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The last word: power, resistance, and interactional authority in courtroom testimony

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This article investigates how institutional authority and individual agency are co-constructed in the closing moments of courtroom testimony. Drawing on conversation analysis within a critical-discursive and Foucauldian framework, it examines the final re-cross-examination of Amanda Hayes in *State v. Hayes*. The analysis shows how question design, timing, and repeated phrasing both sustain and contest power, and how micro-level practices—overlap, repair, and expressions of stance—allow the defendant to momentarily reclaim knowledge and moral authority, even under strict procedural constraints specific to the re-cross-examination phase. By conceptualising authority as a dialogically sustained interactional accomplishment, the study highlights how compliance and resistance make courtroom power visible. These findings demonstrate how language performs and negotiates legitimacy, control, and agency in highly regulated legal interactions. In doing so, the article offers new insight into how institutional talk enacts and contests power at the very moment testimony concludes.

KEYWORDS

courtroom testimony, institutional discourse, interactional authority, micro-analysis, power and resistance

1 Introduction

In courtrooms, talk is tightly regulated: every turn, question, and response follows procedural rules that structure who may speak and how (Atkinson and Drew, 1979; Drew and Heritage, 1992). Language in this setting does more than report events; it performs institutional authority and makes social hierarchies visible (Hutchby, 1999; Matoesian, 2001). Trial interaction unfolds through a hierarchy of questioning stages—direct, cross, re-direct, and re-cross—each with boundaries that guide participation (Cotterill, 2003; Komter, 2013). The final phase, re-cross-examination, is especially revealing: it follows multiple rounds of questioning and is legally limited to issues raised on re-direct, leaving very little discursive room (Thornborrow, 2002). Re-cross is therefore tightly constrained in both turn-taking and topical scope. Topics not explicitly reopened on re-direct cannot be introduced as new topics and may only surface indirectly through reformulation, implication, or strategic repetition. This compressed setting highlights how power is exercised and negotiated at the closure of testimony, offering a lens on how institutional authority is locally contested under heightened procedural constraint.

This article examines these interactional dynamics through a case study of a 2014 trial in Wake County, North Carolina. Amanda Hayes was convicted of the second-degree murder of Laura Ackerson, the mother of two young children she shared with her husband, Grant Hayes. Hayes maintained that she did not directly participate in the killing and acted under fear and coercion—a position that shaped both her testimony and the prosecution's questioning

strategy. Of the two defendants charged in connection with the crime, Amanda was the only one to testify—a relatively uncommon choice in the U.S. adversarial system, where defendants may invoke their Fifth Amendment right to remain silent without adverse inference (Judicial Council of California, 2025). Her testimony—spanning direct, cross, re-direct, and re-cross—provides a rare opportunity to observe how a defendant performs identity and exerts agency under the procedural constraints of trial. The analysis centres on the closing minutes of her final exchange with the prosecutor (Assistant District Attorney Holt), when the defendant's voice is most exposed and restricted, and when questioning is oriented not only to the witness but to the jury as an overhearing audience. At this stage, questions must work indirectly, often through reformulation aimed at jury assessment. These concluding turns crystallise the central tension of courtroom discourse: between institutional demands for precision and accountability and the speaker's need to preserve coherence, face, and moral credibility (Matoesian, 2001; Thornborrow, 2002).

Research in conversation analysis (CA) and critical discourse studies has long shown that courtroom questioning enacts asymmetries of power through the design and sequencing of turns (Atkinson and Drew, 1979; Cotterill, 2003; Drew and Heritage, 1992; Komter, 2013; Matoesian, 2001; Thornborrow, 2002). Attorneys assert dominance not only through institutional status but also through linguistic formatting—yes/no questions, topic control, and restrictions on elaboration—that delimit what counts as a relevant answer. Yet witnesses are not passive recipients of this control: they may resist presuppositions, extend turns, or reframe meanings, momentarily unsettling the attorney's dominance. Such micro-negotiations demonstrate that power is relational and contingent, sustained only through continual performance and the possibility of resistance (Foucault, 1982).

