

An Information Analysis of Judges' Repetitive Discourse in Criminal Courtroom

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Abstract

This paper, based on Discourse Information Theory (DIT), analyzes the information features and functions of a judge's repetitive discourse, and the realization of judicial justice in the judge's repetitive discourse. The results show that in the interaction between the judge and the illiterate appellant, the judge's repetitive discourse has been put at lower information levels, endowed with specific information knots and sharing categories, falls the functions of information check, information confirmation, information request, information indication and information instruction, and maintains procedural justice, distributive justice and retributive justice. Therefore, appropriate repetitive discourse will contribute to the present reform of judges' discourse in criminal courtroom.

Key words: Information analysis; Judges' discourse; Repetitive discourse; Criminal trials

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INTRODUCTION

With the advancement of the governance of the country by law, the reform of criminal trials in Mainland China has entered into the phase of tribunal judicial centralism (Gu, 2014), which means that the trial of cases should be taken as the center, with the court responsible for

evidence investigation and the debate about conviction and sentencing (T. Jiang & G. Jiang, 2016). As the impartial arbiters in court, judges, though not involved in the trial confrontation, have the power to manipulate trials and distribute courtroom discourse, which exerts directly impact on the judicial justice in criminal trials (Bian, 2007; Zhou, 2012; Yu, 2015). Therefore, whether judges' courtroom discourse follows the law can influence procedural justice, whether judges distribute the discourse right fairly will affect distributive justice, and whether judges make objective judgments based on legal facts and relevant laws may influence retributive justice (Sanders & Hamilton, 2000; Chen, 2011).

In China's criminal trials, there are still some illiterate defendants, appellants and witnesses who are lack of legal knowledge. On the premise of "Justice as a priority, and efficiency as second consideration", judges should manipulate the power of discourse fairly and patiently, and use and interpret legal language efficiently. That is one humane aspect of a trial, which shows that litigation rights of the parties in courtroom are respected and secured (Chen, 2004; Li & Zhao, 2009). The study of the relationship between judges' discourse in criminal trials and judicial justice is a hot topic concerned in both linguistic and legal fields, which are nowadays of great significance to China's legal construction. The present paper will take a criminal trial as an example to explore the relationship between the information processing of judges' repetitive discourse and judicial justice so as to make contributions to China's courtroom discourse reform and judicial justice.

1. REPETITIVE COURTROOM DISCOURSE

Repetitive discourse is often delivered as an important conversational device that enables a successful

communication in social interaction (Zhang, 2004). In the two types of repetitive discourse, i.e. self-repetition and other-repetition, the former is a repetition of one's own words and the latter is a repetition of others' words in the conversation (Johnstone, 1994; Fung, 2007; Svennevig, 2004). As a common speech phenomenon in court, repetition is often used by questioners of different parties (Liao, 2003). For example, repetitive discourse bears emphatically or other rhetorical effect in conversations (Brody, 1986; Dumitrescu, 1996; Tannen, 2007), so it becomes one of conversational skills for lawyers and the other parties to convince judges or jury in courtroom debates (Matoesian, 2001; Heffer, 2010); as a conversational strategy, repetitive discourse is used by judges to seek mutual cooperation between the parties (Liao, 2003), or to manipulate the other parties' speech (Lü, 2005), or to resolve discourse conflicts in court (Chen, 2011). Facing the parties with illiteracy and of little legal knowledge, judges often use repetitive discourse (Liao, 2003). However, the relationship between judges' repetitive discourse in the criminal courts and the protection of such illiterate people's rights is yet to be explored in depth.

2. METHODOLOGY

Discourse information theory (DIT) (Du, 2007) is often used to analyze courtroom discourse (Du, 2010; Chen, 2011, 2012; Xu, 2014; Ge, 2014). DIT suggests that a legal discourse has an inherent network of information units. An information unit is a minimal meaningful unit for communication with a relatively independent and complete prepositional structure. In the present paper, repetitive discourse can be defined based on DIT as a totally repeated information unit or partly repeated one with main content left, which is employed by judges to attain communicative objectives and manipulate the proceedings in criminal trials.

In terms of DIT, more and more data have been tagged and placed into the Corpus for the Legal Information Processing System (CLIPS) for the purpose of forensic linguistic studies or legal language teaching. Firstly, the content of information units can be represented by (key words) for the exploration of the content of repetitive discourse. Secondly, information levels can be used to analyze the position and depth of repetitive discourse in the whole trial. Information levels can be tagged with numbers. For example, (1,2,2,5) means that, in the whole discourse, this information unit itself is the fifth one at the second level while its superordinate information is the second information unit at the first level. Thirdly, if a subordinate information unit develops its superordinate from some aspect, it can be called as an information knot, for example, "what attitude" (WA), "what fact" (WF), "what thing" (WT), and "why" (WY). Information knots can be used to analyze the relationship

between the repetitive information and its superordinate information. Fourthly, information sharing categories reflect the degree to which all interactive parties share the information transmitted in the courtroom. Among the six categories are (a) (known to A but not B), (b) (known to B but not A), (c) (known to both A and B), (e) (known to neither A nor B), (o) (known to everyone at present) and (d) (known to be disputable). Sharing categories will be used to analyze information sharing degree of courtroom discourse and the acceptance degree of repetitive discourse information. Meanwhile, DIT, combined with other linguistic analysis methods, can be employed to further discuss judges' discourse at the micro-level.

