Original Paper

A Critical Discourse Analysis of the Civil Judgment of "The

Besieged City" Copyright Infringement Case

Qing Ren^{1*}

¹ School of Foreign Languages, Guangzhou College of Commerce, Guangzhou, China

^{*} Qing Ren, School of Foreign Languages, Guangzhou College of Commerce, NO. 300 Knowledge Avenue, Huangpu District, Guangzhou 511363, P.R. China, E-mail: 409466736@qq.com

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Abstract

Based on Fairclough's three-dimensional model, this paper sets out to give a critical discourse analysis of the civil Chinese judgment of "The Besieged City" Copyright Infringement Case by adopting a descriptive and explanatory approach. This study analyzes the main linguistic manifestations of power asymmetries in the language of a civil judgment and investigates how the power relations among different participants are shown in the social court context. It is found that address forms, formal words, nominalization, modality, imperatives and ellipsis are the main linguistic manifestations of power asymmetries among court participants. The interpretation and explanation of the situational court context manifests to a certain extent the encoding power relations, and such social structure of power relations help shape the discourse of judgment, and the discourse itself reinforces the enactment of the power relations. It is hoped that the findings of the present research may provide legal professions with new insights into drafting and reading judgments and provide reference for legal laypersons to have a critical understanding of civil judgments whenever they become a reader of this kind of judicial genre.

Keywords

critical discourse analysis, civil judgement, power

1. Introduction

In recent years, legal discourse studies have aroused great interest among linguists, sociolinguists and legal experts. As one essential form of written courtroom discourse, judicial judgments which contain very important judgment information are an integral part of judicial practice and they can manifest judicial fairness and justice. Most studies on judicial judgments from linguistic perspective are descriptive focusing on the description of pure linguistic features and few has paid attention to the exploration of the relationship between language and social context.

Critical discourse analysis deals with the relationship among language, power and ideology and it holds that power and ideology can be achieved and realized through language. Based on Fairclough's three-dimensional model (1989), this paper aims to give a critical discourse analysis of the civil Chinese judgment of the "The Besieged City" copyright infringement case. Under the formulated three-dimensional theoretical framework namely description, interpretation and explanation, the study analyzes the main linguistic manifestations of power asymmetries in the language of Chinese civil judgment and probes into how the unequal power relations among court participants are enacted in social context.

2. Literature Review

2.1 Critical Discourse Analysis

Based on Halliday's (1978; 1985; 1994) functional-systemic grammar, Fairclough (1992; 1995) sets up a three-dimensional framework for discourse and discourse analysis, which is stated as Description (text analysis), Interpretation (processing analysis), and Explanation (social analysis). Discourse in Fairclough's view is "three-dimensional" concept including texts (the objects of linguistic analysis), discourse practices (the production, distribution and consumption of texts) and social practices (power relations, ideologies and hegemonic struggles that discourse reproduces or restructures).

According to van Dijk (1998), Critical Discourse Analysis (CDA) is a field that is concerned with studying and analyzing written and spoken texts to reveal the discursive sources of power, dominance, inequality and bias. A fully "critical" account of discourse would thus require a theorization and description of both the social process and structures which give rise to the production of a text, and of the social structures and processes within which individuals or groups as social historical subjects, create meanings in their interaction with texts (Faiclough & Kress, 1993). Wodak (2001) holds that by CDA we can analyze "opaque as well as transparent structural relationships of dominance, discrimination, power and control as manifested in language".

In the view of CDA theory, discourse analysis is connected not only with power relations embodied in discourse, but also with how power relations and power struggle shape and transform discourse practices of a society or an institution.

2.2 Power as the Central Concern in CDA

Most of the studied on the language and power from the critical discourse analysis approach is strongly influenced by the ideas of Michel Foucault. According to Foucault (1977; 1980), positions of institutional power are bestowed on some to the exclusion of others. Power is deployed by those who are in a position to define and categorize, to include and exclude. Fairclough (1989) points out that power in discourse is to do with powerful participants controlling and constraining the contributions of non-powerful participants. Van Dijk (2001) defines social power as control and holds that groups have

power if they are able to control the acts and minds of other groups. Fairclough (1992) and Van Dijk (1993) tend to see power as already accruing to some participants and not to others, and this power is determined by their institutional role and their socioeconomic status, gender or ethnic identity.

Therefore, the main task of CDA is to demystify and uncover power, control and dominance, which are often hidden and blurred in linguistic structures, and to account for the relationship between discourse and social power.

