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Courtroom Interaction and the Representation of Judicial Authority in Tanzania: A Critical Discourse Analysis

Courtroom Interaction and the Representation of Judicial Authority in Tanzania: A Critical Discourse Analysis

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Abstract
The purpose of this study is to examine how the court is represented in the discourse of selected High Courts and Magistrate Courts in Dar es Salaam, Tanzania, and to identify the discourse strategies employed by courtroom participants in constructing these representations. While prior research on Tanzanian courtroom discourse has addressed speech acts, interactional patterns, and power relations, the representational dimension has received comparatively limited scholarly attention. This gap restricts a comprehensive understanding of how judicial authority is discursively projected, how legal meanings are socially constructed, and how such representations influence public trust, legal literacy, and perceptions of judicial legitimacy within the Tanzanian socio-legal context. Guided by Fairclough and Wodak's Critical Discourse Analysis framework, the study draws on data generated through participant observation, supported by detailed field notes recorded during live court proceedings. From the broader corpus, fifteen excerpts were purposively selected for close analysis. The findings indicate that the court is constructed through multiple institutional images, including as a supreme, democratic, presumptive, persuasive, welfare-oriented, and hierarchical authority. Six principal discourse strategies emerged: pronouncement or ruling, offering choices, imposing obligations, questioning, demonstrating consideration, and expressing deference. These strategies function as mechanisms of institutional power, enabling the court to adjudicate disputes, regulate behaviour, and sustain constructive interactional relations among participants in the maintenance of social order. These findings elucidate the discursive processes through which judicial authority is instantiated, negotiated, and legitimised. They contribute to ongoing debates on the decolonisation of legal discourse, inform considerations of judicial communication and professional training, and extend Critical Discourse Analysis scholarship within multilingual African legal settings.

Introduction

Courtroom discourse has been widely examined across jurisdictions because legal institutions depend fundamentally on language to construct meaning, regulate interaction, and exercise authority. Scholars working in diverse legal systems have shown that courtroom communication is not a neutral exchange but a highly strategic and institutionally regulated form of discourse in which linguistic choices shape interpretation, influence outcomes, and reinforce power relations.

The courtroom, as a central social institution in which formal rules regulate behaviour, provides a structured environment in which societal order is maintained. Within this space, the High Courts and Magistrate Courts in Dar es Salaam enforce legal norms by adjudicating disputes and administering justice in accordance with the rule of law (Nwaeze, 2013). To fulfil its mandate, the court employs various discourse strategies such as questioning, issuing rulings, presenting charges, confronting inconsistencies, and interpreting testimony. These strategies carry ideological implications, shaping how courtroom actors and the institution itself are represented. Accordingly, this study examines how the court is portrayed and enacted through the discourse strategies used by judges, magistrates, and lawyers who are constitutionally empowered to resolve disputes and administer justice in selected High Courts and Magistrate Courts in Dar es Salaam, Tanzania.

Literature Review

Courtroom discourse involves a critical interpretation of legal language to understand how meaning is constructed, communicated, and applied in judicial processes. Because legal outcomes depend heavily on precise linguistic interpretation, courtroom actors must adhere to institutional conventions that govern their conduct and communication during proceedings (Emmanuel, 2015). Representation of the court refers to the ways in which judicial authority, roles, and institutional identity are constructed through discourse. In Tanzania, the Constitution of the United Republic of Tanzania (1977, as amended) forms the foundation of the legal system. Tanzanian law comprises statutory provisions enacted by Parliament and case law developed through judicial decisions. As Khalfan (2018) notes, the National Assembly produces written laws both civil and criminal that constitute the statutory framework. Judicial decisions from various courts contribute to case law, which guides interpretation of statutes and constitutional provisions.