In order to achieve the present research objective, the data¹ of a representative criminal trial have been extracted from CLIPS for the present research. At first instance, an Intermediate People's Court in a province imposed a death sentence on the defendant for his intentional injury and deprived the defendant of political rights for life. The defendant appealed orally against the decision. Not long ago, the Higher People's Court in the same province broadcast the second instance on a live video stream, and the role of the defendant at first instance became that of the appellant. However, communication obstacles often occurred when the judge was interacting with the appellant in that the appellant was an illiterate who is ignorant of laws. In order to help the trial go along smoothly, the judge repeated his discourse frequently. Therefore, the data from the second instance is taken as an example and the information structure of the judge's repetitive discourse will be analyzed to solve the following three questions:

- a) What information structural features are embodied in the judge's repetitive discourse?
- b) In the process of courtroom interaction, what information functions do the judge's repetitive discourse perform?
- c) In the process of courtroom interaction, how does the judge's repetitive discourse relate to the judicial justice?

3. INFORMATION STRUCTURAL FEATURES OF REPETITIVE DISCOURSE

3.1 Information Levels

In the phases of court investigation, proof and cross-examination, court debate and final statement, judges usually interact with the parties in action. The features of judges' discourse information levels will influence the construction of defendant-judge relationship. The higher information levels mean that judges have completed

¹ Transcription and tags can be found in Appendix.

the transitions from phase to phase of trials by means of discourse information; the lower information levels show that judges have made an in-depth courtroom interaction with the parties in action for the completion of trial proceedings (Chen, 2012). The statistics in Table 1 demonstrate the information levels of the judge's repetitive discourse.

**Table 1
Distribution of Repetitive Discourse Information Levels**

Information levels	2 nd level	3 rd level	4 th level	5 th level	Total
Repetitive information units	2	8	31	6	47
Ratio (%)	4.26	17.02	65.96	12.76	100

In Table 1, it has been shown that, among the forty-seven repetitive discourse information units, there are only two units at the second level, accounting for 4.26%; eight units at the third level, taking up 17.02%; thirty-one units at the fourth level, occupying 65.96%; six information units at the fifth level, responsible for 12.76%. The proportion of the units at the fourth level is the largest, which means that the repetitive discourse information levels are relatively low. Generally speaking, for the purpose of discourse manipulation in criminal trials, judges' discourse information is mainly transmitted at such relatively high levels as the second or third ones (Chen, 2012). Nevertheless, the statistics here show that the judge has made an in-depth courtroom interaction by means of repetitive discourse information processing in order to attain a certain communicative objective in the trial.

According to data analysis, the lower levels at which the repetitive discourse information has been transmitted, the more times the turns have been taken, the richer auxiliary conversational content has been added in the context, and the deeper interaction has been made between the judge and the appellant.

Example 1

1(3,8,4,30,WA)审判员：你是否申请回避？

Judge: Do you want to apply for withdrawals?

()上诉人：(3.0)

Appellant: (3.0)

2(4,30,5,5,WA)审判员：你是否对法庭组成人员、
检察人员申请回避？

Judge: Do you want to apply for the
withdrawal of anyone in the collegial
panel or any prosecutor?

3(4,30,5,6,WF)上诉人：我，不知咋子申请回避，我不懂。

Appellant: I don't know how to apply for the withdrawal. I don't understand.

4(4,30,5,7,WA)审判员：就我们审理你这个案件可以不可以？

Judge: I mean, it is we who are going to hear the case. Do you agree?

5(4,30,5,8,WA)上诉人：有异议吧，6(4,30,5,9,WA)同意审，7(4,30,5,10,WA)有异议。

Appellant: I object, I agree that you hear the case, I object.

8(4,30,5,11,WA)审判员：对我们审理这个案子有意见没有？

Judge: We are going to hear the case. Do you have any objection?

9(4,30,5,12,WF)上诉人：就这说的这些我也是咋子说呢，不懂。

Appellant: I don't understand what you have said.

10(4,30,5,13,WA)审判员：有意见没有？11(4,30,5,14,WT)有意见就提。

Judge: Do you have any objection? If you have any objection, please tell us.

