



On the Linguistic Functions of Foregrounding Language in Lawyer's Defense Statement: A Case of Wang Chengzhong's Defense

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Abstract: A lawyer's defense statement (hereinafter referred to as "defense") is a typical persuasive discourse. This article takes the defense of second instance for the case of Wang Chengzhong which aroused heated discussions in 2019 as the research subject. The foregrounding language and its linguistic functions will be analyzed to find out how the lawyer tries to persuade others through the defense. It is found that the foregrounding language in the lawyer's defense is primarily embodied by quantitative and qualitative deviations of language convention, and the latter is more than the former; typically, it realizes three metafunctions proposed by Halliday, namely ideational metafunction, interpersonal metafunction, and textual metafunction.

Key Words: lawyer's defense, foregrounding language, linguistic function

1. Introduction

As a special kind of institutional discourse, lawyers' defense is mainly used to persuade others, which include judicial personnel (such as judges and adjudicators) and the public participating in court trials. Its ultimate goal is to maximize the interests of the parties concerned by reasoning and presenting facts. Therefore, how to achieve a dynamic balance between effective reasoning and reclamation is a major challenge for lawyers in the process of writing a defense.

Foregrounding is one of the main concepts in the functional stylistic theory proposed by Halliday. Influenced by the views of Mokarovsky, a famous linguist and literary critic of the Prague School, Halliday regards style as foregrounding, which however he pinpoints as "motivated prominence" and emphasizes that "a salient feature can only be foregrounding if it is related to the meaning of the text as a whole". The so-called "prominence" refers to the deviation from the conventional language form, which can be either qualitatively prominent or quantitatively prominent, such as morpheme repetition, word repetition, or structural repetition (Halliday, 1971; Zhang, 1999).

Halliday also believes that we should not distinguish between stylistic and non-stylistic features in the meaning domain of a text, and there is no linguistic area where style does not exist. He believes that linguistic function is the medium connecting linguistic form and situational context (Halliday, 1971). In its systemic functional grammar, the overall functions of language are grouped into three categories: ideational metafunction, interpersonal metafunction, and textual metafunction. Ideational metafunction refers to the use of language to describe human experience, which can be further divided into experiential and logical functions; interpersonal metafunction refers to the use of language to construct relationships with others or society, reflecting the individuality and interaction of language at the same time; textual metafunction implies that language is used to establish and organize discourse sequence and information flow, as well as cohesion and continuity in the process of discourse development (Halliday & Christian, 2014).

Over the past years, most of the research about foregrounding languages has focused on literature and translation (Feng & Dang, 2019; Ma, 2017; Wang, 2015; Wu, 2016; Zhang & Liu, 2015), or had discussions on the theoretical level of stylistics (Deng, 1999; Ma, 2008; Wu, 2004, 2011; Xu, 2011; Zhang, 1994), or given a comprehensive analysis of language deviation (Gong, 2001), there is very little analysis of foregrounding language and its functions in applied discourse (Zhao & Ji, 2009). For this reason, this article takes the defense of Wang Chengzhong in the trial of second instance as the object of study, to discuss the foregrounding language and its linguistic functions in the defense of lawyers.

2. Forms of foregrounding language in lawyers' defense

On September 3, 2017, Judge Wang Chengzhong of the Intermediate People's Court of Liaoyuan City, Jilin Province was under criminal detention on suspicion of civil bending of law in an appeal case concerning a dispute over a forest land transfer agreement. The focus of the case was the transfer price of forest land. In the first instance, the plaintiff believed that it was 6 million yuan, and the defendant argued that it was 600,000 yuan. The first instance supported the plaintiff's claim, and the defendant lost the case. Wang Chengzhong's decision in the second instance remained the same, and the collegial panel agreed to his opinion, thus the second instance upheld the first instance's verdict. On February 9, 2018, the Xi'an District People's

Court sentenced Wang Chengzhong to three years in prison for the crime of perverting the law. Wang Chengzhong refused to accept and appealed. On November 22, 2018, the Higher People's Court of Jilin Province decided to designate Wang Chengzhong and Zhang Daqing's suspected civil law-bending case to be tried by the Tonghua Intermediate People's Court following the criminal second-instance procedure. (Souhu, 2019) Wang Chengzhong's defense lawyer Xu Xin delivered a statement of defense titled "The Judge is the Lord of the Legal Empire" during the trial, emphasizing that Wang Chengzhong as an excellent and just judge, would not bend the law and should not be subject to the penalty of three-year imprisonment. The following paragraphs will analyze how the lawyer's defense intends to persuade the judicial officers and present audiences through foregrounding language based on quantitative and qualitative deviations from the language conventions.

