Disqualifying a Premier:  
A Linguistic Analysis of a Legal Narrative to Unfold Power  

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ABSTRACT  

Given the increasing interest in the conglomeration of complex dynamics that bring together the concepts of law and language, this paper aims at exploring the relationship between language, power and ideology, and how such relationships are represented through the analysis of the honorable court’s Contempt judgment against Ex-Prime Minister of Pakistan, regarding non-compliance of the honorable court’s orders, following Ruth Wodak’s Discourse-Historical Approach (DHA); and to discuss the sociological aspects that work as a backdrop or framework on this type of discourse. The main focus of interest in the researcher’s current investigation deals with the study of how linguistic pattern render power particularly in legal discourse as language is the “primary medium of social control and power” (Fairclough, 1989 [2001], 3), most notably in legal settings (Coulthard and Johnson 2007) where language is used to facilitate control through the manifestation of power. The paper aims to bring to light Gilani’s indictment causing clash of institutions in Pakistan and quest for power and dominance between the elected and non-elected parts of Pakistan; the judiciary confronting the democratically elected government through the use of discursive power.  

Keywords: Discourse-Historical Approach, Language, Power, Ideology, Indictment  

INTRODUCTION  

Judgments of appellate and the apex courts are important texts in the common law system of a country. They contain the rules and verdicts as they have been declared by the judges on a case-to-case basis and are, therefore, a primary source of law and they thus provide a public account of the judges’ reasoning processes. In law, a judgment is the formal decision made by the honorable court following a lawsuit. At the same time the honorable court may also make a range of the honorable court orders, such as imposing a sentence upon a guilty defendant in a criminal matter, or providing a remedy for the plaintiff in a civil matter. This makes judgments important texts also in legal education. Despite its importance, relatively little linguistic research has so far been carried out on these texts in the Pakistani context. This paper is an attempt to disclose the power and hidden ideologies of legal discourse through the analysis of Ex-Premier’s indictment.  

Critical discourse analysis has been connected to the honorable courtroom discourse from multiple points of view especially so as to comprehend sociolinguistic collaborations of the honorable courtroom discourse, it involves kind of a political stance to challenge and investigate the role of discourse in creating and establishing relation of power and dominance in society (van Dijk 1993). It represents the language used by trial lawyers in civil indictment. In this paper the researcher will attempt to provide an overview of some approaches to language study. Firstly, the researchers will focus on the relation between language and law. After that the researchers will analyze the concepts of discourse, discourse
analysis, critical discourse analysis and the honorable court room discourse, finally, they will analyze the judgment of the apex court of Pakistan by applying Discourse-Historical Approach (DHA) (Wodak, 2007). In all social orders, law is defined, deciphered and upheld through different codes of conduct and the honorable courts. Most of these distinctive lawful procedures are acknowledged essentially through language.

The field of analysis in this paper will be the honorable court written judgment. In particular, the study will focus on the patterns of language that create power in legal discourses. It is the aim of the study to present the sociological and linguistic aspects of the legal discourse and to offer recommendations as to how power and language work in framing an ideology and how these factors make the honorable courtroom judgment ideologically powerful.

**REVIEW OF RELATED LITERATURE**

This literature review will provide an outline of issues significant to this study to signify the role of discursive power in construing specific ideologies that help in investigating stance of the honorable courtroom judgment.

The American trial court originated from Anglo-Saxon law. The tradition of legal discourse analysis in the Hopi culture has been remarkably described by Richland (2008) where he (Ibid) analyzes how Hopi individuals see their future wellbeing as reliant on their capacity to keep up and further their social legacy and they are keen on changing the profoundly Anglo-American legal practices in the honorable court to the end. From a sociolinguistic viewpoint, the work conveys forward the custom of legal discourse analysis that is grounded in the micro-examination of transcripts of recordings of the honorable court connection. Taking after this custom and the more extensive customs that have altogether affected examination of legal discourse, Richardland (2008) dedicated to the essential thought that social truths are made in and through the methodology of face-to-face collaboration. He likewise draws on late advancements in linguistic anthropological examination of language ideologies and semiotics in ways that change our viewpoints on legal discourse. The book shows how cultures undergo changes through the change in legal traditions. (Language and society 38:4, 2009)

Curzon (1968) gave the detailed description of the development of English legal system. While talking about the Anglo-Saxon the honorable courts he said,

> “That the Anglo-Saxon lawmakers were not motivated by a desire to establish a systematic and comprehensive code of laws, nor were they influenced by any coherent general theory of law. The law was made up in large part of customary rules and dooms, local, rather than national in their operation, and based very often in oral tradition.”
> (Curzon, 1968, p.11)

The important point here is that the honorable courtroom tradition is oral in nature and the early Anglo-Saxon the honorable courts were far less perplexing than the modern trial the honorable courts. This history is the key to understand the role of discursive power in forming the honorable courtroom decisions.