While prior studies richly document cross- and direct-examination (Atkinson and Drew, 1979; Drew and Heritage, 1992; Matoesian, 2001), the terminal re-cross phase remains underexamined. This study addresses that gap, showing how authority and agency are negotiated in the final re-cross-examination phase—a segment rarely examined in linguistic research (cf. Cheng and Wagner, 2016). Focusing on this brief segment does not presume it to be exceptional but analytically revealing: even short stretches of institutional talk are systematically organised and consequential for how authority and accountability are accomplished (cf. Heritage and Clayman, 2010; Sacks, 1992; Schegloff, 1997). Re-cross-examination makes this recursive organisation particularly visible. This phase therefore provides a condensed view of how epistemic authority—who may “know” and define the truth—is co-constructed and occasionally destabilised through sequential organisation (Heritage and Raymond, 2012). The analysis traces how the defendant employs timing, overlap, repair, and repetition to navigate procedural constraints while asserting her voice, maintaining a measure of agency even as institutional control remains with the attorney.

Methodologically, the study applies CA principles of micro-analysis to the fine-grained structure of questioning and response, situating findings within a broader discursive framework (Ehrlich, 2001; Matoesian, 2001). Combining CA with a Foucauldian understanding of power as relational rather than hierarchical enables an account of authority that is sequentially grounded and socially theorised. In this view, the courtroom is not simply a site where power is imposed but one where it is continually produced and rendered visible through interactional practice.

Two research questions guide the analysis:

- 1 How does a defendant resist and negotiate questioning within the sequential limits of the final re-cross-examination phase?
- 2 What linguistic and interactional resources enable a defendant to assert agency in the final moments of testimony?

By addressing these questions, the article contributes to two ongoing debates. First, it extends work on courtroom discourse by analysing a rarely studied phase of testimony (cf. Cheng and Wagner, 2016), showing how control and resistance operate when discursive opportunities are extremely limited. Second, it advances theorisation of power as a dynamic, co-constructed phenomenon, observable in the turn-by-turn contingencies of talk (Foucault, 1982; Golder and Fitzpatrick, 2009; Hutchby, 1999; Matoesian, 2001). Ultimately, the re-cross-examination of Amanda Hayes encapsulates the performative nature of judicial authority: the “last word” that concludes testimony simultaneously reaffirms the state's control over how truth is spoken while rendering that control interactionally visible. In these final exchanges, the defendant's voice—through timing, repair, and repetition—momentarily disrupts courtroom asymmetry, reminding us that the performance of justice is inseparable from the performance of language itself.

2 Methodology

2.1 Data

This study draws on publicly available video recordings from the 2014 criminal trial *State v. Amanda Hayes* in the Superior Court of Wake County, North Carolina, where Hayes was charged with the second-degree murder of Laura Ackerson. The footage, archived by WRAL News, provides a complete audiovisual record of the trial. The broader dataset comprises approximately 6 h of questioning over two consecutive days.¹

The analysis focuses on the final 2.5 min of re-cross-examination, during which the prosecutor questions Hayes about the disposal of Laura Ackerson's remains in Oyster Creek, Texas. Although re-cross is procedurally limited to issues raised on re-direct, it often resurfaces points from earlier testimony, not by reopening them explicitly but by reformulating prior answers in ways that remain procedurally admissible, enabling subtle reassertion of prosecutorial authority. Here, reformulation makes procedural constraint interactionally visible. Examining this brief but densely layered extract therefore demonstrates how interactional asymmetry is enacted precisely at the juncture where the defendant's narrative concludes and the state's authority is reinforced (Cotterill, 2003; Matoesian, 2001).

¹ WRAL News, *State v. Amanda Hayes murder trial testimony*, last accessed 31 October 2025: Day 11: https://www.wral.com/news/local/asset_gallery/13377634/. Day 12: https://www.wral.com/news/local/asset_gallery/13382141/. All data were publicly available via WRAL's online archive and drawn from the public record, in line with ethical standards for open-source judicial material (Koenig, 2024). Data collection was originally approved for a doctoral project at Newcastle University (Blewitt, 2018), with the present analysis conducted at Northumbria University.

Focusing on such a concise segment aligns with conversation-analytic tradition, which privileges sequential depth over temporal scope (Chatwin, 2014; Heinrichsmeier, 2019; see also Sacks, 1992). CA aims to uncover the organisation of interaction rather than to generalise statistically, showing how institutional authority is produced turn by turn (Heritage and Clayman, 2010; Silverman, 2015). Analytic attention is therefore directed to how actions are recognisably produced and responded to within the sequence, rather than to the representativeness of the dataset.

