

An Analysis of Attitude in Chinese Courtroom Discourse

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Relevant studies

- Appraisal
- Chinese courtroom discourse

Appraisal

- Media discourse
- Academic writing
- Legal language
- Studies in China

Media discourse

- Iedema et al.(1994/2008)
- Martin (2004)
- Martin and White (2008)
- White (1997, 1998, 2000, 2003a, 2003b, 2005, 2006, 2008)
- Bednarek (2006, 2008, 2011)
- Bednarek and Caple (2010)

Academic writing

- Hood (2004a, 2004b, 2005, 2006, 2010);
- Hood and Martin (2006);
- Coffin (2006);
- Derewianka (2007);
- Swain (2007);
- Crane (2008)
- Liu and Thompson (2009).

Legal language

- Korner (2000) explored the logogenesis of dialogue in common law judgements, focusing on engagement and graduation, which are two of the three subcategories of the appraisal systems.

Studies in China

- Introduction:
- Wang (2001);
- Li (2002) ;
- Hu et al.(2005)

Analysis

- Chinese discourse:
 - Wang (2006)
 - Peng (2004)

- Legal language:
 - Wang (2006)
 - Yuan (2007; 2008)
 - Wang (2010)

Chinese courtroom discourse

Study of courtroom discourse is at the center of the applied research of legal language, because courtroom activities are the focus of the whole legal process (Du 2001: 97).

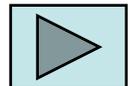
Table 1 Studies of Chinese courtroom discourse

| Author (s) | Year | Description |
|---------------|---|--|
| Liao, Meizhen | 2002, 2003a, 2003b, 2004a, 2004b, 2004c, 2006 | Courtroom question-answer interactions (pragmatics) |
| Zhang, Liping | 2006 | Lawyer evaluation in the Chinese courtroom |
| Du, Jinbang | 2008 | Judges' manipulation of information flow |
| Du, Jinbang | 2009 | Functions of courtroom questioning and answering |
| Du, Jinbang | 2010 | Legal facts construction |
| Hu, Guili | 2009 | Courtroom discourse markers (the principle of goal direction) |
| Xu, Jing | 2009 | Courtroom discourse markers (adaptation theory) |
| Cheng, Le | 2010 | Discursive representation of judicial thinking in written court judgements in Hong Kong, Taiwan and Mainland China |
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- The courtroom is a site of power struggle and language is the main tool for this struggle (see O'Barr 1984: 260) . In order to achieve their goals and obtain their claimed power, the subjects in the courtroom appraise theirs' and others' words and behaviours, and related things, events and phenomena with various language recourses. So, appraisal system is an important part of courtroom discourse. Of all the appraisal resources, those expressing attitude play a core role, because, to a great extent, court trials are occasions where courtroom subjects express their attitude towards and pass judgement on related people, events and things. This paper analyzes the attitude expressions in Chinese courtroom discourse and tries to reveal the interpersonal functions performed by them.



Appraisal and attitude

Appraisal

- Appraisal is concerned with evaluation-the kinds of attitudes that are negotiated in a text, the strength of feelings involved and the ways in which values are sourced and readers aligned (Martin and Rose 2007: 25), and is accordingly regionalised as three interacting domains: attitude, graduation and engagement . Of the three subsystems, attitude is most semantic-loaded; graduation and engagement are, in a sense, in the service of attitude for meaning expression. Graduation is to amplify or hedge attitude, while engagement is to show the source of attitude. This paper focuses on attitude system in courtroom discourse, leaving graduation and engagement for future exploration.

