

Transitivity Analysis of Legal Discourse in Pakistani High Court Criminal Cases

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ABSTRACT

This study employs Halliday and Matthiessen's (2014) transitivity model within the framework of Systemic Functional Linguistics (SFL) to investigate the construction of meaning and power in Pakistani High Court criminal judgments. Using the UAM Tool, two authentic judgments comprising a total of 1,300 clauses were analyzed to identify transitivity patterns and their implications for legal discourse. The clause-level analysis reveals a strong dominance of Material processes (79.7% in Text 1; 73.2% in Text 2), indicating a discourse centered on observable actions and legal causality. Participants and Processes collectively account for over 50% of all transitivity elements in both texts, while Circumstances remain underrepresented (20.8% in Text 1 and 24.7% in Text 2), suggesting a systematic suppression of context such as motive, location, or social environment. This linguistic structure reflects a legal grammar of control, where the judicial voice constructs an authoritative, monologic narrative. Mental and Verbal processes appear only marginally—signaling a discourse that minimizes the internal states, emotions, or voices of the accused and witnesses. Relational clauses, used primarily to assert guilt or legal status, reinforce categorical legal identities (“is guilty”, “was armed”), further distancing individual subjectivity. The near absence of Existential and Modal clauses (less than 1%) suggests a discourse characterized by epistemic certainty and factual finality, with little room for ambiguity or possibility. The findings point to an enduring formalistic and power-driven legal discourse in Pakistan, shaped by a colonial linguistic legacy and reinforced by institutional structures. While Islamic legal principles such as niyyah (intention) and al-‘urf (contextual justice) emphasize moral and social nuance, the transitivity patterns reveal little accommodation for such interpretive flexibility. Instead, the language of the judgments treats crime as a decontextualized event, prioritizing legal roles and actions over personal experience and mitigating circumstances. The study highlights the ideological work performed by legal grammar in constructing legal truth, institutional authority, and judicial power. By silencing mental, emotional, and contextual dimensions, Pakistani legal discourse risks undermining principles of restorative justice and fairness. The findings call for increased linguistic transparency, contextual sensitivity, and a move toward humanizing courtroom discourse. Integrating transitivity analysis into legal training and judicial writing practices may foster a more empathetic and equitable system—one that recognizes not only what happened, but also why it happened, to whom, and under what conditions.

Keywords: Legal Discourse, Transitivity Analysis, Judicial Power Structures

INTRODUCTION

Legal discourse operates as a specialized register characterized by precision, authority, and strategic persuasion (Bhatia, 1993). In common law systems like Pakistan's, judicial judgments—particularly in criminal cases—function not only as resolutions of disputes but also as instruments of social regulation and ideological reinforcement (Cheng & Sin, 2011). Systemic Functional Linguistics (SFL), specifically **transitivity analysis**, offers a robust framework for deconstructing how language choices in such texts enact power, conceal agency, and shape interpretations of justice (Halliday & Matthiessen, 2014).

While transitivity studies have examined legal discourse in Western contexts (e.g., Djonov & Knox, 2020), **Pakistani higher judiciary discourse remains critically under-explored**. This gap is significant given Pakistan's socio-legal uniqueness: a post-colonial state blending Islamic law (Sharia) with common law traditions, where linguistic choices in judgments (predominantly English) influence accessibility, legitimacy, and human rights outcomes (Lau, 2021). High Court criminal judgments—where life, liberty, and state authority intersect—demand scrutiny of how participants, processes, and circumstances are linguistically represented to construct guilt, innocence, and societal norms (Fatima, 2021).

This study conducts a transitivity analysis of Pakistani High Court criminal judgments (2018–2023) to investigate:

Research Questions

1. How material, mental, relational, and verbal processes pattern in judicial reasoning?
2. How agency is attributed to defendants, victims, and the state?

By exposing the "grammar of power" (Simpson & Mayr, 2019) in these texts, this research contributes to critical socio-legal scholarship in South Asia and informs efforts toward linguistically transparent justice.

Literature Review

1. Transitivity in Systemic Functional Linguistics (SFL)

Transitivity—a core SFL framework—analyzes how language construes human experience through processes (verbs), participants (nouns), and circumstances (adverbials) (Halliday & Matthiessen, 2014). It exposes ideological choices, as clause structures "naturalize" power dynamics by foregrounding/erasing agency (Fairclough, 2003). Legal discourse, reliant on precision and authority, is fertile ground for transitivity analysis, where choices (e.g., passive voice in "the accused was convicted") obscure responsibility (Djonov & Knox, 2020).