Transcription was produced by the first author using Transana Standard (v6.21b) and adapted Jeffersonian notation (Jenks, 2011), and was cross-checked against the recordings for accuracy. Pauses, overlaps, and prosodic cues were retained to capture interactional timing. Analysis followed CA principles of sequential grounding, examining turn-taking, question design, repair, and lexical repetition. Analytic claims are supported through participants' next turns, which display how prior talk is understood, resisted, or reformulated in real time. Reliability was ensured through iterative comparison, analytic discussion in data sessions, and adherence to the next-turn-proof procedure (Schegloff, 1993). From this analysis, three recurrent conversational practices were identified:

- 1 Temporal management—strategic use of pause and timing to manage turn closure;
- 2 Lexical repetition and repair—mechanisms for emphasis and resistance;
- 3 Reframing of epistemic stance—reassertion of knowledge or moral position within the attorney's constraints.

Accordingly, these features provide analytic sufficiency within a single case (Silverman, 2015) and support analytic rather than statistical generalisation (Heritage and Clayman, 2010). While based on a single case, the analysis provides a close, empirically grounded view of how participants manage the closure of testimony in adversarial proceedings, highlighting sequential precision and revealing how institutional authority is both enacted and contested in real time.

2.2 Theoretical framework

Courtroom interaction constitutes an archetypal institutional speech event, governed by pre-allocated roles and unequal participation rights (Atkinson and Drew, 1979). Attorneys manage topic, sequence, and timing, while witnesses are expected to produce brief, compliant responses. Moments that depart from this institutional script—hesitations, overlaps, repairs, or unsolicited elaborations—become sites where witnesses renegotiate agency and display subtle resistance from within the institutional frame (Thornborrow, 2002). These departures illustrate that power is relational, contingent, and continually produced through interaction.

The analysis integrates CA with interpretive Foucauldian-informed and critical-discursive conceptions of power as relational, productive, and co-constituted through discourse (Fairclough, 2015; Foucault, 1982). Within this framework, authority is not a fixed property of institutional actors, but an interactional accomplishment sustained through turn design, sequence organisation, and epistemic positioning.

CA provides the analytic apparatus for identifying how such micro-level practices—question type, timing, overlap, and self-selection—create and contest asymmetry (Atkinson and Drew, 1979;

Heritage and Clayman, 2010). The critical-discursive dimension extends this analysis to the ideological level, tracing how these local practices reproduce, challenge, or destabilise institutional legitimacy and moral order (Fairclough, 2015; Wodak and Meyer, 2015). Legitimacy is therefore not imposed but interactionally accomplished (Bottoms and Tankebe, 2012); the authority of the courtroom depends on participants' local orientations to procedural norms.

While the sequential analysis remains grounded in observable interactional detail, interpretive links to Foucauldian conceptions of power are treated as theoretically inferential rather than empirically claimed. CA's commitment to next-turn evidence constrains interpretation, while the critical-discursive perspective foregrounds reflexive awareness of how analytic interpretation contributes to accounts of institutional meaning (Fairclough, 2015; Schegloff, 1997).

2.3 Previous findings

This article builds on prior research (Blewitt, 2018), which examined the full sequence of Amanda Hayes' cross-examination and identified three key strategies through which she negotiated power:

1. Self-selection and turn management: Hayes frequently initiated additional turns or expanded minimal responses, resisting the restrictive design of prosecutorial questioning—often continuing past initial answers to reframe the interaction. Such expansions temporarily disrupted the expected question-answer rhythm, allowing her to assert agency and shape the narrative.
2. Epistemic and lexical reformulation: Across her testimony, Hayes subtly modified key verbs such as *know*, *see*, and *help* to manage how her knowledge and involvement were represented. Through hedging and reformulation, she appeared knowledgeable yet compliant, distancing herself from direct participation while maintaining credibility.
3. Affective and moral positioning: Hayes used expressions of fear, concern, or emotional stance as resources for moral and self-presentation. By emphasising them, she justified her behavior and resisted prosecutorial framing, linking affect closely to interactional management.