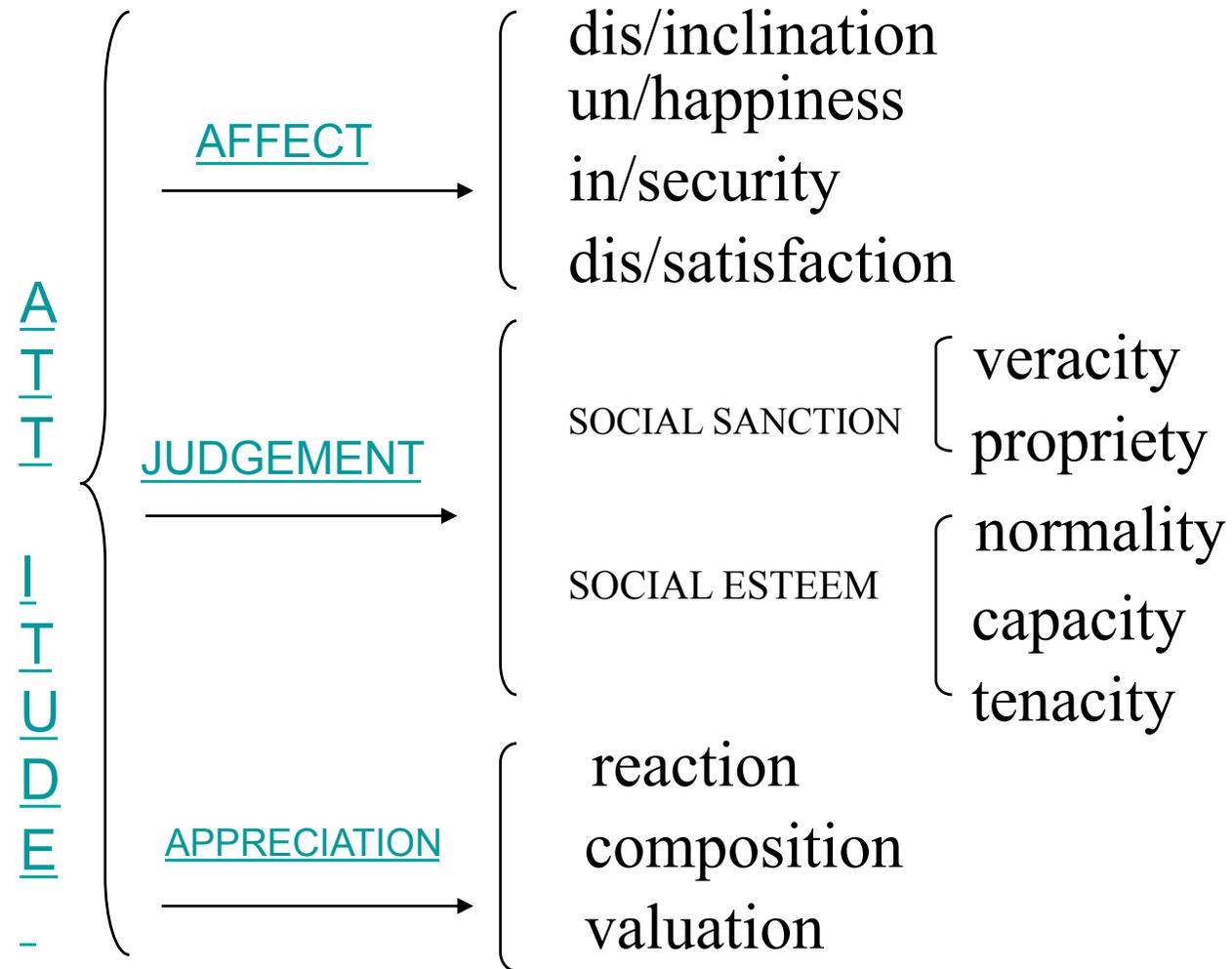


Figure 1 Framework of attitude system

(According to Martin & White 2008: 45-58)

Affect

- Affect refers to speaker's emotional reactions to behaviour, text/process and phenomena.
- Martin & White (2008) identify four types of affect: dis/inclination, un/happiness, in/security, dis/satisfaction.

Judgement

- Judgement is concerned with speaker's attitude towards people's behaviour, and can be divided into 'social sanction' and 'social esteem'. Judgements of 'social sanction' have to do with veracity (how truthful someone is) and propriety (how ethical someone is); Judgements of 'esteem' have to do with 'normality' (how unusual someone is), 'capacity' (how capable they are), and 'tenacity' (how resolute they are).

