

Judge-Prosecution-Defense Discourse Interaction Models in Courtroom: The Interplay of Purposes and Stance-taking

Guihua Luo^a and Yanting Cai^b

School of Foreign Languages, Central South University of Forestry and Technology, Changsha 410004, China.

^aluowenting8552@126.com, ^bdaisycytt@163.com

Abstract

In criminal court proceedings, the relationship among the judge, prosecution, and defense follows a triangular structure, with the judge at the center and the prosecution and defense in equal opposition. Under the influence of different purposes and purpose relationships among them, the discourse patterns of the three parties involved—judge, prosecution, and defense—highlight various types and degrees of stance between different litigation participants. Specifically, the defense counsel and the defendant share a congruent purpose, leading to an expression of a generally alignment. However, in the interaction between multiple defendants and their respective defense attorneys during courtroom proceedings, there exists a certain degree of dis-alignment in stance between the defendants and other defense attorneys. The relationship between the prosecutor and the defendant entails a conflicting purpose, resulting in a predominantly dis-alignment in their interaction. However, due to the prosecution's knowledge of the case, the defendant also expresses an stance of alignment with the prosecution. The relationship between the defendant and the judge is characterized as purposively neutral, with the defendant mostly adopting an alignment stance towards the judge, while occasional instances of the judge expressing a dis-alignment stance towards the defendant occur. The stance-taking, whether alignment or dis-alignment, is driven by the interplay of purposes and signifies the power dynamics within courtroom interactions.

Keywords

Courtroom discourse, Purposes, Stance-taking, (dis)Alignment.

1. Introduction

In a court trial, the judge maintains a neutral position, while the prosecution and defense (defendant) take equal and opposing positions. The plaintiff and defense argue, debate, and present their defenses on the disputed issues. The judge evaluates the evidence, legal statutes, and the true circumstances of the dispute presented by both parties in order to make a judgement. In other words, in court trial, each party involved has their own purposes, and these purposes form purpose relationship.

Stance of (dis)alignment refers to a series of convergent or divergent positioning expressions adopted by interactive participants relative to other participants (Du Bois, 2007). Alignment represents a stance where positions align, while dis-alignment represents a stance where positions diverge (Du Bois, 2007). (Dis)alignment is a stance about stances, specifically how one constructs his stance in relation to another's stance. It is one of the three types of stance-taking within the stance triangle framework proposed by Du Bois (2007) and is considered the most attractive and distinctive form of stance-taking (Haddington, 2007). However, to date, no dedicated study on alignment stances in courtroom has been found.

As a stance about stances, (dis)alignment measures the behavior that assesses the relationship between two stances and the stance actors. The construction (dis)alignment is influenced by the purpose relationship between the stance actors and simultaneously reflects, constitutes, weakens, or strengthens the purposes between them. In light of this, this study focuses on (dis)alignment in the context of authentic courtroom discourse, specifically analyzing the interaction between alignment stance-taking and purpose relationship in courtroom interactions. The aim is to deepen the understanding of (dis)alignment stance-taking and demonstrate the characteristics of the triadic relationship between the judge, prosecution, and defense, which involve the interaction between stance-taking and purpose relationship. This study seeks to provide insights for judicial practices. The corpus used in this study consists of transcriptions of eight court trials based on live audio or video recordings and contains approximately 527,000 words.

2. The Purpose and Purpose Relationship in Court Interactions

Liao Meizhen (2005a, b) abstracted the purposefulness of human social behavior as the “principle of purpose” based on extensive corpus investigation and analysis, applying it to the study of speech acts. It is a new pragmatic principle for explaining speech acts and discourse interaction. “Purpose” is the reason for speech generation and the driving force behind speech development. It is both a philosophical proposition and a pragmatic principle. The descriptive statement of the purpose principle of speech acts is: “The speech behavior of any rational (normal) person is purposeful, or in other words, the rational (normal) behavior of any rational (normal) person is guaranteed to have a purpose - the purpose of communication. Speaking is to express a purpose, speaking is to practice (implement) a purpose, speaking is to achieve a purpose” (Liao Meizhen, 2005a). Discourse analysis and pragmatic analysis under the principle of purpose emphasize the subjectivity and creativity of individuals, the strategic nature of speech acts, and the selectivity of speech acts.

