

Journal of Legal and Social Studies

Issn: 2507-7333

Eissn: 2676-1742

When Justice doesn't speak Darija: Communication Issues in Algerian Courtrooms

Mohamed El Amine DENDANE ^{1*} / Zoubir DENDANE ²

¹ Maghnia University Centre, Algeria / amine13dendane@gmail.com

² Tlemcen University, Algeria/ zdendane@gmail.com

Date of send: 01/03/2026	date of acceptance: 01/05/2026	Date of Publication: 01/09/2026
--------------------------	--------------------------------	---------------------------------

*** Corresponding author**

Abstract:

This article examines the linguistic disconnect and critical communication barriers within the Algerian judicial system, in the courtrooms, where the formal language of the law confronts the daily vernacular of the citizens. While the Constitution designates Modern Standard Arabic (MSA) as the official language of the court, litigants (plaintiffs, defendants and witnesses) only communicate in Algerian Arabic (Darija or some Berber variety in Berberophone areas). This sociolinguistic gap, diglossic in nature, tends to create a profound transparency deficit, a form of systemic linguistic inequality where the use of highly specialized, formal terminology often alienates defendants and witnesses, potentially compromising the right to a fair trial. Through a qualitative analysis of courtroom interactions and legal discourse, coupled with some interviews, this study investigates how this diglossic tension results in linguistic insecurity, affecting testimonial accuracy and the comprehension of legal proceedings. It highlights the judge's dual role as a legal mediator and an informal translator, bridging the gap between codified law and oral expression. The article argues that if justice fails to 'speak' the language of the people, the principles of legal accessibility and equity are undermined. It concludes by proposing policy recommendations, including the formal recognition of linguistic mediation and sociolinguistic training for legal professionals. Addressing these hurdles can guide the Algerian judiciary toward a more inclusive system where language serves as a bridge, rather than a barrier to justice.

Keywords: Legal discourse; diglossia; Darija; MSA; linguistic insecurity; transparency deficit.

1. INTRODUCTION

In the courtroom context, language is the primary instrument of justice, and thus much more than a means of communication. Even differences in the register of the standard form of a language might cause misunderstandings in the room. In the context of the Algerian judicial system, the diglossic issue makes it more acute and language is often a conflicting tool. While the Algerian Constitution and the 2008 Law¹ on the use of language established Modern Standard Arabic (MSA) as the sole language of process and lawsuit, the linguistic reality of the citizenry is rooted in the people's dialects (Algerian Arabic or a Berber variety in some areas of the country).

This study addresses the profound communicative gap that emerges when the 'High' variety (H) of the law – characterized by its standard form in morphology and specialized lexicon – clashes with the 'Low' variety (L) of the litigants' daily lives and testimonies. This diglossic tension (Ferguson, 1959), which results in linguistic disconnect, is not merely a matter of stylistic preference but a significant barrier to procedural fairness. French sociologist Bourdieu (1991) posits that language serves as a form of "symbolic capital" that can be accumulated and used to gain social advantage. Linguistic competence then plays a crucial role in social and power relations; so, mastering the dominant form of the language offers the ability to gain access to higher status, social advantages and resources. But in the Algerian courtroom, those who lack mastery of the official form of the language find themselves in a position of strong "linguistic insecurity". As a matter of fact, in Algerian courts, laypeople, witnesses and defendants, often struggle to express their cases or testimonies within the rigid constraints of MSA, which leads to what may be termed a *transparency deficit*², a procedural flaw created by the reliance on Modern Standard Arabic, where the ritual of the law supersedes the communication of the law. This deficit often transforms the litigants from active participants into passive observers of their

¹ Algerian Law No. 08-09 of February 25, 2008. Article 8: "Judicial procedures and contracts, including petitions and memoranda, must be conducted in Arabic, otherwise they will be inadmissible... Documents and papers must be submitted in Arabic or accompanied by an official translation into this language, otherwise they will be inadmissible... Discussions shall be conducted in Arabic."