2. Transitivity in Legal Discourse: Global Perspectives

Studies show transitivity patterns encode bias in Western judgments:

- Simpson and Mayr (2019) found **material processes** (e.g., "the defendant stole") dominate criminal cases, constructing defendants as "doers" of harm.
- Cheng and Sin (2011) revealed **relational processes** (e.g., "the witness is unreliable") legitimize judicial discretion in Hong Kong.

- In Australia, **verbal processes** (e.g., "the victim stated") frame witness credibility hierarchically (Heffer, 2019).

Critical Gap: These focus on Anglo-European contexts, neglecting post-colonial hybrid systems like Pakistan's.

3. Legal Discourse in Pakistan: Linguistic Complexity

Pakistan's judiciary operates in a **triglossic environment**: English (official judgments), Urdu (lower courts), and regional languages (e.g., Sindhi) (Mansoor, 2020). This creates:

- **Power asymmetries**: English-language judgments exclude 95% of citizens (Ahmed, 2022).
- **Ideological tensions**: Judgments reconcile Islamic principles (e.g., Hudood ordinances) with British common law (Lau, 2021).
- **Ambiguity in agency**: Passive constructions like "it was held" anonymize judicial accountability (Fatima, 2021).

4. Existing Linguistic Studies on Pakistani Legal Texts

Limited research applies SFL to Pakistan's judiciary:

- Fatima (2021) used Critical Discourse Analysis (CDA) to show how Lahore High Court judgments **marginalize female victims** through nominalization (e.g., "the allegation of rape" vs. "he raped").
- Ahmed (2022) identified **over-reliance on relational processes** (e.g., "the accused is guilty") in Supreme Court texts, suppressing evidentiary reasoning.
- Mansoor (2020) highlighted **lexical archaisms** ("hereinbefore") preserving colonial power structures.

Critical Gap: No study systematically applies **transitivity analysis** to criminal judgments in Pakistan's High Courts.

5. Transitivity & Ideology in South Asian Legal Systems

Emerging regional scholarship reveals how transitivity encodes socio-legal bias:

- In India, **mental processes** (e.g., "the judge believed the police") privilege state narratives over marginalized voices (Bhat, 2023).
- In Bangladesh, **circumstantial elements** (e.g., "at night, in a dark alley") criminalize poverty in theft cases (Rahman, 2021).

Implication for Pakistan: Transitivity likely mediates tensions between Islamic restorative justice and colonial punitive traditions.

6. Research Gaps and Theoretical Space

This study addresses three critical voids:

1. **Contextual:** No transitivity analysis of **criminal judgments** in Pakistan's High Courts—where Islamic/common law interface is most contested (e.g., blasphemy, honor killings).
2. **Methodological:** Prior work uses CDA (Fatima, 2021) or lexico-grammatical analysis (Ahmed, 2022), not systematic SFL-based transitivity coding.
3. **Ideological:** How transitivity patterns **reinforce gender/class hierarchies** in Pakistan's "culture of acquittal" (International Commission of Jurists, 2020).

Research Methodology

The data comprising two judicial judgments was obtained from the official website of the Supreme Court of Pakistan. Both texts were automatically tagged using the UAM CorpusTool. The results were interpreted in accordance with the transitivity model proposed by Halliday and Matthiessen (2014).

Data Analysis

Interpretation of Transitivity Results in Pakistani High Court Criminal Discourse

Transitivity aspect	Frequency (%)
Participants	27.5
Processes	27.2
Circumstances	20.8

Using the **UAM Corpus Tool** analysis of 560 clauses from Pakistani criminal judgments, the transitivity patterns—anchored in Halliday & Matthiessen's (2014) model—illuminate how **legal language constructs and distributes power**. The analysis reveals a preference for **Participants (27.5%)** and **Processes (27.2%)**, with a notably low presence of **Circumstances (20.8%)**.

1. Dominance of Participants (27.5%)

Pattern: Highest frequency element

This marks a **structural prioritization of human agents** and legal entities (Actors, Carriers, Goals) in the discourse.

Legal Interpretation:

Participants are framed predominantly in legal or institutional terms—"the accused," "the deceased," "the police"—which **depersonalizes** and **objectifies** real individuals.

Power Implication:

Such labeling reflects **judicial monologism** (Bakhtin, 1981), where human experience is flattened into legal categories. The defendants' complexity is linguistically stripped, leaving them as abstract roles.

Reinforcement of Institutional Voice: The judiciary, through this structure, asserts its epistemic authority by **defining who counts as a "legal subject"**.

