

Pragmatic Analysis of Hedges Used in Defendant's Arguments in Civil Courts -- A Case Study of Lao Rongzhi

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Abstract: Hedges are a part of fuzzy language and play an important role in language communication. Since hedges entered into the academic world, there have been numerous researches on hedges. However, few existing studies have analyzed legal discourse from the perspective of Adaptation Theory, and few studies have been conducted on the pragmatic analysis of hedges used in defendants' arguments in civil courts. Therefore, based on the classification method of hedges by Prince, this study conducted a pragmatic analysis of hedges used by defendant in court arguments from the perspective of Adaptation Theory. The trial case of Lao Rongzhi, which has caused a great disturbance in recent years is chosen in this study. It is concluded that defendant often uses multiple hedges to adapt to the context simultaneously, resulting in different communicative effects, such as expressing respect, expressing politeness, arousing sympathy, and avoiding responsibility. The use of hedges is related to the special nature of court trial and the defendant's intention to evade responsibility and obtain a reduction in sentence. By conducting a multidimensional analysis of hedges in defendant's arguments in court trial, this study aims to enrich the research on hedges in court discourse, increase public attention to defendant discourse, and attempt to provide some inspiration and guidance for defendants to use hedges and for judges, lawyers, and other court participants to respond to hedges.

Keywords: Hedges, Defendant's Arguments, Adaptation Theory, Court Trial

1. Introduction

Since 1996, Fa Ziyang and his girlfriend Lao Rongzhi have committed crimes in Nanchang, Wenzhou, Hefei, and other Chinese cities. During this period, it was basically Lao Rongzhi who seduced the seemingly wealthy man with her appearance and tricked him into her house. Fa Ziyang and Lao Rongzhi used kidnapping, extortion, robbery and other means to steal money, and brutally killed 7 people. On December 28, 1999, Faziying was executed by firing squad. On December 17, 2019, Lao Rongzhi was arrested by the Chinese police. This is the Lao Rongzhi case that caused a sensation in China. The first case trial of Lao Rongzhi was held in September 2021, during which the defendant used a large amount of hedges. Hedges, as a common communication strategy in daily communication, have attracted great attention since its debut in academic circles. In recent years, the study of hedges have achieved fruitful results in pragmatics [1], sociolinguistics [2], comparative linguistics [3], translation [4] and other disciplines. However,

there is little attention paid to the use of hedges by defendants in civil courts, and the analysis of hedges in defendant's arguments from the perspective of Adaptation Theory is also not common. Therefore, this study analyzes the use of hedges in the trial case of Lao Rongzhi from the perspective of Adaptation Theory, explores the use of different categories of hedge and the reasons for this phenomenon, and provides examples from three dimensions of Adaptation Theory: the physical world, the mental world, and the social world. This study aims to provide a new perspective for the study of hedges and legal discourse.

2. Literature Review

2.1. Hedges and Legal Discourse

Hedges are a kind of fuzzy language. G. Lakoff, who is a master in the research of hedges, defined hedges as "words whose job it is to make things fuzzier or less fuzzier" in his article *Hedges: A study in meaning criteria and the logic of*

fuzzy concepts [5]. As for the classification of hedges, the tried-and-true classification method in the academic world was proposed by Prince, Frader and Bosk, who divided hedges into approximators and shields [6]. The classification method is shown in Figure 1. As for the research of hedges in China, it is believed that the paper of Professor WU Tieping *A Preliminary Study of Fuzzy Language* [7], published in the *Journal of Foreign Languages* in 1978, marks the beginning of the study of fuzzy language in China. In 1985, Professor HE Ziran explained adaptors, rounders, plausibility shields and attribution shields with examples, and explored their pragmatic functions in verbal communication [8]. Since the birth of hedges in China, researchers mostly focused on the pragmatic function and interpersonal meaning of them.

International legal linguist Peter M. Tiersma indicated that legislation consists of words. Morality and customs may be contained in human behavior, but law is generated through language [9]. Thus, law cannot be separated from language. Hedges, as an important speech strategy, can coordinate the relationship between people and protect themselves, so hedges play a vital role in legal language. As for the analysis of hedges in legal discourse, it is supposed that O 'Barr W. M. first discovered the use of hedges in court trials in 1982 [10]. In his paper, he explored the correlation between language and power and the use of language strategies in court trials.