المادة 08: "يجب أن تتم الإجراءات و العقود القضائية من عرائض و مذكرات باللغة العربية تحت طائلة عدم القبول... يجب أن تقدم الوثائق والمستندات باللغة العربية أو مصحوبة بترجمة رسمية إلى هذه اللغة ، تحت طائلة عدم القبول.. تتم المناقشات باللغة العربية"

² The expression "transparency deficit," widely used in governance and legal scholarship, denotes the perceived shortfall in openness and accountability within institutions.

own trial. If litigants cannot fully understand the charges against them or the nuances of a judge's inquiry, the right to a fair trial is at risk (Gibbons, 2003).

Despite the state's efforts toward Arabization, which was started right after independence in 1962, the persistent 'diglossic' nature of the Algerian society (Bassiouney 2020, Benrabah 1997) ensures that, for many, the language of the state remains a 'quasi-foreign' medium for expressing the truth of personal experience. This article attempts to examine this tension through a qualitative lens, focusing on courtroom interactions in Tlemcen (Algeria). By analyzing the spontaneous code-switching and mediation strategies employed by judicial actors, the study seeks to answer a pivotal question:

- Are legal professionals in court proceedings aware of the importance of adapting their language behaviour to laypeople's speech?

In investigating this problem systematically, the study is guided by three core research questions:

1. Is the diglossic gap between Modern Standard Arabic and AA (Darija) a significant barrier to effective communication, and thus to accurate establishment of facts and the perception of justice?
2. To what extent does the conduct of courtroom discourse in MSA affect the procedural fairness and participatory rights of defendants?
3. What pragmatic policy measures regarding linguistic mediation could resolve any communication gap and enhance judiciary proceedings?

Guided by the theoretical framework of linguistic symbolic capital (Bourdieu, 1991) and diglossia (Ferguson, 1959), the following hypotheses are advanced:

H1: The diglossic gap constitutes a critical barrier to effective justice, leading to frequent misunderstandings, loss of testimonial nuance, and a reliance on informal, ad-hoc interpretation by judges and clerks, which introduces inconsistency and potential error.

H2: The mandatory use of MSA creates a form of symbolic violence that disempowers Darija-speaking defendants, reducing their ability to participate meaningfully in their defense and undermining the principle of 'equality of arms' which must give litigants equal opportunities ensuring thus a fair trial.

H3: The systematic formalization of linguistic mediation—through trained court interpreters for Darija (and any Berber variety) and mandatory sociolinguistic training for legal professionals—would significantly reduce the observed "transparency deficit" and improve both the reality and the perception of fair trials.

The discussion proceeds by first exposing the overall sociolinguistic profile in Algeria, with some focus on Arabic diglossia, then showing the symbolic power of the linguistic tool in social interactions. Further, the Algerian legal-linguistic framework is considered by analyzing courtroom dynamics to test the first two hypotheses, before concluding with policy recommendations derived from the third proposition.

2. The Algerian Sociolinguistic Profile

Dealing with language use and social interactions in the setting of the courtroom requires taking into consideration the sociolinguistic situation in Algeria resulting from the historical events that the country has gone through: First Arabization of the Berber countries with the spread of Islam in the 7th century, then lesser relation with other languages (Spanish, Italian and Turkish) that had almost no impact on the linguistic profile. French, on the other hand had the greatest impact on the Algerian society as the colonial rule, which lasted for more than a century, came not only with the aim of taking the land and its resources, but also to eradicate the Algerian language, religion and culture. One important output of the long-term colonization and the French strategy of deculturation is that the overall society, particularly in urban areas, became bilingual and continues today to use French in many domains, even in everyday speech to the extent that Algerian Arabic and Berber are heavily impacted by French borrowings and code-switching.

Nevertheless, at the dawn of independence in 1962, the young Algerian government made a strong decision to implement Arabic as the national and official language of the nation (1963 Constitution, Article 5). Soon a rapid and extensive policy of Arabization started to be implemented with the primary aim of reversing the 'Frenchification' imposed by colonial rule for more than a century and restoring Arabic as the language to be used in administration and education.

However, Arabization was going to be a long arduous process as the real mother tongue of the people was Darija, not the standard form of Arabic, and thus the phenomenon of diglossia was going to become a problematic issue, not only for education, but also for administrative institutions, including justice.