The investigation of an especially unpredictable field of analysis, for example, the honorable courtroom discourse might require getting into distinctive theoretical approaches. Above all else, it is important to analyze the complex notion of discourse, and to clear up the methodology of discourse that will be used here, as a particular perspective of discourse and language shapes the hypothetical, contentious and investigative structure.
The understanding of ‘discourse’ is necessary to the application of any manifestation of discourse analysis and for any reflection upon the topic of language and the law. The term ‘discourse’ is usually related to the notion of ‘language’, however it is generally accepted that the idea of discourse is related to ‘a form of language use’ (e.g. van Dijk 1997: 2) or ‘language in use’ (Fairclough, 2003). According to Brown and Yule, “the analysis of discourse is, necessarily, the analysis of language in use” (Brown and Yule 1983: 1).

One of the real complexities of language is that it has numerous hidden practical and structural implications which are not obvious at times. The aim of discourse analysis is to unveil those hidden meanings and bring them to surface. According to van Dijk (1997: 29-31) discourse analysis concentrates on genuine cases of talk, and not on expressions that are misleadingly developed or made with a specific end goal to delineate a particular point. The current examination is focused around legitimate information drawn from a real occasion. The features that characterize discourse are both written and spoken. Same is the case with trial proceedings, the trials are directed orally, they are all the while transcribed. Discourse analysis is most certainly not essentially concerned with language as a dynamic framework (Johnstone 2008:3) and focuses on the certain contexts as in how, why and when (van Dijk 1997:2). Discourse analysis greatly depends on context, social background and personal experience.

Critical Discourse Analysis, as apparent from the name, refers to the concept in which discourse analysis is critically viewed in order to bring to surface the hidden power agendas. The analysis of discourse vacillates between the examination of textual units and digressive and social practices as Fairclough put it, “text analysis is an essential part of discourse analysis, but discourse analysis is not merely the linguistic analysis of text” (Fairclough 2003: 39) CDA helps the analyst to unravel the concealed limits, philosophes and hidden ideologies. It sees language as a social practice, and analysis critically how ideologies are practiced and power relations are worked out, kept and maintained. It also helps the analyst to bring to light the ideological suppositions underlying any discourse by using different forms of analysis

The most well-known observation about the honorable courtroom discourse is related to the disparities of power which underlie these tenets of speech, and which are symbolized in the physical format, trappings and tricks of the honorable court. All members, the whole time are to some degree obliged differentially in a trial process. The circumstances are basically various leveled, reaching out from the judge, at the top and most effective, through the witness who is regularly seen as being feeble. Power is practiced principally by the individuals who have the most control and the right to talk most and the judge has most noteworthy power: his decisions on confirmation and methodology are definitive.

Another prominent feature of the honorable courtroom discourse is story-telling, as explained by Bennet and Feldman in their work (1981), in which they asserted that in a criminal trial a jury builds a story on the basis of the evidence provided to it. That is to say the jury acknowledges from the contradicting variants or "stories" presented before them, a solitary story which fits with their ordinary information of individuals. Most of the time, counsel, especially defending council may be more concerned to toss question on the arraignment story to mold it according to their benefit. The trial-as-story, has turned out to be an exceptionally ripe and significant one and has been the structure around which a lot of analysis has been made of the honorable courtroom language from scholars.

There are different structural elements in a trial process:
**Direct-examination:** It is in which each witness is allowed to have his own examination along with the supportive counsel.

**Cross-examination:** It is conducted by the adversarial counsel.

**Re-examination:** If necessary the re-examination is conducted by the supportive council.

In any trial, case is opened by a summary and after the examination of all the witnesses closed by a closing address.

At lexical level, language of law has often been portrayed as per its difficulty that Mellinkoff calls it, “wordy, unclear, pompous and dull” (Mellinkoff 1963: 23).