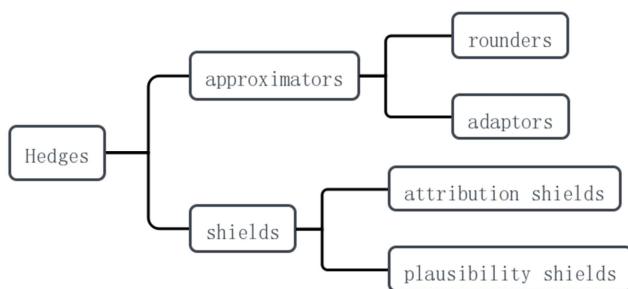


Figure 1. The Categories of Hedges.

2.2. Adaptation Theory

Belgium linguist Jef Verschueren systematically elaborated the the framework of Linguistic Adaptability in his book *Understanding Pragmatics*. The philosophical basis of Adaptation Theory is Evolutionary epistemology. Jef Verschueren expressed that language use is a “continuously making linguistic choices, consciously or unconsciously, for language-internal and/or language-external reasons [11]”. In other words, the Language Adaptation Theory holds that communicators will constantly modify speech acts according to the needs of communicative context in order to achieve communicative intention. Wittgenstein summarized Adaptation Theory into four perspectives: making linguistic choices, variability, negotiability, and adaptability. These four perspectives also constitute the basic theoretical framework of linguistic Adaptation Theory and the theoretical perspective for analyzing pragmatic function of discourse [12]. According to the Adaptation Theory, the term “context” is used to refer to all factors that interact with discourse or affect the processing

and use of discourse, including physical context, social context and mental context. Physical context refers to the temporal and spatial factors that affect the language use of the communicator; Social context refers to social and cultural factors such as social occasions, social distance, power and cultural awareness; mental context includes the emotional and cognitive factors of the communicator. In other words, the pragmatic identity constructed by the communicator need adapt to the emotional needs of both parties in communication.

3. Research Design

3.1. Research Questions

- (1) What is the frequency of different categories of hedges used in the defendant's arguments in the trial case of Lao Rongzhi?
- (2) What are the pragmatic motivations of hedges used in the defendant's arguments under the framework of Adaptation Theory?

3.2. Research Method

The first step in this study is to collect data. The corpus in this study is derived from the first episode of the trial of the Lao Rongzhi case in issue 20210911, the second episode of the trial of the Lao Rongzhi case in issue 20210918, and the third episode of the trial of the Lao Rongzhi case in issue 20210925 in the “On the Spot” column of the CCTV-12 social and legal channel (<https://tv.cctv.com>). After collecting three videos, the author converted all the videos into audio with the help of the APP Zamzar, which is an Video-to-Audio Converter. The audio duration is 107 minutes and 57 seconds. Subsequently, the author uses WPS to convert audio into text. Due to factors such as anxiety during the defendant's debate, language variants (such as dialects) may occur. Therefore, the author watched the video recording the defendant's arguments word by word, and compared it with the text to ensure the accuracy of the research corpus.

3.3. Research Results

The research results are shown in Tables 1, 2, and 3.

Table 1. Proportion of Different Classifications of Hedges in the Defendant's Arguments.

Hedges		Frequency	Percentage (%)
Approximators	Adaptors	51	71.8
	Rounders	20	28.2
Shields	Plausibility shields	13	100
	Attribution shields	0	0

Table 2. Frequency Arrangement of Different Classifications of Hedges.

Adaptors	Rounders	Plausibility shields	Attribution shields
很、非常 (very)	一直 (all the time)	好像 (seem to be)	
太 (too)	大概 (about)	应该 (ought to)	
那么 (so)	至少(at least)	按照我的逻辑推理 (I agree)	
...点 (a little bit)	经常 (often)	我想 (I think)	

Table 3. Frequency Arrangement of Hedges in the Trial Case of Lao Rongzhi.