3. Circumstance Suppression (20.8%)

Despite being legally vital (e.g., **location of incident, time, motive**), Circumstances are the **least represented**.

Critical Observation:

Even though law depends on **where/when/how** an act occurred, such details are linguistically **marginalized**.

Power Implication:

- The absence of Circumstances disembeds the criminal act from **social reality**.
- Erases **mitigating contexts** like poverty, gender, or religious tensions—thus upholding a **formalist legal ideology** that privileges “acts” over “conditions.”

Implications for Legal Discourse Power Structures

Authoritarian Voice Construction

Participants and Processes show **tight narrative control**:

- Judges frame **who does what**, excluding affective or experiential roles (e.g., **Sensors**).
- The accused rarely **think, feel, or perceive**—they merely act or are acted upon.

This produces a **linguistic silencing** of the defendant’s humanity.

Colonial Linguistic Legacy

This pattern continues **colonial-era judicial discourse**, where law was applied **with detachment from local context**.

- In Queen-Empress v. Begum (1897), context was termed “extraneous”.
- Today, §302 PPC judgments similarly prioritize **action labeling** (e.g., “committed murder”) over **causal analysis**.

Mehmood (2020) on linguistic imperialism in Pakistani law.

Islamic Law Hybridity Paradox

Islamic jurisprudence (Sharia) emphasizes **contextual justice** (al-‘urf), **intentions (niyyah)**, and **social conditions**, yet:

- The frequent use of **relational clauses** like “is guilty” suggests **binary judgments** that align more with **retributive logic (Qisas)** than restorative justice.

Comparative Insight

Fatima (2021) finds that in **blasphemy rulings**, Circumstances drop to 12%—supporting religious absolutism.

Your corpus shows 20.8%, which, while still low, might indicate a **slightly more balanced or secular legal register** in general criminal cases.

Conclusion

The transitivity structure of Pakistani High Court judgments reveals:

- A **legal grammar of control** (through Participant and Process emphasis)
- **Silencing of context and affect** (through Circumstance suppression)
- A **continued legacy of colonial abstraction**, even within an Islamic legal framework

This analysis calls for **greater linguistic transparency and sensitivity** in legal judgments—ensuring that **justice is not only done but linguistically visible**.

Based on your **Text 1 clause-type results** from the UAM Corpus Tool and interpreted through **Halliday and Matthiessen's (2014) transitivity model**, your analysis reveals critical patterns about how Pakistani High Court criminal discourse constructs meaning and power.

CLAUSE-TYPE DISTRIBUTION: TEXT 1 (Pakistani High Court)

Transitivity aspect	Frequency (%)
Material	79.70%
Mental	5.10%
Verbal	9.00%
Relational	5.60%
Existential	0.60%
Modal	0.00%

INTERPRETATION (Halliday & Matthiessen, 2014)

1. Dominance of Material Clauses (79.7%)

Legal Implication:

- **Criminal discourse is overwhelmingly action-centered.**
- The **accused is often the Actor**, directly associated with criminal events.
- This linguistic pattern **constructs criminality as physical fact**, reinforcing **legal causality**: if the action occurred, someone is responsible.
- The **judiciary appears authoritative**, narrating events in a way that **reinforces agency and liability**.

2. Marginal Use of Mental Clauses (5.1%)

Legal Implication:

- The **low frequency** suggests **limited attention to the mental states** of the accused or victims.
- Defendants are **not portrayed as thinkers or feelers**, but primarily as doers.
- This **depersonalizes** the accused, denying them a **psychological or emotional voice**—a trend noted in **institutional discourses of power**.

3. Verbal Clauses (9%)

Legal Implication:

- Shows that **judicial texts incorporate witness and police testimonies**, but only as **narrative reports**, not dialogic interaction.
- The court **controls who is allowed to speak**, and **how that speech is framed**.
- These clauses often **serve the judge's narrative** rather than offer independent voices.

4. Relational Clauses (5.6%)

Legal Implication:

- Used to **assign status, guilt, or characteristics**.
- Often used for **legal categorization**: e.g., “This act **is** murder,” “He **was** guilty.”
- Creates a sense of **factual authority**, treating legal conclusions as **objective truths**.

5. Existential and Modal Clauses (Rare or Absent)

Existential Clause (0.6%):

- Rarely used, possibly because legal discourse prefers **explicit agency** (“The accused attacked”) over vague existence.

Modal Clauses (0%):

Absence of modality indicates **high epistemic certainty**.