In the discourse interaction of court trials, the participants in litigation have their own purposes. In criminal cases, the main purpose of the prosecutor is to prove the guilt or gravity of the defendant’s crime, so as to impose corresponding penalties. The purpose of the defendant and their defense counsel is to prove the defendant’s innocence, mitigate the charges, or establish mitigating circumstances to avoid or reduce punishment. The main purpose of the judge is to follow the procedures, investigate the truth of the facts, and make corresponding legal and just judgments.

In verbal communication and interaction, the participants are constrained and governed by various relationships while constantly creating and generating different relationships. Ultimately, all kinds of relationships between interactants inevitably enter into a purpose relationship. Purpose relationships are the essence of interpersonal relationships and the essence of interpersonal functionality. Purpose relationships are also a core part of the principle of purpose. Liao Meizhen (2005a) summarized purpose relationship into three categories: purpose agreement, purpose conflict (including competitive purposes), and purpose neutrality. Purpose agreement refers to the alignment or similarity of purposes between both parties. In purpose conflict relationships, the purposes of the interactants are incompatible, or one party’s purposes are harmful and unacceptable to the other. In purpose-neutral relationships, the speaker’s purpose is neither beneficial nor harmful to the listener, maintaining a neutral state. These three types of purpose relationships can be predetermined or dynamically formed and continuously changing on the spot. In criminal trials, the purposes of defense counsel and the defendant are usually in agreement, while the purpose relationship between the prosecutor and the defendant is often conflicting. The purpose relationship between the judge and the defendant is generally neutral.

3. Interplay between Purpose Relations and the Separation-Integration Stance

The expression of (dis)alignment is a form of interactive verbal speech. In this process of interactive stance-taking, language and non-verbal cues serve as the forms and carriers of stance-taking. The essence of this speech acts lies in the expression and realization of purposes. Purposes and purpose relationships determine the essential characteristics and fundamental orientation of (dis)alignment, influencing its dynamic progression and ultimate achievement. Due to the diversity and complexity of purpose relationships in courtroom interactions, there are significant differences in the types, forms, and features of the (dis)alignment stance between different interacting entities, as well as considerable variations in the degree of (dis)alignment between them.

3.1. The (dis)alignment between Defense Counsel and Defendant/Appellant

3.1.1. The Alignment between Defense Counsel and Defendant/Appellant

In the discourse interaction of courtroom trials, the purpose relationship between defense counsel and the defendant/appellant often falls under the category of purpose alignment. The defense counsel's verbal behavior is for the benefit of the defendant, so naturally, they expect the defendant to express a stance that aligns with theirs. The defendant, knowing that the defense counsel is advocating for their interests, naturally tries to express a stance that aligns with the counsel's position as much as possible. Therefore, there is often a alignment stance-taking between both parties. For example:

(1) 1 Defense Counsel: Yes, umm. Wang Wei, I am Wu Guoan's defense counsel. I have a few questions for you, please answer truthfully. First, do you know when Wu Guoan returned to work at the mine? (有。嗯。王伟，我是吴国安的辩护人。有几个问题问你一下，请你如实回答。第一个，那个吴国安是什么时候回矿里面上班的你知道不?)