Hedges	Frequency
很 (very)	19
非常 (very)	14
一直 (all the time)	9
太 (too)	6
大概 (about)	5
...点 (a little bit)	5
那么 (so)	5
好像 (seem to be)	5

In the trial case of Lao Rongzhi, the total number of words in the defendant's arguments was 4934, and hedges appeared 83 times, accounting for 1.7%. Among them, the hedges appeared 33 times in the "On the Spot" 20210911 Trial Record of the Lao Rongzhi Case (Episode 1), 20 times in the "On the Spot" 20210918 Trial Record of the Lao Rongzhi Case (Episode 2), and 30 times in the "On the Spot" 20210925 Trial Record of the Lao Rongzhi Case (Episode 3). According to the results of the study, defendants use approximators more frequently than shields. In the use of hedges, adaptors account for the highest proportion and attribution shields account for the lowest proportion and there isn't any attribution shields used in the defendant's arguments. In the trial case of Lao Rongzhi, the most frequently used hedges were “很 (very)”, “非常 (very)”, “一直 (all the time)”, “太 (too)” and “大概 (about)”. The five words with the highest frequency are all approximators.

4. The Analysis of Hedges Used in the Defendant's Arguments

4.1. The Pragmatic Function of Hedges Used in the Defendant's Arguments

In court trial, the judge plays a dominant role and the defendant is passive. However, the answer from defendant is also a choice dominated by purpose. In court debates, the defendant, in situations where the defendant's purpose conflicts with the judge's, makes the court trial produce the most beneficial results for herself or himself. At the same time, defendants try their best to make the judges and the trial personnel feel that they have followed the cooperative principle of conversation. Therefore, hedges can leave room for discourse when the defendant provides response information. It can weaken the defendant's recognition and responsibility for answering information, and it is also a speech act that the defendant uses to minimize and escape punishment in an atmosphere of fear and tension.

As for the reason why approximators are used more frequently than shields, the author believes that the atmosphere of the court is very official and authoritative, so to some extent, the misuse of language may put defendants at a disadvantage. Therefore, when the defendant is unsure whether the proposition is correct in communication, they tend to use approximators to express the ambiguity of the proposition rather than using shields which aim to show

speakers' attitude and conjecture. This is the reason why approximators are used more frequently in the defendant's argument than shields.

Adaptors refer to the words or phrases that can reveal differences in the degree of truth in the communication. Rounders refer to the words or phrases that limit the range of change. In the trial case of Lao Rongzhi, the frequency of use of adaptors is higher than that of rounders. As for the reason for this phenomenon, the author believes that the case has certain practical particularity. The main plot of the case is that four cases of robbery, kidnapping, and intentional homicide occurred in Nanchang, Wenzhou, Changzhou and Hefei from 1996 to 1999. After investigation, the police found that Lao Rongzhi and her boyfriend Fa Ziyang had jointly committed these crimes. Fa Ziyang was arrested and brought to justice by the police in 1999, and was sentenced to death by gunfire because of the enormous social harm. However, Lao Rongzhi was beyond the arm of the law for 20 years and was arrested in Xiamen in 2019. Due to the long history of the law case and the death of the partner in crime, the defendant used numerous adaptors that changed the truth of judicial fact.

In addition, in this trial case, the defendant used some plausibility shields but without any attribution shields. As for reasons accounting for this phenomenon, the author believe that this is because defendants often lack sufficient professional knowledge, but are full of a strong desire to express their intentions. Defendants are not as professional as lawyers, agents, or judges, and are often at the bottom of power and solidarity in court. Therefore, they tend to use more plausibility shields such as “seem to be (好像)”, “I think (我想)”, or “ought to (应该)” to reflect their personal positions and attitudes, rather than more rigorous and cautious attribution shields such as “according to (根据)”.

4.2. Adaptability-Theoretic Analysis of Hedges Used in the Defendant's Arguments

4.2.1. Hedges Used to Adapt to the Physical World

The physical world includes time and space. According to Verschueren, time is a relative concept related to language, not an absolute value, including event time, discourse time, and reference time related to a clear indicative center [11]. And space includes spatial relationships such as "east, south, west, and north" as well as internal orientations including discourse space and reference space [11]. Proper use of hedges is also one of the language skills for responding to the prosecution [13]. Although it is fact-based in court trials, many cases are already age-old and difficult to recover due to the death of other parties to the case. Therefore, the truth is relative and the defendant's memory is limited. In the case of Lao Rongzhi, more than 20 years have passed between her escape and her arrest. Therefore, when the defendant cannot remember the exact time or space, they will use hedges, especially approximators.