12(5,14,6,1,WF)上诉人：头一次是不是你给我审的？

Appellant: Was it you who heard my case at first instance?

13(5,14,6,2,WF)审判员：头一次不是我审的，14(5,14,6,3,WF)我是省法院的，不是，15(5,14,6,4,WF)一审是中级法院的，16(4,30,5,15,WA)有意见没有？

Judge: It was not me who heard your case at first instance. I am from the Provincial Court, no, at first instance it was heard in the Intermediate Court, Do you have any objection?

17(4,30,5,16,WA)上诉人：有啥意见，18(4,30,5,17,WA)我也没有意见。

Appellant: What kind of objection? I have no objection.

In Example 1, at the beginning of court investigation, the judge tries to confirm whether the appellant will apply to change any member of the collegial panel and the prosecutors who are going to hear the case. But the appellant does not understand the legal term "apply for withdrawals", so he can only keep silent. In order to eradicate the communicative barrier, the judge has repeated his discourse information for five times, which has degraded these five information units to the fifth and sixth levels. After the appellant's three-second silence (3.0), the judge adds some auxiliary content "anyone in the collegial panel or any prosecutor" to Information Unit 2, so as to explain the legal term "apply for withdrawals", and adds the new stressed content "it is we who are going to hear" and "If you have any objection, please tell us." to Information Units 4, 8 and 11 in order to help the appellant understand his question in Information Unit 1. All the information transmitted at the lower levels has served the repetitive Information

Unit 10. The judge has also added the stressed “It was not me who heard your case”, “the Provincial Court” and “the Intermediate Court” to Information Units 13, 14 and 15 based on the appellant’s question in Information Unit 12. The judge has made a thorough explanation and prepared for Information Unit 16. Through the above six turns taken by the judge, the appellant has finally understood the meaning of “apply for withdrawals” and then expressed to the court his attitude “no objection” in Information Unit 18.

3.2 Information Knots

Information knots reflect the relationship between repetitive discourse information units and their superordinate ones in the judge and the appellant’s interaction. According to the statistical analysis, among the fifteen types of information knots, four types occur in the judge’s repetitive discourse, i.e. (WA), (WT), (WF) and (WY) (see Table 2).

Table 2
Distribution of Repetitive Discourse Information Knots

Information knots	WA	WT	WF	WY	Total
Repetitive information units	15	19	8	5	47
Ratio (%)	31.91	40.43	17.02	10.64	100

The above table shows that the judge’s repetition relatively concentrates on Information Knots (WA) and (WT). There are fifteen (WA) and nineteen (WT), accounting for 31.91% and 40.43% respectively. But the number of (WF) and (WY) is much smaller, eight (WF), taking up 17.02% and five (WY), occupying 10.64%. According to data analysis, during the court investigation, the judge often repeats the use of (WA) to ask for the appellant’s attitude towards a certain opinion or decision; during the process of transitions, the judge repeats (WT) to investigate, confirm or instruct the appellant’s behaviors. Some legal terms occurring during these processes cannot be understood by the appellant, which will lead to the failure in information flow in the courtroom interaction (Du, 2009a), so the judge has explained the legal term at first and then use the same information knots (WA) or (WT) again to interrogate or instruct the appellant repeatedly, just as the judge’s repetitive (WA) in Example (1). Take another example,

Example 2

1(WF)审判员: 你以前受过法律处分没有?

Judge: Have you ever received any legal punishment?

2(WF)上诉人: (3.0) 没有。

Appellant: (3.0) No.

3(WF)审判员: 以前你受过法律处分没有?

Judge: Have you ever received any legal punishment?

4(WF)上诉人: 没有。

Appellant: No.

5(WF)审判员: 在这个一审判决书上写的有2002年5月15日你因犯强奸罪被武陟县人民法院判处有期徒刑10年, 6(WA) 这个有没有?

Judge: On this written judgment from the first instance, on May 15th, 2002, due to rape, you were sentenced to 10 years in prison by People’s Court of Wuzhi County, is that true?

7(WA)上诉人: 这个有。

Appellant: Yes.

.....

8(WT)审判员: 交过上诉状没有?

Judge: Have you submitted the appeal petition?

9(WR)上诉人: 往哪交?

Appellant: Where to submit?

10(WT)审判员: 你交过书面上上诉状没有?

Judge: Have you submitted the written appeal petition?

.....

11(WT)审判员: 我给你总结你的上诉理由,

Judge: I will summarize your grounds for appeal,...

12(WY,还有没有)审判员: 其他还有啥没有了?

(WY, any other grounds)Judge: Are there any other grounds?

.....

13(WY,还有没有)审判员: 还有没有了?

(WY, any other grounds)Judge: Are there any other grounds?