2 Witness: Well, I'm not exactly sure about the specific timing, but it was around the end of 2001 or the beginning of 2002, probably towards the end of 2001. (这个，我对他的具体时间，大概是在，二千零一年年底呀还是两千零二年年年初呀，两千零一年年底吧。)

3 Defense Counsel: Towards the end of 2001, correct? (两千零一年底，是吧啊?)

4 Witness: Yes, towards the end of 2001. (两千零一年底。)

5 Defense Counsel: Did he work in the finance department when he returned? (他在那个，他回来是不是在财务部门上班?)

6 Witness: No, he didn't work in the finance department of Chuankou Tungsten Mine. (没有在川口钨矿财务部门上班。)

7 Defense Counsel: He didn't work in the finance department of Chuankou Tungsten Mine, right? (没有在川口钨矿财务部上班是吧?)

8 Witness: No, not in the finance department. (财务部上班，没有。)

9 Defense Counsel: During the self-rescue period, he was working under you, right? (他在生产自救期间是在你那里上班是吧?)

10 Witness: Yes, I hired him. (是的，我聘他。)

11 Defense Counsel: What position did he hold? (担任什么工作?)

12 Witness: He worked in finance. (担任财务。)

13 Defense Counsel: He worked in finance, right? Okay, and was he a member of the bankruptcy liquidation team? (担任财务，是吧啊。完了，他是不是破产清算组的成员?)

14 Witness: No, he wasn't a member of the bankruptcy liquidation team. (他不是的。)

In the discourse interaction in example (1), the defense counsel's purpose is to prove that the appellant he is representing (Wu Guoan) is not a member of the bankruptcy liquidation team. To achieve this overall purpose, he provides arguments from two aspects: 1) Before the company's bankruptcy, Wu Guoan worked in the production department, specifically in the black tungsten section. 2) During the bankruptcy liquidation period, he worked in the production self-rescue and held a financial position. With the mutual efforts of both sides in the interaction, they successfully achieved their goal. In the process of achieving this purpose, the witness repeatedly expressed a position aligned with the defense counsel, as seen in turns 4, 6, 8, 10, and 14, following the trajectory set by the defense counsel's questioning and providing favorable answers.

In the courtroom interaction, the defense counsel primarily asks questions, and the witness (defendant) provides answers. Therefore, most of the time, the witness expresses a position that aligns with the defense counsel's views and stance. However, occasionally, the defense counsel expresses a position that aligns with the witness's stance. For example:

(2) Judge: Defendant Xia Qingqing, do you have any objections? (被告人夏青青, 有意见没有?)

Defendant: Yes, I have objections. (有意见。)

Judge: You may speak. (你可以讲。)

Defendant: Firstly, that was back in 2009, and it simply didn't happen. In fact, Yan Guorong had a debt dispute with us, so he even threatened me over the phone, saying he would kill me. So, I believe he is framing me. (第一, 那是2009年的事, 根本就是没有这个事, 因为严国荣跟我们有债务上的纠纷, 所以他当时还打电话威胁我, 他说他要搞死我。所以我觉得他是诬陷我的。)

Judge: Are you saying that you didn't sell this drug? (你的意思是这个, 没有卖这个毒品咯?)

Defendant: Yes. (是。)

Judge: Defense counsel for Xia Qingqing? (夏青青的辩护人?)

Defense Counsel: I agree with his defense. (同意他自己的辩护。)

During the process of presenting evidence and cross-examination, the defense counsel expressed alignment with the defendant through the use of the verb "agree" in his response.

3.1.2. Dis-alignment between Defense Counsel and Defendant

In the interaction between the defense counsel and the defendant, a dis-alignment in discourse stance can also arise. This often happens in cases involving multiple defendants, resulting in multiple defense counsels in the courtroom proceedings. The dis-alignment in discourse stance typically occurs between the defendant and their defense counsel, with the dominant form being the postponing type of dis-alignment.

(3) Defense Counsel: I am the defense counsel for Liao Zhongqiu. Please answer this lawyer's question truthfully. (我是廖中秋的辩护人, 请如实回答本律师的发问。)

Defendant: Okay. (好。)

Defense Counsel: Does Liao Zhongqiu know Li Yuheng and others from the Anti-Drug Brigade? Are you familiar with them? (廖中秋是否认识禁毒支队的李玉衡等人? 你清楚吗?)

