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An Adaptation Analysis of Heteroglossic Engagement Resources in Reasoning of Criminal Judgment in Hong Kong

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Abstract: Reasoning play as an essential role in criminal judgment. The reasoning in criminal judgment is not only associated with the knowledge of law, but also links directly to the use of language. Based on the engagement system of appraisal theory and adaptation theory, this paper analyzes the use of heteroglossic engagement resources in the reasoning of criminal judgments in Hong Kong and explains how judges dynamically select engagement resources to adapt to the context and ultimately achieve their communicative goals. It is found that entertain, deny, counter and attribute are employed most frequently by judges to adapt to the social world of power relations, language norm of criminal judgment and the mental world of the potential audience such as the plaintiff, defendant and the public.

Keywords: Reasoning; Criminal judgment; Heteroglossic engagement resources; Adaptation theory

1. Introduction

The reasoning of criminal judgment generally refers to the explanation of the reasons why the judgment is made. A logical and forceful reasoning is more acceptable and it can make the appeal more specific and standardize the exercise of the right of appeal. Besides, it forms effective restrictions on judge's discretion and ensure the fairness of the judgment to a certain extent. All in all, as the core of criminal judgment, reasoning of good strategies is of great significance to improve the quality of judges, establish legal authority and achieve judicial justice. Previous researches on legal reasoning in criminal judgments were primarily conducted in the field of law, while actually, the reasoning strategies of the judges are linked directly to the use of language, calling for the present researches from the perspective of linguistics. For the relevant researches on the forensic language of judgment in Hong Kong, Peiguang Wang compared the legal language of the legal judgment in Hong Kong and Mainland China, and analyzed the legal language of judgment in Hong Kong in terms of vocabulary, grammar, syntax and the number of words in ratio decidendi [1]. Haiming Yang compared the characteristics of criminal judgments in Mainland China, Hong Kong, Macao and Taiwan from the view of language stylization [2]. However, no research focusing on the reasoning of criminal judgment in Hong Kong has been conducted and the above mentioned scholars have neglected a fact that judgment is written by judge with heteroglossic interaction with the potential audience such as the plaintiff, defendant and the public rather than a simple written work of judges, which neces-

sitates the present studies from the perspective of engagement system of appraisal theory by analyzing the heteroglossic used in the reasoning by judges. According to Verschueren, the process of language using is the process of language choosing, and dynamic adaptation should be made when language is used. Therefore, adaptation serves as an effective theory to unravel how judges employ various heteroglossic to achieve their communication purposes. All in all, this paper studies the reasoning of criminal judgment in Hong Kong by analyzing the heteroglossic engagement resources employed therein and explores the mechanism of context adaptation behind such uses of heteroglossic engagement resources. It is hoped that the research is conducive to broaden the application and explaining scope of appraisal theory and adaptation theory and shed light on the writing of criminal judgments, making a more rigorous and convincing reasoning in criminal judgments, and bringing forth a more fair judgment.

2. Theoretical Framework

Established by Martin and Peter White, the appraisal theory is a breakthrough of interpersonal function of systemic functional linguistics, in which the reader/listen can better understand and analyze the interpersonal meaning and emotional expressions in discourse. As a semantic system, appraisal theory aims at exploring, describing and explaining how language users locate their stance, express attitudes, construct roles and negotiate relationships through appraisal linguistic resources in the process of communication, so as to form alignment with communicators with similar views and alienate the lis-

teners/ readers with different ideas, and thus achieve their communicative purposes[3]. Martin proposed that the appraisal theory is constituted by three subsystems: attitude, engagement and graduation [4]. This paper primarily adopts the engagement system which focuses on the ways of negotiation of interpersonal or ideational meaning, the rhetorical effect in stance selection and opinion expression, and the relationship between participants in the discourse. Based on dialogism and heteroglossia of language, the engagement system is divided into two subsystems: monogloss and heterogloss. Monogloss means eliding dialogism [5], that is , the language user elides other potential opinions while express a certain proposition or stance and assume responsibilities for what he says and writes. Heterogloss refers to engage

others' viewpoints and stances while accepting other potential opinions, allowing the room for negotiation. Heterogloss includes two strategies, dialogic expansion and dialogic contraction. Dialogue contraction refers to the author's challenge, opposition or suppression of the existence of a certain voice, consisting of disclaim and proclaim. The former includes deny and counter expectation, the latter refers to the speaker's contraction of dialogue by clearly expressing his preference for a viewpoint instead of the potential different ideas. Dialogic expansion is manifested in expanding the room for negotiation with other stances and is achieved through entertain and attribute which is constituted by acknowledge and distance [6]. This paper focuses on the heterogloss in engagement system which can be detailed as follows:

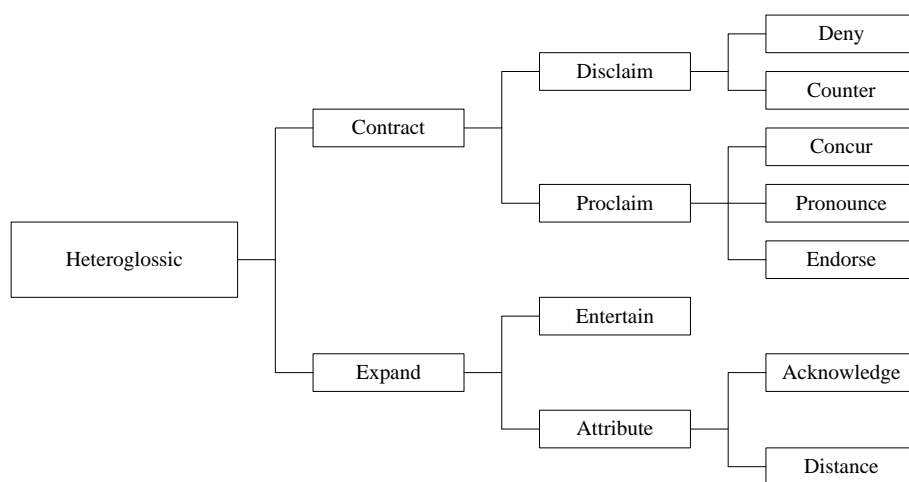


Figure 1. Heteroglossic engagement system

Verschueren argued that the process of language using is the process of language choosing, and dynamic adaptation should be made when language is used [7]. According to the theory of adaptation, context refers to the environment of language communication, specifically, it refers to all factors which adapt to discourse or affect discourse processing, including communicative context (consisting of physical world, social world, mental world and the relationship between communicators) and linguistic context. The most important factors in the physical world is the referential relations of time and space; the social world refers to the principles and rules governing the speech acts of the communicators in social situations and social environment; and the mental world includes the cognitive and emotional factors such as personality, emotion, desire and intention of the communicators[8]. The reasoning of criminal judgment is a dynamic process in which judges choose language according to context [9], and this paper primarily discusses the communicative context.

Based on the combination of appraisal theory and adaptation theory, an analytical mode can be established as follows (figure 2) to analyze the use of heteroglossic engagement resources by judges in reasoning and interpret how judges dynamically employ these resources to adapt to the context and ultimately achieve their communicative goals. The analytical mode is as follows (figure 2).

3. Data Collection & Research Methods

Eight criminal judgments are selected at random on "Hong Kong Judiciary (<https://www.judiciary.hk/zh/home/index.html>)". Qualitative and quantitative research methods are used to conduct the research. Firstly, the reasoning part of these eight criminal judgments is made into a small corpus respectively. Secondly, UAM Corpus Tool 3.3 with the coding scheme of heteroglossic engagement system is used to proceed with manual annotation on the heteroglossic engagement resources in these eight corpora and count the number as well as ratio of them. Thirdly, the data obtained are presented on table. Last but not

least, the author figures out the characteristics of these resources used and unravels how judges employ them to

adapt to the communicative context to realize communicative goals.

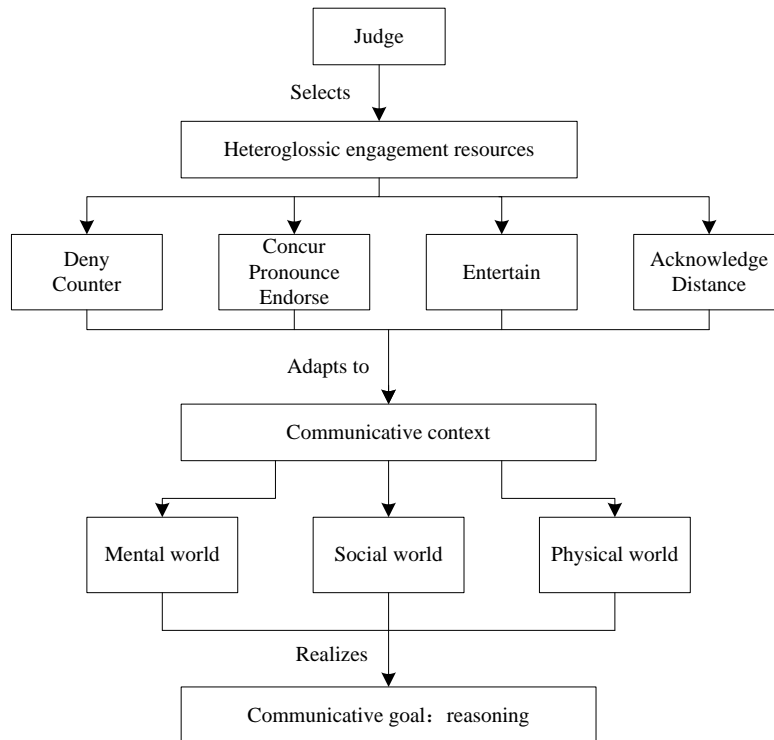


Figure 2. The analytical mode

4. Results & Discussion

The result is as follows after the heteroglossic engagement resources in reasoning are annotated and counted.

