani dramas mainly focused on child abuse, rape and murder. The lawyers obtained the detailed information about the abuse suffered by the witnesses and challenged their testimonies. The themes of child rape abuse and injustice were prominent in drama serial "Udaari" where the lawyers use language to extract information. The drama "Qurban" was focused on the theme of murder and the abuse of an inappropriate relationship after marriage. "Dunk" focused on the theme of rape and suicide. "Aise Hai Tanhai", "Phaans" and "Cheekh" also focused on the theme of rape. In "Cheekh" , the witness's daughter was depicted as a passive victim ("Wo bar bar 'Wajih Wajih' keh rahe thi") while Wajih was

portrayed as the active perpetrator ("Wajih ne usse chat se neche phenk dia").

3. Grammar: In almost all the cross-examination scenes, the lawyers used active voice in his language use to assert dominance and clarity while witness responses were in passive voice which reflected their emotional trauma. In drama serial "Udaari", the lawyer used active voice "Uss shaam kya hua tha Zebo," while Zebo responded in passive voice, "Usne mera rape kia tha." Both the lawyers and judge used precise and formal language to reflect the seriousness of the legal proceedings. The lawyer used aggressive questioning in drama "Qurban" by saying "Aap ne Jamal se shaadi ke baad bhi rishta rakha" to assert dominance. In "Dunk", the lawyers used active voices in the courtroom while the witnesses used passive voice in their responses. Similarly in "Aise Hai tanhai" and "Phaans", lawyers used active voice and direct questioning to assert dominance, while witnesses used passive voice to show subordination. The grammar used in the drama "Cheekh" varied from lawyer to witness. The used by the lawyers were assertive and leading. He often incorporated imperative forms like "Ghabraye nahi app" and "Acha Ramzan Sahab yeh batayein".

4. Vocabulary: To maintain authority and assert control and dominance, the lawyers used specific terminologies and structured sentences. While the witness used informal and emotional language to express her emotions, stress and trauma. For example, in "Udaari", the dialogues like "wo mujhe apni beti ki tarah pyar nahin karta tha", "Ammi g ne mujhe bohot mehnat se pala hai" and "Allah ka wasta hai chup kar jaa" expressed the emotional tone of the witness. The words like "maktool", "najaiz taluk", and "kardaar kushi" were used to put the witness's character in doubt in drama "Qurban". In "Dunk", the opposite lawyer used words like "ilzaam", "majboor", and "sharam" to paint a negative image of the accused and to evoke a sense of wrongdoing and social disgrace. In "Aise Hai Tanhai", the lawyer used accusatory and moralistic vocabulary to dehumanize the witnesses. In "Phaans", the lawyer used the word "characterless" to emphasize the witness's alleged wrongdoing. The drama "Cheekh" included emotionally charged and authoritative terms like "darkhawast," "mangwaya," and "bayaan" to underlined the seriousness of the proceedings and authority of the court.

5. Repetition: Repetition is one of the important feature that has been found in some cross-examination scenes. The witness used repetition as a linguistic feature to

emphasize the seriousness and frequency of the abuse. They repeatedly mentioned the events and actions that happened to them. It was commonly only In drama "Udaari" when the witnesses repeatedly used the word "rape".

Discursive Practices (Interpretation)

This dimension considers the broader context of the communication event and involves how discourse is produced, distributed, and consumed. The courtroom was the context of the communication event in all the cross-examination scenes of Pakistani dramas and the discourse was produced by the lawyers, witnesses, judges, and the accused. Each legal participant had a specific role that shaped their contribution to the communication event. The lawyer's questions were designed in such a way that would support their case in the courtroom.Lawyers crafted questions to extract specific responses, build pressure, and undermine witness credibility. For instance, in "Phaans", the lawyer asked repetitive questions to challenge the witness's credibility. The discourse was distributed in a courtroom setting, where it was consumed by the judge, jury, and audience. In "Cheekh", the judge and jury listened attentively to the witness's testimony, interpreting the discourse to inform their decision. Both the viewers and the judge were the consumers of the discourse. Since they all were the drama scenes, the audience interpret the scenes based on their understanding and societal norms. The way the audience consumes the discourse is influenced by cultural perceptions of justice, victimization, and power dynamics. The witness's emotional responses to the lawyer's questions would evoke sympathy and moral judgment from the jury and the audience. The judge, jury, and audience interpreted the discourse, with the judge's decisions reflecting their interpretation. In "Udaari", the judge sustained the lawyer's objections, indicating their interpretation of the discourse.

Social Practices (Explanation)

This dimension focuses on the societal and cultural contexts in which discourse occurs. It aims to explore how language use contributes to and is influenced by broader social structures and power relations. Power dynamics were evident in all the courtroom cross-examination scenes. The legal participants (judge and lawyer) used formal language to assert dominance over the jury and the witness. The judge showcased the hierarchical power structure by his ability to overrule the objections. Meanwhile, the witnesses were in a helpless position where they were reflecting their traumatic experiences through their language use. Lawyers exerted control over witnesses, and reflect broader societal power structures. In

"Qurban", the male lawyer dominated the conversation, reflecting the power imbalance between lawyers and witness. The drama serials portrayed how societal norms, such as honor and shame, influence legal proceedings. In "Dunk", the lawyer emphasized the witness's alleged wrongdoing, reflecting societal attitudes towards shame and honor. These cross-examination scenes also highlighted gender dynamics and societal challenges related to sexual abuse and child rape. It represented how men and women are different and the problems females usually suffer with sexual abuse in society. Male lawyers dominated female witnesses, reflecting patriarchal norms in Pakistani society. In "Aise Hai Tanhai", the male lawyer aggressively questioned the female witness, illustrating the gendered power dynamics at play. The opponent lawyer attempted to discredit the witnesses' testimonies. This demonstrated the social baisement against victims. Society often does not believe in victims. By framing questions in a manner that suggested moral judgement and societal norms, lawyers effective navigate the power dynamics inherent in Pakistani courtrooms. Power Dynamics.