Building on these findings, the present study focuses on the final 2.5 min of re-cross-examination, where these strategies are most concentrated. Under the strict constraints of re-cross, these practices appear condensed, emerging through minimal lexical choices, timing, and repair. Analysing this terminal exchange provides a close, empirically grounded view of how authority, agency, and affective stance are negotiated under heightened procedural constraint. This focused lens extends Blewitt's (2018) earlier work by tracing the intensification and condensation of resistance strategies at the close of testimony, thereby demonstrating how courtroom authority is both performed and destabilised in real time.

3 Results

This section examines the final 2.5 min of Amanda Hayes' re-cross-examination by the prosecutor. Procedural rules constrained both participants: questioning was limited to issues raised on

re-direct, yet earlier testimony was repeatedly reformulated within these constraints, creating moments of sequential tension. In this terminal exchange, Hayes' interactional strategies—her management of turns, use of overlaps, and careful word choice—are particularly pronounced. The analysis highlights how she and the prosecutor negotiate knowledge, responsibility, and emotional stance, revealing the interactional maintenance and renewal of authority and resistance at the close of her testimony. Full transcripts of the relevant exchanges are provided in [Appendix A](#); line numbers are referenced in the analysis to guide the reader through key interactional moments.

3.1 Negotiation of epistemic authority

Disputes over what Hayes knew become a central site for negotiating epistemic authority through turn design and response timing. Across these turns, the interplay of question design, timing, and lexical choice shapes a constrained but meaningful space in which Hayes can resist, reinterpret, or partially align with the prosecutor's framing. The analysis below traces how this dynamic unfolds turn by turn, highlighting the shifting distribution of epistemic control ([Appendix A](#), lines 1–35).

This segment foregrounds the moment-by-moment distribution of epistemic control between prosecutor and witness. The prosecutor's initial turns (lines 1–10) juxtapose two versions of Hayes' earlier testimony—one claiming knowledge, the other ignorance—thus constructing an apparent inconsistency that Hayes must address. Her minimal “no ma'am” (line 9) invites reinterpretation, prompting the prosecutor to restate her own version of events. Only at line 16 does Hayes explicitly reject that account as “incorrect,” using a standalone evaluative term to momentarily reclaim interactional authority over the framing of her prior words.

Question design here governs the scope of stance. For the first ten lines, the prosecutor's turns function as declarative formulations rather than interrogatives, treating the narrative as given information that the witness must confirm or deny. The first genuine wh-question (“what did you tell ...”, line 18) creates a brief opening for elaboration. Hayes exploits that space to redefine her knowledge through sensory distance, emphasising what she did not see or touch before reaffirming her awareness (“I absolutely knew what he was doing”, line 26). By grounding knowledge in perception and distance, she aligns with the prosecution's factual frame while preserving moral separation from the act (cf. [Heritage and Raymond, 2012](#); [Hutchby, 2001](#)).

This positioning creates a tension between compliance and resistance. Hayes accepts factual framing but contests the moral implication of complicity. Her closing “that is correct” both confirms and delimits the exchange. Through overlap and renewed demand (“what was he doing”, line 28), the prosecutor reasserts prosecutorial control, forcing Hayes to articulate the victim's body at line 34—a moment where linguistic precision enforces moral acknowledgment. This episode sets the stage for a shift from questions of knowledge to questions of perception, showing how Hayes' sensory account is both managed by the prosecutor and morally evaluated in the interaction.

3.2 Interactional resistance and sensory-affective framing

In [Appendix A](#), lines 35–36, the prosecutor intensifies pressure by moving from factual to sensory and affective inquiry. The 1.6-s pause after the graphic question (lines 38–39) constitutes a

dispreferred-response slot ([Raymond, 2003](#)). Hayes' reply (“I heard lots of things ... lots of animals”) uses hedging and repetition to sustain strategic vagueness, indexing both emotional strain and interactional caution.

The prosecutor's formulation exemplifies narrative coercion ([Matoesian, 2001, 2005](#)): questions embedding evaluative presuppositions that compel witnesses to inhabit the examiner's moral frame. The explicit reference to “her head” functions less as a request for information than as a performative act for the jury, reanimating the crime scene and casting Hayes' evasiveness as morally problematic.