Tanzania's legal system is grounded in the English common law tradition inherited from colonial rule, while customary and Islamic laws remain formally recognised in personal and civil matters, subject to constitutional supremacy (Nyulaw Global, 2025; Ngilangwa, 2023). Judicial precedent from superior courts serves as a binding source of law (Tanzania Law and Order Guide, 2011), and international conventions acquire domestic force only after ratification and incorporation, reflecting Tanzania's dualist approach to international law (International Law Domestic Adoption in Tanzania, 2025). The system distinguishes between civil disputes and criminal offences, the latter of which are treated as violations against the state and prosecuted by state authorities (Doherty, 1998). Police and state attorneys investigate offences and prosecute accused persons, with complainants reporting matters to the police. Criminal charges must be clearly drafted and supported by prima facie evidence, and prosecution is conducted by the state, with higher standards of proof than in civil cases (Tanzania Law and Order Guide, 2011; Efevwerhan, 2007). The judiciary operates through a hierarchy led by the High Court, while courtroom language reflects institutional power through specialised procedural knowledge that constrains the communicative agency of lay participants (van Dijk, 1995).

Scholarly work demonstrates that legal meaning arises not only from propositional content but also from delivery, register, and pragmatic force (Aminzade, 2013). Studies drawing on speech act theory, pragmatics, and critical discourse analysis show that questioning, indirect speech acts, politeness strategies, and ideological framing shape how courtroom actors assert authority and construct legal realities (Adedayo, 2003; Aganga, 2007; Opeibi, 2008; Sunday, 2009; Culpeper, 2012; Emmanuel, 2015; Susanto, 2016; Richard and Nwizug, 2017). Similar findings by Mukono (2022), Lambin and Muangi (2025), and Zacharia (2025) highlight the role of pragmatic force, interactional positioning, and discursive enactment of authority.

In Tanzania, research has focused largely on multilingualism, language policy, and interpretation challenges. Early studies noted tensions between Kiswahili and English, with English's dominance disadvantaging ordinary citizens (Rubagumya, 1991; Mreta, 1998). Later work has shown that linguistic complexity, code switching, and inconsistent interpretation can impede comprehension and fair-trial rights (Mukono, 2022; Lambin and Muangi, 2025; Zacharia, 2025). Other scholars demonstrated that legal terminology and courtroom discourse often create barriers for lay participants (Mwaikusa, 1995; Ibrahim, 2017; Mnyampala, 2012). These studies reveal hierarchical norms in which legal professionals control interaction while witnesses and defendants occupy constrained positions.

Despite these contributions, little research examines how the court itself is discursively represented. The present study addresses this gap by analysing how judges, magistrates, and lawyers in selected High Courts and Magistrate Courts in Dar es Salaam linguistically construct institutional authority, regulate interaction, and frame the court's role in administering justice, thereby extending Tanzanian legal linguistics to the broader sociolinguistic processes through which legal institutions construct meaning, authority, and legitimacy.

Theoretical Framework

This study is grounded in Critical Discourse Analysis (CDA), which views language as a form of social practice that both reflects and shapes social reality. In line with Fairclough and Wodak's social approach, CDA examines authentic instances of interaction that take linguistic form to reveal "the ideological loading of particular ways of using language and the relations of power" embedded within them (Fairclough and Wodak, 1997). Their position assumes that social practices are infused with ideology and that discourse participants draw on shared cultural, situational, and institutional knowledge when selecting discursive strategies, thereby demonstrating an understanding of socio-cultural norms that structure communication. From this perspective, representation is understood as the linguistic choices, spoken or written, through which meaning is assigned to groups, institutions, and social practices (Fairclough, 1995; van Dijk, 2000). Fairclough and Wodak (1997) define ideology as "particular ways of representing and constructing society which reproduce unequal relations of power, relations of domination and exploitation," implying that no discourse is neutral and that all discourse is shaped by underlying belief systems expressed through linguistic choices. In courtroom settings, these ideological processes are especially salient because the court, as a social institution, operates through conventions that empower certain participants, judges, magistrates, and lawyers to control the communicative space and regulate the actions of less powerful participants, thereby constructing the court as a powerful institution. Ideology, often operating unconsciously, influences how courtroom actors speak, interpret, and respond, shaping the social realities enacted during proceedings. Fairclough and Wodak's principles of CDA therefore provide a framework for understanding language as social action that constructs identities, situations, and power relations (Fairclough and Wodak 1997), and their social approach is applied in this study to explain how powerful participants in courtroom discourse deploy linguistic choices to construct power relations and social realities during judicial proceedings.