2.1 Quantitative deviation

Repetition is a typical prominence that quantitatively deviates from the conventions of language. In this defense, there are multiple repetitions of the same words, for example,

- 1) The 600,000 yuan agreement, although it was filed in the forestry station, the price was too low, which violated social consensus, violated the common sense of rational people, and violated the rule of thumb. (Source: <http://www.defenselawyer.cn/Article/lawnews/201905/23168.html>, translated by the author)

This is a typically spaced repetition. In response to the low-priced 600,000 yuan forestry agreement, the lawyer repeatedly used the verb "violate" thrice, indicating that Wang Chengzhong had no reason to accept the agreement. This not only strengthens the momentum but also highlights that the low-priced forest land transfer agreement is contrary to common sense.

Another example,

- 2) Wang Chengzhong, neither did he bend the law nor did he have any fault; Instead, he was an outstanding judge, the first batch of outstanding judges in Jilin Province and the first outstanding judge in Liaoyuan City.

"Outstanding judge" is also a spaced repetition, which appeared three times in a row, and the sentence structure was progressive. It transcended the conventional language background and formed a prominence, thus attracting the attention of the audience (Xu, 2005).

2.2 Qualitative deviation

Rhetoric is the speaker's (author's) deliberate deviation from the language convention, which can form a prominent "foregrounding" language (Ding, 2017). In the defense of Wang Chengzhong's case, the author found that the lawyer frequently used rhetorical questions, metaphors, irony, and analogy, which was impressive.

2.2.1 Rhetorical question

When the speaker breaks the normal thinking pattern and uses different grammatical structures, for example, expressing negation in a positive form, or expressing affirmation in a negative form will highlight the meaning to be expressed.

Statistically, 23 rhetorical questions were used in the second-instance defense in the Wang Chengzhong case. A rhetorical question is a figure of speech in the form of a question. It is a question that is asked to make a point: it does not need a reply. It will lead the hearer to understand the opposite content of the proposition, and negate the assertion in the affirmative yes/no question (express negation in the positive form), for example,

- 3) Without receiving a penny from the party concerned or being treated to a meal, why did Wang Chengzhong take the risk of being held accountable for life to bend the law, and "learning from Lei Feng (doing a good deed)" just to help Li Xiaoyan, a stranger, to seek huge profits?
- 4) Looking at the whole case, there is no motive for Judge Wang Chengzhong to deliberately bend the law. Can you imagine a perverted judge who doesn't charge a penny?

As its definition states, the rhetorical question is used to produce a dramatic effect or to make a point rather than to obtain an answer to the question (Oxford, 2022), the power of discourse is enhanced by this "foregrounding" means of expression, drawing the attention of the audience (or reader) to the point (Deng, 1999) — Wang Chengzhong is innocent.

2.2.2 Metaphors

The metaphor refers to comparing the object of thought with something else. It's an obvious departure from the norm of language, a typical deviation in quality.

- 5) Even if Li Xiaoyan defrauded, the facts of the fraud must be finally determined after investigation, review and prosecution, and trials of first instance and second instance, how can one expect that a civil judge is an investigator? The results of post-mortem investigation cannot be used to accuse judges who have previously tried civil cases of constituting crimes, otherwise "no snowflake will be spared".

“No snowflake is innocent in an avalanche” comes from the famous French thinker Voltaire, indicating that when there is an avalanche, no snowflake wants to admit that he is the culprit of the avalanche, but if there is no snowflake, how come the avalanche? The lawyer quotes here to compare every judge as a “snowflake” including Wang Chengzhong and the judge present. The “distance” and heterogeneity between the signified and the signifier radiate and expand the meaning of the words infinitely; the sliding between the signified and the signifier also forms an unexpected sense of the picture, which is intriguing.

- 6) Such cases and the vague judicial accountability system have become the “Sword of Damocles” hanging over the judges’ heads, which to a certain extent prompted the resignation of judges and prosecutors.

The “Sword of Damocles” comes from a legend, expressing the danger that exists at all times, and implying caution in the face of serious consequences that may be brought at any time (Baidu, 2020). The lawyer uses this as a metaphor for the “fuzzy judicial accountability system”, which takes the advantage of concrete things to describe the abstract system, highlighting disapproval of China’s current judicial accountability system.