2.1 Diglossia as a problematic issue

Diglossia (from Greek *διγλωσσία*) is used in modern linguistics to describe “a relatively stable linguistic situation” (Ferguson 1959:244) with two functionally distinct varieties of the same language; that is, they exist in two distinct levels of use, operating in a complementary manner: the "Low variety", Darija in our case, is used in ordinary conversation and everyday speech while the "High variety" (MSA in the Arab world) holds a prestigious status in the society by being used in formal, religious, literary, and educational contexts, as well as in all written material. Another crucial evidence that differentiates the two forms is that L is the real mother tongue in the community, acquired naturally, while H is only learned in formal instruction, almost like a second language.

Thus, the phenomenon of diglossia is seen as a significant sociolinguistic problem, particularly in Arabic-speaking communities where the mother tongue, AA, acquired naturally and used for ordinary speech interaction, is quite distant from MSA, the High variety only used in formal settings. Indeed, it is often hard for a large majority of Algerians to perfectly understand Standard Arabic, let alone use it in formal interaction, in front of a judge or a lawyer, for instance.

2.2 Language of the Law

Law is not merely expressed through language; rather, it is fundamentally constituted by language. Legal systems are built upon a specialized, often complex, register known as legal language, or ‘legalese’, which is used to draft statutes, issue judicial decisions, and conduct courtroom proceedings. This deep interdependence creates a dynamic intersection where language both shapes and is regulated by the law. Legal language, both in its spoken and written forms functions as a powerful, performative tool that actively constructs rights, obligations, and social reality. Law acts as a mechanism to regulate behaviour through specific, often complex, linguistic registers only used by experts in the field and thus not often comprehended by laypeople. In courtroom discourse, legal proceedings obviously specific roles and power dynamics, including questioning and testimonies.

Therefore, the specialized terminology and discourse of legal texts and proceedings can create barriers to public access and understanding. Knowing that in the Algerian legal system Standard Arabic is the official language, the issue remains that laypeople often find difficulties in fully understanding MSA, a form that is different from their mother tongue in many respects.

2.3 Language and Power

In addition to being the natural means of communication between people, language can also be an instrument of power for those who 'know' how to use it and control unequal relations. As Fairclough (1989, p.1) writes, "language contributes to the domination of some people by others", a view that is rooted in the relationship between 'standard' and 'non-standard' languages. In our context of Algerian judicial proceedings, the issue, tightly related to AA/MSA diglossic relationship, results in that legal officials fully control the course of language interactions and make final decisions, sometimes to some disadvantage towards the defendant or the witness who only use and understand the colloquial form of Arabic (or a Berber variety ³). As a matter of fact, Fairclough (1989) explicitly mentions the legal system as a site where communication is a "high-stakes" activity. This is particularly true when it comes to regarding a social dialect like Darija as stigmatised in terms of correctness while MSA is the only 'correct' form to be used in legal discourse. Thus, the standard form is viewed by all members of the community as the dominant language and "a form of cultural capital", as expressed by Fairclough (ibid. p. 57) who believes that in language interactions "formality both restricts access and generates awe", thus making laypeople feel the psychological distance created by legal discourse and the intimidation that prevents them from reacting.

Indeed, an illiterate defendant wouldn't dare face the judge's discourse precisely because their natural form of speech is felt to be too 'poor' to confront the 'powerful' standard form of the legal officials! The awe and fear generated by the formal register makes litigants feel 'not clever enough' to speak, when in reality, the system is simply biased toward a register they don't use in daily life. Viewing language in formal interaction not only as a tool, but most importantly as a "site of struggle", Fairclough (ibid. p. 88-9) interestingly observes that

language itself is a *stake* in social struggle as well as a *site* of social struggle. [...] Having the power to determine things like which word meanings or which linguistic and communicative norms are legitimate or 'correct' or 'appropriate' is an important aspect of social and ideological power.

According to Fairclough then, institutional power is exercised through power behind discourse, which determines specifically who has access to certain types of talk and who does not. In the Algerian courtroom, MSA serves as the "language of the setting," and access to justice proceedings is dependent on

³ The study does not deal with areas where Berberophone speakers live (like Tizi Ouzou, Bejaia, etc...).

mastery of this specific register. As already mentioned above, Fairclough notes that such formal situations not only restrict access to technical judicial speech, but also generate anxiety caused by overwhelming power, placing litigants at social risk because they lack the linguistic resources necessary to navigate such high-level encounter where their life chances are at risk.