Archaic words and expressions are also used. Such types of lexical items are words like, hereinafter, here fore, thereafter, thereat, thereupon etc. Use of foreign words, particularly Latin words and phrases is also common.

Latin terms used in the case under study are:

- *inter alia*: among other things
- *prima facie*: at first glance
- *suo moto*: on its own motion
- *Nemo iudex in causa sua*: no one should be a judge in his own cause.
- *ab initio*: from the beginning. (Used with void as void ab initio)

The intricacy of legal language has been seen as an approach to legitimize specific access to such type of language, and to disempower individuals who are prohibited. On the other hand, it ought to likewise be noted that, in view of its pervasiveness legal language can accept different changing forms. Besides, in spite of the fact that it is regularly considered static and unchanging, legal language like the society is always in the process of development.

Power and ideology play an integral part in shaping and reshaping decisions and making judgments. Political groups and institutions require their own particular language and depict themselves through this language; they characterize their domain by method for their language; they flag their philosophy through specific trademarks and generalizations; their ideological structure is joined together in a certain manner thus is their argumentation. Reliant on principles and projects individually, this utilization of language may serve to deliver incitement or actuate reflection.

Brooks (2005) points out that different decisions in the honorable court are based on different representation and interpretation of narratives and the thinking behind the contradicting renditions of occasions is most commonly socially based and ideologically one-sided to the degree of ensnaring perspectives about fitting conduct, sensible decisions of activity, and previously established inclinations about what is or is not adequate in the perspective of the jury and the involved parties. This is how linguistic practices influence the honorable courtroom judgments and its power can be seen in the view of the fact that legal texts utilize procedures of defense against the suspicion that narratives may twist jurors weighing of the proof; verifiably this lets us know the importance of narrative.

**RESEARCH METHODOLOGY**

The work is based on qualitative approach. The data has been analyzed following Ruth Wodak’s Discourse-Historical approach. This four layered model,

1) The linguistic co-text
2) The intertextual and interdiscursive level

3) The extalinguistic level

4) The sociopolitical and historical level, has been used to analyze different discursive strategies as in, how certain in-groups and out-groups are built, what linguistic devices are used for naming and referring to people, how certain negative and positive qualities are attributed to them, by the use of which type of argumentation people or social groups include or exclude others and from which perspective these argumentations are described and how specific utterances are intensified or alleviated.

By using this model it has been further analyzed how power and ideology help in interpreting the honorable courtroom judgment. The subject in the study is the Apex the honorable court’s Judgment for contempt of the honorable court. The data has been selected as the written judgment of the same case to help the researcher investigate the role of linguistic patterns in construing power and ideology in legal discourse. The analysis is further based on the research questions to find out the linguistic patterns that are used to construe power and ideology in legal narratives and the role of discursive power in shaping certain ideologies that affect the honorable courtroom judgment.

Keeping in view the space given to this paper the appendices have been removed.

ANALYSIS

Having highlighted the principle features that embody the honorable courtroom correspondence in the honorable courtroom trials, the analysis focused on one particular trial will now be introduced in an attempt to show the power relations through the trial language.

The Data

The data are taken from the written judgment of the trial conducted in 2012 known in the apex court of Pakistan focusing on the then premier’s contempt of the honorable court case for defying the honorable court orders.

Synopsis of the Case

Although the case received immense media coverage for having the greater political stakeholders involved in it, it will be briefly outlined here for better understanding of the analysis.

In 2007 the then President and Chief of Army Staff Pervez Musharraf declared the National Reconciliation Ordinance which gave a sweeping reprieve to wrongdoings submitted by his political associates. One of the most vital cases the NRO subdued was a case in Switzerland in which the Chairwoman of the PPP Benazir Bhutto and her spouse Asif Ali Zardari had been trialed laundering $60 million dollars to Swiss Banks. The Pakistani government wrote to the Swiss Prosecutors asking that the case be withdrawn and it was. In August 2008 Bhutto’s widower Asif Ali Zardari overtook Musharaf and became the President of Pakistan. In 2009 the apex court reopened the NRO case and ordered the government to reopen all cases closed by the mandate including the Swiss Case against the then president.