2.3 Studies on Legal Judgement

Judicial judgments are playing a very important social role in the modern law-based society. Through judgments, the fairness and authority of law can be guaranteed and at the same time social conflicts can be alleviated. What's more, judicial judgments can also play a very positive role in promoting legal justice and prohibiting judicatory corruption.

Researches focus on linguistic features like textual structure or generic structure (Bhatia, 1993), pragmatic features of the judge's language (Mazzi, 2007; 2010), and interpersonal function and intertextuality (Marley, 1994). Bhatia (1993) explores the communicative purposes and generic structure of judgments from the perspective of genre analysis. Mazzi (2007) studies how argumentation is constructed in judicial texts from a combined perspective of corpus and genre. Maley (1994) proposes that judicial judgments are legally significant documents in that they are not only significant for later cases, but also represents the substance of the law and have their social significance. Later studies in judicial judgments focus on lexical-grammatical features and interpersonal function (Dong, 2006) and rhetoric, especially intertextuality (Yan, 2014). Cheng and Machin (2023) holds that court judgment carries ideas and values and shapes social practices.

Although there are a few discourse analysis studies on judicial judgments, this research aims to enrich the critical discourse study on power analysis in Chinese civil judgments.

3. Methodology

The present study conducts a critical discourse analysis of the civil Chinese judgement based on Fairclough's three-dimensional model. The civil judgment of "The Besieged City" copyright infringement case are chosen as the research target for this study because this case has been well-known in China due to the popularity of the classic novel "The Besieged City" written by the famous Chinese scholar and writer Qian Zhongshu.

Fairclough's three-dimensional model is considered as the most well-established framework for doing critical discourse analysis, but it should not be treated as holy writ or blueprint, but a guide (Fairclough, 1989). The Chinese judgment we are studying at the present study is in written form, even though they are read out in the court. Judgment is a written communication between the drafting judge and the litigants. Therefore those elements intended for spoken communication will be left out in the present study.

Based on Fairclough's three-dimensional model, this study will analyze power in civil judgment from

three different levels, namely, description, interpretation and explanation. The first level centers on the formal features of the text, while the next focuses on the relationship between text and interaction, and the last level deals with the relationship of discourse to process of struggle and to power relations. At the level of description, it analyzes the formal features of the text of the judgments in terms of vocabulary, grammar, and textual structure. The interpretation and explanation of the situational courtroom context will reveal the encoding power relations among the court participants to a certain extent.

4. Critical Discourse Analysis of the Civil Judgment of the Copyright Infringement case

Institutional language has been examined as text-types with identifiable linguistic and stylistic features. Not surprisingly, the language of judicial judgments shares those features. It is beyond the scope of the present to make a full description of those features, while to uncover the manifestations of power through the analysis of this linguistic and stylistic feature is our major concern.

4.1 Analysis of Power at the Level of Description

- 4.1.1 From Vocabulary Level
- 1) Address form

The address form of different participants in judgment is a quite interesting phenomenon, through which the role and relationship between the participants and the court are fossilized. Social power relation is a deciding factor in the choice of address forms, so we can trace the linguistic manifestations of the asymmetrical power relations by examining the address form in judgment. Judgment drafting is a highly institutional and impersonal type of work. The judges have been legitimized by the law to be the ultimate umpire of the making of a judgment. What they say needs to be authoritative and impersonal, including their way of addressing different participants of the trial.

The address form in a judicial judgment is never personal and individualistic. Here is an example in this civil judgment.

Example (1): **原告**钱钟书、人民文学出版诉**被告**胥智芬、四川文艺出版社侵害著作权一案,本院 受理后,依法组成合议庭公开开庭进行了审理,原告的**委托代理人**,被告四川文艺出版社的委托 代理人,被告胥智芬及其委托代理人到庭参加诉讼,本案现已审理终结。(This Court, after accepting the case of copyright infringement filed by Qian Zhongshu and the People's Literature Press as plaintiffs against Xu Zhifen and Sichuan Literature & Art Press as the defendants, has duly organized a collegial panel and has had a public trial. The attorneys of the plaintiffs, the attorneys of the defendant Sichuan Literature & Art Press as well as defendant Xu Zhifen and her authorized attorneys, appeared at the trial for argument. The hearing of the case has now come to a close.)