2.4 Symbolic Capital and Linguistic Insecurity

The linguistic hurdles that may be observed within the Algerian judicial system are best understood if we consider Bourdieu's theory of 'linguistic market' which explains *why* certain varieties carry more weight than others. Challenging the idea that communication is just about knowing how to speak, in good grammar and vocabulary, Bourdieu (1991, p.72) argues that language bears a form of "symbolic capital", a currency of social value, just like money which gives you power in a market. He writes:

The linguistic relation of power is never defined solely by the relation between the linguistic competences present. And the weight of different agents depends on their symbolic capital, i.e. on the recognition, institutionalized or not, that they receive from a group.

What is implied in Bourdieu's view is that power does not come from how well people speak in general; it comes from whether they use the *authorized* language in a specific situation. This reminds us of the power of the French language over Arabic during the colonisation and even decades afterwards, in education, legal contexts, media and elsewhere. Those who did not master French were viewed as less 'educated' and thus less powerful in public communicative situations.

In today's Algerian context – Arabic being long restored as the language of the nation –, those who master the official language (MSA) possess the power to be heard, while those who only speak the vernacular DA are devalued, made to feel powerless or incompetent, even though they are naturally perfectly fluent in Darija, their mother tongue. Indeed, the litigants, who might be eloquent, wise and highly communicative in their daily life, often experience 'linguistic insecurity' in the atmosphere of the courtroom, feeling that their native tongue is incorrect usage or a 'corrupt' form compared to Standard Arabic, the 'pure' High variety. This discrepancy creates a symbolic violence where the litigant's inability to speak the standard form is seen as a personal failure rather than a systemic barrier, unless the law officials are fully aware of this issue and align their speech with that of the 'people'!

2.5 Legal Discourse: Communication vs. Procedure

The primary goal of a judicial encounter should be the clear elicitation of truth, but the structural requirements of Algerian legal discourse often create a deficit, what Gibbons (2003) identifies as a 'forensic gap', where the procedural ritual of the trial takes precedence over the communicative rights of the litigant. By implementing a register that Fairclough (1989, p.57) describes as "restricting access and generating awe", the court moves away from a communicative model toward a purely procedural one. In this context, the 'weight' of a speaker is determined not by the accuracy of a testimony, but by their ability to conform to an authorized register that remains, for many, an unfamiliar linguistic medium.

Gibbons (2003) provides the forensic lens, arguing that the law has a "right to understand" and a "right to be understood." He highlights that legal language is often opaque, creating a communicative gap between the legal professional and the layperson. When the Algerian Code of Civil and Administrative Procedure requires that Darija responses be translated into Arabic, it creates a 'filtering' process. As noted in a prior research on beginner pupils confronted with MSA, (Dendane 2015), this formal linguistic medium causes an intellectual disruption, forcing the litigant to achieve legal comprehension through a register they do not practice in daily life.

In the context of formal education, the child in primary school feels as if s/he were exposed to a 'new' language, quite distant from their mother tongue, unless they are prepared linguistically through a three- to four-year programme of quasi-natural acquisition of Standard Arabic before school age. In this respect, Dendane (2015, p.137) says that, if such programme was realized, particularly in kindergartens, through a number of means, including TV kid programmes and cartoons, learning short Suraat of the Qur'an, listening to short stories and songs, following pre-established programmes and qualified educators and teachers,

[...] the children's cognitive development would not be disrupted as they will have already acquired many important linguistic structures of the standard form along with the concepts they discover progressively [...]. The passage from home to school will obtain in a smooth manner as far as the linguistic side is concerned and this will have a positive impact on the social and psychological insertion of the child.

But such child linguistic/cognitive development remains utopian as long as no top-down decision is implemented by ministerial institutions on a large scale and in a sustained manner in the country. In the meantime, the Algerian speaker

continues to ‘suffer’ from the issue of diglossia and the language deficit when confronted with MSA.

The ‘transparency deficit’ observed in Algerian courtrooms is not merely a procedural flaw; it is a manifestation of what has been identified as a disturbance in, or interruption of, the cognitive development of the Algerian citizen. As established in the earlier research mentioned above on the Algerian school system, the abrupt shift from the mother tongue to the formal standard variety creates a barrier that hinders intellectual progress.