In December of 2011 the government opened all the cases except the Swiss Case and claimed that the President enjoys immunity whereas the Supreme the honorable court repeatedly ordered the Swiss Case to be reopened. In December of 2011 Supreme the honorable court gave a last due date to the then PM on January 10th 2012 to re-open the Swiss case. He rejected and on January sixteenth 2012 he was accused of contempt of the honorable court and finally on April 26th
2012 the Supreme the honorable court disqualified him for contempt of the honorable court and ordered him to 30 second detainment in the honorable courtroom.

Data Analysis

The case under study is of immense political importance as it was fought between the popular elected government and the guardians of the law and for the first time claimed a moral victory for the rule of law by disqualifying the Prime Minister of a government with strong political mandate.

On 26th April 2012, the honorable the honorable court started the proceedings of the final hearing of the then Prime Minister’s contempt of the honorable court case.

1. THE HONORABLE COURT: These proceedings for contempt of the honorable court initiated against the Prime Minister of Pakistan................. a money laundering case in Switzerland... (ORIGINAL JURISDICTION)

This passage is the opening statement that is always followed by the summary for the unfolding of the trial. The opening statement itself is full of hidden ideologies that show the power struggle. The then Prime Minister of Pakistan tried to take advantage of his authority and without bothering rejected the order of Supreme the honorable court to reopen the Swiss case and challenged its prestige, Supreme the honorable court on the other hand being an independent and powerful institution showed that it has the real authority to disqualify anyone who brings the honorable court into ridicule, all are equal before the law, be it a layman or a Prime minister.

Immediately after the opening statement the judge throws light on the context of the very trial.

2. THE HONORABLE COURT: To understand the context in which the said directions were given by this honorable court, it is inevitable to state some material facts (ORIGINAL JURISDICTION).

Then the summary of the case was presented before the jury heading to the events that brought the then Prime minister to the honorable court. It was reported that the then Attorney General for Pakistan wrote a letter to the Swiss government asking them to restart the investigation of the money laundering case involving the two Swiss companies COTECNA and SGS, in which the Government of Pakistan be made a civil party so that the installments and sum be come back to the Government of Pakistan being its legitimate petitioner and the request was improved. But on 15th October 2007 the then President of Pakistan implemented The National Reconciliation Ordinance 2007 broadly known as NRO.

3. THE HONORABLE COURT: “……to promote national reconciliation, foster mutual trust ………………………………...and for matters connected therewith and ancillary thereto ;”( ORIGINAL JURISDICTION).

The purpose of NRO was to close all the cases or allegations against the President. The above lines clearly show the sole purpose of PPP government, to complete it tenure of five years and Asif Ali Zardari’s aim as president has been defined by a single-minded obsession to go down in history by making the PPP-led government the first elected civilian government to complete its full five year tenure and save his skin under any situation on the name of national benefit.

4. THE HONORABLE COURT: “7. Insertion of new section, ………Withdrawal and termination of prolonged pending proceedings initiated prior to 12th October,
The above passage brings to surface the power of the language of law and the real, hidden factor working behind that power, raising the clash between two institutes. The power of language can clearly be seen in the honorable courts orders to restart the investigation of the closed cases against the impregnable authority, i.e. President of Pakistan. Again by modifying the language of law the then President made himself invulnerable and above the grasp of judiciary and law. The main working power here is the then President, who very cleverly arranged all the things in his benefit. As according to the NRO, having occupied the highest rank and gaining the utmost reputation and respect being a president, and those holders of the public office would be allowed immunity. And all the cases against them, either pending or under investigation would be dismissed. Even in future they won’t be accused guilty for the reputation of Pakistan and for the prestige of the very seat they are holding. Here again, language of law is playing the key role to alter the events.

However the NRO was challenged in the honorable court. During that time the then Attorney General of Pakistan wrote a letter to the Swiss government under the light of the very same NRO challenged in the honorable court and asked the Swiss government to close the cases against, “Mr. Asif Ali Zardari but also against Mr. Jens Schlegalmich and any other third party concerned by these proceedings. This withdrawal is effective for the above captioned proceedings as well as for any other proceedings possibly initiated in Switzerland (national or further to international judicial assistance). The Republic of Pakistan thus confirms entirely the withdrawal of its request of judicial assistance and its complements, object of the proceedings CP/289/97” (ORIGINAL JURISDICTION). The Attorney General even withdrew the status of Pakistan as the damaged party only for the protection and profit of the real working power agency, The Then President, i.e. Asif Ali Zardari.