Appreciation

- Appreciation refers to our evaluation of things, and can be divided into our ‘reactions’ to things (do they catch our attention; do they please us?), their composition (balance and complexity), and their ‘value’ (how innovative, authentic, timely, etc.) (Martin & White 2008: 45-58,)

Two points to be noted

- First, this study focuses on inscribed attitudes (evaluations directly expressed through the use of attitudinal lexis), not invoked ones (appraisals shown through the selection of ideational meanings). The reasons are as follows: 1. The courtroom is a site of abundant explicitly inscribed attitudes, which “act as sign-posts, telling us how to read the ideational selections that surround them” (Martin & White 2008: 63). So we have much to explore even if we focus on inscribed attitudes. 2. Invoked attitudes involve ideational meaning and reading position, which is beyond the scope of this study.
- Second, distinction between appreciation and judgement is according to the appraised entity (thing etc. VS people/behaviour), although the meaning of the appraising item is also taken into consideration.

Data description

From May 2006 to January 2007, the author observed and audio-recorded eight court trials with permission and obtained audio-recordings totaling about 24 hours. The audio-recordings were transcribed into written form, resulting in a data set of more than 200,000 words. The conventions used in data transcription were from Liao (2003a) and Shi (2008). Of the eight cases, five were tried at Nanjing Intermediate People's Court (NIPC), and the other three at Jiangning District People's Court of Nanjing (JDPC). Furthermore, four of the eight cases are criminal, three are civil, and one is administrative.

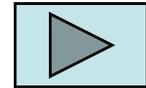
Main subjects in the courtroom

- **In criminal trials:**
- judge, prosecutor, defendant (defense attorney), and witness

- **In civil and administrative trials:**
- judge, plaintiff (attorney), defendant (defense attorney), appellant/appellee (agent), witness, and third party.

- Because criminal trials involve crimes committed, but civil and administrative ones don't (they deal with tort behaviours), and the speakers in criminal trials are a little bit different from those in civil and administrative ones (e.g., prosecutors only appear in criminal trials), I will put civil and administrative trials under the cover heading of non-criminal trials. See Table 2 for general information about the eight cases.

Table 2 General information of the eight court trials



| Number | Type | Description | Place of Trial |
|--------|------------------------------|----------------------------------|----------------|
| C1* | Criminal | Murder | NIPC |
| C2 | Criminal | Murder | NIPC |
| C3 | Criminal | Theft | JDPC |
| C4 | Criminal | Theft | JDPC |
| C5 | Non-criminal: Civil | Real estate purchase dispute | NIPC |
| C6 | Non-criminal: Civil | Debt dispute | NIPC |
| C7 | Non-criminal : Civil | Property management fee dispute | NIPC |
| C8 | Non-criminal: Administrative | Occupational injury confirmation | JDPC |

Attitude in CCD

- Overview
- Judgement
- Appreciation
- Affect
- Texturing attitude

Overview

Table 3 Frequencies of judgements, appreciations, and affects in the eight court trials

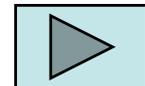
| Attitude type | + | - | Total |
|---------------|-----------|----------|-------------|
| Judgement | 59 | 548 | 607 (61%) |
| Appreciation | 44 | 290 | 334 (33%) |
| Affect | 30 | 29 | 59 (6%) |
| Total | 133 (13%) | 867(87%) | 1000 (100%) |

Table 4 Distribution of attitude expressions in criminal and non-criminal trials

| Attitude type | Judgement | | Appreciation | | Affect | | Sub-total | | Total |
|---------------|-----------|-------|--------------|-------|--------|-------|-----------|-------|--------|
| | + | - | + | - | + | - | + | - | |
| Trial type | | | | | | | | | |
| Criminal | 29 | 317 | 16 | 163 | 9 | 25 | 54 | 505 | 559 |
| | (8%) | (92%) | (9%) | (91%) | (26%) | (74%) | (9%) | (91%) | (56%) |
| Non-criminal | 30 | 231 | 28 | 127 | 16 | 9 | 74 | 367 | 441 |
| | (11%) | (89%) | (18%) | (82%) | (64%) | (36%) | (17%) | (83%) | (44%) |
| Total | 59 | 548 | 44 | 290 | 25 | 34 | 128 | 872 | 1000 |
| | (10%) | (90%) | (13%) | (87%) | (42%) | (58%) | (13%) | (87%) | (100%) |