Defendant: It's better for him to answer whether he knows them or not. As far as I remember, he didn't have much contact with Li Yuheng. (他上他认不认识最好是由他来回答。这方面的事呢, 在我的印象当中呢, 他跟李玉衡呢是没什么接触。)

Defense Counsel: No contact? (没什么接触?)

Defendant: If you want to know whether he specifically knows them or not, you should ask him. (具体认不认识要问他。)

The second turn from the defense counsel consists of a polar question, based on the circumstances and context, indicating an expected affirmative response. In the second turn from the defendant, the initial part of the statement shows obvious hesitation and signs of correction. Furthermore, the defendant does not provide a clear “yes” or “no” answer. Instead, they evade directly answering the defense counsel’s question, and in the next turn, again postpones the defense counsel’s question. The defendant consistently deviates from the discourse trajectory projected by the defense counsel, demonstrating the expression of a postponing type of dis-alignment in discourse stance.

3.2. Dis-alignment between the Prosecutor and the Defendant

3.2.1. Dis-alignment between the Prosecutor and the Defendant

The purpose relationship between the prosecutor and the defendant generally falls under the category of inconsistent purposes or conflicting goals. The questions posed by the prosecutor to the respondent (defendant) are typically disadvantageous to the respondent. Therefore, discourse stance of dis-alignment between them is a common occurrence. For example:

(4) Prosecutor: Earlier, I asked you to explain their roles, and you didn’t know. So why can’t you confidently answer my question about someone hearing about this situation? How can I state this fact? Why can’t you explain this fact in your own words?(那刚才我让你陈述她们的角色你都不知道, 那么对于我的提问你为什么那么肯定地就回答说有人听这个情况? 为什么我能说出来这个事实? 你为什么不能用你的话把这个事实说清楚啊?)

Defendant: I... I don’t know. (我我不知道。)

Prosecutor: Then what’s your attitude today? Regarding the factual charges of your involvement in 34 fraud cases stated in the indictment, explain them truthfully to the court. (那你今天你说你这是什么态度啊? 对于起诉书中指控你参与诈骗34起的事实, 你如实地向法庭交代一遍。)

During courtroom proceedings, defendants, in order to avoid or mitigate legal penalties, sometimes claim ignorance of unfavorable matters questioned by the prosecution. The prosecutor often responds with education and admonishment towards the defendant’s uncooperative attitude. In the given example, both turns from the prosecutor use an interrogative form to reprimand and criticize the defendant. The defendant’s stance-taking of epistemic aligns with discourse stance of dis-alignment, displaying a high degree of divergence.

(5) Prosecutor: Did Tang Aiguo inform you about the entire process of obtaining funds through opening a letter of credit? (唐爱国有没有告知你通过开立信用证获得资金的整个过程?)

Defendant: I can’t recall the specific details now, but I remember he gave me something like a brochure. It detailed the procedure quite extensively. Because they were primarily handling the operations, there was no need for Tiancheng Company to do much, so we just had a general understanding at that time without paying much attention. (现在的具体情况我不记得了, 但当时我记得他给过我一个那个像广告册一样的东西。那个广告册上面比较详细地介绍了做法。因为主要操作是他们, 并不需要天成公司做什么事情, 所以我们也只是当时了解了一下, 并没有特别的在意。)

Prosecutor: So, you’re saying you can’t remember the process of opening the letter of credit now, is that correct? (那就说这个开证的过程, 你现在记不清楚了, 是吗?)

Defendant: It’s not that I can’t remember it now, it’s just that it was originally done by Huarun under the circumstances at that time. (不是我现在记不清楚了, 而是本来就是由华润开证, 在当时的情况下。)

Prosecutor: Earlier, you already said that everything you told the public security authorities before was the truth, right? (你刚才已经说过你原来向公安机关所讲都是真话?)