Methodology

This study employed a descriptive qualitative design using non-participant observation, audio recording, and detailed field notes collected during live courtroom proceedings. The dataset consisted of naturally occurring spoken contributions from judges, magistrates, lawyers, witnesses, and defendants. Purposive sampling identified two courts in Dar es Salaam, the Tanzania High Court and the Kisutu Magistrate Court, representing different levels of the judicial hierarchy under the Constitution of the United Republic of Tanzania and statutory provisions. Data were collected between September and October 2025, and fifteen excerpts were selected for analysis: 8 from the

Magistrate Court and seven from the High Court, covering civil and criminal matters. Proceedings were conducted primarily in Kiswahili, while field notes were recorded in English. Transcriptions retained original Kiswahili utterances, and translations followed a meaning-based equivalence approach verified through peer review and back translation. Audio data were transcribed using Jefferson's (2004) conventions, supplemented by field notes to capture contextual and nonverbal cues. Analysis followed Fairclough and Wodak's (1997) social approach to Critical Discourse Analysis, examining linguistic choices and discourse strategies related to institutional authority. Ethical procedures included institutional permission, unobtrusive observation, and anonymisation of all participants.

Results and Discussion

This section presents the study's findings and offers a critical discussion of their significance for the research question concerning how courts are discursively represented in Tanzanian judicial settings, particularly with respect to the linguistic construction of institutional authority. It interprets the results by examining how the court is represented in the discourse of selected High Courts and Magistrate Courts in Dar es Salaam, showing how these empirical patterns address the study's central question and situate the analysis within broader debates on legal discourse and institutional communication.

Language-Based Strategies Employed by the Judicial System

This section draws on Fairclough and Wodak's (1997) Critical Discourse Analysis framework to examine how the Court, as an institution, is discursively constructed through the language practices of the neutral adjudicator namely, the magistrate or judge during courtroom interaction. The analysis situates these discursive strategies within the broader context of the constitutional authority vested in the Tanzanian judiciary, highlighting the interaction between institutional power and linguistic practice. For purposes of analytical clarity, the following abbreviations are used to denote courtroom participants in this study: PC (Prosecuting Counsel), DC (Defence Counsel), CC (Complainant Counsel), WIT (Witness), DEF (Defendant), IPO (Investigating Police Officer), CLK (Clerk), CRT (Court), MAG (Magistrate), and JUD (Judge). Based on the data analysed, the study identifies a range of language strategies employed within the Tanzanian judicial system, which are discussed in the sections that follow.

The Use of Authoritative Language that Frames Actions

The supremacy of the court reflects a hegemonic orientation in which the most powerful institutional actor exercises authority over other participants, particularly witnesses and defendants. This privileged institutional position enables the court to enforce its decisions within the limits of the Constitution, even when such decisions are met with resistance. The court's authority includes the power to regulate behaviour, restrict responses, and impose binding outcomes such as sentencing, issuing rulings, determining guilt or innocence, and discharging or acquitting an accused person. These decisions invariably favour one party, and aside from the right of appeal, the opposing party must comply with the court's final determination. Excerpts 1 and 2 illustrate how pronouncements and rulings function as discursive strategies through which magistrates and judges construct the court as a supreme institution endowed with legal authority to regulate conduct and administer justice.

Excerpt 1

Context: *In this robbery matter, both the Complainant and the Witness failed to appear at the previous hearing and are absent once again. Their Counsel requested an additional adjournment, whereas the Defence Counsel urged the Court to dismiss the case on the grounds that their continued absence suggests a lack of interest in pursuing it.*

***CLK**: Mheshimiwa Hakimu, Walalamikaji wawili hawapo.*
[Your Worship, the two Complainants are not here]

***MAG:** Mahudhurio ya Kesi?*
[Appearance?]

***CC:** Kwa upande wa mashtaka*
[For the prosecution]

***DC:** Kwa upande wa Mshtakiwa (X)*
[For the Accused (X)

***CC:** Mheshimiwa Hakimu, shauri hili lilipaswa kusikilizwa leo. Tulijaribu kuwatafuta Walalamikaji leo, lakini hawapo mahakamani. Naomba tarehe nyingine ya kuahirisha shauri. [Your Worship, the matter is supposed to be for hearing. We tried to reach the Complainants today; they are not in court. I appeal for an adjournment.]*