On 16th December 2009, utilizing its utmost authority the honorable court declared the NRO null and void from the very day of its implication including all the decisions made under it. And the honorable court made it very clear that the all the cases and proceedings terminated under the NRO shall be considered in the same status as before 5th October, 2007. The honorable court sent a letter to the Swiss government declaring that the letter written by the then Attorney General should not be considered as he according to the law was never authorized to do such action, the honorable court gave the following directions,

1. THE HONORABLE COURT: “Since the NRO, 2007 stands declared void ab initio, therefore, any actions taken or suffered under the said law are also non est in law………………………………………………………………………………the Federal Government and other concerned authorities are ordered to take immediate steps to seek revival of the said requests, claims and status.” (ORIGINAL JURISDICTION).

The honorable court interdicted the authority of Attorney General working under the commands of the President, in other words it rejected the authority of President himself and his bid to save himself from the law. The situation even intensified the power struggle between the then president to stay in command and complete his tenure and of the Supreme the honorable court to force him out of his office. The honorable court sent a clear notification to the federal government to re-open all the cases within and outside the country. But the government didn’t bother to act upon the orders.
ON 29th March, 2010, the honorable court took notice of the matter and again strictly directed the federal government to reopen all the cases as soon as possible.

The honorable court called Minister for Law to the honorable court on 25th May, 2010 who said that a detailed summary of the events has been presented to the Prime Minister and when that summary was presented before the honorable court it said that it was not for the implementation of the honorable courts orders but for its non-implementation. The honorable court ordered the resubmission of the proposal to the Prime Minister to re-open all the cases but it was still not submitted. In the long run of events and the disobedience of the honorable courts orders, the honorable court passed a twelve paged ordered regarding six options from which the 2nd option has been stated.

2. THE HONORABLE COURT: “Proceedings may be initiated against the Chief Executive of the Federation, i.e. the Prime Minister………………. failing or refusing to implement or execute in full the directions issued by this the honorable court………..” (ORIGINAL JURISDICTION).

In this passage the rise of tension is evident that intensified the case even further. After so many notifications the honorable court warned the government of the supposed results of the negation of law. The consequences could be more vulnerable if not followed. The honorable court directed the Attorney General to inform the concerned authorities of the options and also of the next date of hearing. On the next hearing the honorable court was informed by the Attorney General that he informed all the authorities but nothing was conveyed by the Prime Minister to the honorable court. It was under all these circumstances that the honorable court decided to issue a show-cause notice to the then Prime Minister. On this the then Premier appeared himself in the next hearing and provided the reason for not implementing the honorable courts order, because the President enjoys immunity and cannot be charged under any case. After hearing his barrister in defense the honorable court decided to continue the contempt proceedings against him as following,

3. THE HONORABLE COURT: “That you……. the Prime Minister of Pakistan, have willfully flouted, disregarded and disobeyed the direction given by this The honorable court ………………………………………………….We hereby direct that you be tried by this The honorable court on the above said charge” (ORIGINAL JURISDICTION).

After months of legal warfare the honorable court clearly pronounced that the then PM was legally and officially bound to act upon the orders conveyed to him by the honorable court time and time again. He refused to comply the commands given by the honorable court and in this way has been found guilty of contempt of court.

Later on, the defense requested the honorable court to postpone the date for evidence recording. Giving his request, the honorable court said the confirmations will be recorded on February 27, which the honorable court will examine on the accompanying day, February 28, including the archives of the arraignment will be submitted on February 22. A case Prosecutor was appointed who after the recording of the evidence resigned as the Attorney general took his place on the directions of the federal government. He objected the very trial on the basis of “fair-trial”,

4. THE HONORABLE COURT: For the sake of facility, Article 10A reads:

“10A. for the determination of his civil rights and obligations or in any criminal charge against him a person shall be entitled to a fair trial and due
process”……………… “no one shall be condemned unheard’ and secondly that ‘a person cannot be a judge in his own cause” (ORIGINAL JURISDICTION).