Defendant: Yes. (是啊。)

Defendant expressed his epistemic stance clearly by using a negative expression of “I don’t remember” (我不记得了) in their first turn, indicating his epistemic stance. At the same time, he also expressed a suspended dis-alignment stance towards the epistemic stance expressed by the prosecutor in the previous turn. In the prosecutor’s next turn, seemingly through the addition of interrogative sentences, he elaborated on and confirmed the defendant’s previous turn, but in essence, they challenged and denied the defendant’s epistemic and dis-alignment stance in the previous turn through his interpretation, expressing a negating dis-alignment stance towards the defendant’s previous turn. Subsequently, the defendant used the metalinguistic negation construction of “not... but...” (不是...而是...) to indicate their unwillingness to accept the prosecutor’s statement (see Shao Jingmin, Wang Yiguang, 2010), negating the prosecutor’s interpretation and epistemic stance while providing their own explanation. This expressed a negating dis-alignment stance towards the prosecutor’s speech. Faced with the defendant’s dis-alignment stance, the prosecutor, in their next turn, used interrogative sentences to issue a warning and challenge to the defendant. On the surface, this questioning pertained to whether the defendant’s statements at the Public Security Bureau were true or not, but in reality, it was questioning the inconsistency between the defendant’s current statements and those given at the Public Security Bureau, inconsistent with the information and understanding held by the prosecutor. Therefore, the prosecutor questioned and challenged the truthfulness of the information conveyed by the defendant’s previous speech and the reliability of their expressed epistemic stance, belonging to a challenging dis-alignment stance. In example (5), the dis-alignment stance between the two sides is not only antagonistic but also escalates in degree. As shown in the figure:

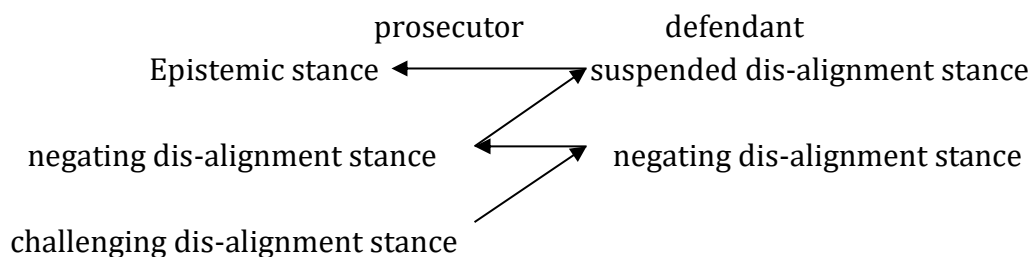


Fig 1: interaction of stance-taking

3.2.2. Alignment between the Prosecutor and the Defendant

In the courtroom interaction, the pursuit of purpose and the relationship of purpose between the prosecutor and the defendant determine the expression of their predominantly dis-alignment stances. However, there are also instances of alignment stance-taking between them. For example:

(6) Prosecutor: Didn’t expect that? (2s) At the time when this matter was discussed, did the Provincial Civil Aviation Authority have temporary measures and regulations regarding the establishment of subsidiary companies? 没有想到?。(2s) 在当时谈这个事情的时候, 省民航局是否有有关成立附属企业的暂行办法和一些规定?

Defendant: (3s) Well, they both reviewed it, and I signed at the time. In other words, at that time, there were several companies being established, and we discussed a regulation related to the hierarchical establishment of companies. We linked it according to the hierarchy. (3s) 这个, (---) 和 (---) 他们两个看了, 当时我签了。就是说, 当时成立公司比较多, 我们呢, 讨论了一个规定, 成立公司等级, 这个什么等级有关的规定, 我们根据等级来挂钩。

Prosecutor: So, it means that at that time, the Provincial Civil Aviation Authority had temporary measures concerning the establishment of different companies, and you personally signed it? 也就是说，在当时省民航局有这样一个关于成立不同企业的暂行办法，而且是由你亲自签发的？

Defendant: That's correct. 是这样，对。

Prosecutor: So, you should be familiar with these temporary measures, right? 那么这个暂行办法你应该很清楚，是不是这样？