Example 1. 法官 (Judge): 去了几次 (How many times have you been there?)

被告 (Defendant): 两次 (twice)

法官 (Judge): 去做什么 (What did you do?)

被告 (Defendant): 时间具体不太清楚, 请允许我说。

(The time is not too clear, please allow me to say.)

Example 2. 辩护律师 (Defense Attorney): 那第二次是什么时候去熊某家的 (When did you go to Xiong's house for the second time)

被告 (Defendant): 晚上吃完夜宵以后 (After eating food taken late at night.)

辩护律师 (Defense Attorney): 大概几点 (What was the approximate time?)

被告 (Defendant): 大概九十点吧, 要不然就是夜宵就不是晚餐, 因为我们经常去大排档 (It was about nine o'clock or ten o'clock, eating food taken late at night or supper, because we often went to different food stalls.)

Example 3. 法官 (Judge): 被告人劳荣枝是否有异议 (Does the defendant Lao Rongzhi have any objection?)

被告 (Defendant): 因为我被抓的时候 厦门警方已经告诉了我了犯罪的结果, 我对她们的死亡没有异议, 但是当时我不太清楚是常州的还是温州的 (Because when I was arrested, the police from Xiamen had already told me about the results of the crime, and I had no objection to their deaths, but I wasn't too sure if it was from Changzhou or Wenzhou.)

The above three examples are all examples of hedges adapting to the physical world. And "about" and "too" are both approximators. In these three examples, examples 1 and example 2 is adapted to the time and example 3 is adapted to space.

4.2.2. Hedges Used to Adapt to the Mental World

The mental world includes personal emotions, beliefs, desires, and motivations. The defendant also has emotional, desire, and personality needs, so it should also be included in the mental context [14]. Hedges play a crucial role in adapting to the mental world. On the one hand, hedges can mitigate a claim, so defendants tend to use hedges to mitigate a claim and soften the tone. In the process of court trial, the use of adaptors and rounders can soften the tone. On the other hand, the use of adaptors and rounders can also arouse the sympathy of judges and the public.

Example 4. 被告 (Defendant): 我的心态在发生变化 我一直认为我犯的是死罪 他杀人等同于我杀人 我放弃了生 但是我非常顾念别人 (My mindset is changing, and I've believed that what I committed was a capital crime all the time. Killing people by Fa Ziying is equivalent to killing people by me. I gave up my life, but I'm very concerned about others.)

Example 5. 法官 (Judge): 那来合肥是不是明确就是要找一个有钱人来抢钱了 (Was it clear that you came to Hefei to find a wealthy person to rob money?)

被告 (Defendant): 这是他这么要求我去做的 事实上我是很想通过劳动 努力工作 (This was what he asked me to do. In fact, I am very intended to work hard through labor.)

Example 6. 法官 (Judge): 你留字条的目的是干什么 (What was the purpose of your leaving a note?)

被告 (Defendant): 我害怕他看到我先跑了 直接冲到我家里 去杀我家人 我为了保护我家人 我忍耐得非常多 承受了非常多 (I'm afraid he saw me run first and rushed

straight to my house to kill my families. What I endured and bore is very much.)

The above two examples are the defendant's use of hedges to adapt to the mental world. In order to arouse the sympathy of the audience and the public, Lao Rongzhi has always emphasized her concern for her family and others and tries to establish an image of being controlled by Faziying.

4.2.3. Hedges Used to Adapt to the Social World

Power relations have been proven to constrain language form and strategy choices in communication [15]. According to the rules and norms of court trial, the defendant is required to answer any questions raised by the judge. In order to comply with this rule, the defendant often uses hedges to express his attitude and soften his tone to show his respect and politeness towards the judge.

Example 7. 法官大人 我不认可 请允许我一直不敢面对 这二十年暗无天日的生活 请原谅我 (Dear honor judge, I don't approve. Please allow me to be afraid to face up to the facts all the time. These twenty years of life was full of darkness. Please forgive me)

Example 8. 但是我也觉得很抱歉 我也不想这么做 但是法子英 你想他是那么一个暴力的人 那么残酷的 没有人性的人 他做什么我制止不了 所以我认错 我应该制止终止犯罪

(But I felt sorry about that and I didn't want to do it, but you know Faziying, he is so violent, so cruel and inhuman person. I couldn't stop what he did, so I admit I'm wrong. I should end the crime).