Hayes' aborted clauses (“I was ...”) at lines 43 and 47 constitute interactionally displayed attempts to project agency, truncated by overlap or self-interruption. The prosecutor's reformulative summary (lines 48–51) condenses these fragments into a triadic list—“splashing noises, animals, bailing the boat”—simplifying complex experience into a rhetorically manageable frame. This compression contrasts Hayes' fragmented perceptual account with the gravity of the act, positioning her as emotionally and morally detached. The contrast between Hayes' account and the prosecutor's moral framing sets the stage for the final exchange, where fear becomes the key affective resource through which she negotiates both credibility and resistance.

3.3 Affective stance and moral legitimacy

Hayes' expressions of fear in [Appendix A](#), lines 57–88 become the pivot for negotiating legitimacy. The prosecutor reframes her practical “concern” (line 61) as self-centred fear, contrasting it with the horror of the acts described. Hayes' extended reply (“I had lots and lots of fear”) simultaneously performs affect and resistance, presenting an appeal to emotional authenticity as a form of moral defence.

The recycling of fear and concern across turns shows how institutional power and personal stance intertwine. Each reuse shifts moral valence: the prosecutor's use implies self-absorption, while Hayes' re-use asserts vulnerability. Authority thus operates dialogically; institutional control depends on eliciting and redefining the defendant's own words.

The closing adjacency pair (lines 81–82) finalises testimony with an asymmetrical exchange of gratitude. Hayes' subdued “thank you,” following the prosecutor's disengagement and the judge's formal closure, re-establishes institutional order, signalling the withdrawal of her voice once its evidentiary function is complete.

3.4 Synthesis

Building on the preceding analysis, the final moments of re-cross-examination highlight the interactionally sustained and contingent nature of power negotiation in the courtroom. Interactional asymmetry is not a static hierarchy but a dynamic, moment-by-moment process. Hayes displays agency through self-correction, elaboration, and affective stance, yet each move is reabsorbed and reframed within the prosecutor's discursive frame. Re-cross-examination thus exposes the recursive nature of institutional power: every act of resistance becomes the material through which authority is renewed and rendered accountable within procedural limits.

Courtroom control here operates through both linguistic precision and moral framing. By compelling articulation (“what was he doing?”) and reshaping affect (“the fear that you were under was that...”), the prosecutor converts epistemic and emotional ambiguity into instruments of control. Yet the persistence of hesitation,

overlap, and repetition highlights the precarious nature of that dominance—authority is repeatedly negotiated and sustained in interaction.

4 Discussion

4.1 Overview

This study examines how institutional authority is constructed and negotiated in courtroom discourse, highlighting the interactional mechanisms through which power is exercised and contested. The analysis of the final 2.5 min of Amanda Hayes' re-cross-examination reveals how adversarial questioning operates under maximal procedural constraint, and how agency and resistance are expressed within the narrow space of re-cross. By focusing on this highly constrained phase of testimony, the study sheds new light on how courtroom authority is both enacted and challenged in real time, particularly in moments when control is at its most explicit.

The sequential patterns identified illustrate that courtroom asymmetry, though procedurally mandated, is achieved locally through the timing and design of turns. This process unfolds not only between prosecutor and defendant but also with the jury as an overhearing audience, whose presence shapes the design, timing, and moral framing of each turn. Legitimacy emerges as a relational process: institutional authority endures interactionally only as participants orient to its procedural and moral order, even while testing its limits. As such, institutional authority is neither absolute nor static but sustained through sequential organisation; even minimal pauses, repairs, or repetitions carry disproportionate significance for negotiating authority within this closing environment.

In these final exchanges, prosecutorial control is maintained through lexical recycling and reformulation of key narrative terms, while the defendant's delayed and hedged responses enact micro-resistance that momentarily reclaims epistemic footing within the sequence. Similar findings across judicial settings suggest that defendants do not merely submit to institutional constraint but negotiate it through the interactional resources available to them (Atkinson and Drew, 1979; Carter, 2019; Chen et al., 2025; Komter, 2013).

Taken together, these observations recast adversarial questioning as a dialogic process through which institutional control and individual agency are continually recalibrated. The final sequence crystallises this reciprocity: the state's authority is asserted through question design, while the defendant's resistance sustains intelligibility both through and within the very norms that constrain her.