***DC:** Mheshimiwa Hakimu, katika tarehe ya mwisho ya kuahirisha shauri tarehe 19/08, Mahakama ilitoa onyo kwamba Mlalamikaji anatakiwa kufika leo, vinginevyo shauri litafutwa. Ikiwa shauri litaahirishwa tena, hakuna uhakika kwamba watajitokeza. Hivyo basi, naiomba Mahakama ifute shauri hili kwani inaonekana walalamikaji hawana tena nia ya kulifuatilia. [Your Worship, on the last adjournment 19/08, the court sounded a warning for the Complainant to be in court today or the matter would be struck out. If the matter is adjourned, no one is sure that they will still come. I therefore apply for the matter to be struck out, it seems that the complainants are no longer interested in the matter.]*

***MAG:** Kortiiii! Tarehe 19/08 nilitoa onyo kwamba shahidi wa mashtaka anatakiwa kufika mahakamani; kushindwa kufanya hivyo kutasababisha shauri kuondolewa. Hivyo basi, kutokuwepo kwao leo kunaonesha wazi kutopendezwa kuendelea na shauri, na kwa sababu hiyo shauri hili linafutwa… [Court, on 19/08 I did warn that the Prosecutor Witness should be in court; failure to which will lead to the discharge of the case. Consequently, their inability to be here obviously indicates a loss of interest and the matter is hereby struck out…]*

***DC**: Tunashukuru sana, Mheshimiwa Hakimu. [We are most grateful, Your Worship.]*

***MAG**: Mshtakiwa anaondolewa mashtaka. [The Defendant is hereby discharged.]*

***CRT:** Kama Mahakama ipendavyo. [As the Court pleases].*

In Excerpt 1, institutional supremacy is expressed through the magistrate's exclusive authority to issue pronouncements and determine case outcomes. Consistent with Fairclough and Wodak's (1997) social approach to Critical Discourse Analysis, such rulings function as social actions that both reflect and reproduce judicial power. The magistrate's decision is grounded in inferential reasoning, signalled through verbs such as seems and indicates, and justified by the repeated absence of the Complainant and the Witness. This reasoning draws on shared institutional knowledge, including prior warnings that non-attendance could lead to the matter being struck out. The continued absence, therefore, becomes meaningful, suggesting insufficient evidence or lack of diligence, prompting the magistrate to strike out the matter and discharge the Defendant. The expression as the court pleases indexes judicial authority and reinforces expectations that participants must comply with procedural norms. The excerpt demonstrates how constitutional and statutory powers are enacted through discourse.

Excerpt 2
Context: The Defendant did not appear in court for his trial.

***CC:** Mheshimiwa Jaji, napenda kuonesha nia yangu katika shauri namba 6.*
[My lord, I want to indicate my interest in case number 6.]

CLK: *Mheshimiwa Jaji, mlalamikaji yupo mahakamani na mshtakiwa hayupo.*
[My lord, the Complainant is in Court and the Defendant is absent].

CC: *Mshtakiwa anapaswa kuchukuliwa hatua kwa kukosa umakini. Hii ni mara ya pili kwa mshtakiwa kutohudhuria mahakamani licha ya maonyo yaliyotolewa. [The Defendant should be charged for lack of diligence. This is the 2nd time that the Defendant is absent from Court despite warnings.*

JUD: *Hivyo, ni dhahiri kwamba mshtakiwa ameidharau mahakama hii tukufu. Hukumu itatolewa tarehe 07/10/2025. [It is therefore obvious that the Defendant has neglected this noble Court. Judgement will therefore be given on 07/10/2025]. (As the judge reads, the Complainant stands.)*

CRT: *Kama mahakama itakavyopenda.*
[As the Court pleases].

CC: *Naomba pia mahakama itoe hukumu inayotoa haki kwa upande wa mdai. [May I also appeal that the judgement be in favour of the Plaintiff].*

In Excerpt 2, the Judge's decision to foreclose the matter illustrates how judicial discourse enacts institutional power, consistent with Fairclough and Wodak's (1997) social approach to Critical Discourse Analysis. After confirming through the court clerk and Court Coordinator that the Defendant has repeatedly shown a nonchalant attitude, the Judge exercises High Court authority to protect institutional legitimacy. The Defendant's behaviour is treated as a symbolic challenge to judicial authority, prompting a ruling that judgement will proceed on the next adjourned date. This discursive response reinforces the courtroom hierarchy, with repeated references to the Defendant and to diligence, highlighting the seriousness of disregarding court directives. The prosecution's request for sanctions further demonstrates how participants draw on institutional roles to shape proceedings. The Judge's use of therefore signals inferential logic grounded in procedural norms that permit judgement in the absence of a persistently absent party. The Court Coordinator's confirmation embeds the ruling within shared institutional expectations.