Table 5 Attitude expressions of defendants, prosecutors, and judges in criminal trials

| Attitude type Subject | Judgement | | Appreciation | | Affect | | Sub-total | | Total |
|--------------------------|------------|--------------|--------------|--------------|------------|-------------|-------------|--------------|--------------|
| | + | - | + | - | + | - | + | - | |
| Defendant | 16 (9%) | 155 (91%) | 6 (4%) | 133 (96%) | 4 (33%) | 8 (67%) | 26 (8%) | 296 (92%) | 322 (58%) |
| Prosecutor | 7 (6%) | 118 (94%) | 5 (21%) | 19 (79%) | 4 (29%) | 10 (71%) | 16 (10%) | 147 (90%) | 163 (29%) |
| Judge | 6 (12%) | 44 (88%) | 5 (31%) | 11 (69%) | 1 (13%) | 7 (87%) | 12 (16%) | 62 (84%) | 74 (13%) |
| Total | 29 | 317 | 16 | 163 | 9 | 25 | 54 | 505 | 559 |



Judgement

- Overview
- Social sanction:
 - propriety, veracity
- Social esteem:
 - capacity, nomality, tenacity

Table 6 Frequencies of all types of judgement

| Type of judgement | + | - | Subtotal | Total (Percentage) |
|-----------------------------|----------|-----------|----------|--------------------|
| Social sanction (propriety) | 26 | 390 | 416 | 473 (78%) |
| Social sanction (veracity) | 12 | 45 | 57 | |
| Social esteem (capacity) | 15 | 89 | 104 | 134 (22%) |
| Social esteem (normality) | 4 | 15 | 19 | |
| Social esteem (tenacity) | 2 | 9 | 11 | |
| Total (Percentage) | 59 (10%) | 548 (90%) | / | 607 (100%) |

Social sanction

- Propriety
- Veracity

Propriety

Extract 1 (C7)

上诉人：这种做法是不负责任的做法。

‘Appellant : This behaviour is **irresponsible**.

[– propriety]

Extract 2 (C5)

审判长：当事人在法庭上的义务是这样的，一、
必须依法行使诉讼权利……

Presiding Judge: ‘The obligations of the litigants in
court are as follows:
1.They must exercise their litigation
rights **according to law...**’

Extract 3 (C1)

公诉人：犯故意伤害罪致人死亡的，依照《刑法》234条规定，应当判处十年以上有期徒刑、无期徒刑或者死刑。

‘Prosecutor: Those who are **guilty of intentional assault causing death**, in accordance with Article 234 of Criminal Law, shall be sentenced to ten years imprisonment, life imprisonment or death.

Technicality VS Attitude

- In the eight trials, legality-indicating legal terms were used as pure legal terms (i.e. technicality [Wignell, Martin, Eggins 1993:144]) 117 times and were used to express attitude 221 times. This shows that such legal terms are not only used as technical terms (which is their basic semantic function), but also as important attitude–expressing resources.

Extract 4 (C7)

上诉人：作为一名法律工作者，我是小区的业主，
已经严格遵守国家的法律……

‘Appellant: As a law practitioner and a house owner in
this residential village, I **abide by law** strictly.’

[+legality]

Extract 5(C5)

- 被上诉人代理：向法院提供的谈话材料充分显示张某某是非法迁的户口。
-
-
- ‘Appellee agent: The audio recording transcripts provided to the Court fully demonstrated that Zhang **illegally** changed the household registration.’
- [-legality]

Veracity

Extract 6 (C4)

公诉人： 你原先在侦查和审查起诉阶段的供述是不是事实？

被 告： 是事实。

‘Prosecutor: Is what you confessed in stages of
investigation and prosecution **true** or not?’

- Defendant: Yes, it’s **true**.
-
- [+veracity]

Social esteem

- Capacity
- Nomality
- Tenacity

Capacity

Extract 7 (C1)

被告：我没有这么大的力气，刀没有捅这么深。

‘Defendant: I **didn’t have such big strength**; the knife didn’t penetrate so deep.’