In Example 2, when the appellant denies the legal facts in Information Units 2 and 4, the judge adds Information Unit 5 and then uses repetitive Information Unit 6 to interrogate the appellant. Here the (WA) finally makes the appellant directly answer the judge’s question with “Yes”. From Information Units 8 to 10, the appellant cannot understand the meaning of the legal term “appeal petition”, so the judge repeats the information knot (WT); meanwhile, from Information Units 11 to 13, the information knot (WY) reflects that the judge need to figure out the appellant’s grounds for appeal or repeat the cause of the appellant’s certain act. Based on Information Units 3 and 6, it can be seen that (WF) is a repetitive information knot when the judge fails to confirm the legal facts. Such kind of judges’ repetitive information knot will also occur in the trial in that the investigation of legal facts always plays a crucial role.

3.3 Information Sharing Categories

Information sharing categories can embody the sharing degree of repetitive courtroom discourse. Three types of sharing categories occur in the judge’s repetitive discourse (see Table 3).

Table 3
Sharing Categories of Repetitive Discourse

Sharing categories	(a) (known to A but not B)	(b) (known to B but not A)	(c) (known both to A and B)	Total
Repetitive information units	5	34	8	47
Ratio (%)	10.64	72.34	17.02	100

According to Table 3, sharing categories of the judge's repetitive discourse have distinct features. Among the forty-seven repetitive discourse information units, most are (b) (known to B but not A), with the number thirty-four, accounting for 72.34%. And few are (a) (known to A but not B) and (c) (known both to A and B), only five (a) and eight (c), taking up 10.64% and 17.02% respectively. This is because judges interact with defendants or appellants mainly through questions and answers (Liao, 2003). When the judge participates in the court investigation and interrogate the appellant to confirm whether the appellant has new evidence or new opinions, the judge needs to acquire new information through (b), i.e. the information known to the appellant but not the judge.

Example 3

1(a)审判员:法庭传递让上诉人看一下, (法警传递受害人心电图), 2(b)是不是当时, 案发当天你让医生做的呀?

Judge: Show the evidence to the appellant, (*the bailiff shows the electrocardiogram of the victim to the appellant*), was it in the day of the case that you asked the doctor to perform such an electrocardiogram on the victim?

3(b)上诉人: 这我都忘了, 反正这-
Appellant: I forget, anyway, this-

4(b)审判员: 做没有? 5(b)当天做没有?

Judge: Did the doctor perform the electrocardiogram? Did the doctor perform the electrocardiogram that day?

6(b)上诉人: 做了.

Appellant: Yes, he did.

7(c,做过心电图)审判员: 做了, 8(a)哦, 让辩护人看一下.

7(c, performed it)Judge: The doctor performed it, okay, show it to the defendant.

.....

8(a)审判员: 下面由上诉人李**做最后陈述. (上诉人准备11秒钟) 9(a)做最后陈述.

Judge: Now let Li**², the appellant, make the final statement. (*The appellant prepares for 11 seconds*) Make the final statement.

10(a)上诉人: 最后陈述? 我上诉的, 11(a)他跟我说的不兆, (3.0)

Appellant: Final statement? I appealed. What he told me is quite disadvantageous to me, (3.0)

12(a)审判员: 现在是::让你发表最后陈述.

Judge: Now :: I ask you to deliver the final statement.

In Example 3, after repeating the information knot (b) twice in Information Units 4 and 5, the judge finds that the appellant did take the victim to have an electrocardiogram on the day of the injury; in Information Unit 7, the judge uses (c) to show that both parties have shared the information (performed it). In this trial, the other five information units with (c) are also the judge's repetitive discourse after both the judge and the appellant have shared certain information. However, (a) means that certain information is known to the judge but not to the appellant, which has the sharing degree as low as that of (b) and which is the information that the judge tells the appellant to do something. For example, the judge repeats Information Units 9 and 12 when the appellant has answered the previous questions or when the appellant cannot understand the discourse information transmitted by the judge.

In terms of the above analysis, it has been known that the judge's repetitive discourse in criminal courtroom is characterized by low information levels, more information knots (WA) and (WT) and more sharing categories (b). Such information structural features relate to information functions in trials and result from the judge's efforts to attain a certain courtroom objective (Du, 2009b; Chen, 2011), so the functions of the judge's repetitive discourse information will be explored in the next section.

4. INFORMATION FUNCTION OF REPETITIVE DISCOURSE

In different contexts, repetitive discourse performs a variety of functions, such as retarding information flow, imitating for language acquisition, emphasizing, keeping track, cohesion and coherence, rhetorical devices, and cooperation for communication (Brody, 1986; Tyler, 1994; Fujimura-Wilson, 2007). The functions of judges' repetitive discourse in criminal trials are mainly based on the rights that relevant laws grant to judges, including investigation, declaration, notification, interrogation, interview, confirmation and decisions (Zhou, 2012). From the perspective of legal discourse information, the present judge's repetitive discourse can be divided into two types: self-repetition and other-repetition, performing such functions as information check, information confirmation, information request, information indication, information instruction, etc.