Discussion

After analyzing the courtroom cross-examination scenes of six Pakistani dramas "Udaari", "Qurban", "Dunk", "Aise Hai Tanhai", "Phaans", and "Cheekh", it has become evident that linguistic choices made by the legal participants play a crucial role in asserting dominance and negotiating power. After being fictional, these dramas represented the socio-cultural realities of Pakistan. It has been noted that among the different legal participants, the lawyers utilize a wide range of linguistic strategies that reflect and reinforce the power dynamics within the courtroom. The most significant way in which lawyers assert dominance during cross-examination is through the structured turn-taking pattern. It allows the lawyers to control the flow of dialogues by ensuring that they maintain authority over the conversation. Lawyers can direct the narratives by strategically managing who speaks and when. They often led the witnesses into a corner where they have limited opportunities to defend themselves or to present their testimony.

In Pakistani dramas, the negotiation of power through language in courtroom cross-examinations reveals a complex interplay of dominance, control, and societal norms. They illustrate how legal participants strategically employ language to assert control over the courtroom narratives, challenge witness credibility, and navigate the power dynamics inherent in legal settings. These dramas not only portray the intricacies of courtroom

interactions but also reflect broader societal values and hierarchies.

In the drama serials "Udaari", "Phaans" and " Cheekh", the lawyers' strategic use of language play a key element in establishing control over the narrative and influencing the outcomes of the discourse. It depicts the structured turn-taking pattern to control the flow of questioning to maintain order and authority. The aggressive questioning and coercive language that exemplify how power is negotiated in these settings. By employing such tactics, the lawyers undermine witness testimonies, casting doubt on the credibility of those on the stand. This power negotiation mirrors broader societal norms and cultural values surrounding justice, victimization, and authority in Pakistan.

Similarly, in "Qurban", "Dunk" and "Aise Hai Tanhai", the linguistic choices made by the legal participants serve as a tool to assert power, dominance, and control. The adversarial nature of courtroom interactions is vividly portrayed through aggressive questioning, strategic interruptions, and the use of language to challenge witness credibility. By framing their questions in a manner that suggests moral judgment, these legal participants effectively navigate the power dynamics inherent in Pakistani courtrooms. These dramas demonstrate how language can be used to manipulate the narrative challenge the integrity of the witnesses and sway the perceptions of the audience. The strategic use of grammar, vocabulary, and thematic choices by the lawyers shaped the narrative in a way that influenced the interpretation of justice, honor, and societal values.

The creation of power imbalances through linguistic choices is a recurring theme in these dramas, particularly in how lawyers interact with witnesses from different social backgrounds. The themes of power, gender dynamics, class differences, and honor are prevalent throughout these dramas and they are all negotiated and reinforced through the language used by the legal participants. In "Phaans", the lawyers' use of formal and sophisticated language creates a power imbalance between the lawyer and the witness. This power imbalance is further reinforced by the lawyers' strategic questioning. This tactic is particularly effective in reinforcing class differences and societal hierarchies within the courtroom.

Thus, it has become evident that legal participants use linguistic features to assert control over courtroom interactions. Lawyers often dominate the conversation through structured turn-taking patterns, aggressive questioning, and the use of grammar and vocabulary.

These linguistic strategies highlight the imbalance of power in the courtroom and represent the asymmetrical relationships between the lawyers and the witnesses.

Conclusion

The researcher has analyzed the language used during courtroom in Pakistani dramas. It has been found that asymmetrical power exists within the courtroom where the lawyers hold more control as compared to the witnesses. The findings reveal the linguistic choices used by legal participants play a significant role in asserting dominance, negotiating power, and reflecting societal norms within legal settings. These courtroom interactions mirror the socio-cultural realities of Pakistan. Lawyers, by employing a variety of linguistics strategies control the courtroom narrative and establish their authority. The study also highlights lawyers' use of language in ways that align with prevailing societal norms and moral judgments. The lawyers manipulate the judge, jury, and the audience and influence the interpretation of testimony to support their case. The lawyers confuse the witnesses to the extent that they sometimes doubt their testimonies. This study demonstrates that language is a powerful tool in the negotiation of power within courtroom settings. This study will contribute to the field of discourse analysis, critical discourse analysis, forensic linguistics, and legal discourse.

Recommendations

With the perspective of this study, several recommendations and suggestions are made to promote justice and equality in legal system of Pakistan. Society should avoid reinforcing negative stereotypes related to gender, class, and social status. Justice should be served equally among all. Pakistan's judicial system should implement thorough training programs for lawyers that focus on ethical questioning techniques, to avoid coercive and aggressive language. These programs should highlight the constructive and destructive potential of language and emphasize the importance of minimizing the witnesses' manipulation through strategic language use. Courts should establish a guideline for the legal participants to know the type of questioning allowed during cross-examinations. Questions that are aggressive, coercive, or designed to humiliate the witnesses should be discouraged or banned. Additionally, policymakers should use research findings to develop legal reforms that aim to reduce power imbalances in the courtroom. This could involve revising existing laws or introducing new legislation to protect the rights of witnesses and ensure fair trial procedures. The present study was limited in terms of the number of dramas and scenes; therefore, further research can be conducted on a broader scale.

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