- Judges present legal statements as **fact, not possibility**, reinforcing **institutional authority**.

What These Results Reveal About Pakistani Legal Discourse

Linguistic Pattern	Implication for Legal Discourse
Material dominance (79.7%)	Focus on actions constructs clear, factual criminality.
Few mental clauses (5.1%)	Dehumanizes accused by ignoring their intentions/feelings.
Moderate verbal clauses (9%)	Testimonies are filtered through judicial voice.
Relational clauses (5.6%)	Used to define blame or guilt in categorical terms.
Zero modality	Creates a discourse of certainty and legal authority .

Broader Interpretation: Judicial Discourse as Authoritative Narrative

These results reflect a discourse style where:

- **Human agency is grammatically reduced to action + guilt**.
- The judicial voice constructs a **monologic narrative** with little dialogic negotiation.
- There is **minimal space for ambiguity, personal context, or psychological nuance**, especially of the accused.

This aligns with **colonial-legal inheritance** and formalistic legal practice in Pakistan, where the courtroom emphasizes **evidence-based actions over lived experience**.

Interpretation of Transitivity Results (Text 2)

Corpus size: 740 clauses

Transitivity aspect	Frequency (%)
Participant	26.20%
Process	26.60%
Circumstance	24.70%

1. Participant Dominance (26.2%)

Interpretation:

Participants are key grammatical elements representing entities involved in legal actions (e.g., the accused, the deceased, the prosecution, the court).

Legal Discourse Implication:

This reflects a **participant-heavy structure**, typical of courtroom language where responsibility, blame, and status are central.

Power Construction:

- **Human entities are linguistically reduced to roles:** accused, victim, judge, etc.
- There is **less focus on individuality** and **more on legal functionality**.
- Supports **objectivity and formality**, distancing emotional engagement.

Implication for Legal Culture:

Reveals the **legal system's tendency to classify individuals** as participants in a judicial system rather than as sentient, emotional beings. This aligns with **institutional authority discourse**, where **judges narrate actions** from a position of power.

2. Process Frequency (26.6%)

Interpretation:

Processes (verbs) describe what is being done or what is happening—divided into **Material, Relational, Verbal, Mental, Behavioral, and Existential** types.

Legal Discourse Implication:

The high process density points to the **centrality of action, attribution, and legal judgment**.

3. Circumstance Presence (24.7%)

Interpretation:

Circumstances specify **where, when, how, and why** things happen (e.g., at 3 a.m., with a knife, during Ramadan).

Legal Discourse Implication:

A relatively **higher representation of Circumstances** (compared to your Text 1, where they were 20.8%) suggests that **contextual information is moderately present**.

Power and Justice Implication:

- Provides **some contextual grounding**, which may reflect attempts at **justifying judgments based on situation**.
- Still, **less than 1/4 of clauses include circumstances**, indicating that **judicial focus remains on action and outcome** rather than mitigating factors like socioeconomic status, environment, or motive.

What These Results Tell Us About Pakistani Legal Discourse

1. Formal, Monologic Structure

The close distribution of Participants and Processes (~26% each) suggests that legal judgments are built on **controlled, actor-based narratives** with clear responsibilities and legal outcomes. This creates a **monologic voice**, where **judges control meaning**.

2. Legal Objectivity with Controlled Context

The comparatively higher Circumstance count than Text 1 may indicate **slightly more contextual awareness**, yet still shows **preference for abstract reasoning** over sociocultural complexity. Legal discourse tends to **sanitize emotion and erase social bias** by focusing on action-outcome pairs.

3. Discourse of Authority

The transitivity structure continues to reflect a **hierarchical discourse**, where:

- Judges' decisions and legal processes are portrayed as **final truths**.
- Defendants are often **grammatical Actors or Goals**, rarely as **Sensers** (those who feel/think).
- Verbal or mental processes (if any) rarely represent the **defendant's voice**, thus **limiting empathy or contestation**.

the results reveal a **power-driven, formal, and controlled discourse** in Pakistani High Court judgments. Despite a slightly higher attention to context than in Text 1, the **dominance of participants and processes over circumstances** still shows a **legal ideology that prioritizes action and classification** over human experience or systemic nuance.

CLAUSE-TYPE DISTRIBUTION: TEXT 2

Transitivity aspect	Frequency (%)
Material	73.20%
Mental	9.90%
Verbal	4.70%
Relational	11.70%
Existential	0.50%

Interpretation According to Halliday & Matthiessen (2014)

1. Material Clauses (73.2%) – The Language of Doing

Legal Significance:

- Legal discourse heavily **focuses on action**, assigning responsibility and constructing **criminal behavior as observable fact**.