Table 1. Heteroglossic engagement resources in reasoning

Sub-type	Heteroglossic Engagement Resources								total
	1	2	3	4	5	6	7	8	
Deny	27	18	16	7	17	9	25	13	132
Counter	22	16	19	11	8	13	11	14	114
Concur	2	1	0	1	0	1	0	0	5
Pronounce	2	1	3	2	2	3	1	2	16
Endorse	16	14	12	9	19	22	10	5	107
Entertain	15	3	7	11	5	9	5	4	64
Acknowledge	36	28	18	16	12	10	34	11	165
Distance	2	1	0	0	1	0	1	2	7

From the statistics shown in Table 1, it can be seen that a large number of heteroglossic engagement resources are distributed in reasoning of criminal judgments, among which acknowledge, deny, counter, endorse, entertain are most frequently used ones, while concur, pronounce and distance are comparatively less.

4.1. Acknowledge & deny: adapt to the balance between power and equality

As can be seen from the table above, the most frequently employed engagement resource is acknowledge, followed by deny. The judges in Hong Kong usually select

a variety of heteroglossic engagement resources, specifically, acknowledge and deny together with other engagement resources, to adapt to the balance between power of judges and equality in reasoning to promote the production of an objective and rational criminal judgment.

In HKSAR v Pei Yuk Kam CACC 213/2010, unreported, the Court of Appeal said (acknowledge) (at para 34 of the judgment), “doing or offering to do an act preparatory to or for the purposes of manufacturing a dangerous drug, while it is a separate activity, being in anticipation of, or co lateral to, the manufacturing process itself, is never-

theless an activity so integral to the manufacturing process that it must (entertain) be viewed with similar seriousness.”

Given that the accused committed yet another theft shortly after his arrest, I consider that (entertain) the previous sentences passed on him have not (deny) had sufficient deterrent effect.

As a sub-type of dialogic expansion, acknowledge is realized by reporting other’s saying [10], allowing the possibilities of other opinions varying; entertain implies that a specific voice is only one of the possible stances and expands the dialogue space, that is to say, the language users entertain potential different stances [11]. In example, the judge quoted what the Court of Appeal said to support his viewpoint and expand the room for potential propositions different from the said one to rid himself of the arbitrary image. While deny functions as a strategy of dialogic contraction. In example, the judge denied the deterrent effect of the previous sentences to the defendant, which contracts the dialogism and shows the power of the judge. However, he also preceded the denial with the employment of entertain, to adjust and adapt to the balance between power and equality in the judgment and courtroom. To sum up, the judges in Hong Kong chiefly employ acknowledge and deny sometime with other engagement resources to maintain the balance between power of the judges and equality and improve the rationality and objectivity of the reasoning.

4.2. Counter: adapt to the mental motivation of the judges

Counter is another sub-type of disclaim, which is represented by the conjunctions such as yet, while, but, however, etc. A great many counter resources are used by judges to adapt to their mental motivation, that is, to show that they are judgmental and impartial with consideration of various elements before making the sentences, making the judgments more acceptable. In addition, the employment of counter also aims to attract the audience’s attention. Judges highlight the contradiction by using counter and make a sharp contrast between the former sentence and the following one, which induces the listeners/ readers to notice the latter and promote their acceptance of that proposition.

26 years reduced by one-third is 17 years and 4 months’ imprisonment. I am, however (counter), persuaded that the accused foolishly committed the present offence because of his love for his mother and his intention to improve his family’s financial situation. I would take this, together with the accused’ s other relevant personal circumstances, into account and would reduce his sentence by 1 year and 4 months.

Now, although (counter) the court is sympathetic to the plight the defendant’s family is now in, such should be a matter which the defendant should take into account be-

fore the commission of this offence and is not a matter in respect of which I should reduce sentence in this exercise. In the example, the judge constituted a fact that he has considered other factors, that is, the love of the defendant for his mother and his purpose of improving the financial situation of his family before making the sentences by using the counter resource “however”, constructing a considerate and fair judge image, which aligns the audience to accept the judgment. In example, counter resource “although” was applied to contradict the former sentence and the following one to attract the attention of the audience and make them notice that the defendant was supposed to take into consideration his family before he committing the offense.