Example 9. 因为我很多东西记不清楚 因为实在久远 侦办的要求我再详细一点 再深一点 所以我就润了色 (Because I can't clearly remember many things and it's been a long time. The detective asked me to be a little bit more detailed, so I embellished my words.)

The above three examples are the embodiment of using hedges to adapt to the social world. They are also the embodiment of the defendant surrendering to power, expressing respect and politeness towards judges, detective and other personnel. At the beginning of the trial, the defendant called the judge "Dear honor judge" and used many hedges to soften the tone, which is proof that power can change language choices in communication.

5. Conclusion

This study applies Adaptation Theory proposed by Jef Verschueren in 1987 to analyze the use of hedges in the defendant's arguments in the trial case of Lao Rongzhi, including the pragmatic function of hedges and adaptability-theoretic analysis of hedges used in the defendant's arguments. The result shows that defendants use approximators more frequently than shields. Among various types of hedges, adaptors accounts for the highest proportion, and attribution shields accounts for the lowest proportion. This phenomenon is related to the particularity of the court trial and the defendant's intention to evade responsibility and obtain a commutation of sentence. In court trials, defendants

often use multiple hedges to adapt to the context simultaneously, resulting in different communicative effects, such as expressing respect, expressing politeness, arousing sympathy, and avoiding responsibility. This study, through a pragmatic analysis of hedges used in the defendant's arguments in the trial case of Lao Rongzhi, aims to enrich the linguistic research perspective on hedges in legal discourse, enhance public attention to the defendant's arguments and attempt to provide some enlightenment and guidance for the defendant as well as for lawyers, judges, and other court participants to use hedges in the court trial.

References

- [1] Yang Kun. Investigating the function of reliability construction of hedges: Based on the corpus of U.S. presidential candidates TV debating [J]. *Foreign Language Learning Theory and Practice*. 2022 (1): 47-53.
- [2] Zhang Jing. The role of gender in the use of linguistic hedges in natural spoken language between taiwan and mainland [J]. *Journal of Huaqiao university*. 2021 (6): 150-160.
- [3] Wu Guangting&Yang Lianrui. A corpus-based contrastive analysis of hedges in English and Chinese: a case study of approximators [J]. *Journal of PLA University of Foreign Languages*. 2021 (1): 45-52.
- [4] Pan Feng&Sheng Dandan. Norms and norm-taking in interpreting for Chinese government press conferences: a case study of hedges. *Foreign Language Learning Theory and Practice*. 2021 (1): 115-124.
- [5] Lakoff G. Hedges: A study in meaning criteria and the logic of fuzzy concepts [J]. *Journal of Philosophical Logic*, 1973 (2).
- [6] Prince E., Frader J. & Bosk C. On Hedging in Physician—Physician Discourse [J]. *Linguistics and the Professions*. Hillsdale, NJ: Ablex, 1982.
- [7] Wu Tieping. A Preliminary Study of Fuzzy Language [J]. *Journal of Foreign Languages*, 1979 (4).
- [8] He Ziran. Hedges and Verbal Communication [J]. *Journal of Foreign Languages*, 1985 (05).
- [9] Peter M. Tiersma. *Legal Language*. Interpreted by Liu Weiming [M]. Law Press China, 2015.
- [10] O'Barr, W. H. *Linguistic evidence: Language, power, and strategy in the courtroom* [M]. New York: Academic Press, 1982.
- [11] Verschueren, J. *Understanding Pragmatics* [M]. New York: Oxford University Press, 1999.
- [12] Li Jie, He Ziran. *12 Lectures on Pragmatics* [M]. East China Normal University Press, 2011.
- [13] Liao Meizhen. *Trail Communication Strategies* [M]. Law Press China, 2009.
- [14] Xu Min, Chen Xinren. On Construction and Adaptation of College English Teachers' Identity in Class [J]. *Foreign Language Education*, 2015 (03).
- [15] Formentelli M. Address strategies in a British academic setting [J]. *Pragmatics*, 2009 (2).