In the example (1), which clarifies the basic information of the trial, a legal address form is imposed on each participant of the trial. "原告" (the plaintiffs) are for "钱钟书,人民文学出版" (Qian Zhongshu and the People's Literature Press), "被告", (the defendant) are for "胥智芬、四川文艺出版社" (Xu Zhifen and Sichuan Literature & Art Press), "本院" (the court) is for "上海市中级人民法院" (The

Intermediate People's Court of Shanghai), "委托代理" (the authorized attorney) for both parties appeared at the trial.

Different participants are respectively addressed in an impersonal way and an assertive way without any other alternatives allowed. The imposition of such a stable and unchanging structure of address form on the participants embodies the authority and power of the court and the judge. Through address forms, the participants are placed into a web of legal relations and the power relation is determined, with the presiding judge on the top of the hierarchical structure and the litigants at the bottom. Therefore we can say that power asymmetries are encoded in address forms.

2) Formality

The social context in which people are operating will determine all the choices people make about language use and text production; these choices will then create an appropriate degree of formality. Formality is closely linked to register and also bound up with the context of the text's production and reception. Judgment, falling under the register of legal language, has a high degree of formality. Here, the formality of vocabulary, which is indicative of power, is our focus.

A large amount of Chinese classic words can be found in the language of judgments, for example, "于" (at, on), "且"(and), "及"(and), "本"(this), "此" (this), "其" (his, her, its, their), "如"(if), "该" (the said), "属" (belong to), "应" (should), "故" (therefore), "因" (because of), "皆" (both, all), "亦" (also), "予 以"(to give), "应予"(should be given), "据此"(according to this), etc. This is also true in our data, and here is an example in the following.

(1) **本院**认为,原告钱钟书对**其**创作的小说《围城》享有著作权,被告胥智芬未经著作权人同意,对《围城》进行汇校,被告四川文艺出版社出版《围城》汇校本的行为,侵害了钱钟书享有使用《围城》作品的权利,两被告共同构成了侵害钱钟书著作权,**应**承担民事责任。(This Court holds that plaintiff Qian Zhongshu owns the copyright of the book *The Besiege* which he created, and the defendant Xu Zhifen, in making the collated edition of the book without the consent of the copyrighted owner, and the defendant Sichuan Iiterature & Art Press, in publishing the collated edition of the book *The Besiege*, infringed upon Qian Zhongshu's right of disposal with respect to the book *The Besiege*).

The italic words above "本院" "其" "应" shows the formality of the language of a judgment. The more formal words are utilized, the more distant the addressee is kept from the addresser. The constant use of formal words by the drafting judge reflects the power relationship between the judge and the litigants. The judge has a higher institutional status than the litigants and is invested with absolute judicial power over them. It is the judge's own discretion to choose the style of the vocabulary, which makes the judge a positive producer of the text while the litigants only a passive recipients. Those commonly used formal words make obvious the power differential between the judge and the litigants, and thus they are one of the linguistic manifestations of power asymmetries in Chinese judgments.

4.1.2 From Grammatical Level

1) Modality

The meaning of modals as determined by their function in the speech act situations are governed by the power relations in a social context. Critical linguists find out that there is close relationship between power and modality. Hodge holds the opinion that the main part of meaning of discourse can always be found in modality management, but not in the content of the surface. So it is of great necessity that we analyze modality if we want to have a full picture of how power relations between the judge and the litigants are enacted in the language of judgment.

In Chinese language system, the meaning of modality is normally expressed on the level of vocabulary, for instance, modal verb, mood adjunct, comment adjunct, noun with derogatory sense or commendatory sense, and adjectives. Model verbs in Chinese language also three degree of value, high, median, and low. For example, "应" (ought), "应当" (shall), "必须" (must), etc., are verbs of obligation with high value; "愿" (will), "要" (need to), "适于" (fit for) etc. are verbs of wish and judging with median value; "可" (might), "可以" (may), "能" (can), "能够" (could) etc. are verbs of probability with low value. Words indicating polarity in Chinese are "不"(not), "无" (no), "未" (not yet), "没有" (no), "系" (be), "属" (belong to), etc. Mood adjunct include such words as "显然" (obviously), "的确" (certainly), "最" (the most), "极" (extremely) and so on. Comment adjunct can be classified into two kinds: one expresses the meaning of inference, for example, "显然" (obviously), "无疑" (undoubtedly); the other expresses opinion, for example, "我想" (I think), "依我看" (In my opinion), "我认为" (I reckon). The latter one is epistemic modality, which is usually subjective and relates to an inference by the speaker.