4.2 Implications for institutional authority and discourse-power relations

The study contributes to research on how linguistic form mediates institutional power (Cotterill, 2003; Matoesian, 2001; Thornborrow, 2002). By focusing on a defendant's final moments of speech, it foregrounds two interrelated dimensions of power negotiation.

First, epistemic control—the struggle over what can legitimately be known or said—is managed through reformulation and strategic vagueness. Second, moral positioning—the interplay of fear, guilt, and innocence—is accomplished through lexical and prosodic framing.

The prosecution's reformulation of *fear* and *concern* transforms affect into evidence, illustrating how emotion is discursively manipulated to craft credibility.

These findings reinforce Bottoms and Tankebe's (2012) model of legitimacy as dialogic reciprocity: each corrective question or partial admission simultaneously contests and reaffirms procedural authority. The courtroom thus can be understood as a Foucauldian site of productive power (Foucault, 1982; cf. Fairclough, 2015), where resistance is integral to the ongoing reproduction of institutional order. Every hesitation, overlap, or aborted response render authority observable, exposing the interactional labour required to maintain it.

At the discursive level, the defendant's identity is continuously re-constructed through these exchanges. Hayes' strategies produce a self that is both compliant and resistant—knowledgeable yet morally distanced. This dual positioning encapsulates the tension between procedural expectations of deference and the impulse for personal self-representation (Komter, 2013; Thornborrow, 2002). The present analysis therefore brings into dialogue micro-sequential and critical-discursive theory, showing how interactional practices both sustain and interrogate institutional legitimacy.

4.3 Implications for practice and further research

Understanding how asymmetry is negotiated at the micro level has implications for both legal and linguistic practice. For legal professionals, recognising how question design and lexical recycling shape a witness's narrative may help ensure that procedural control enhances rather than obscures evidential clarity (Cotterill, 2003; Thornborrow, 2002). By acknowledging the nuances of interactional resistance, legal teams can better anticipate how witnesses may assert agency and respond to prosecutorial tactics.

For discourse analysts, the findings underscore the need for multimodal and cross-jurisdictional research on resistance, emotion, and epistemic stance. Attention to gesture, gaze, and prosody could illuminate how embodied conduct sustains or challenges authority (Holmes and Stubbe, 2015). Expanding CA methods to include such non-verbal cues would offer a more holistic understanding of how power is negotiated in courtroom settings. These insights may also inform the study of interactional authority in other institutional contexts, such as police interviews, parliamentary hearings, or regulatory proceedings, where participants navigate procedural asymmetries and exert micro-level agency.

More broadly, situating micro-interactional findings within dialogic theories of legitimacy reveals that institutions depend on the very agency they regulate. The courtroom, as both procedural and moral enterprise, continually re-enacts and sustains its authority through co-operation, correction, and contestation (Bottoms and Tankebe, 2012; Foucault, 1982). The final minutes of Hayes' testimony thus provide a concentrated instance of how legitimacy is sustained through the visible interplay of control and resistance.

5 Conclusion

This study has shown how institutional authority is enacted, challenged, and reaffirmed in the closing re-cross-examination of Amanda

Hayes. Even in the most restrictive phase of courtroom talk, interactional power remains dynamic. Through question design, reformulation, and affective framing, the prosecution reasserts epistemic control, while the defendant's hesitation, self-selection, and lexical shifts create moments of resistance that reveal the workings of authority.

Integrating conversation-analytic precision with critical conceptions of discourse and power, the study demonstrates that, in this setting, resistance is not the antithesis of order but a condition of its existence (Foucault, 1982; Matoesian, 2001). Courtroom authority is sustained and continually reproduced as a dialogic, interactional accomplishment, through the interplay of compliance and contestation. By tracing this process in the closing seconds of testimony, the article reaffirms that language does not merely reflect power—it performs and sustains it. The courtroom emerges as a ritualised encounter between moral accountability and institutional authority—where negotiating power forms part of the enactment of justice.

Data availability statement

The original contributions presented in the study are included in the article/Supplementary material. Further inquiries can be directed to the corresponding authors.

Author contributions

KB: Writing – original draft, Writing – review & editing. SD: Writing – original draft, Writing – review & editing.

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Conflict of interest

The author(s) declared that this work was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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Supplementary material

The Supplementary material for this article can be found online at: <https://www.frontiersin.org/articles/10.3389/fcomm.2026.1754272/full#supplementary-material>

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