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## **ON JUDGE’S TRIAL DISCOURSE IN CHINESE COURTROOM FROM GOAL- DRIVEN PERSPECTIVE**

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**Abstract:** Any action has a certain goal, and the judge’s trial discourse is a system of goal with structure and level. Judges usually adopt some discourse strategies to achieve the goal of trial. Based on the court trial corpus collected by us, we find that judges often adopt purposeful discourse strategies to achieve the trial goal and discourse goal, such as question-and-answer strategy, power control strategy, presupposition strategy, repetition strategy and interruption strategy. Strategies actually refer to the means by which to achieve the goal of discourse. Because words are used to express and achieve the goal, the choice of means or strategies depends on the choice of the goal. From this perspective, we can see the relationship between strategy and goal. In a sense, strategy is rhetoric. The purpose of this paper is to study the discourse strategies adopted by judges in Chinese courts from the perspective of the goal

principle.

**Keywords:** judge's trial discourse; goal principle; goal strategy; discourse strategy; Chinese courtroom.

### 从目的论视角论述法官审判话语

**摘要:** 任何行为都有一定的目的性，法官的审判话语是一种有结构、有层次的目的系统。法官通常采用一些话语策略来达到审判目的。基于我们搜集到的庭审语料，我们发现法官常常采取具有目的性很强的话语策略来实现审判目的及话语目的，比如问答策略、权力控制策略、预设策略、重复策略以及打断策略等。策略实际上指的是借以实现话语目的的手段，因为词语用于表达和实现目的，所以手段或策略的选择依赖于目的的选择。从这个视角来看策略和目的之间的关系，从某种意义上来说，策略就是修辞。本文旨在从目的原则的视角来研究中国庭审中法官所采取的话语策略。

**关键词:** 法官的庭审话语；目的原则；目的策略；话语策略；中国法庭

### DYSKURS SĘDZIOWSKI W CHINACH Z PERSPEKTYWY ZORIENTOWANEJ NA CEL

Sędziowie w trakcie rozprawy zwykle obierają pewne strategie dyskursywne, żeby osiągnąć założony cel. Celem artykułu jest zbadanie strategii stosowanych przez sędziów w chińskich sądach z perspektywy zorientowanej na cel w oparciu o zebrany korpus rozpraw sądowych.

**Słowa kluczowe:** dyskurs sędziowski, zasada celu, strategia dyskursywna, Chińska sala rozpraw

## 1. Introduction

Roger W. Shuy, the well-known forensic linguist in U.S., regards conversational strategy as a way of speaking (Shuy 2005:13), and Hansell and Ajitrotutu describe discourse strategies as “ways of planning and negotiating the discourse structure (conversational agenda) over long stretches of conversation” (Hansell & Ajitrotutu 1982:85-94).

Strategies are actually means. To achieve the goal of discourse, we need to adopt some kind of discourse strategies or means. Choosing a certain goal also determines the choice of a certain means or strategies, because speaking is to express the goal and achieve the goal. Strategies are meaningful only when they are related to goals, and strategies are rhetoric (Liao, 2005). In the Chinese courtroom, trial is conducted by the judge, in which the judge dominates the whole trial discourse, and plays an active role in question-and-answer discourse. In the court trial, the judge chooses a certain discourse strategy while realizing the goal of discourse.

## **2. The goal strategy of questioning**

Discourse strategy is how to choose and utilize discourse resources to achieve their utterance goals most effectively. Throughout our corpus, whether in criminal or civil cases, in the context of court trial, question-and-answer discourse behavior accounts for a large proportion of the whole trial discourse behavior, while in the judge's discourse behavior, question-and-answer also accounts for a considerable proportion. Therefore, the choice of good questions can better achieve the goal of the trial. Choosing a certain form of questioning means choosing a strategy. From the perspective of questioning behavior, the key of questioning strategy lies in how to choose a form of questioning among various forms of questioning so that the respondent can meet the requirements of the interrogator in the most effective and cooperative way, and at the same time achieve the goal of the interrogator (Liao 2003: 295).