In the courtroom, the gap which mandates the use of MSA “under penalty of nullity” (Law No. 08-09 (Article 8) creates a two-fold demand on the litigants: to navigate the complexities of their legal case while simultaneously processing a complex linguistic medium. This cognitive burden is significantly higher for the Algerian litigant than for counterparts in Western societies where the distance between the spoken vernacular, English for instance, and the standard language is much narrower than the AA ~ MSA relation. Furthermore, the requirement in Article 119⁴ that “testimonies be formulated in or translated into Arabic” often strips the evidence of its original conceptual representation. When a litigant is forced to translate their experience from Darija into MSA, the link between the concept and its acoustic image is disrupted. This leads to a "masking effect" where the official court record reflects a standardized version of events that may no longer accurately represent the litigant’s original truth.

Such assumptions, however, can only be confirmed or refuted on the basis of a field investigation that consists of real observation by means of two research tools to obtain qualitative data:

- 1) attendance of court proceedings and judicial sessions with note taking;
- 2) interviews with law professionals and laypeople litigants.

3. Methodology: A Qualitative Approach

As our investigation involves language, law and human interaction, it opts for a qualitative, ethnographic approach, which, we believe, will yield interesting results as to the linguistic relationship between litigants and law professionals. The study aims to investigate how specific linguistic strategies employed by legal professionals during witness examination can shape the construction of evidence

⁴ Article 119: Questions and answers must be formulated in, or translated into the Arabic language.
يجب أن تصاغ الأسئلة والأجوبة باللغة العربية أو تترجم إليها (م. 119)

and potentially influence judicial outcomes. To achieve this aim, a qualitative descriptive-analytical research design was adopted.

3.1 Research Design: A Descriptive-Analytical Study of Courtroom Discourse

The research design is framed within a descriptive-analytical model which aims at analyzing the *meaning* and *consequences* of the linguistic choices that occur in courtroom discourse. The aim is first to identify and categorize the specific language uses during the proceedings. Then, beyond the description account of the data obtained, which would be insufficient for answering the research questions, the linguistic choices by the participants will be interpreted and explained pragmatically in terms of their significance in the legal context. In fact, a deep analysis of real-time discourse bridges the gap between linguistic form and legal function. Such descriptive-analytical procedure will allow us to justify the research questions posed and to verify the hypotheses proposed.

3.2 Data Collection

To obtain genuine information, two data collection tools were used:

- 1) Attendance of various judicial sessions at the Court of Tlemcen (Algeria) during which notes were carefully taken by categorizing turn-takings and mentioning the linguistic choices made by law professionals on the one hand and the litigants, on the other.
- 2) Semi-structured interviews were held with two types of participants: legal professionals, including judges and attorneys, lawyers and bailiffs; and litigants, including defendants and plaintiffs.

As for document analysis, a brief look shows clearly that the proceedings and judgments are strictly written in MSA, simply for the reason that any written text in Arabic diglossic contexts is virtually written in the standard form of Arabic. The low variety is practically never written, except for some folk poetry, or today in social media where users often use what is termed Arabizi ⁵, a system that replaces Arabic letters by Latin script and Arabic numbers, as in, for instance:

3andna 5ams iyyam ma ro7nash lel8arya ⁶ > “We haven’t been to the village in five days.”

⁵ Arabizi is a writing system used in social media: Latin script and Arabic numbers instead of Arabic letters.

⁶ Phonetic transcription: [ʕandna ɣams ijja:m ma rohna:ʃ ləlqarja].

3.3 Data Analysis

Before tackling the analysis of the data obtained, it is worth specifying the types of cases observed in the courtroom. We attended proceedings in a random manner as the aim was to investigate the discourse used by the stakeholders. The researchers thus attended some minor criminal cases, some contract disputes and debt issues. On the other hand, as already mentioned, a few semi-structured interviews were held involving legal professionals and litigants, the aim being to study how these latter react to the types of speech used in court.

To address the research questions regarding the diglossic gap between Modern Standard Arabic and Algerian Arabic (Darija), we have opted for a thematic analysis to categorize the data into themes that include

- Linguistic interference, i.e., how the two varieties of Arabic affect the proceedings;
- Requests for clarification, that is, litigants who may not understand things in the standard form MSA may ask "What does that mean?"
- Codeswitching from MSA to AA may be practiced by the judge, for instance, to ensure that the defendant or the bailiff actually understand the issue.