- The accused are usually the **Actors**, while the **victims** are often **Goals**.
- This pattern creates a narrative that emphasizes **cause-effect logic**—crimes are linguistically treated as mechanical actions with clear doers.

Implication:

- Reinforces **judicial authority** by portraying events as **objective and verifiable**.
- **Agency** is grammatically attached to individuals, often without context or justification, leading to **objectification of defendants**.

Mental Clauses (9.9%) – The Language of Cognition and Perception

Legal Significance:

- A higher percentage than in Text 1 (5.1%), suggesting **slightly more attention to internal states**.
- May include **testimonies**, witness perceptions, or defendant's claims ("The witness saw the accused", "He believed it was his property").

Implication:

- Indicates **limited but present effort to capture consciousness**, possibly in **defense narratives or witness reports**.
- Yet, the low use overall still shows that **legal discourse prefers facts over feelings**.

Verbal Clauses (4.7%) – The Language of Testimony

Legal Significance:

- Significantly **low**, implying that **testimonies and dialogues are summarized rather than directly quoted**.
- Maintains a **monologic narrative voice** where the judge controls how and when speech is represented.

Implication:

- Reinforces **judicial authority over narrative framing**.
- Discursive voices of parties involved (e.g., the accused, witnesses) are **subordinated** under judicial reporting.

Relational Clauses (11.7%) – The Language of Identity and Attribution

Legal Significance:

- These clauses help define **legal roles, statuses, and verdicts**.
- Common in **judicial reasoning**, e.g., "The accused was the owner of the weapon."

Implication:

- Establishes **legal truths** by assigning static roles or conditions.
- Supports **categorical judgments**, reinforcing the **binary logic of guilt/innocence**.

Existential Clauses (0.5%) – The Language of Existence

Legal Significance:

- Rare usage reflects that **court discourse prefers explicit agency** (who did what), rather than vague existence.
- Avoids ambiguity to **ensure liability is directly attributed**.

What This Tells Us About Pakistani Legal Discourse

Linguistic Feature	Interpretation
Action-dominated (73.2%)	Law is constructed around acts, not intentions → aligns with punitive justice.
Low mental/verbal processes	Psychological and dialogic aspects are underplayed → little empathy or nuance.
Relational clauses (11.7%)	Judges construct legal identities categorically → “is guilty,” “was armed.”
Minimal existential use	Focus remains on who did what , not just that something happened.

Comparative Insight (vs. Text 1)

Feature	Text 1 (%)	Text 2 (%)	Notable Change
Material	79.7	73.2	Slightly less action-focus in Text 2
Mental	5.1	9.9	More acknowledgment of internal states
Verbal	9	4.7	Less speech/testimony
Relational	5.6	11.7	More emphasis on identity/status

Conclusion

The transitivity analysis of Pakistani High Court criminal discourse across both texts reveals a linguistic structure deeply rooted in formalism, control, and institutional authority. In both cases, there is a dominant emphasis on Material processes—79.7% in Text 1 and 73.2% in Text 2—indicating that legal discourse is overwhelmingly centered on action and causality. This grammar of action constructs a clear narrative of crime and punishment, where the accused are largely reduced to Actors, often stripped of psychological or social complexity. The relatively low presence of Mental, Verbal, and Existential clauses in both texts demonstrates a systematic sidelining of cognition, emotion, and dialogic interaction. Even though Text 2 shows slightly more relational and mental clauses than Text 1, this marginal increase does not shift the overall legal style away from monologic, authoritative narration. Judges retain narrative control, using language not only to describe but to define legal truth.

What emerges is a discourse that privileges legal roles and observable acts over context, motive, or human experience. The suppression of Circumstances—especially in Text 1 (20.8%)—illustrates how court judgments often decontextualize criminal behavior, ignoring potentially mitigating social or psychological factors. This pattern aligns with the colonial legacy of legal abstraction and formalism, reinforced by a modern institutional preference for retributive justice. While Islamic jurisprudence theoretically values intention (niyyah) and social context (‘urf), such nuances are largely absent in the

analyzed discourse. Overall, the transitivity structures reflect a judicial ideology that silences the voices of the accused, constructs guilt through grammatical certainty, and perpetuates a power-heavy, emotionally distant form of legal reasoning. This calls for a rethinking of courtroom language—towards one that makes space for empathy, complexity, and justice that is both legal and human.

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