Due to different goals, judges adopt different discourse strategies in the process of trial. At the stage when the judge announces the hearing, because the interrogator (judge) already knows the answer (through pre-trial examination), and the respondent also generally knows that the interrogator knows the answer (Coulthard & Johnson 2007:16). Therefore, the discourse strategy used by judges at this stage is essentially a direct procedural interrogation, which aims at fulfilling procedural requirements on the one hand, and examining and confirming the identity of the parties on the other. For example:

*Excerpt 1:*

Judge (Hereafter J) (striking the gavel): The criminal court of Fengxian County of Jiangsu Province is now in session. Take Defendant Wang Xx to the court. Wang Xx, report to the court whether you have an alias, date of birth, nationality, place of birth, education, occupation, family address, criminal record, when you were detained, when you were arrested, and why?

Defendant (Hereafter D): My name is Wang Xx, also known as Wang X, female, born on February 4, 1971, my identity card number is 320321xxxxxxxx1140, Han nationality, with high school education, unemployed, living in No. 43 Shuyuan Street, Fengcheng town, Fengxian County. Suspected of organizing obscene performances, I was detained by the Public Security Bureau of Fengxian County on February 17<sup>th</sup>, 2004, and the People's Procuratorate of Feng County approved the arrest on March 25<sup>th</sup>, 2004.

J: Have you received the copy of the indictment form from the People's Procuratorate of Fengxian County? Has it exceeded 10 days?

D: Yes, I have, and it has exceeded 10 days.

*(Translated verbatim from Chinese)*

审判片段 1: (Chinese version)

审: (敲击法槌) 江苏省丰县人民法院刑事审判庭现在开庭, 提被告人王某某到庭。被告人王某某, 向法庭报告你有无别名、出生日期、民族、出生地、文化程度、职业状况、家庭住址、有无前科, 何时被羁押的、何时被逮捕的, 因为什么?

被: 我叫王 XX, 又名王 X, 女, 1971 年 2 月 4 日出生, 身份证号码 320321xxxxxxxx1140, 汉族, 高中文化, 无业, 住丰县凤城镇书院南街 43 号, 2004 年 2 月 17 日因涉嫌组织淫秽表演被丰县公安局刑事拘留, 2004 年 3 月 25 日被丰县人民检察院批准逮捕。

审: 丰县人民检察院的起诉书副本你收到了吗? 是否超过了 10 天?

被: 收到起诉书了, 时间已经超过 10 天了。

This kind of procedural interrogation is basically strictly referring to the form of interrogation with specific and definite answers, and right-wrong interrogation.

In the investigation stage, however, the judge can interrogate the defendant in accordance with the Criminal Procedure Law of the People's Republic of China. As the purpose of interrogation is to find out the facts of the case, substantive questions are usually adopted for direct investigation, such as definite questions, yes-no questions, tag questions and alternative questions. For example:

*Excerpt 2:*

*J: The court is asking you the reason for buying those drugs?*

*D: Oh, that's it - I had some ⊥ smoked a bit at that time. Well, so I just want to say that I don't know the real place, and I really don't know where it is. I dared not buy it, so I just wanted to buy and smoke it myself.*

*J: How much did you pay?*

*D: I - all together I brought there, paid ⊥ paid him with one passbook, which is over half a million. And I took another passbook with me, over 1.6 million, which were all seized.*

*J: You only paid over 500,000 in total?*

*D: Yes.*

*J: Another 1.6 million has not been paid yet, has it?*

*D: No. (Translated verbatim from Chinese)*

审判片段 2: (Chinese version)

审: (3s) 法庭是问你为什么要购买这批毒品?

被: 哦, 就是——当时自己有吃 ⊥ 有抽一点的嘛, 所以说就想说那地真的那地方不知道在哪里呀, 我也不敢买, 就买着想要自己抽。

审: (4s) 你付了多少钱?

被: 我——总共带来的, 付了 ⊥ 付给他是那个那本存折是 50 多万, 还有一本存折 160 多万是在我身上, 当时我也是被经办整个——扣押了。

审: 总共只付了 50 多万?

被: 是。

审: 另外 160 多万还没有来得及付, 是不是?

被: 是。

In criminal cases, yes-no questions are often used by judges for investigating the case issue. In regard of civil cases, as much of the substantive investigation is directed by the judge, definite questions and yes-no questions are also frequently adopted for the achievement of

goals.