[–capacity]

Normality

- Extract 8 (C5)
- 被上诉人代理: 刘某和张某某住的是门对门的是一个非常近的邻居, 平时来往往往, 不知道张某某家多住了3个人, 这是不正常的。
- ‘Appellee agent: Liu and Zhang live door to door and are very close neighbours, visiting each other from time to time, but she didn’t know three more people lived in Zhang’s apartment, which is **anomalous**.

Tenacity

Extract 8 (C1)

公诉人：被告人的不冷静与其本人年龄较小有一定关系。

‘Prosecutor: The defendant’s **uncalmness** was,
to some degree, due to his young age.’

[–tenacity]

Summary

- The reason for the courtroom subjects to make much more judgements of social sanction than social esteem is that, as a judicial activity, the court trial is, in essence, to judge the legality of people's behaviour. Judgements of legality are an integral part of judgements of social sanction, because the latter involve whether a person is honest or not, and whether his/her behaviour is appropriate or not. 'Such judgements are usually related to legality and morality. From the legal perspective, violation of social sanction will be regarded as a crime and, thus, may be punished according to law or religion' (Hu et al. 2005: 323-324). In contrast, judgements of social esteem may 'raise or lower the social dignity of the people who are appraised, but don't have legal and moral implications' (Hu et al. 2005: 323-324).

Appreciation

- Judgement-Invoking Appreciation
- Non Judgement-Invoking Appreciation

Judgement-Invoking Appreciation

- Judgement-Invoking Appreciations (JIAs) are appreciation expressions which are simultaneously used to judge people's behaviour. This is termed 'inscribed appreciations & invoked judgement' in Martin and White (2008: 68) . Bednarek (2010) calls this 'metonymically implicated judgment', which means 'when products are evaluated (Appreciation), their producer is implicated metonymically (Judgement)' (p.118)
- Two prominent features of this type of appreciation are: 1. although the appraised are things, the appreciations are directed at people, and 2. the appraised things are texts produced by people.

Non Judgement-Invoking Appreciation

- Non Judgement-Invoking Appreciations (NJIAs) are appreciations (reactions, compositions, and valuations) that do not invoke judgements.

Table 7 Frequencies of JIAs and NJIAs

| Type of appreciation | + | - | Total (Percentage) |
|----------------------|----------|-----------|--------------------|
| JIA | 19 | 205 | 224_ 67%_ |
| NJIA: v aluation | 17 | 69 | 86_ 26%_ |
| NJIA: c omposition | 5 | 11 | 16_ 5%_ |
| NJIA: r eaction | 3 | 5 | 8_ 2%_ |
| Total (Percentage) | 44_ 13%_ | 290_ 87%_ | 334_ 100%_ |

Judgement-Invoking Appreciation

- Extract 9 (C7)
- 上诉人: 上诉人认为这个文件是一个无效文件。
'Appellant: The appellant thinks that **this document is invalid.**'
- Extract 10 (C 8)
- 原告: 该工商认定没有具体的事实依据。
'Plaintiff: **This Work Injury Certificate is not based on specific facts.**'

Extract 11 (C6)

审判长：法庭再问一个问题，借款时间应当是2001年2月26号？

- 被告：分明是假的。
- 法官1：恩，这个欠条本身是真的。
- 被告：对欠条是真的。

- ‘T1 Presiding Judge: Another question. Is the time for
- borrowing the money February 26, 2001?’
- T2 Defendant: **It’s clearly fake.**
- T3 Judge 1: En, **the IOU** itself is **genuine.**
- T4 Defendant: Yes. **The IOU** is **genuine.**’

NJIA-reaction

- Extract 12 (C4)
- 被告：学习实在是没意思，我实在是上不下去。
- ‘Defendant: Schooling is really **boring**, I really couldn’t go on.’
- [–reaction]

NJIA-composition

- Extract 13 (C7)
- 被上诉人代理：我们这个小区的布局对称、
• 合理。
- ‘Appellee Agent: The layout of our residential
• village is **symmetrical** and
• reasonable.’
- [+composition]

Summary

- It should be pointed out that the appreciations in the 8 court trials mainly involve valuations (values of things), the function of which is to ‘show social significance or salience, and the degree of social harm’ (Hu et al. 2005: 326). Court trials revolve around crimes or tort behaviours, while judgements on things, events and phenomena related to them usually focus on scope and extent of their social harm, so appreciations of them mainly involve their values. This also proves the genre dependency (see Bednarek & Caple 2010: 20) of the judgement system, i.e., certain sub types figure prominently in certain genres.