In the ongoing conflict between the federal government and the judiciary no party seemed to be surrendering. As the honorable court executed its power against the Prime Minister being guilty of contempt of the honorable court, the government still raised its voice against the very decision and considered it unfair. To defend itself the government took the stance that the honorable court already decided to accuse the Respondent as the Respondent was unaware of the proceedings before the showcase notice and that according to the rules of law no one can be the judge in his own case because it affects the biasness of the case. To prove his point valid, the prosecutor presented a number of references from different cases. This was the stage where the conflict between both institutions was at its peak.

The honorable court on the other hand in the counter argument proved that all the accusations by the council were not suitable in the present trial and the indictment made by the honorable judges was totally in accordance with the law as,

5. THE HONORABLE COURT: The contempt proceedings arose out of non-implementation of the judgment of this the honorable court……enforcement of the law. (ORIGINAL JURISDICTION).

The honorable court gave many chances to the government to follow its orders, when there was no response from the government only then the honorable court issued the show-cause notice against the then PM. In this way the indictment was totally legal and there was no biasness involved in the decision. It was totally for the benefit and prestige of law and the honorable court.

The second accusation made by the counsel was that the Prime Minister being the head of the state enjoys impregnable immunity and against him no case can be opened or investigated as far as he is in power. The implementation of the honorable court’s orders would have meant the reopening of the trial against him in Switzerland which cannot be followed as long he would be serving in the office. He gave different references to show the President enjoys immunity within and outside the state in different laws.

In all these accusations and there defend from both the sides language is playing the basic role, to prove or reject the defense. In the above analysis it is clearly evident how the council manipulated language for its own particular purpose. This is the power of language of law that can make the tables turn in no time.

Later on the orders of the honorable court the Respondent came to the honorable court and made his point same as in the written statement attached with the evidence that was presented by him to the honorable court in response of the show case notice. The main agenda was,

6. The Respondent: I believe that………..as long as a person is Head of a Sovereign State he has immunity in both criminal as well as civil jurisdiction of all other states under international law………………………….. I also believe that the Sovereign State of Pakistan cannot, must not and should not offer its incumbent Head of State…………………for a criminal trial in the honorable court of a foreign Magistrate, during the term of his office” (ORIGINAL JURISDICTION).

Language of this letter makes Ex PM’s ideology crystal clear. The then Prime minister clearly rejected to follow the honorable courts orders and declined the charge of contempt against him having stated that law gives absolute immunity to the president that’s why no investigation can be started against him, for the very reason he has not written the Swiss
government. The statement of the then Prime Minister can have been driven out of two possibilities, either he was too adamant to follow the honorable court’s instructions, or he was too confident that his authority couldn’t be snatched from him. The Respondent’s counsel again demanded the honorable court to rethink its decision on two points: firstly, because the President enjoys immunity and secondly because according to him,

7. “The honorable court fell in error in not appreciating the functions of the Attorney General............. to withdraw the prosecution was well within its mandate” (ORIGINAL JURISDICTION).

This type of statement by the federal government shows its utmost vehemence, at first in spite of the honorable courts continuous notifications no one from the federation bothered to reply and then they rejected the very decision from which everything started, that the then attorney general was very much in the right to send the letter and made close all the cases. His decision was in accordance with law and it was the honorable court that made the mistake by rejecting it.

The honorable court, in the counter argument stated that the Respondents counsel was wrong in its claim as there were many notifications sent by the honorable court to the government but at that time no request was submitted regarding the authority of the then attorney general to take such action. The honorable court rejected the appeal and further maintained that,

8. THE HONORABLE COURT: “The consequences of the withdrawal of Malik Muhammad Qayyum’s communication.............in view of the controversy raised on behalf of the Respondent that the cases were closed on merits, though....the documents speak otherwise” (ORIGINAL JURISDICTION).

Here, the Respondent’s counsel again tried to manipulate the language to gain its purpose. He stated that the Swiss government closed the cases on the merits as no investigation against the President of a country can be started, not even at government’s plea. Whereas in reality it was the Swiss Government that opened the cases of money laundering, which were closed on the appeal of the Attorney General of Pakistan. The honorable court maintained that the government should have asked to restart the proceedings because there were other people involved in the case as well. It was only to show its own will that the government adopted such negligence.