### **3. The goal strategy of power control in discourse**

In the process of communication, people's power over discourse varies due to their different social status. Participants in the dominant status control the development of communication, while those in the subordinate position either identify themselves with their *status quo* or attempt to attack and challenge the stated position (Tian & Zhang 2006). In terms of the trial, the undisputed fact is that the judge is in dominance. Thomas, the British linguist, summarizes three pragmatic strategies adopted by discourse participants in dominance: 1) illocutionary force indicating devices; 2) meta-pragmatic comments, upshots and reformulation; 3) utilization of appropriate conditions (Thomas, 1985:765-783). Here we will discuss how the judge achieves the goal of dominating the discourse through the use of metapragmatic comments, and upshots and reformulation.

#### **3.1 The use of metapragmatic comments**

Metapragmatic comments refer to talks in regard to the discourse itself, i.e. the talk on talk. Those comments are based on either their own words or others' words (Lv 2006). In the trial presided by the judge, it is common that the judge usually makes metapragmatic comments on other participants' talks in the litigation, but those comments made by parties concerned on the judge's talks are hardly to be seen. For example:

*Excerpt 3:*

*J: Defendant, is the plaintiff's objection established? The medical fee is 26,333.97 yuan, including 4,000 yuan paid by the plaintiff himself, right?*

*Defendant's Counsel (Hereafter DC): It is the fact. But at that time it was calculated.... ▲*

*J: ▼It is the fact, right? No more explanation.*

DC: Um.

(*Emphasis added*)

(*Translated verbatim from Chinese*)

审判片段 3: (Chinese version)

审: 被告, 原告异议成立不成立? 医药费2万6千3百33块97, 其中有原告自行支付的4000元, 对不对?

被代: 这个事实是存在的, 因为这个呢从当时去结算▲

审: ▼是事实吧? **其他别解释了。**

被代: 嗯。

(黑体为后加)

The judge interrupts the defendant with the metapragmatic comment “no more explanation”, preventing the defendant from explaining further. In this way the purpose of controlling the discourse is achieved. Generally speaking, imperative sentences are used by judges in their metapragmatic comments on other litigant participants, which are characterized by domination of power.

### 3.2 The use of upshots and reformulation

Uphots and reformulation is that in the process of communication, the participants of the conversation use a part of the conversation to describe the conversation itself, or to explain the conversation, or to summarize the characteristics of the conversation, or to make an extension of the conversation, or to make a translation of the conversation, or to make a summary of the conversation, or to provide the main points of the conversation, or to prompt the conversation to abide by and deviate from the rules. (Liao 2006). In the court trial, judges often use such strategy to achieve their goals. For example:

*Excerpt 4:*

*J: Do you have any comments on the facts and charges of the crime against you?*

*D: Yes.*

*J: What's that?*

*D: Because what ⊥ what I see on the indictment is not true.*

*J: Not a bit true?*

*D: None of them is true, and many of them are not.*

*J: What is not true?*

*D: First of all, the indictment says that I participated in the fraud with Yi Bingqing and Chen Aibao, but actually I did not.*

*J: **Your opinion is that you are not involved in all the accusations against you, are you?***

*D: No, I'm not.*

*(Emphasis added)*

*(Translated verbatim from Chinese)*

审判片段 4: (Chinese version)

审：你对起诉指控你的犯罪事实以及罪名有没有意见？

被：有意见。

审：什么意见？

被：因为所上我看到起诉书上面所写的不是属实。

审：没有一点属实？

被：没有一点属实，很多都不属实。

审：哪些地方不属实？

被：上面所写的那些起诉书上面写的第一，我参与跟我跟易炳清还有那个陈爱宝参在参与什么诈骗，这些我没有参与。

审：**你的意见是所有指控你的这些你都没有参与，是吗？**

被：没有参与。

*(黑体为后加)*

In this excerpt, the bold part is a typical structure of reformulation — the lead “Your opinion is that” + the main content “you are not involved in all the accusations against you” + follow-up “are you?” (Liao 2006). The judge uses this strategy to achieve the purpose of controlling the right to speak.