3.3.1 Analysing Court Discourse

In a room full of people who came to attend the proceedings of a number of cases, we could hear the judge addressing the lawyers and defendants standing there in front. The people were sitting there quietly and we were able to hear what was said and to take notes. The greetings and opening are made by the judge using the standard form of Arabic (MSA), also used to address the lawyers and bailiffs who replied or asked questions in the same variety.

However, as soon as the litigants or defendants were asked to speak about their issues, MSA was no longer used in spite of the formality of the setting. They used their mother tongue, AA with a lot of French borrowings, usually concepts or things of which they do not know the Arabic equivalent. For example, one of the accusers raised his complaint saying:

1) *garantie* ما فيهش *chèque* > "There's no guarantee in that cheque."

This is an utterance that all the attendees in the courtroom understood perfectly well and the law officials do not seem to be disturbed by dialect use in the setting. The judge and the lawyers themselves often switched from MSA to AA as if to make things clear to everybody. One lawyer negotiating his client's claim said:

(2) نرجو منكم سيادة الرئيس أن تنظروا في الأمر ... باش ما نكونوش ضالمين. لازم المدعي يجيبنا الدليل على دفع الـchèque ويبين التحويل من البنك à-d-ç ، l'instrument de paiement

Looking at this mixed form of language interaction, referred to by Blom and Gumperz (1972) as 'situational codeswitching', it is evident that the most important thing to care about for the law actors during a court discourse is to communicate the issues plainly and to interact the best way possible by using the codes available in the linguistic repertoire for various functions: Standard Arabic to respect the institutional authority and the formal setting; Algerian Arabic to make sure the message is passed on clearly, particularly to the litigants who may not understand everything in MSA; the use of French borrowings that are deeply-rooted in Algerian speech and known to laypeople. At the certain point, the judge asked a defendant accused of a crime whether he had stolen a lady's bag or not:

(3) حنا نسقسوك... الحقيبة تاها سرقتهها ولا ما سرقتههاش؟
 "We're asking you... Her bag, did you steal it or not?"

The question is uttered by the judge in plain dialect, AA, except for the word الحقيبة Standard Arabic for 'bag', usually referred to in French as 'sac'.

Such language behaviour from the part of law professionals – who adapt their speech to litigants' and defendants' mother tongue and 'natural' speech –, shows their level of awareness about the diglossic gap between MSA and AA and how it may cause inconsistencies or misinterpretations. Thus, the data collected in the investigation do not align with our predictions; rather, the findings seem to challenge our assumptions and compels us to refute our first and second hypotheses. Therefore, it is significant to claim that court speech interaction does not constitute a critical barrier to effective justice, as put forward in the first hypothesis. Indeed, switches to Darja (AA) often occur to address laypeople, a behaviour that bridges the diglossic gap; and thus, the law professionals' discourse, resulting from their language awareness, does not result in misunderstandings and potential errors as assumed beforehand.

The third hypothesis, however, remains valid as the researchers' proposal of a systematic formalization of linguistic mediation would perhaps definitely remove the 'transparency deficit' and improve the reality of fair trials. As a matter of fact, our third research question – which asked 'what pragmatic policy

⁷ Translation: "We respectfully request, Mr. President, that you examine the matter so that we may not be unjust. The claimant must provide us with proof of payment of the cheque and demonstrate the bank transfer, that is to say, the instrument of payment."

measures regarding linguistic mediation could resolve any communication gap and enhance judiciary proceedings?’ – was initially grounded on the assumption that a significant communication gap existed because of rigid MSA use to the detriment of the dialects. However, the refutation of the first two hypotheses does not render the third one invalid. Rather, it reframes it, for the issue is not how to introduce Darija into a monolingual MSA system, but rather how to support, systematize, and optimize the informal diglossic practices that already exist. The data reveal that linguistic mediation does occur according to the litigants’ need to understand, but it is informal and dependent on the individual awareness of each legal professional and MSA/AA code-switching may sometimes be inconsistent, incomplete, or even counterproductive. A policy decision may even allow for the establishment of a *linguistic mediator* as a recognized professional position, similar to an official interpreter or translator from a foreign language to Arabic.

However, the standard form of Arabic, as a prestigious tool of authority officially implemented over the dialects, is used to corroborate the on-going facts and oral procedures, as an institutional requirement. While speech interaction is bridged by flexible language practices taking account of litigants and witnesses, defendants and illiterate people, the official written record must be documented in the formal variety, MSA, creating potential files to be reviewed and classified.