The best display of discursive power is brought out in the following passages where the Prime Minister’s Counsel tried to exploit the language to influence the honorable court’s decision:

9. RESPONDENT’S COUNCEL: “.........Supreme The honorable court shall have power to issue such directions, orders or decrees......including an order for the purpose of securing the attendance of any person or the discovery or production of any document. (2) Any such direction, order or decree shall be enforceable throughout Pakistan..........(3) If a question arises as to which High The honorable court shall give effect to a direction, order or decree of the Supreme The honorable court, the decision of the Supreme The honorable court on the question shall be final” (ORIGINAL JURISDICTION).

The Premier’s Counsel provided that according to this article it was the honorable court’s duty to actualize the orders itself as the case comes under the regional ward, in this way the Prime Minister is not the one to be accused it was the High Court of Islamabad which was responsible to make the implementations possible. This is the discreetness of the courtroom
discourse; there are many options available in it to change the subject matter and to prolong the discussions as long as you can. Same thing is being done here, instead of accepting the honorable courts orders the counsel is only prolonging the matters, the Government is not in any mood to accept any of the honorable court’s decisions either about the reopening of the foreign cases or about the contempt allegation against the Prime Minister.

The prosecutor continued the blame game, by the use of word play. He maintained that the then attorney general never submitted any summary to the Prime Minister he can even be called to the honorable court to take an oath whether he submitted or not. He further added that only the order for the President to come in the honorable court personally was conveyed to him on which he acted upon. Most of the orders were given to the Ministry of Law he got only two summaries, in one of them no agenda was clear and the second he replied to, that because of immunity no action can be taken against the President. The Prosecutor was only trying to save the Prime Minister as well as the President for whom the Prime Minister was working.

The honorable court further replied to the counsel’s statement about the innocence of the Respondent that in his statement and in person he clearly rejected to follow the honorable court’s orders as already discussed in this paper. To answer the claim of the Prosecutor that Swiss case has been closed on mutual grounds and there is no case pending the summary of the letter written by the then attorney general was presented before the honorable court, 10. THE HONORABLE COURT: “As regards Asif Ali Zardari, the Public Prosecutor of Pakistan, after having initially involved Asif Ali Zardari, dropped all charges against him as well as against Jens Schlegelmilch……………Therefore, the proceedings stand closed.” (ORIGINAL JURISDICTION)

The passage quite evidently shows that the case was adjourned on the then Attorney General’s plea, in which he stated that the investigations were asked to be proceed due to the political reasons, Pakistan does not claim any money so the case should be closed. Every new step in the decision is showing government’s ideology, and the one working ideology, to save the then president. On the other hands the discursive patterns of the honorable court’s speech are trapping the government more and more. Then the first summary sent to the prime minister was presented before the honorable court in which some proposals were given.

In the response of the second summary the same stance was adopted that according to constitution the President enjoys immunity as already discussed in the paper. Whereas a note was written on that summary as following, “20. The Prime Minister has approved the proposal at para 17(A) of the Summary, which has also been endorsed by the Law Minister vide para 19, thereof. 21. The Secretary, Law, Justice and Parliamentary Affairs, as well as, the Attorney General for Pakistan may appropriately explain the position to the Honorable court of Pakistan.”

Para 17(A) is related to the Prime Minister’s respond to the first summary that Ministry of Law may continue its agenda. Para 21 instructions of the Respondent, that is not the case as he only responded to Para 17.

In addition to the proofs stated above, a summary of the notifications for the implementation of the honorable court’s orders was presented before the honorable court. Throughout the proceedings even after Ex PM’s visit to the honorable court, it was continually asked by the honorable court whether he has agreed to obey the honorable courts orders or not. There was a clear ‘No’ from the government which remained stuck to the agenda that it is against constitution to start any investigation against the President.
11. The honor’ble court said, One may refer to the oft quoted aphorism of Robert Houghwout Jackson, J. about finality of the judgments of the Supreme The honorable court of United States, “...... there is no doubt that if there were a super Supreme The honorable court, a substantial proportion of our reversals of the State The honorable courts would be reversed. We are not final because we are infallible, but we are infallible because we are final.” (ORIGINAL JURISDICTION)

The quote shows the immense power of the honorable court, which cannot be challenged by any authority. A person can question the honorable court’s decision but can’t challenge its authenticity. To interpret the law is only the right of the honorable court. The government may assume itself to be above law, and consider the honorable court’s orders more than nothing, at the end it is the honorable court that in real sense is the supreme power, before which all must surrender.