### **3.3 The use of speech acts of command**

It is stated in the *Judges Law of the People's Republic of China* that judges are the judicial personnel who exercise the judicial authority of the state according to the law. Therefore, in order to embody the judicial

authority, judges will employ various discourse strategies to control the discourse power. It is common to preside over and dominate the participants in litigation to speak, and sometimes to maintain court order and warn the participants in litigation, and etc. In the whole process of trial, judges as “presiding officers” should control the whole order of trial, determine the sequence of speech of both parties and improper words and deeds of litigant participants. Searle (1979) divides speech acts into five categories. One of the most common speech acts used by judges is directive speech acts, which is also a discourse strategy. For example:

*Excerpt 5:*

*J: Next, we begin the proof of the evidence. The plaintiff gives. **the•the•evidence first, and the defendant cross-examines it.***

*Plaintiff’s Counsel (Hereafter PC): What I’m showing is — the audio-visual part, ah, mainly — photos. So we submit this set of photos to the court to prove — the fact that—Wu Hualin was injured. What’s more, that’s—the extent of the injury. The left leg is only 8 centimeters long, isn’t it? Here’s what’s going to happen in the future — prosthetic limbs are not very good. The right leg is now only 45 centimeters.*

*J: Defense can cross-examine the evidence now.*

*DC: We have no objection.*

*(Emphasis added)*

*(Translated verbatim from Chinese)*

审判片段 5: (Chinese version)

审: 下面开始举证质证。原告方首先开始**•这个•**举证, 被告方质证。

原律: 我展示的是——视听资料部分的, 啊, 主要是——照片。那么我们向法庭提交这一组照片, 啊, 是为了证明——吴华林受伤的——事实存在。另外呢, 就是——受到伤害的程度, 左腿只剩下 8 公分长, 是吧。这里就涉及到今后的这个——接假肢都不太好接。右腿现在只剩下 45 公分。

审: 被告方对此质证吧。

被律: 我们对此没有异议。

*(黑体为后加)*

Please note that in the boldface part, the discourse strategies used by judges are all Directive Speech acts, through which the purpose of

controlling discourse can be achieved.

### **3.4 The use of interruption strategy**

In order to make the trial proceed in accordance with the established procedure of the court, the judge will use interruption, overlap and other strategies to achieve the goal of making the participants in the proceedings proceed in accordance with the direction presided over by the judge.

*Excerpt 6:*

*J: Third party, you give your opinion on the four evidences submitted by the plaintiff.*

*Agent of the third party (Hereafter ATP): Ah — on the question of. (1s) about the investor that the plaintiff said, please (1s) and the bench pay attention to evidence 1 I submitted. Above evidence 1 ▲*

*J: ▼ Ah - interrupt, please comment directly on the plaintiff's (1s) evidence.*

*ATP: Ah.*

*Presiding Judge (Hereafter PJ): Then it's up to you to show your evidence, // ok?*

*ATP: // Ok, ok. // The content of my evidence is (1s) to prove that this — the investor is certified by the relevant (1s) legal documents. This is the first, ah — evidence against the plaintiff. First, he pointed out that the business license had not been lost in his hands, so we started from last year in May 2004 at the company until September 2004 and even to October 2004 ▲*

*J: ▼ Remind the third party agent that the list of evidence submitted by the plaintiff before the court has been served on you.*

*ATP: Ah, yes.*

*J: So there are four evidences in the list, // the first is the articles of association, the second is... //*

*ATP: // Ah, right, sorry, sorry, um //*

*J: a statement. The third one is the materials of the Bureau of Industry and Commerce. The fourth one is an appraisal. Please give your // opinions on these four evidences.*

*ATP: // Sorry.*

*(Translated verbatim from Chinese)*

审判片段 6: (Chinese version)