Prosecutor: (3s) I must have skimmed through it. (3s) 应该说过目了。

Prosecutor: These temporary measures stipulated that the establishment of subsidiary companies must be managed by the Enterprise Management Department, reporting to the department head in charge, and major matters are discussed together by the department head in charge. So, what department is Zhu Haiping from? 这个暂行办法已经规定成立附属企业必须由企管处负责管理，向分管的局长汇报，重大事项由分管局长提交一起讨论，那么，朱海平是什么部门的人？

Defendant: He's from the Finance Department. 他是财务处的。

Prosecutor: He's the Deputy Director of the Finance Department, is that correct? 他是财务处副处长，是不是这样？

Defendant: Yes. 对。

Prosecutor: You just stated in court that no one from the Enterprise Management Department approached you before or after about the establishment of Jingfa Company, right? 你刚才当庭也说过，在事前和事后没有任何企管处的人向你提出过成立经发公司这样的事情，是不是这样？

Defendant: Yes. 是的

Prosecutor: So, why didn't you inquire about such an obvious violation of procedures, a violation of regulations, at that time? 那么对于这么一个明显违反程序的事情，违反规定的事情你当时为什么没有过问？

In this example, during the questioning by the prosecutor, the defendant's responses exhibit a series of dis-preferred features, such as brief silence and delaying tactics marked by the word "this (这个)". However, based on the facts that the existence of this regulation is still acknowledged, expressing a relatively low level of alignment. The prosecutor further interprets the defendant's response, and at this point, the defendant responds with a simple and direct affirmation, saying "yes, that's right (是这样，对)", expressing a relatively high level of alignment with the prosecutor. Building on this, in the next exchange, the prosecutor further deduces and explains, "You should be very clear about this provisional regulation." The defendant does not directly give a positive or negative response but affirms their understanding and knowledge of this "regulation," expressing a relatively low level of alignment. Subsequently, the prosecutor reads out the relevant content of the "regulation" and moves to another question, "What department does Zhu Haiping belong to?" to demonstrate that the defendant violated a clause in the "regulation." This is a case involving alleged dereliction of duty. In this question-and-answer sequence, all the prosecutor's questioning behavior is aimed at the final question, "Why didn't you inquire about such an obvious violation of procedures and regulations?" This questions the defendant's earlier statement that they did not inquire about the establishment of the Economic Development Company. Based on their understanding of the case, the prosecutor presents effective questioning to prove: 1) There are relevant regulations regarding the events involved in the case at the Provincial Civil Aviation Authority; 2) The defendant, as the responsible person, was aware of the relevant regulations; and 3) The defendant violated

the relevant regulations, successfully making the defendant speechless and contradictory. In these six consecutive question-answer pairs, although the defendant repeatedly tends to express a dis-alignment stance, and the level of dis-alignment expressed is relatively low, based on the prosecutor's effective grasp of the facts, the defendant is compelled to choose an alignment stance.

During the courtroom dialogue, even in the context of conflicting purpose, due to the prosecutor's understanding of the case and the application of the law, they are able to conduct targeted questioning, forcing the defendant to express a stance that aligns with the prosecutor. This interactive process of stance-taking also effectively reflects the nature and characteristics of courtroom proceedings, reaching consensus through negotiation, confrontation, and compromise among the prosecution, defense, and judge (Wang Jiayu & Liao Meizhen, 2010: 82).

3.3. Dis-alignment Between the Judge and the Defendant

The relationship between the judge and the defendant is characterized by purpose neutrality. In cases of purpose neutrality, where the intentions of the other party's speech act pose no harm to one's own interests, the degree of alignment tends to lean towards the positive pole of continuity. For example:

(7) Judge: The "Indictment" accuses you and Luo Cuixia of cohabiting and living together in a marital relationship. This basic fact --- 《起诉书》指控你和罗翠霞以夫妻关系同一共同同居共同生活。这个基本事实---

Defendant: Yes! 对!

Judge: Ah? 啊? 对。

Defendant: Yes.