4.1 Information Check and Information Confirmation

In the trial, when information flow is hindered or further investigation is needed, the judge will employ self-repetition to interrogate or question the appellant for many times so as to complete the necessary information check; when the appellant provides the needed information, the judge can confirm the appellant's answers through other-repetition in order to achieve the communicative objective.

Example 4:

1(WA,是否一致)审判员:李**, 刚才宣读的判决书和你收到的是否一致啊?

1(WA, consistent or not) Judge: Li**, is the judgment orally declared just now consistent with the written one that you have received?

2(WA,无异议)上诉人: 没有异议.

2(WA, no objection) Appellant: I have no objection.

3(WA,是否一致)审判员: 一致不一致?

3(WA, consistent or not) Judge: Is it consistent or not?

4(WF,没打)上诉人: 就是, 我打没有, 我没有拿东西打她.

4(WF, didn't beat) Appellant: You mean, did I beat her? I didn't beat her with any object.

5(WT,不急)审判员: 现在你不要急, 6(WA,是否一致)就是刚才念的这个判决书和你收到的内容一致吧?

5(WT, don't hurry) Judge: Now you needn't be hurry, 6(WA, consistent or not) I mean, is the judgment orally read out just now consistent with what you have received?

7(WA,与口供不一样)上诉人: 跟我的口供不一样.

7(WA, not the same as testimony) Appellant: it is not the same as my testimony.

8(WA,是否一样)审判员: 跟你收到的这个判决书一样不一样?

8(WA, the same or not) Judge: is it not the same as the written judgment that you have received?

9(WA,一样)上诉人: 跟判决书一样.

9(WA, the same) Appellant: The same as the written one.

.....

10(WT,b,交上诉状)审判员: 书面上上诉状交过没有?

10(WT,b, submitted the appeal petition) Judge: Have you submitted the written appeal petition?

.....

11(WT,b,交过)上诉人: 交过, 12(WT,a,口头上诉)他们让我口头上诉.

11(WT,b, have submitted) Appellant: I have submitted, 12(WT,a, an oral appeal) They asked me to make an oral appeal.

13(WT,b,交上诉状)审判员: 交过上诉状没有?

13(WT,b, submitted the appeal petition) Judge: Have you submitted the written appeal petition?

.....

14(WT,b,交上诉状)审判员: 你交过书面上上诉状没有?

14(WT,b, submitted the appeal petition) Judge: Have you submitted the written appeal petition?

.....

15(WT,b,没交)审判员: 也就是你没有交过, 16(WT,b,口头上诉)只是口头上诉, 是不是?

15(WT,b, not submitted) Judge: That is, you haven't submitted it, 16(WT,b, made an oral appeal) you have only made an oral appeal, haven't you?

17(WT,b,口头上诉)上诉人: 我是说过.....我口头上诉, 18(WY,a,不会写字)我不会写字.

17(WT,b, made an oral appeal) Appellant: I did say so...I have made an oral appeal, 18(WY,a, can't write) I can't write.

19(WY,c,不会写字)审判员: 哦, 你不会写字, 20(WT,c,口头上诉)你是口头上诉.....

19(WY,c, can't write) Judge: Oh, you can't write, 20(WT,c, made an oral appeal) you have made an oral appeal.....

In Example 4, the judge has performed the function of information check through the repetition of discourse information. From Information Units 1 to 3, in order to check whether the judgment is (consistent or not), the judge uses (WA) to raise the question, hoping that the appellant will agree with the judge, but the appellant's answer (no objection) is irrelevant to the judge's question. So, the judge repeats the information (consistent or not) for the first time. In Information Unit 4, the appellant's answer is a fact (WF, didn't beat). It is relevant to the conversation in the court debate, but not the information that shows whether the appellant agree with the fact or not. Thus, the judge has not succeeded in the information check yet. The judge adds the information unit (don't

hurry), and repeats the information (consistent or not) again in Information Unit 6, which substitute the official expression “declared just now” with “read out just now” so as to help the appellant understand the question. But the appellant still does not answer directly. The appellant’s answer is (WA, not the same as testimony), which is another information of attitude. In Information Unit 8, the judge employs the appellant’s conversational style, changing “consistent” into “same”. After repeating the information (consistent or not) for the third time, the judge has received the appellant’s direct answer (the same) and has finally finished the information check in this stage.