The Use of Language that Promotes Linguistic Democracy

In Tanzanian courtrooms, the idea of democracy is most clearly reflected in the linguistic choices afforded to defendants and witnesses rather than in any redistribution of judicial authority. The judiciary retains full control over decision-making, yet it permits participants to select the language through which they engage with the legal process. This form of linguistic democracy ensures that individuals can follow proceedings, understand their rights, and participate meaningfully in a system that might otherwise be inaccessible. Although this choice symbolically narrows the power gap between the judicial officer and the defendant, it remains tightly regulated by institutional norms to prevent disruption of the proceedings. The right to choose a language, whether Kiswahili, English, or another language requiring interpretation, is therefore a procedural entitlement embedded in Tanzanian legal practice. Other options, such as pleading guilty or not guilty or choosing whether to swear or affirm, operate within the same controlled framework. These choices ultimately benefit the court as much as the participant, as they enhance comprehension, accuracy of the record, and the overall efficiency of proceedings. By guiding defendants and witnesses through these linguistic and procedural options, the court ensures informed participation and facilitates the delivery of a well-reasoned ruling. Excerpts 3 illustrate how this linguistic democracy functions in practice.

Excerpt 3

Context: The clerk, delegated by the magistrate, carries out the institutional convention of asking the preliminary questions that enable the Witness/Defendant to follow the proceedings.

CLK: *Ungependa uongee lugha gani? [Which language do you prefer?]*
DEF: *Kiswahili*
CLK: *(Reads the charge in Kiswahili) Je, ungependa shauri lako lisikilizwe hapa au katika Mahakama Kuu? [Do you want your matter to be tried here or at the High Court?]*
DEF: *Hapa! [Here]*
CLK: *Je, unakubali kosa au unalikataa? [Are you guilty or not guilty?]*
DEF: *Ninakataa, sina hatia! [I am not guilty.]*

Excerpt 4

Context: Before the substantive hearing begins, the magistrate assigns the clerk to conduct the initial procedural inquiries.

CLK: *Utapenda kutoa ushahidi wako kwa kutumia lugha gani? [Which language would you prefer to use when giving your evidence]?*
WIT: *Kiswahili*
CLK: *Unataka kuapa au kuthibitisha? [You want to swear or affirm]?*

Language choice in Tanzanian courts functions as a key discursive practice through which power, access, and fairness are negotiated. Drawing on Fairclough and Wodak's (1997) Critical Discourse Analysis, linguistic preference operates at the level of discursive practice, mediating between courtroom interaction and broader structures of judicial authority. In a multilingual context where Kiswahili carries national legitimacy, and English retains symbolic institutional power, imposing a non-preferred language risks marginalising Witnesses or Defendants and limiting meaningful participation. Allowing linguistic choice, therefore, disrupts asymmetrical power relations and enhances procedural fairness. Wodak's discourse historical perspective shows that this choice is shaped by Tanzania's colonial legacy of English and the post-independence elevation of Kiswahili. Recognising a participant's preferred language improves intelligibility, reduces misinterpretation, and strengthens the accuracy of evidentiary narratives. Linguistic choice thus becomes a strategic intervention that supports coherent testimony and reinforces judicial democracy by ensuring individuals can speak, be heard, and be understood within structures of power.