Affect

- Affect is ‘speakers’ expression of emotional states’ (Eggins and Slade: 1997: 125) and includes dis/inclination, un/happiness, in/security, dis/satisfaction.

Table 8 Distribution of affect expressions in criminal and non -criminal trials

| Trial type | + | - | Total (Percentage) |
|--------------------|----------|----------|--------------------|
| Criminal | 9 | 25 | 34 (58%) |
| Non-criminal | 16 | 9 | 25 (42%) |
| Total (Percentage) | 25 (42%) | 34 (58%) | 59 (100%) |

Positive affect

- Extract 15 (C7)
- 审判长：噢，钱让你收去了，所以大家都乐意了？
- 那你怎么觉得大家都乐意了呢？
- 被上诉人：因为财务报表显示大家都按时交费。

- ‘Presiding Judge: Oh, they paid you the money, so
- they were **happy** to do it. So why do
- you feel they were **happy** to do it?’
- Appellee: Because financial statements show that they
- paid the money on time.’

- [satisfaction: pleasure]

Extract 16 (C5)

- 审判长：张某某，你做最后的陈述。
- 被上诉人代理：恳请法庭驳回上述，维持原判。

- ‘Presiding Judge: Zhang, make your final statement.
- Appellee Agent: We **earnestly request** the court
- reject the appeal and uphold the
- original verdict.’

- [inclination: desire]

Negative affect

- Extract 17 (C7)
- 上诉人：我想说明的一点，有个别业主对收两块六有强烈意见。
- ‘Appellant: But, I want to point out that a few
- homeowners expressed **strong**
- **dissatisfaction** with the charge of
- ¥2.6 per square meter’.
- [dissatisfaction: displeasure]

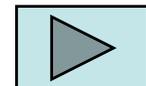
Extract 18 (C3)

- 审判长：你有没有听到你母亲的哭声？
- 被告人：听到了，我以后再也不会这样做了。

- ‘Presiding judge: Can you hear **your mother’s cry**?’
- Defendant: Yes. I will never do this again.’

- [unhappiness: misery]

- ‘When a speaker is appraising something affectively, he is actually inviting the listener to share with him this affective reaction, or at least hopes that the listener regards his emotion as appropriate, justified and understandable. When the listener accepts this invitation, solidarity between or common feelings of the speaker and him/her is strengthened. Once this emotional connection has been established, the listener is likely to open his/her mind towards the wider ideological aspect implied by the speaker’s social status’ (Hu et al. 2005: 322).



Texturing attitude

Extract 19 (C1)

- Prosecutor:

‘First, the defendant **ignored the law and disregarded others’ right to life**. His behaviour **seriously violated** the fundamental human rights protected by the Criminal Law. Second, in the dispute, the defendant **couldn’t correctly control himself**, seizing a knife to fight with the victim, which is the root cause of this case. The prosecutor also thinks that the defendant's **uncalmness** was, to some degree, due to his **young age**. The crime committed by the defendant not only brought to the family of the victim the **pain** of losing a member, the defendant Shen himself will also **be punished by law**. Those who are guilty of intentional assault causing death, in accordance with Article 234 of Criminal Law, shall be sentenced to ten years imprisonment, life imprisonment or death. The defendant Shen was **younger than 18** at the time of the offense, so death penalty is not applicable. In accordance with Criminal Law Article 17, he should be given **a lighter or mitigated punishment.**’

Extract 20 (C1)

- Defense Attorney:

- ‘The defense attorney agrees on the accused facts and nature of the case stated in the indictment. The defense attorney thinks that the defendant is **a minor**, so the **penalty should be reduced or mitigated** according to law. In addition, the defendant **has no criminal record**, and, after being brought to justice, confessed facts of crime **honestly**, with **a good attitude**. The victim **shouldn’t shirk his responsibility** for the occurrence of the case, either. Besides, the defendant's behaviour was **accidental**. Thus, taking all these into consideration, **a lighter punishment** could be given to the defendant.’