So are Information Units 10, 13 and 14. The appellant cannot understand that “appeal petition” is not an oral but a written one, which has hindered the information flow. Therefore, the judge repeats his own information (WT), aiming to check whether the appellant (has submitted the appeal petition). Later in Information Unit 16, the judge employs other-repetition to ask another question, aiming to confirm the act (WT, an oral appeal) mentioned by the appellant in Information Unit 12. When the appellant gives the satisfying answer by means of the information knots (WT) in Information Unit 17 and (WY) in Information Unit 18 which shows a causal relationship, the judge employs other-repetition again to process the following information. The judge has confirmed the information (can’t write) and (made an oral appeal) in Information Units 19 and 20 through the information (c) shared by both parties and has finally achieved the communicative goal.

4.2 Information Request and Information Indication

Information request is one of important functions in courtroom interaction (Du, 2009b). In order to obtain necessary information, the judge in the trial repeats his own discourse for many times to allot turns to the appellant. For example, in Example (2), from Information Units 11 to 13, the judge uses repetitive information (any other grounds) to acquire information of grounds for the appeal(WY). Take another example,

Example 5:

- 1(WT,有无新意见)审判员: 李**, 你有新的意见没有?
1(WT, any new opinions or not)
Judge: Li**, do you have any new opinions?
2(WT)上诉人: 有一些.....3(WF)我没有打,
2(WT)Appellant: I have some... 3(WF)I didn’t beat her,
4(WT,已说过)审判员: 这个意见你刚才说过, 5(WT,有无新意见)你还有新的意见没有?
4(WT, mentioned)Judge: You have mentioned this opinion, 5(WT, any new opinions or not) do you have any new opinions?

6(WT)上诉人: 新的意见,

6(WT)Appellant: new opinions,

7(WT,已说过)审判员: 这都叙述过了, 8(WT,有无新意见)你还有新的意见、新的观点没有?

7(WT, mentioned) Judge: You have mentioned all the information, 8(WT, any new opinions or not) do you have any new opinion or idea?

9(WT)上诉人: 新的意见就是.....

9(WT)Appellant: My new opinion is that.....

In Example 5, the judge asks whether the appellant has any new defending opinions. In Information Units 2, 3 and 6, the appellant has repeated the grounds for appeal that has been stated in the phase of court investigation. Then the judge indicates that the appellant has (mentioned) it in Information Unit 4 so as to help the appellant understand the question. And the judge interrogates the appellant again in Information Unit 5 so as to request information (any new opinions or not). But the appellant has not given a satisfying answer, so the judge reminds the appellant again in Information Unit 7 that the information (has been mentioned) and repeats his question through the addition of the phrase “new opinions” in Information Unit 8 in order to acquire the information whether the appellant has (any new opinions or not). In this example, the judge’s self-repetition performs two functions: information request and indication. The former function is served by the latter. The two functions are performed in turns, which advances the proceedings of the court interaction.

4.3 Information Instruction and Information Indication

As for the transitions between different phases in the trial, the judge needs to use (WT) to give instructions and control the proceedings (Chen, 2011). If the information flow in the interaction is not smooth, the judge can repeat the instructions.

Example 6:

- 1(WT)审判员: 下面由上诉人李**做最后陈述. (上诉人准备11秒钟) 2(WT, 最后陈述)做最后陈述.
Judge: Now let Li**, the appellant, make the final statement. (*The appellant prepares for 11 seconds*) 2(WT, final statement) Make the final statement.
3(WT,最后陈述)上诉人: 最后陈述? 我上诉的, 4(WF,不兆)他跟我说的不兆, (3.0)
Appellant: Final statement? I appealed. What he told me is quite disadvantageous to me, (3.0).
5(WT,最后陈述)审判员: 现在是::让你发表最后陈述. 6(WA,你的认识)也就是::你对你这个犯罪有什么认识, 7(WA,请

求)对法庭有什么请求, 8(WT, 最后陈述)讲这个问题。

5(WT, final statement)Judge: Now: I ask you to deliver the final statement. that is:: what you **think of** your crime, whether you have any **request** to the court, 8(WT, final statement) please answer **these** questions.

9(WA, 判得太高)上诉人: 我, 我判得太高,

Appellant: I, my punishment is too heavy, ...

In Example 6, the judge has repeated the information for instruction twice, together with the information as an indication, and finally attained the communicative objectives. In Information Unit 2, after the appellant prepared for eleven seconds, the judge repeats the information for the first time to instruct the appellant to (make the final statement). But due to the appellant's lack of education, the appellant does not know what to say. So, Information Units 3 and 4 provided by the appellant are irrelevant to the judge's question and then the appellant has to be silent for three seconds (3.0). At this moment, the judge reminds the appellant with repetitive Information Unit 5. From Information Units 6 to 8, the judge uses stressed and prolonged phone of the discourse marker "that is" to elicit the explanation of the legal term "final statement", in which the judge particularly stresses the two key words (think of) and (request) and the modifier "these". Based on these language strategies, the judge repeats the information again in Information Unit 8 to instruct the appellant to make (the final statement) so as to help attain the communicative objective.