Judge: What do you think? Is it like this? 你怎么想? 是这样吗?

Defendant: Um...yes. She moved in to live with me. 呃---是。她搬来住着。

Judge: The "Indictment" accuses you and Luo Cuixia of being in a marital relationship—living together as husband and wife either in your home or in Zhongluozhuang Village. Does this fact exist? 《起诉书》指控你和罗翠霞以夫妻关系---在你家, 或者在钟锣庄村, 啊, 你们以夫妻关系共同生活, 这个事实, 是否存在?

Defendant: Yes. 是。

In this dialogue, both the judge and the defendant affirm and agree on the basic fact presented in the indictment, indicating a shared understanding and alignment of their positions. In the initial turn of the presiding judge, there is a trailing phenomenon at the end of the turn, which indicates the turn is not finished. However, before the question is posed, the defendant, based on his understanding of the judge's speech, employs the agreement marker "Yes (对)" to express alignment with the judge's discourse stance. In response, the judge expresses surprise and doubt with the interjection "Ah (啊)", while the defendant reaffirms his agreement. What's more, in the two consecutive exchanges followed, the defendant uses the verb "Yes (是)" to express alignment with the judge.

Now, let's examine the differences in the defendant's expression of discourse stance regarding conflicting purpose relationship between the prosecutor and the purpose-neutral presiding judge through a set of contrasting examples. Both examples are from the same case, featuring the same defendant. Example (8) occurs before Example (9).

(8) Prosecutor: How did you explain it to the public security agency? 你原来在公安机关是怎么交代的?

Defendant: I said it the same way. 也是这样说的。

Prosecutor: Is the original statement true or not? 原来交代属不属实?

Defendant: (2s) I didn't hear clearly, please ▲(2s) 没听清楚, 请你▲

Prosecutor: ▼Was your original statement true? ▼你原来的交代是否属实?

Defendant: It is true. 是事实。

(9) Judge: Is there any difference between your testimony today in court and your previous statement to the public security agency? 你今天在法庭上的供诉, 与你以前在公安机关的供诉有没有不一样的地方?

Defendant: (1.5s) Yes—there is a slight difference. (1.5s) 有---有一点。

Judge: Ah? 啊?

Defendant: Yes. 有。

Judge: What is the difference? 有哪一点?

Defendant: Well—I didn't mean to ▲就是---我不是要有▲

Judge: ▼You're not just trying to evade responsibility—(2s) are you trying to make excuses? ▼你不是要有的责任就可以---(2s) 可以推?

Defendant: Your Honor, please ascertain the true facts. 请法官, 查明真伪事实。

Example (8) – The prosecutor's question "How did you explain it to the public security agency?" and Example (9) – The judge's question "Is there any difference between your testimony today in court and your previous statement to the public security agency?" are both warning statements. They are often used when the prosecutor or judge believes that the defendant is uncooperative, not providing the expected answers, or their statements do not align with the facts known to them (Liao Meizhen, 2003:190). However, there is a difference in how the defendant responds in these two examples. In Example (8), when the prosecutor issues the warning, the defendant still sticks to his viewpoint and stance ("I said it the same way也是这样说的。" and "It is true是事实。"). In Example (9), when the judge issues the warning based on the dialogue between the prosecutor and the defendant, the defendant changes his viewpoint and stance and admits that there is "a slight difference. 有---有一点。" In the interaction among the prosecution, defendant, and judge in the courtroom, the judge is positioned and considered as a neutral party responsible for conducting the trial and making judgments. Therefore, the defendant's attitude and stance towards the judge and the prosecution often differ. This is also evident in Example (9) where the defendant responds to the judge's request by saying, "Your Honor, please ascertain the true facts. 请法官, 查明真伪事实。"

The neutral relationship between the judge and the defendant is not fixed and unchanging but evolves and develops during the interaction. Consequently, conflicts of purpose can arise between the judge and the defendant. However, in our corpus, we did not find expressions from the defendant indicating a dis-alignment stance towards the judge. For instance, in Example (9), when the judge admonishes the defendant with an expression indicating a dis-alignment stance, the defendant still uses a neutral stance by saying, "Your Honor, please ascertain the true facts." There are also other similar examples in our corpus

(10) Judge: Dai Wenbo, do you have any objections? 戴文波, 有什么意见没有?