Table 9 Inscribed attitude for the prosecutor

| Appraising items | Appraiser | Affect | Judgement | Appreciation | Appraised |
|---|------------|--------|-----------|--------------|-----------|
| <i>mù wú fǎ</i> 'ignored the law' | Prosecutor | | –legality | | Defendant |
| <i>Mòshì tārén de shēngmìng quánlì</i> 'disregarded others' right to life' | Prosecutor | | –legality | | Defendant |
| <i>yánzhòng jiàntà</i> 'seriously violated' | Prosecutor | | –legality | | Defendant |
| <i>bùnéng zhèngquè chǎn</i> 'couldn't correctly control himself' | Prosecutor | | –tenacity | | Defendant |
| <i>bù lěngjìng</i> 'uncalmness' | Prosecutor | | –tenacity | | Defendant |
| <i>niánlíng jiào xiǎo</i> 'young age' | Prosecutor | | –capacity | | Defendant |
| <i>tòngkǔ</i> 'pain' | Prosecutor | misery | | | Defendant |
| <i>shòudào fǎichéngfá</i> 'be punished by law' | Prosecutor | | –legality | | Defendant |
| <i>bùmǎn 18 zhōusù</i> 'younger than 18' | Prosecutor | | –capacity | | Defendant |

Table 10 Inscribed attitude for the defense attorney

| Appraising items | Appraiser | Affect | Judgement | Appreciation | Appraised |
|--|------------------|--------|--------------------|--------------|-----------|
| <i>wèi chéngnián rén</i> 'a minor' | Defense attorney | | -capacity | | Defendant |
| <i>jiǎnqī ng huò cóng qī ng chǔfá</i> penalty should be reduced or mitigated | Defense attorney | | +legality | | Defendant |
| <i>méiyǒu qiánkē</i> 'has no criminal record' | Defense attorney | | +legality | | Defendant |
| <i>rúshí</i> 'honestly' | Defense attorney | | +veracity | | Defendant |
| <i>tàidù hǎo</i> 'a good attitude' | Defense attorney | | +propriety (G)* | | Defendant |
| <i>jùyǒu bùkětuī xiè de zérèn</i> 'shouldn't shirk his responsibility' | Defense attorney | | -legality | | Victim |
| <i>ǒurán</i> 'accidental' | Defense attorney | | -nomality | | Defendant |
| <i>cóng qī ng chǔfá</i> 'a lighter punishment' | Defense attorney | | +legality | | Defendant |

*Note: Propriety (G) indicates propriety excluding legality. Here, G is an abbreviation for General.

Table 10 Inscribed attitude for the defense attorney

| Appraising items | Appraiser | Affect | Judgement | Appreciation | Appraised |
|---|------------------|--------|--------------------|--------------|-----------|
| wèi chéngnián rén 'a minor' | Defense attorney | | -capacity | | Defendant |
| jiǎnqī ng huò cóng qī ng chǔfá penalty should be reduced or mitigate d | Defense attorney | | +legality | | Defendant |
| méiyǒu qiánkē 'has no criminal record' | Defense attorney | | +legality | | Defendant |
| rúshí 'honestly' | Defense attorney | | +veracity | | Defendant |
| tàidù hǎo 'a good attitude' | Defense attorney | | +propriety (G)* | | Defendant |
| jùyǒu bùkětuī xiè de zérèn 'shouldn't shirk his responsibility' | Defense attorney | | -legality | | Victim |
| ǒurán 'accidental' | Defense attorney | | -nomality | | Defendant |
| cóng qī ng chǔfá 'a lighter punishment' | Defense attorney | | +legality | | Defendant |

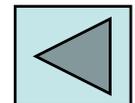
*Note: Propriety (G) indicates propriety excluding legality. Here, G is an abbreviation for General.