The strategic use of a persuasive language to induce compliance

In Tanzanian court practice, the initial stage of engaging a Witness involves a deliberate effort by the court to appeal to the individual's conscience and sense of moral responsibility. By requiring the Witness to swear or affirm before giving evidence, the court activates a culturally and institutionally recognised mechanism for truth-telling. This oath-taking process functions as a persuasive tool designed to secure honesty, reveal concealed facts, and guide the Witness toward full cooperation with the judicial process. Within this framework, the obligation to uphold the oath becomes a discursive strategy through which the court enacts its authority. The requirement to swear or affirm symbolically "binds" the Witness to the truth, reinforcing the court's power while simultaneously legitimising the Witness's participation. At the same time, this strategy positions the Witness in a positive light: by voluntarily submitting to the oath, the Witness demonstrates readiness to be governed by the court's moral and procedural expectations. The oath thus protects the Witness, allowing them to claim that their testimony is truthful while also safeguarding them from unnecessary suspicion or adverse inference. Excerpt 5, drawn from the Magistrates' Court, and Excerpt 6, from the High Court, both illustrate how Tanzanian courts operate as persuasive institutions that regulate and reinforce the fulfilment of such obligations.

Excerpt 5

Context: As the court prepares to receive the first witness's testimony in a criminal hearing, the magistrate signals the clerk to administer the oath before evidence can begin.

CLK: *Chukua Biblia ule kiapo. [Take the Bible and swear yourself.]*

WIT: *(Takes up the bible) Naapa kwa kutumia Biblia hii kwamba kila nitakachosema mahakamani hapa kitakuwa ukweli, na si kingine chochote bali ukweli mtupu, Eee Mungu nisaidie. [I swear with this bible that everything that I shall say in this court will be the truth and nothing but the truth, so help me God.]*

Excerpt 6

CLK: *Kula kiapo [Swear yourself.]*
WIT: *Niko chini ya kiapo. [I'm on oath.]*
CLK: *Shahidi yuko chini ya kiapo, Mheshimiwa jaji. [The Witness is on oath, My lord]*

The excerpts show that oath-taking in Tanzanian courtroom proceedings operates as a discursive and ideological practice that aligns Witnesses with the authority of the court, consistent with Fairclough and Wodak's (1997) Critical Discourse Analysis framework. Although presented as voluntary, oath-taking functions persuasively through culturally embedded religious norms, prompting Witnesses to internalise institutional power. Utterances such as "I swear with this Bible" and "I am on oath" reveal acceptance of the moral and legal obligations attached to testimony. The practice reinforces social distance by affirming the court's superior status while creating shared expectations of truthfulness that enable the evaluation of testimony and the justification of sanctions. Ideologically, oath-taking constructs belief in the obligation to tell the truth, operating as symbolic control rather than overt force. This obligation is asymmetrical, as court officials do not swear before participants yet remain positioned as guarantors of justice. Witnesses are therefore discursively persuaded to demonstrate awareness of institutional norms, revealing how judicial authority is maintained through routine linguistic practices.

The Use of Interrogative Language

Courtroom interaction is dominated by interrogative forms that control how information is produced and interpreted. Personal details such as a witness's name, occupation, and address are elicited through structured questioning that links identity to credibility and potential culpability, reflecting an institutional ideology that treats social background as an indicator of reliability. Within this hierarchy, the Police Constable leads the exchange through a series of guiding questions that shape both the content and framing of the witness's responses, while the Magistrate adopts a reactive role by permitting and minimally regulating the questioning. The witness remains restricted to answering the questions posed, resulting in limited narrative autonomy and a highly controlled role. This dynamic illustrates how courtroom discourse embeds institutional assumptions and power relations, aligning with Zheng's (2015) view that language carries ideology. In Excerpt 7, the Magistrate's delegation of questioning to the Police Constable reinforces this authority structure.

Excerpt 7

Context: cross-examination of Defendant Witness

PC: *Tafadhali itajie jina lako mahakama hii tukufu. [Please tell this honourable court your name.]*
MAG: *Ndiyo! [Yes!]*
WIT: *Jina langu ni X. [My name is X.]*
MAG: *Ndiyo! [Yes!]*

PC: *Unaishi wapi? [Where do you live?]*
MAG: *Ndiyo! [Yes!]*
WIT: *Ninaishi XX. [I live at Z's compound XX.]*
PC: *Wewe ni nani? [Who are you?]*
MAG: *Ndiyo! [Yes!]*
WIT: *Mimi ni msimamizi mkuu wa mahakama niliyeambatanishwa na Mahakama ya Hakimu Mkazi XXX. [I am a chief bailiff attached to the magistrate court in XXX.]*
PC: *Kwa kipindi gani umehudumu kama msimamizi wa mahakama? For how long have you been a bailiff?*
WIT: *Kwa miaka six na miezi 7. [For 6 years and 7 months]*