Modality do not appear in ordinary Chinese only, we find that it is also widely used in institutional discourse. In what follows we are going to probe into the modality management in judgments to see how the use of modality expresses the social power relation between the judge and the litigants.

(2) <u>本院认为</u>: 钱钟书依法享有对《围城》作品的发表权、署名权、修改权、保护作品完整权、 使用权和获得报酬权。汇校者汇校他人作品**须**依法进行,**不得**侵犯原作品的著作权. (This Court holds that Qian Zhongshu owns the right to publish, affix his name to, revise, exploit and be remunerated for the work he created as well as the right to protect the integrity of his work. The collating of a work by another person shall be done in accordance with the law, and shall not infringe upon the copyright of its author).

(3) 两上诉人应承担停止侵害, 赔礼道歉及赔偿损失的民事责任及连带责任。 (They shall be held jointly and severally liable for their infringing acts, shall stop these infringing acts, make anapology, and pay damages to compensate for the losses that have occurred as a result of their infringing acts).

(4) 一审法院对本案主要事实认定清楚,法律适用正确,但对《围城》汇校精装本部分定价的 认定有误, <u>应予</u>纠正。上诉人的其他上诉理由<u>不能</u>成立, <u>应予</u>驳回。 (The findings of the trial court with regard to the material facts of the case, as well as its application of law, are both correct. However, the trial court erred on the finding of the price for the hard-cover copy of the collated edition of The Besiege, and this error must be corrected. The other arguments made by the appellants at appeal are without merit, and this court must dismiss these arguments).

The above three extracts are taken from the part of reasoning in the final judgment by the Higher People's Court of Shanghai. It starts with a metaphorical projecting clause "本院认为" (this court finds), this is a subjective epistemic modality expressing the court's affirmative attitude, clear stance in reasoning process, and its willingness to take full responsibility of what it believe. It also indicates that the court is openly accepting responsibility of the subjective assessments being expressed, and its attitude toward the assessment is positive and clear. The use of this kind of epistemic modality generates a feeling of awe on the part of the reader, and at the same time it greatly enhances the power status of the judge.

The word "不得"(shall not) "不能" (can not) expressing negative polarity also effectively strengthen the tone of the reasoning process. Still the frequently used negative polarity words "不" (not) give great force to the powerful tone of the drafting judge.

The modal auxiliary "须" "应" (shall, should) "应予" (must) have a high value of necessity, which implicates that there is no room for argument. This kind of high value modality places the drafting judge in an authoritative position. We can see that all the above-mentioned modal words give great force to what the judge say in his reasoning, and they also conveys the personal authority of the judge. The greater degree of certainty and authority their words bear, the more powerful the judge may seem on the mind of the litigants, and the greater authority is invoked. Therefore we can say that the power of the court or the drafting judge is expressed by these kinds of modality expressions.

(5) 一,维持上海市中级人民法院(1993)沪中民初字第 35 号民事判决的第 1 项:"被告胥智 芬和四川文艺出版社 应承担侵害原告钱钟书著作权的责任,停止侵害,并在《光明日报》上公开 向原告钱钟书赔礼道歉(该书面赔礼道歉内容 **盖**经本院审核). (1. The decision in Paragraph 1 of the 1993-Hu-Zhong-Min-Chu-Zi-35 judgment of the Intermediate People's Court of Shanghai is upheld. Defendant Xu Zhifen and Sichuan Literature & Art Press shall be responsible for infringements upon the copyright of Qian Zhongshu, and shall be enjoined from further infringements. They shall make a public apology to Qian Zhongshu in the Guangming Daily, and the content of such written apology shall be approved by this Court).

This extract (5) is taken from the last decision-making part of a judgment. In the sentence a modality of obligation is signaled by the use of " $\dot{\square}$ " " \equiv " (shall). Here the modality verb " $\dot{\square}$ " (shall) is deontic modality, which is distinct from what we have referred to as epistemic modality above. Epistemic modality involves the certainty or probability of a statement and inferences from know premises, while deontic modality deals with obligation, permission, in other words it is used to express what is obligatory, permitted, or forbidden. Like epistemic modality, it is usually subjective in that the speaker is the one who obliges, permits, or forbids. In this extract, " $\dot{\square}$ " (shall) suggests an inexorable obligation imposed on the appellant. By adopting such a subjective deontic modality verb " $\dot{\square}$ " (shall)

though the value of the modality might be even higher if "必须" (must) is adopted, the drafting judging still lay such a strong obligation that the respondent must pay the exact amount of money which is overtly stipulated to the plaintiff as of the day the judgment goes into effect. It is totally compulsory, and there should be no excuses to refuse paying, no time delayed, and no objection. In this case the power relation is extremely obvious with the drafting judge enjoying absolute power over the appellant of the litigation. Thus we see that the asymmetrical power relation is encoded in modality expressions. 2) Imperatives