From the data analysis above, the judge's self-repetition in the criminal courtroom performs the functions of information check, information request, information indication and information instruction while the judge's other-repetition mainly performs the function of information confirmation. Repetition with a certain function may occur alone at a certain phase of the courtroom interaction, or may be used together with repetitive discourse with other functions, which might complement each other and serve the whole trial.

DISCUSSION

From the perspective of information structure, the levels of the judge's repetitive information are relatively low in that the judge has the right to interrogate defendants, lay witnesses or expert witnesses in the trial so as to investigate and check the evidence (Bian & Li, 2004). Therefore, deeper courtroom interaction is conducive to the identification of legal facts, which meets the requirement of the criminal procedural law and the judicial justice in trials. The repetitive information knots are mainly (WA) and (WT), which relate to the judge's request for the illiterate appellant's attitude and

the judge's explanation of legal terms to the appellant. On the premise of "Justice as a priority", the repetitive information has promoted the proceedings efficiently, thus secured procedural justice in the trial. The sharing categories are mainly (b) in that the judge has to make further court investigation, interrogate repeatedly whether the appellant will submit any new evidence or express any new opinions, allot turns to the appellant frequently and endow the appellant with more discourse right when facing the appeal related to the appellant's life. Therefore, the judge's repetitive information can safeguard and secure both procedural and distributive justice in the trial.

For the purposes of information check and information confirmation, the judge changes the conversational style to help the appellant understand legal terms, exercise his discourse right when the courtroom discourse cannot be understood by the appellant, which meets the requirement of procedural and distributive justice in the trial. For example, the judge substitutes the formal term "declared just now" with "read out just now", and "consistent" with "same" to make his own conversational style the same as that of the appellant; in Example 1, the judge adds and stresses the auxiliary information "It was not me who heard your case" and "the Intermediate Court". In order to request information, the judge distributes the turns to the appellant by means of repetition so as to make an indication or an interrogation. The judge adds such relevant words and phrases as "new opinions" to help the appellant exercise his discourse right effectively and thus safeguard the procedural and distributive justice in the trial. When the judge's instruction is not understood or accepted by the appellant, besides reminding the appellant, the judge has interpreted his instruction through linguistic adjustments at the micro level so as to help the appellant exercise his right efficiently. For example, in Example 6, the appellant keeps silent in the court when he cannot understand the judge's instruction. The judge thus employs such conversational styles as stress, prolonged phone, addition of discourse marker and so on to explain legal terms, and repeats the information for indication and instruction in order to help the appellant exercise his discourse right effectively. And thus the judge's repetitive discourse has safeguarded the procedural and distributive justice in the trial.

Moreover, there is no presumption of guilt in the judge's repetitive discourse information. And there are no qualitative conclusions made to define the appellant as a man of guilt before the final decision. So, the judge's repetitive discourse information conforms to the retributive justice in the trial from both the perspectives of information structure and information function.

CONCLUSION

Adopting legal discourse information analysis, the present paper has made research on the judge's

repetitive discourse information in criminal courtroom and answered three research questions. According to the results, facing the illiterate appellant with little knowledge of law, the judge's repetitive discourse is characterized by low information levels, concentrative information knots and sharing categories, performing such functions as information check, information confirmation, information request, information indication and information instruction. These features and functions of repetitive information show that the judge's deeper courtroom interaction with the appellant, reasonable distribution of discourse right to the appellant and effective explanation of legal terms have safeguarded the procedural, distributive and retributive justice in the criminal trial. In spite of a case study, the present paper has provided a new insight to analyze repetitive discourse in criminal trials. In the future research, a corpus-based methodology will be employed to further analyze judges "repetitive discourse information in criminal courts so as to serve the reform of judges" discourse in the background of judicial justice.