Excerpt 8

Context: Examining the Complainant Witness

JUD: *Wakili, unaweza kuendelea. [Counsel, you can proceed.]*
PC: *Unaitwa nani? [What is your name?]*
WIT: *Jina langu ni HHH. [My name is HHH]*
PC: *Unaishi wapi? [Where do you live?]*
WIT: *Ninaishi CCC. [I live at CCC]*
PC: *Unajishughulisha na nini ili kuendesha maisha yako? [What do you do for a living?]*
WIT: *Ni mwongoza watalii. [I'm a tour guide.]*
PC: *Tazama kizimbani. Je, unamfahamu mshtakiwa? [Take a look at the dock. Do you know the accused person?]*
WIT: *Ndiyo, ninamfahamu. [Yes, I do know him.]*
PC: *Unamfahamuje? [How do you know him?]*
WIT: *Ndiye aliyeiba miti yangu. [He is the man who stole my trees.]*
PC: *Rudisha kumbukumbu zako hadi tarehe 26 Juni. Ulikuwa wapi siku hiyo? [Cast your mind back to the 26th day of June. Where were you on that day?]*
WIT: *Nilikuwa Tegeta. [I was in ZZZ.]*

Excerpts 7 and 8 show that courtroom discourse in Tanzania is dominated by interrogative forms, with judges, magistrates, prosecutors, and advocates using questions to manage proceedings and shape evidentiary narratives. Court agents employ rhetorical and tautological questions that may appear presumptive, including inquiries about biographical details already known to the court. These questions function not only to retrieve information but to expose inconsistencies, test credibility, and connect a witness's background to their testimony, reflecting the process of backgrounding. In Excerpt 7, the magistrate's interventions reinforce the hierarchical structure of courtroom interaction, since witnesses respond only after judicial authorisation. This enables prosecution counsel to pursue increasingly personal questions, such as Who are you, which gain relevance through the witness's response within the evidentiary framework. Excerpt eight illustrates how interrogatives construct relationships between the witness and the accused, with prosecution counsel using open-ended WH-questions and Yes-or-No questions to elicit detailed accounts. These questions presuppose the accused's recognition and often employ indexicals that subtly support the prosecution's narrative. Together, the excerpts show that questioning is the central mechanism through which legal actors control information, test reliability, and construct case facts in both Kiswahili and English.

Conclusion

This study demonstrates that the discourse strategies employed by judges and magistrates are central to how the Tanzanian courtroom constructs, enacts, and legitimises institutional power. In line with

Fairclough and Wodak's (1997) view that discourse is both socially constitutive and socially conditioned, the findings show that judicial language practices do not merely reflect legal procedures; they actively shape the social realities of the courtroom. Through pronouncements, rulings, the offering of choices, and the regulation of turn-taking, judicial officers project the court as a supreme yet procedurally democratic institution, one that simultaneously asserts authority and manages participation within tightly controlled communicative norms. The analysis further reveals that persuasive and presumptive strategies, such as indictment, insinuation, intimidation, and various forms of questioning, function as mechanisms by which the court enforces institutional obligations and pursues the truth. These strategies align with CDA's emphasis on how power is exercised through discourse, illustrating how courtroom actors use language to discipline behaviour, guide testimonies, and maintain the hierarchical order embedded in legal practice. Similarly, strategies of consideration and deference highlight the court's dual role as both a welfare-oriented and status-conscious institution, reinforcing Fairclough and Wodak's argument that discourse simultaneously reproduces and negotiates social relations.

By foregrounding the linguistic construction of legal authority, this study contributes to broader scholarly debates in forensic linguistics and critical discourse studies. It underscores the courtroom as a site where language is not merely a communicative tool but a vehicle for ideological work sustaining legal power relations, legitimising institutional actions, and shaping participants' identities and roles. These insights invite further research into how discourse practices vary across different judicial levels, how multilingualism influences courtroom interaction, and how shifts in language policy might reshape communicative norms within the justice system. Such inquiries would deepen our understanding of the interplay between language, power, and legal process, and could inform efforts to enhance fairness, transparency, and accessibility in judicial communication.

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