3.3.2 Analysing the Interviews

A number of semi-structured interviews were held, particularly with legal professionals, lawyers and bailiffs, to try to understand their linguistic behaviour when confronted with laypeople. As for the litigants, defendants and witnesses, the aim was to gauge their level of legal literacy and understanding trials. The data provided by the law professionals align perfectly well with those observed in the courtroom sessions. They all agree that they are fully aware of the language issues during their interaction with the litigants and laypeople in general. Our questions are formulated in MSA with the professionals and AA with the accusers, the defendants, the plaintiffs or the witnesses. A sample question that we opened the interview with was intended to lawyers and bailiffs; it was as follows:

(4) في أي مراحل المحاكمة تجدون أنفسكم مضطرين للانتقال من اللغة العربية الفصحى إلى الدارجة؟ (مثلاً: أثناء سماع الشهود، شرح الحكم، أو الاستئناف؟)

"In what specific stages of a trial do you find yourself most frequently switching from MSA to Darija? (e.g., during witness testimony, explaining a sentence, or cross-examination?)" ⁸

⁸ The rest of the questions to both groups can be checked in the appendix.

As for the litigants, here's an example of a question addressed in Algerian Arabic:

(5) كي كان القاضي يهدر بالعربية الفصحى (تاع القانون)، حسيت روحك فاهم كلش كلمة بكلمة، ولا فهمت غير "المعنى العام" برك؟

"When the judge read the formal charges or the final verdict, did you feel you understood all of the words used, or just the 'general idea'?"

In fact, such a question seems to be irrelevant as the judge – fully aware of the linguistic issue that faces the litigants – usually reads the formal charges or the final verdict in Standard Arabic by necessity, but immediately rephrases the sentence in Algerian Arabic, the variety understood by the whole community.

4. Conclusion

In conclusion, it may be said that this study has led to a significant revision of initial assumptions. The first two hypotheses that MSA dominance creates a critical communication barrier and that officials may not be unaware of this issue were refuted by the observation of courtroom proceedings and the data obtained. The flexibility of the law officials' interaction allow us to claim that Algerian courtrooms are not linguistically rigid spaces, in general. They are dynamic environments where professionals actively and strategically employ Darija to ensure comprehension and continuously switch between MSA, the High variety, which reflects their professionalism and authority, and the Low variety, the citizens' mother tongue used in ordinary speech.

However, this finding, which refutes our first two hypotheses, does not negate the need for policy. On the contrary, it gives the third hypothesis its true weight. Because these vital communicative practices are currently informal, inconsistent, and unrecognized. So, pragmatic policy measures are urgently needed to systematize, support, and build upon them. Such measures would not impose change from above, but rather empower and professionalize the solutions that have already emerged from within the courtroom. The path to a more accessible Algerian justice system lies not in teaching practitioners to speak Darija, which is their native tongue, but in recognizing, refining, and institutionalizing the linguistic mediation they already perform. If our hypotheses were valid, that is, if the language disconnect resulting from the diglossic issue led to significant barriers to effective communication and lack of fairness in the trial, then litigants, defendants or witnesses would not fully grasp the nuances of the charges or the verdict due to the high-register terminology of MSA. But this research has shown, through ethnographic observation, that judges and all legal actors often act linguistically according to the situation, and more exactly switch

to the appropriate language variety according to the addressee, though this informal practice is inconsistent and lacks a legal framework. Ultimately, justice cannot be truly served if it is not understood by those it seeks to judge. As a matter of fact, language is the vehicle of justice. If the vehicle is broken, justice cannot arrive at its destination.