4.3. Endorse: adapt to the psychology of the audience and the language norm of criminal judgment

Just as the discourse selection needs to adapt to the speaker’s psychological states, the speaker is always trying to adapt to his assessment of the audience’s psychological states when making discourse choices [12]. Judges also make reasonable language choices in the reasoning according to their assessment of the mental state of the audience of judgment. Endorse presupposes the authenticity of the propositions quoted/ cited and thus close the dialogic space [13]. It is commonly realized by the expressions such as “according to.....”, “the report demonstrates/ shows/ proves.....”. The employment of endorse resources by judges helps to emphasize that their views are supported by precedents, laws, regulations, reports and so on which are not subject to doubt. The distributions of endorse resources in reasoning further the reliability and authority of judges’ opinions, adapt to the psychology of acceptance of audience and smooth the acceptance of the judgment. What’s more, endorse resources can also be regarded as an adaptation to the social world. To be specific, judges give ideas based on facts and evidence, which in fact adapt to the language norms of the criminal judgment and courtroom. The judges’ reasoning is also made more convincing by the citation of laws or introduction of evidence.

The tariffs for trafficking in cocaine are the same as those for heroin. See AG v Rojas [1994] 2 HKCLR 69 and R v Lau Tak Ming & Others [1990] 2 HKLR 370 (endorse). For trafficking between 10 and 50 grammes of cocaine, a term of 5 to 8 years’ imprisonment is called for.

It is a savagely addictive drug and ridding oneself of the addiction is, to say the least, an arduous process and sadly, history demonstrates that (endorse) attempts to rid oneself of an addiction to ‘Ice’ is fraught with instances of disappointment.

In example, by endorsing the earlier precedent, the judge aimed at telling the audience that the sentence is made based on the relevant principle set out in previous case. In example, the proposition that ridding oneself of an

addiction to “Ice” is difficult is supported by endorsing the proof of history, which adapts to the psychology that audience are inclined to accept the well-founded propositions.

5. Conclusion

This paper combines the appraisal theory and adaptation theory and establishes an analytical mode to study the adaptation of engagement resources in reasoning of criminal judgment in Hong Kong. It is found that judges employs various heteroglossic engagement resources to adapt to the balance between power and equality, mental motivation of the judges, psychology of audience, language norm of criminal judgment and so forth. It is hoped that the study can enrich the application and explaining scope of appraisal theory and adaptation theory, and provide linguistic implication to judges in giving convincing reasoning. However, only eight criminal judgments are selected and bigger corpus is required to enhance the reliability of the research. In addition, subjectivity is inevitable in the annotation of heteroglossic engagement resources due to many factors such cultural difference.

References

- [1] Peiguang Wang. A comparative study of the legal judgments of hong kong and mainland china. *Language Teaching & Linguistic Studies*. 2006, (2), 35-41.
- [2] Haiming Yang. *A Comparative Study of the Language Stylization of Criminal Judgments in Mainland China, Macao, Hong Kong and Taiwan*. Rhetoric Learning. 2006, (6), 30-33.
- [3] J. R. Martin, D. Rose. *Working with discourse: meaning beyond the clause*. London: Continuum, 2003.
- [4] J. R. Martin, P. R. R. White. *The Language of evaluation: appraisal in english*. London: Palgrave Macmillan. 2005.
- [5] Zhenhua Wang. Appraisal systems and their operations: a new development in the systemic functional linguistics. *Journal of Foreign Languages*. 2001, (6), 13-20.
- [6] J. R. Martin, P. R. R. White. *The language of evaluation, appraisal in english*. London: Palgrave MacMillan. 2005.
- [7] Verschueren. *Understanding pragmatics*. London: London Edward Arnold. 1999.
- [8] Shaoquan Zhang. Presentation validity of legal text translation from the perspective of adaptation theory. *Foreign Language Education*. 2016, 37(4), 105-109.
- [9] Zhanghong Xu. A contrastive study of legal reasoning in chinese and american criminal judgments: based on appraisal theory. *Journal of Guangdong University of Foreign Studies*. 2017, 28 (6), 25-33.
- [10] Chao Meng. Interpretation of position and dialogue in official statement for emergencies: from the perspective of engagement system. *Foreign Language Education*. 2018, 39 (2), 42-48.
- [11] Bin Xin. Analysis of engagement resources in reports about belt and road initiative covered by chinese and american media. *Foreign Language Research*. 2018, (6), 1-7.
- [12] Verschueren. *Understanding pragmatics*. Beijing: Foreign Language Teaching and Research Press. 2000.
- [13] Zhenhua Wang, Yang Lu. A reflection on engagement systems. *Foreign Language Research*. 2010, (3), 51-56.