As to the power issue, we need to pay our attention to the explicitly manipulative acts of commanding, often called directives and requesting. The most explicitly directive structure can be found in the final part of a judgment. A command is a kind of speech-act which can be performed under appropriate conditions; it may be expressed through a variety of linguistic structure of which "imperative" is just one. As a general principle, the greater the power differential between the parties in a speech act of command, the more direct the syntactic form, e.g. imperative. Some one who enjoys absolute power can afford to be abrupt. The smaller the power distance the greater the amount of linguistic effort.

(6) 一、被告胥智芬和四川文艺出版社应承担侵害原告钱钟书著作权的责任,停止侵害,并在 《光明日报》上公开向原告钱钟书赔礼道歉(该书面赔礼道歉内容需经本院审核). (1. Defendant Xu Zhifen and \$ichuan Literature & Art Press shall be responsible for infringements upon the copyright of Qian Zhongshu, and shall be enjoined from further infringements. They shall make a public apology to Qian Zhongshu in the Guangming Daily, and the content of such written apology shall be approved by this Court.)

(7) 二、被告胥智芬和四川文艺出版社共同赔偿原告钱钟书人民币 8 8 3 2 0 元。(2. Defendant Xu Zhifen and Sichuan Literature & Art Press shall jointly pay to Qian Zhongshu as damages RMB 88,320, after this judgment takes effect).

These examples are extracted from the final part of a judgment by the Intermediate People's Court of Shanghai where the decision of the trial is put forward. The court gives command in an extremely straightforward way by taking the form of imperative sentences. The right and obligation of the two parties are clearly stipulated through using imperatives. Even though either party of the litigation has the right to file an appeal if the decision of the court does not satisfy their claim, we cannot deny the fact that the tone of such imperative are tough, which does eliminate the possibility of further negotiation at that particular stage of the litigation. The drafting judge adopts an explicit and abrupt way of commanding for the reason that the power differentials between him and the litigants are extremely great. Therefore the employment of imperatives is another linguistic manifestation of power asymmetries in the language of the civil judgment.

4.1.3 From Textual Structure Level

Ellipsis is a common phenomenon in verbal and written communication. We can't imagine how awkward human communication will be without ellipsis, since it is commonly used to reduce redundancy and avoid repetition, besides ellipsis is also considered as a grammatical device to achieve the coherence of a text. In the case judgment, the use of ellipsis does play an important role in making the text of the judgment succinct. However, there is a lot more to say about ellipsis in judgment. Take the following as examples,

(8) (本院) 经审理查明(After investigation, this Court has found that)

(9) 根据《中华人民共和国民法通则》第4条、第7条、第94条、第118条的规定, (本院)
判决如下(Pursuant to Articles 4,7, 94 and 118 of the General Principles of Civil Law of the People's Republic of China, we hereby decide as follows:)

(10) (诉讼双方) 如不服本判决 (If a party refuses to accept the judgment as final).

In the above examples, the subject of the sentences "本院" (this court) are omitted. We find that it is quite common that the subject of a sentence is left out if the court is the subject, which is also the agent of that particular act. The court is always the agent of certain judicial acts when a litigation arises, ranging from digging out the real facts of a case in the preliminary stage of a case, investigating the validity of the evidences presented by either side of the two party, deciding what proper law is applicable, all the way to making a verdict. Therefore when it comes to a written judgment, the drafting judge tends to go straightforward without uttering out the court itself is the doer or agent of a particular act. It is the power of the court at this point to make its own judgment, and declare it adopting an abrupt tone. The litigants are the passive reader of the judgment, they have to figure out any information if left out by themselves. Whether they have full comprehension or not, it is normally not the concern of the drafting judge. Thus the power of drafting judge over the litigant is being made extremely explicit. mathematical acts are applied. The power of drafting judge over the litigant is being made extremely explicit.