审：第三人，你对于原告所提交的四份证据发表你方的意见。

第三人委托代理人：啊——关于（1s）关于原告说说的这个投资主体的问题，那么在我提交的证据中请（1s）和合议庭注意看证据 1，证据 1 上面啊▲

审：▼啊——打断一下，请你直接针对原告的（1s）证据发表意见。

第三人委托代理人：啊，

审判长：那么下面会由你来出示你的证据，|| 好吗？

第三人委托代理人：|| 好的好的。|| 我的这个证据内容就是（1s）来证明，这个——投资主体它是得到相应的这个（1s）有关有关法律文件证明的，这是第一，啊——针对原告提出的这个（1s）证据，第一条，他指出这个工商营业执照没有丢失在他手上，那么我们从去年上 2004 年 5 月份开始在公司啊一直到 2004 年 9 月份甚至到 10▲

审：▼提醒一下第三人代理人，那么原告庭前提交的证据清单已经向你进行了送达。

第三人委托代理人：啊，对。

审：那么清单中一共载明了四项证据，|| 第一项是企业章程，第二项 ||

第三人委托代理人：|| 啊，对，对不起，对不起，嗯 ||

审：是声明，第三项是工商局的材料，第四项是一个鉴定，请你针对这四项证据，发表你的 || 意见，

第三人委托代理人：|| 对不起。

In the above trial excerpt, the first time he interrupts the discourse, the judge directly uses metapragmatic comment that provides a clear reason for interruption (Liao 2003:177). With respect to the following interruptions, the strategy of overlapping is used to successfully lead the other party to express what the judge wants (Liao 2003:195). In this way, the judge controls the discourse of the entire trial.

#### **4. The goal strategy of presupposition**

When people use natural language, they have many self-evident presuppositions. Otherwise, communication will be more difficult.

Presupposition is a very important issue in natural language logic, and it is also an important topic in the study of philosophy of language. It was put forward by Frege, a German philosopher, logician and mathematician at the end of the 19th century. In recent years, it has become one of the research fields of logic and linguistics. Presupposition is generally divided into semantic presupposition and pragmatic presupposition (Wu 1997: 47-50). Presupposition in discourse analysis refers to pragmatic presupposition. Givón, an American functional linguist, argues that presupposition is “a discourse that the speaker assumes that the speaker accepts without questioning it.” (Givón 1979: 50). Stalnaker, an American logician, first put forward the concept of pragmatic presupposition, which holds that “presupposition is the common ground used by the speaker to assume the common ground shared by the participants in the conversation.” (Stalnaker 1978: 321). Linguist Yule also points out that presupposition is a situation in which the speaker presupposes before speaking (Yule 2000: 25). In these definitions, presupposition is made by the speaker. One of the most famous examples of presupposition is the question, “When did you stop beating your wife?” It presupposes the fact that the listener beat his wife. Brown and Yule, professors of English linguistics, give an interesting example. If speaker A says, “My uncle is coming home from Canada”, the presupposition is “I have an uncle” (Brown & Yule 1983: 28-31). However, the speaker may also say, “My uncle is not coming home from Canada because I don't have an uncle.” “It seems that the speaker denies the presupposition of another speaker's typical discourse.” (Brown & Yule 1983: 30).

In court trials, judges sometimes use presupposition to persuade, induce or set pragmatic traps to achieve their speech validity. For example:

*Excerpt 7:*

*J: Have you read all the transcripts?*

*D: Yes.*

*J: All signed?*

*D: Yes.*

*J: Oh, how did you get the cheated money?*

*D: Huh?*

*J: How did you get the money you cheated?*

*D: What?*

*J: Who took the money you cheated  $\perp$ cheated?*

*D: Because when I worked with him, I hadn't cheated money yet.  
(Translated verbatim from Chinese)*

审判片段 7: (Chinese version)

审: 笔录你都有看过吗?

被: 笔录有。

审: 都有签字吗?

被: 有。

审: 噢, 那骗来的钱怎么取啊?

被: 啊?

审: 骗来的钱怎么取啊?

被: 什么?

审: 你们骗来 + 骗到的钱谁去取?

被: 因为我跟他合作的时候, 还没有骗到钱。

In this excerpt of the trial, the judge asks, "How did you get the cheated money?" This problem presupposes that the defendant "cheated money", but the fact that the defendant does not recognize, whether the defendant is cunning or denial, the judge should not use presupposition strategy before the fact is confirmed.