Defendant: Yes. 有。

Judge: What objections do you have? 有什么意见?

Defendant: It's just—he called me, that incident, well, it's not true. 就是---他电话给我, 那个事, 嗯, 不是事实。

Judge: So, it's also not true that Rao Zhihua called you now? 现在饶志华打电话给你也不是事实?

Defendant: It's true that he called, but I didn't ask him to. Your Honor, please be lenient in your decision. 打电话是事实，人不是我喊的。请法官从宽发落。

In Example (10), the defendant denies a previously admitted and established fact, which is that "Rao Zhihua called him," due to unclear expression. In the next turn, the judge uses questioning to express doubt and refute this statement, emphasizing the words "called" and "also" to highlight his surprise and questioning of the defendant's previous speech act. This expresses a challenging dis-alignment stance. In the courtroom interaction, the judge's purpose is to ascertain the facts and make a fair judgment. The defendant's repeated and inconsistent statements hinder the establishment of the facts and the efficiency of the trial. In this situation, the judge uses questioning, the adverb "also," emphasis, and other linguistic devices to express his dis-alignment stance.

4. Conclusion

In courtroom interactions, the construction of (dis)alignment stances is a result driven by the purpose. Under the guidance of purpose and purpose relationships, there are significant differences in the types and degrees of alignment and dis-alignment stances among different litigation parties. In cases of convergent purpose relationships, the expressions between defense counsel and the defendant are generally in an alignment stance, with a higher degree of convergence. However, in courtroom interactions involving multiple defendants and their defense counsel, there is a certain degree of dis-alignment stance expressed between the defendants and other defense counsel. In cases of conflicting purpose relationships, there is a greater interaction of dis-alignment stances between the prosecutor and the defendant. However, constrained by the case information controlled by the prosecution, the defendant also expresses alignment stance with the prosecution. In cases of neutral purpose relationships, the defendant's stance towards the judge's discourse stance is mostly aligned, while there are occurrences of dis-alignment stance-taking from the judge towards the defendant. Therefore, the expression of alignment and dis-alignment stances in courtroom interactions reflects the discourse models of the judge, prosecutor, and defense counsel, and to a large extent, indicates the power relationships in courtroom interactions.

In courtroom interactions, due to different litigation purposes, different courtroom roles, and different power relationships, the judge, prosecutor, defendant and defense counsel have different established stances. The judge, as a neutral executor of the judicial function, should strive to construct a neutral stance. Therefore, the court should withdraw from substantive investigations as much as possible to minimize the expression of dis-alignment stances towards the defendant. The prosecution and defense sides are in an adversarial relationship, and in the construction of stances, they should refer to and engage more with each other's discourse stances, thus forming dialogue and interaction, and enhancing the adversarial nature between the prosecution and defense.

Notes:

- ① In Du Bois's stance triangle, the other two types of stances are evaluation and epistemic.
- ② The transcription markers in this text are as follows: "---" indicates a prolongation of sound; "|| ||" indicates overlap; "↵" represents a correction; "(—)" indicates unclear speech; "▲ ▼" represents an interruption; "→" indicates a noteworthy turn in speech; "(Ns)" represents a pause in seconds; " " indicates emphasis; "?." represents an echo question; "..." represents an omission in the transcription.
- ③ The relationship between alignment and dis-alignment stances is not absolute opposition but rather exists in different degrees of gradation. Based on this, the dis-alignment stance can be further subdivided into "challenging," "denying," and "postponing," while the alignment stance includes "agreeing," "deriving," and "advancing," forming a continuous scale of

divergence and convergence as “challenging > denying > setting aside > agreeing > deriving > advancing” (Lu Guihua 2019).

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