As for Example (11), it is the two parties involved who has the right to file an appeal within a certain period of time, but the two parties are not mentioned at all. It is the case which has been adjudicated and closed, but there is no explicit reference has been made. Though there is no absolute necessity for the drafting judge to make everything in detailed, but the ellipsis of such important information prompt us into believing that it is a linguistic manifestation of power and authority.

4.1.4 Analysis of Power at the Level of Interpretation and Explanation

To fully understand the unequal power relation between the judge and the litigants, we need to take account of the situational context of the judgment, which according to Fairclough (1989) has three dimensions: (1) what's going on? (2) Who are involved? And in what relations? (3) What's the role of language?

The question of "what is going on" can be divided into activity, topic and purpose. Among these three, activity is the most general; it allow us to identify a situation in terms of a set of activity types, or distinctive categories of activity, which are recognized as distinct within a particular social order in a particular institution. The activity type of judgment is rendering a judicial decision. And this activity type constrains a set of topics, which may includes recounting the facts of the trial, stating the findings of the court, reasoning and making a final verdict. Activity types are also associated with particular institutionally recognized purposes.

We take it as a working assumption that any discourse will have determinants and effects at the situational, institutional, and societal levels, though the societal and institutional levels will be clearly distinct only for more institutional types of discourse, and that any discourse is therefore shaped by institutional and societal power relations, to put it another way, power relations is enacted in discourse. By looking at these three levels what power relations help shape discourse, we will at the same time come to find out how power relations are enacted in that particular discourse.

Now let us look at the societal level. By rendering a judgment the court provides a resolution to the dispute. The judicial discourse here is a part of the social process of dispute resolution, or a social practice. The social structure serves as the social determinant of discourse. Due to the great imbalanced power relations, judgment breeds a rigid and authoritative nature, which gives rise to awe on the minds of the litigants when reading it. In the long run, the discourse itself reinforces the enactment of the power relation.

At the institutional level we can also see how power relations are revealed. The institutional matrix of judgment is the judicial court and the judge allows himself to be constrained by this matrix. The language of court judgment can be regarded as readily powerful with respect to social relationship so far as it affects a particular articulation of authority and supremacy. In a law-based society, court judgments represent the authority of law and social justice, and it can alleviate social conflicts through a resolution to dispute. Therefore, as the representative of law, the judge has a particular role to play to demonstrate the solemness and authority of law, thus it is normal the power asymmetry among court participants is shown in such social courtroom practice.

This part is an application of the three-dimensional model into the analysis of the discourse in a Chinese civil judgment. With the aim to trace the linguistic manifestations of power asymmetries, the analysis is made on the level of description where the formal feature of the text of judgments is elucidated. While on the level of interpretation and explanation we elaborate on the enactment of power relations among participants in social context.

5. Conclusion

The objective of the present study is to present a detailed analysis of the Chinese civil judgment with the purpose of tracing the linguistic manifestations of power asymmetries in discourse, by focusing both on formal features and social process. Based on Fairclough's three-dimensional model, we have analyzed power in court judgment from three different levels, namely, description, interpretation and explanation. The fist level centers on the formal features of the text, while the next focuses on the relationship between text and interaction, and the last one deals with the relationship of discourse to power relations. At the level of description, we analyze the formal features of the text of the judgments in terms of vocabulary, grammar, and textual structure, and found out that address forms, formal words, nominalization, modality, imperatives and ellipsis are the main linguistic manifestations of power asymmetries among court paticipants. The detailed analysis at the levels of interpretation and explanation also reveals the encoding power relations in the court and such social structure of power relations help shape the discourse of judgment, and the discourse itself reinforce the enactment of the power relations.

Implications is put forward though it is far from satisfaction, and hopefully this paper will make some contributions to forensic linguistic research in China. The findings of the present research may provide legal professions with new insights into drafting and reading judgments. Besides, it is also hoped it will be helpful for legal laypersons to have a critical understanding of court judgment whenever they become a reader of this kind of judicial genre.

There are some limitations in the present study. Although the present study may shed some lights on the general research of judicial language, there are certain limitations that should be pointed out. One deficiency of the current study lies in the data limits for we just analyze only one court judgment in this study. Another deficiency lies in the coverage of analysis. We focus our analysis of power only in written form of judgment, failing to take sound structure such as intonations, stress, and rhythm into consideration in some of the cases where verbal judgment is also made right at the end of the trial. Therefore further studies in this field are needed.

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