## **5. The goal strategy of repetition**

Repetition is an important means of language communication. It exists not only in written language but also in oral discourses. Repetition occurs in written texts as a means of connecting the upper and lower discourses. Repetition also takes a significant part in oral discourses. From a macro perspective, repetition serves as a framework for discourse formation, indicating the psychological dynamics of the speaker and the listener, as well as a connector for smooth conversation and topic change, as well as an indicator of different discourses. From the micro perspective, repetition can enhance the coherence of discourse, play a role of response and reproduction, and is a means to confirm, clarify and emphasize the use of language. From the pragmatic point of view, repetition as a discourse strategy plays the role of coordination, cooperation, politeness, clarification, confirmation, verification and restart. Repetition also expresses the speaker's strong feelings, which can attract the attention of the other party (Li & Fan

2002: 130-3).

John Gibbons, an Australian scholar, believes that repetition is a discourse strategy used by lawyers (Gibbons 2003: 119-20). Sometimes they repeat their own questions and sometimes answers of the opposite party. Gibbons summarizes four discourse purposes achieved by lawyers using repetition strategy. The first one is that lawyers make the answers of the other witnesses inconsistent by repeating questions, which makes the testimony of the witnesses appear unreliable; the second one is to exert pressure on the witnesses, which forms the basis of the lawyers' disbelief in the answers; the third one is to emphasize a part of the testimony. Usually in the form of a rising tone, such as "You mean...? In this way, people are suspicious of the repetitive parts; the fourth purpose is to positively emphasize the point of view. Although the principle of quantity in Grice's cooperative principle seems to exclude repetitive utterances, repetition is often used to express emphasis in conversation. The study of William M. O'Barr (1982), an American scholar, shows that the occasional repetition of words strengthens part of the testimony.

Repetition strategy is also often used by judges to repeat some of the contents of the parties' statements in court interaction discourse, to express approval, supplement, blame, criticism, draw conclusions or extract a meaning that is not clearly expressed by the original speaker. Repetition belongs to the priority of interpretation that is owned by judges, prosecutors and even lawyers who are dominant in institutional discourse. The goal of this speech strategy is to ask the parties to confirm what they have said and try to elicit more comments (Zhao 2007).

*Excerpt 8:*

*J: This — the defendant Yi Bingqing, the Changkeng man you mentioned, his specific situation?*

*D: The Changkeng man is like this. Um, I am ▲*

*J: ▼What's his name?*

*D: His name is Liu Jian.*

*J: Liu Jian?*

*D: Yes.*

*J: How old is he?*

*D: More than 30 years old.*

*J: Where does he live?*

*D: He lives in Changkeng.*

*J: Living in Changkeng?*

*D: Yes, and sometimes he lives in Anxi County.*

*J: You said you cooperated with Liu Jian, a man from Changkeng, Liu Jian?*

*D: Um. (Translated verbatim from Chinese)*

审判片段 8: (Chinese version)

审: 这个——被告人易炳清, 你所说的这个长坑人, 他的具体情况?

被: 长坑人就是这样, 嗯, 我是▲

审: ▼叫什么名字?

被: 他叫刘坚。

审: 刘坚?

被: 对。

审: 多大年龄?

被: 30 多岁。

审: 住什么地方?

被: 他住在长坑。

审: 住在长坑?

被: 对, 有时候也住在安溪县那边。

审: 你说你跟刘坚长坑人刘坚合作?

被: 嗯。

In this trial excerpt, the judge repeats the defendant's answers twice when questioning the defendant, in order to clarify the facts and express the judge's distrust of the defendant. In the courts' question-and-answer interaction in civil cases, judges also use repetitive strategies to clarify the facts.

## 6. Conclusion

In court trials, whether in criminal cases or in civil and administrative cases, all parties involved in litigation have clear goals. The goal of judges is more definite, usually determined in advance. In most cases, judges' hearing is purposeful and meaningful in cases that have been heard in court; in court trials full of contradictions, the relationship between judges and litigants is mostly objective and neutral, which is also the state that judges should be in. But in judicial practice, especially

in court investigation, the relationship between the goal of the judge and the other party sometimes shows consistency of goal (mostly with the public prosecutor in criminal cases) or even conflict of goal (with the defendant in criminal cases or the litigation participant in civil and administrative cases), which is actually contrary to the neutral position of the judge in the adjudication.