REFERENCES

- Bian, J., & Li, J. (2004). Perfection of criminal trial structure: A perspective of criminal courtroom settings in China. *Jurisprudence Studies*, (3), 82-93.
- Bian, J. (2007). An analysis of "prosecution" in criminal proceedings. *People's Procuratorial Semimonthly*, (8), 36-40.
- Brody, J. (1986). Repetition as a rhetorical and conversational device in Tojolabal (Mayan). *International Journal of American Linguistics*, 52(3), 255-274.
- Chen, G. (2004). The basic conception of the reamendment of criminal procedure law: The amendments of several basic principles. *Tribune of Political Science and Law (Journal of China University of Political Science and Law)*, 22(3), 3-9.
- Chen, J. (2011). *The construction of prosecution-defense-judge relationship: A frame analysis of judges' courtroom discourse processing*. Beijing: Science Press.
- Chen, J. (2012). The presumption of guilt in judges discourse: A study from an information structure perspective. *Language Teaching and Linguistic Studies*, (2), 104-111.
- Du, J. (2007). A study of the tree information structure of legal discourse. *Modern Foreign Languages*, (1), 40-50, 109.
- Du, J. (2009a). Information flow in discourse. *Journal of Foreign Languages*, 32(3), 36-43.
- Du, J. (2009b). A study of the functions of courtroom questioning and answering and participants communicative objective attainment. *Modern Foreign Languages*, (4), 360-368, 436.
- Du, J. (2010). Realization of persuasive reasoning in courtroom discourse: From the perspective of transaction-oriented information processing. *Modern Foreign Languages*, (4), 363-370, 436.
- Dumitrescu, D. (1996). Rhetorical vs. nonrhetorical allo-repetition: The case of Romanian interrogatives. *Journal of Pragmatics*, 26(3), 321-354.
- Fujimura-Wilson, K. (2007). Japanese exact repetitions involving talk among friends. *Discourse Studies*, 9(3), 319-339. doi: 10.1177/1461445607076202
- Fung, L. (2007). The communicative role of self-repetition in a specialised corpus of business discourse. *Language Awareness*, 16(3), 224-238. DOI: 10.2167/la459.0
- Ge, Y. (2014). Resolution of conflict of interest in chinese civil court hearings: A perspective of discourse information theory. *The International Journal of Speech, Language and the Law*, 21(1), 163-168. doi: 10.1558/ijssl.v21i1.163
- Gu, Y. (2014). My view on tribunal judicial centralism. *Legal Information*, (6), 53-57.
- Heffer, C. (2010). Narrative in the trial: Constructing crime stories in court. In M. Coulthard & A. Johnson (Eds.), *The routledge handbook of forensic linguistics* (pp.199-217). Abingdon: Routledge.
- Jiang, T., & Jiang, G. (2016). Reform of procuratorial system in the perspective of tribunal judicial centralism. *Hebei Law Science*, 34(1), 23-40. doi: 10.16494 / j.cnki.1002-3933.2016.01.003
- Johnstone, B. (1994). Repetition in discourse: A dialogue. In B. Johnstone (Ed.), *Repetition in discourse interdisciplinary perspectives* (Vol. 1, pp.1-20). Norwood, NJ: Ablex.
- Li, L., & Zhao, H. (2009). Criminal courtroom discourse and human rights guarantee of the accused. *Hebei Law Science*, 27(10), 56-62.
- Liao, M. (2003). *A study of courtroom question-response interaction*. Beijing: Law Press.
- Lü, W. (2006). The power domination of judges' discourse. *Foreign Languages Research*, (2), 9-13. doi: 10.13978/ j.cnki.wyyj.2006.02.002
- Matoesian, G. M. (2001). *Law and the language of identity*. New York: Oxford University Press.
- Sanders, J. & Hamilton, V. L. (2000). Justice and legal institution. In J. Sanders & V. L. Hamilton (Eds.), *Handbook of justice research in law* (pp.3-27). New York: Kluwer Academic / Plenum Publishers.
- Svennevig, J. (2004). Other-repetition as display of hearing, understanding and emotional stance. *Discourse Studies*, (6), 489-516. doi: 10.1177/1461445604046591
- Tannen, D. (2007). *Talking voices: Repetition, dialogue, and imagery in conversational discourse* (2nd ed.). New York: Cambridge University Press.
- Tyler, A. (1994). The role of repetition in perceptions of discourse coherence. *Journal of Pragmatics*, (21), 671-688.
- Xu, Y. (2014). Realisation of persuasion in Chinese court conciliation: A discourse information perspective. *The International Journal of Speech, Language and the Law*, 21(1), 157-162. doi: 10.1558/ijssl.v21i1.157

- Yu, L. (2015). Caught in dilemmas: A linguistic analysis of the role played by the interpreter in Chinese criminal sessions. *Journal of Zhejiang International Studies University*, (2), 1-9.
- Zhang, Y. (2004). The repetition phenomena in the dialogue. *Language and Translation*, (3), 19-22.
- Zhou, Q. (2012). Judges' power and discourse in criminal court: Reflection of judges' power in criminal court. *Legal System and Society*, (8), 123-125.

APPENDIX

Transcription and tags

_ repetition ... ellipsis (3.0) silence for 3.0 seconds () notes... :: prolonged phone **bode type** stress - interruption

9(0,1,1,5,WT,b,debate) 9 serial number of information unit, (0,1,1,5) information level, (WT) information knot, (b) sharing category, (debate) key word

(Footnotes)

1 **: Anonymity for the sake of the defendant's privacy.