Bibliography List :

1. Bassiouney, R. (2020). *Arabic Sociolinguistics: Topics in Diglossia, Gender, Identity, and Politics* (2nd ed.). Georgetown University Press.
2. Benrabah, M. (2007). Language-in-education planning in Algeria: Historical development and current issues. *Language Policy*, 6(2), 225–252.
3. Blom, J. P., & Gumperz J. (1972). Social meaning in linguistic structure: Code-switching in Norway. In J. Gumperz, & D. Hymes (Eds.), *Directions in sociolinguistics*. New York: Holt, Rinehart and Winston.
4. Bourdieu, P. (1991). *Language and Symbolic Power* (G. Raymond & M. Adamson, Trans.). Polity Press.
5. Dendane, Z. (2015). “Dialectal Arabic, MSA and Formal Education in Algeria” in *TRADTEC* 14
6. Fairclough, N. (1989). *Language and Power*. Longman Inc., New York.
7. Ferguson, C. A. (1959). Diglossia. *Word*, 15(2), 325–340.
<https://doi.org/10.1080/00437956.1959.11659702>
8. Gibbons, J. (2003). *Forensic Linguistics: An Introduction to Language in the Justice System*. Blackwell Publishing.

Appendix > Semi-structured Interviews

Group A: For Judges and Lawyers (Standard Arabic)

Professionals in a formal setting: **MSA** is the most appropriate and respectful medium.

1. Code-Switching:

في أي مراحل المحاكمة تجدون أنفسكم مضطرين للانتقال من اللغة العربية الفصحى إلى الدارجة؟
(مثلاً: أثناء سماع الشهود، شرح الحكم، أو الاستئناف؟)

"In what specific stages of a trial do you find yourself most frequently switching from MSA to Darija? (e.g., during witness testimony, explaining a sentence, or cross-examination?)"

2. Inaccuracy:

هل تتذكرون حالة محددة أدى فيها استخدام المتقاضي لمصطلحات بالدارجة إلى سوء فهم للوقائع أو التباس في القضية؟

"Can you recall a specific instance where a litigant's use of a Darija expression led to a misunderstanding of the facts of the case?"

3. Training:

خلال مساركم الدراسي أو التكويني، هل تلقيتم أي توجيهات حول كيفية التعامل مع الفجوة اللغوية بين لغة القانون ولغة المواطن اليومية؟

"During your legal education or professional training, have you ever been provided with guidelines to handle linguistic gaps between the penal code and the citizen's vernacular?"

4. Efficiency:

حسب تقديركم، إلى أي مدى تساهم عملية "تبسيط" المصطلحات القانونية للجمهور في إطالة مدة الجلسات؟

"In your estimation, how much longer do proceedings take because of the need to simplify or 'translate' legal jargon into everyday language?"

5. Credibility:

هل يعتقد سيادتكم أن المتقاضي الذي يتحدث بلكنة ريفية "ثقيلة" يُنظر إليه بشكل مختلف مقارنة بمن يحاول التحدث بالفصحى؟

"Do you believe that a litigant who speaks only 'heavy' rural Darija is perceived differently by the court than one who attempts to speak MSA?"

Group B: For Litigants (Algerian Arabic - Darija)

1. Comprehension:

كي كان القاضي يهدر بالعربية الفصحى (تاع القانون)، حسيت روحك فاهم كلش كلمة بكلمة، ولا فهمت غير "المعنى العام" برك؟

"When the judge read the formal charges or the final verdict, did you feel you understood 100% of the words used, or just the 'general idea'?"

2. Intimidation:

هل الطريقة الرسمية اللي يهدروا بيها في المحكمة خلالتك تخاف ولا تحشم باش تحكي حكايتك وتدافع على روحك؟

"Did the formality of the language used by the judge or prosecutor make you feel less comfortable or more hesitant to explain your side of the story?"

3. Clarification:

إذا كاين كلمة قالها القاضي وما فهمتهاش، قدرت تقاطعو وتقولو "ما فهمتش"، ولا سنييت حتى خرجت وسقسيت المحامي تاعك؟

"If you didn't understand a term used in court, did you feel comfortable asking for a clarification, or did you rely on your lawyer to explain it to you later?"

4. Authenticity:

في رايبك، تقدر تحكي "الصح" واش صرا لك بالدارجة خير ملي لو كان يفرضوا عليك تهدر بالفصحى؟

"Do you feel that you can express the 'truth' of what happened more accurately in Darija than if you were forced to speak formal Arabic?"

5. Fairness:

هل تظن بلي لو كان قاع الناس اللي كانوا في القاعة (القاضي والوكيل) هدرُوا بنفس الهدرة اللي تهدرها أنت في داركم، كانت القضية تفوت بطريقة أفضل؟

"Do you think the outcome of your case would have been different if everyone in the room spoke the same way you do at home?"