The system theory of goal holds that the goal is a structured, hierarchical and organic system (Liao 2005). Judges' judicial discourse is such a structured and hierarchical system of goals, in which there are many sub-goals and sub-goals under a general goal (trying cases). Under the traction of the goal, the discourse of judges looks at the whole judicial discourse from a macro perspective or the interaction between judges and other litigant participants from a micro perspective. Motive discourse, guided by its goal, forms a coherent discourse. At the same time, judges usually use many purposeful discourse strategies, such as question-and-answer strategy, power control strategy, presupposition strategy, repetition strategy, interruption strategy, and so on, in order to achieve their discourse goals and achieve the whole trial goal. The discourse strategy means closely linked with power are interruption strategy. We believe that interruption, whether or not it is a symbol of power (because other litigant participants also interrupt judges), is at least a very effective means to achieve their own discourse goals.

## **Bibliography**

- Brown, Gillian, and George Yule. 1983. *Discourse Analysis*. Cambridge: Cambridge University Press.
- Cheng, Le. 2012. Attribution and judicial control in Chinese court judgments: a corpus-based study. *The International Journal of Speech, Language and the Law* 19: 27-49.
- Gibbons, John. 2003. *Forensic Linguistics: An Introduction to Language in the Justice System*. Oxford: Blackwell Publishing Ltd.
- Givón, Talmy. 1979. *On Understanding Grammar*. New York: Academic Press.
- Hansell, Mark, and Cheryl S. Ajitrotutu. 1982. Negotiating interpretations in interethnic settings. In *Language and Social*

- Identity*, ed. John Gumperz, 85-95. Cambridge: Cambridge University Press.
- Malcolm Coulthard and Alison Johnson. 2007. *An Introduction to Forensic Linguistics: Language in Evidence*. London: Routledge.
- Li, Yuee, and Fan Hongya. 2002. *Discourse Analysis*. Shanghai: Shanghai Foreign Language Education Press.
- Liao, Meizhen. 2006. A study on “formulation” in Chinese courtroom interaction. *Foreign Language Research* 2: 1-8+13+80.
- Liao, Meizhen. 2005. Goal principle and goal analysis – exploration on new approaches to pragmatic study (part 2). *Rhetoric Learning* 4: 5-11.
- Liao, Meizhen. 2003. *A Study on Courtroom Questions, Responses and Their Interaction*. Beijing: Law Press
- Lv, Wanying. 2006. Power Control in the Judge’s Discourse. *Foreign Language Research* 2: 9-13.
- O’Barr, William M. 1982. *Linguistic Evidence: Language Power and Strategy in the Courtroom*. New York: Academic Press.
- Roger W. Shuy. 2005. *Creating Language Crimes: How Law Enforcement Uses (and Misuses) Language*. Oxford: Oxford University Press.
- Searle, John R. 1979. *Expression and Meanings: Studies in the Theory of Speech Acts*. Cambridge: Cambridge University Press.
- Stalnaker, Robert C. 1978. Assertion. *Syntax and Semantics* 9: 78-95.
- Thomas, Jenny. 1985. The Language of Power: Towards a Dynamic Pragmatics. *Journal of Pragmatics* 9: 765-783.
- Tian Hailong and Zhang Maizeng. 2006. Pragmatic and Societal Approaches to the Asymmetry of Power. *Foreign Language and Research* 2: 7-13.
- Wu, Tieping. 1993. *Summary of General Linguistics*. Higher Education Press.
- Yule, George. 2000. *Pragmatics*. Shanghai Foreign Language Education Press.
- Zhao, Junfeng. 2007. Speech acts in courtroom and linguistic strategies. *Journal of Guangdong University of Foreign Studies* 2: 90-93.

## Appendix

### *Symbols used in the corpora:*

“–” indicates pause

“⊥” indicates self-correction in speaking

“▼” indicates interrupting and “▲” indicates being interrupted

“|| ||” indicates overlapping

“Ns” indicates the second the speaker pauses, e.g. 4s, indicates the speaker pauses for 4 seconds.