- Tables 9 and 10 reveal that in the above two extracts, most of the evaluations were judgements; only one affect was expressed (by the prosecutor), and there was no appreciation. All attitudes (judgement and affect) in Extract 19 are negative, directed at the defendant and his behaviour, showing that the prosecutor holds negative attitude towards the defendant. The evaluations involve legality, capacity, tenacity, and misery. By using the above attitude expressions, the prosecutor wants to show that the defendant's behaviour is illegal and has caused terrible social harm.

- In contrast, in Extract 20, only judgements (no appreciations and affects) were expressed by the defense attorney, and most of them (5 of 8) were positive in meaning. Of the 8 judgements, 7 were directed at the defendant, 1 was pointed to the victim. The 7 judgements on the defendant include 3 positive legality, 1 negative capacity, 1 negative normality, 1 positive veracity, and 1 positive propriety. From this we can see that: the defense attorney evaluates the legality of the defendant's behaviour positively, and negates the capacity and normality of the defendant and his behaviour. By using the above appraisal expressions, the defense attorney wants to show that the defendant is not so criminal, and his crime is, to a certain degree, due to his low capacity ('he is a minor'), and some unexpected reason ('it is accidental'). In addition, the defense attorney positively judges the defendant's veracity ('honestly') and propriety ('a good attitude'), intending to show that the defendant is not a 'heinous criminal', but an 'honest', 'good-attitude' person whose only fault is 'committing the crime accidentally'.

- Interestingly, there is one judgement on the victim. Pay attention to ‘shouldn’t shirk his responsibility’, which is negative judgement on the legality of the victim. By saying this, the defense attorney wants to show that the dispute between the defendant and the victim, which led to the death of the victim, was not solely caused by the defendant, but also a result induced by the victim. So, the victim should also shoulder his responsibility. Of course, the purpose for the defense attorney to say so is to reduce the severity of the defendant’s crime and, thus, help him to get a lighter punishment.

- The comparative analysis of the above two extracts shows that attitude expressions are important language resources for the prosecutor and the defense attorney to debate each other. Due to their different stances and purposes, the prosecutor and the defense attorney tend to use expressions with different and even opposite meanings to show their attitude toward the same person (the defendant) and the same thing (the defendant's behaviour). These attitude expressions, in turn, help them to show their positions and realize their purposes.



Conclusions

- This paper analyzes the attitude expressions in the audio recording transcripts of eight court trials. It is found that: 1. The most important way for the subjects in the courtroom to express attitude is judgement; appreciation comes next; affect is least frequently used; 2. Most of the attitude expressions are negative, which shows that negative attitude towards people and things is the basic thinking disposition of the subjects in the courtroom. This is determined by the task of court trials (judgement of crimes or infringement behaviors); 3. The specific features of the three sub-systems are as follows: 1) The subjects in the courtroom express their attitude towards people mainly according to social sanction. ‘Legality’ is a prominent category of ‘propriety’, which is, in turn, a subtype of ‘social sanction’ in the system of judgement. 2) Courtroom subjects use more judgement-invoking appreciations than non judgement-invoking appreciations to evaluate things. 3) Affective expressions can, under certain circumstances, help the speakers realize their purposes. But due to their potential negative influence on the speakers, they are not frequently resorted to in the courtroom.

- The above findings not only support the idea that the appraisal systems can be genre dependant (see Bednarek & Caple 2010: 20), but also facilitate courtroom discourse analysis in the followings ways:

- 1. This paper shows that attitude expressions are
 - important resources for the courtroom subjects
 - to build up their arguments;

- 2. It identifies ‘legality’ as a subcategory of
 - ‘propriety’, and makes the distinction between
 - ‘Judgement-Invoking Appreciations’ and ‘Non
 - Judgement-Invoking Appreciations’, which
 - provides courtroom discourse analysts with new
 - tools for analyzing attitude expressions;

- 3. It discerns ‘attitude expressing’ as a
- function of legal terms, in addition to
- their basic semantic function
- ‘technicality’, which provides a new
- typological criterion for legal terms, and,
- thus, can enrich our understanding of the functions of legal terms in courtroom discourse.

谢谢!

Thank you!

ありがとうございます!

Merci!