In order to protect the then Prime minister the Respondent’s counsel gave reference to a case held in the honorable court of India. The main point of that was, “respondent No.1 is not expected to personally look into the minute details of each and every case placed before him and has to depend on his advisers and other officers” (ORIGINAL JURISDICTION). The respondent mentioned here was the Prime Minister of India who according to their honorable court was not responsible for the considered crime as he could not pay attention to each and every matter by himself, the responsibility lied on his officers and consultants. But all the instances of the PM’s case show that he rigidly decided not to follow the honorable court orders, in the same way he should take the responsibility of his decision and should stop blaming the other authorities for having not given him the right advice. As in this case there were no complications, he was only asked to pass the orders to the Swiss government.

The honorable court kept disclosing its cards one by one, in support of the charge it maintained that according to the government, the respondent was too busy to check the summaries in detail and that the Ministry of law didn’t guide him in the right direction later. Whereas in reality the matter was not so meek to be ignored by the Prime Minister, as it involved the government in it was looked upon quite closely and after consideration the then Prime Minister decided not to obey it. He cannot blame the Ministry also because he himself ordered it to continue its agenda, agenda of not asking the Swiss government for the proceedings. The government was only playing delaying game whereas in reality it was not ready to implement the orders from the very start. As he was informed in the first summary to follow the orders and things would be according to his will, in the response to the second summary he rejected the orders and after show-cause notice kept that stance and even later in the proceedings was adamant to not to follow the orders. He on his own will flouted the honorable courts orders.

Before the closing statement the legal facts about the case were discussed. A person can only be convicted of contempt of the honorable court if,

12. THE HONORABLE COURT: “...... (1) No person shall be found guilty of contempt of the honorable court...... unless the honorable court is satisfied that the contempt is one which............ tends to bring the honorable court or Judge of the honorable court into hatred or ridicule............the honorable court may pass an order deprecating the conduct, or actions, of the person accused of having committed contempt.” (ORIGINAL JURISDICTION)

If these terms are fulfilled only then the honorable court can charge a person of contempt. As discussed above the Respondents willfully flouted the honorable courts orders and he was
correctly charged by the honorable court. The Respondent misused his powers to protect the president. Under all these circumstances the honorable court framed charges of contempt against the then Prime Minister on 24th April, 2014.

13. THE HONORABLE COURT: “For reasons to be recorded later, the accused……..Prime Minister of Pakistan/Chief Executive of the Federation, is found guilty of and convicted for contempt of the honorable court..........for willful flouting, disregard and disobedience of this The honorable court’s direction....................... He is, therefore, punished under section 5 of the Contempt of The honorable court Ordinance (Ordinance V of 2003) with imprisonment till the rising of the The honorable court today.”

The prolonged case for the dominance and power resulted in favor of the honorable court. The then Prime Minister of Pakistan was disqualified by the honorable court through the use of legal discourse. The linguistic war between the honorable court and the federal government continued for a long time, no side willing to move an inch from its ideology.

DISCUSSION

By the analysis of different linguistic patterns of legal narration as discussed in this paper it may be noted that, on the surface level it was the honorable court that achieved victory by disqualifying the then Prime Minister but as in Wodak’s Discourse-Historical Approach, background information forms the basis of analysis it may be noted that government was ready for the then Prime minister’s expulsion with a list of prime ministers to take his place and to face the honorable court’s decision. With the use of discursive power both the government and the honorable court maintained their ideologies, government worked on the single minded doctrine to save the president and the Prestige of the office of the President and the honorable court’s dogma was to open the investigations.

Throughout the judgment process there was display of Wodak’s concept of Positive self and Negative other representation. The government continued the blame game till the end and tried to overpower the law by showing that it was in strong position. The government considered all its decisions to be right and lawful and all the decisions taken by the honorable court to be wrong as the President represents the whole nation and any action taken against him should be considered against the wellbeing of the whole nation.

CONCLUSION

The study has attempted to investigate the role of discursive power in creating power and ideology in legal narration through the investigation of the honorable courtroom judgment. The conflict between the honorable court and the federal government had continued for a long time; however it was the honorable court that ended it with the indictment of the then Prime minister and showed its ultimate power. Since it is the political predominance and power struggle being specified here CDA has had real influence in reforming it. DHA has been used to analyze: how hidden prejudice utterances are made and how the dominance of an institution prevails throughout.
REFERENCES