- 7) The court is the palace of the legal empire, the judge is the lord of the legal empire, and the judges are supposed to enjoy a high status and prestige. In ancient China, when the parties concerned visited the judge, the Great Master, they often had to kneel.

The law as an abstract code of conduct is metaphorically referred to as an empire, the court as its palace, and the judge as its lord. The implied meaning of this is quite obvious, namely, the law is a sacred system, and the judges are the representatives of the implementation of this system with a high status; based upon this, they should be respected and even admired. In reality, Wang Chengzhong was reduced to a prisoner under the premise of no evidence. Through metaphors, the lawyer foregrounds the meaning, alerting and even deafening the listeners.

- 8) The live broadcast of the trial made the case “a lively open class on the rule of law shared by the people across the country”.

In this case, the court trial was open to the public at the strong request of Wang Chengzhong. The lawyer likened the live broadcast of the trial to an “open class on the rule of law”. The contextual gap between the signified and the signifier allows the combination of them to produce rich residual meaning and intermediate meaning. Imperceptibly, the significance of this trial has been raised to the level of public demonstration, and it has created a great psychological constraint on the judge so that the judge has to be cautious of the judgment of this case.

It is clear that, in the lawyer’s defense that focuses on facts, the appropriate use of metaphors to implicitly and restrainedly express what is meant will not only avoid direct verbal conflict but also highlight its implicature exceptionally. Do what should be done and stop where one should stop.

2.2.3 Irony

Irony refers to a word or sentence in which there is a conflict between the referent (actual meaning) and the signifying meaning (literal meaning) of speech (Xing & Xu, 2015). It can be divided into exaggerated narratives, expressing contrary to what one thinks, and so on.

- 9) In the case being prosecuted today, if Zhang Chengzhong and Li Chengzhong were replaced, according to the provisions of the Civil Law and Civil Procedure Law, they would still judge in this way, and if I were to judge again, I would still keep judging in the same way. According to such accountability, all judges in this district will be pushed to the dock (become defendants) within three years.

The trial procedures of the civil cases that Wang Chengzhong is responsible for are in full compliance with the provisions of the Civil Law and Civil Procedure Law, and any other person will enter the same judgment. The lawyer used an exaggerated statement, “according to such accountability, all judges will be pushed to the dock within three years”. This is questioning and ironic about the accountability procedures and case handling capabilities of the public prosecutors. Although there is a certain risk in this expression, the reinforcement of the lawyer’s point of view cannot be denied.

- 10) Retrieving judicial statistics, there are more than 30,000 retrial cases per year, and 37,598 cases in 2017. According to Liaoyuan’s logic of allegation of crimes and conviction based on only one trial, as soon as the case is in a retrial, two levels of presiding judges will be arrested, whereas the number of judges nationwide is less than 120,000, all of them will be arrested in less than a year this way. Absurd!

Similar to Example (9), this is another questioning of judicial personnel’s professional logic. To highlight the necessity of procedural justice, the lawyer once again makes use of exaggerated narrative in irony to emphasize it, which is difficult to refute and will perhaps urge judicial personnel to make judgments more cautiously.

2.2.4 Analogy

Analogy refers to the similarity or comparison between two things that have some identical characteristics by which novel or complex situations and problems can be understood in terms of familiar ones. Like the above rhetorical devices, it also belongs to the prominence that deviates from the conventional language in quality.

- 11) As Guo Changxing said, to help Guo Yonggui sell forest land on his behalf, there is no need to go through the transfer registration, which is not in line with the general situation of selling on behalf of others. The prosecutor asked me to help sell her house on her behalf. Does she have to transfer the house to me first?

In this analogy, rhetorical questions are also used to emphasize the non-necessity of helping to sell forest land after transfer registration.

- 12) Do not think that when someone comes to the judge, the judge will bend the law to make a judgment. For example, I visited President Zhang Taifan and asked him to take care of Wang Chengzhong, the court finally made a fair judgment. Can it be concluded that president Zhang accepted Xu Xin's request?

In this example, the people and things in front of the lawyer are used as an analogy to show the irrationality of the prosecutors' logic of case handling.

3. Foregrounding language and its linguistic functions in lawyers' defense

Prominent features of stylistic value must be related to the context in which the text is produced. Therefore, when discussing the functions of the above foregrounding language, we cannot detach from the discourse itself.

According to Halliday's views on contexts of situations, any situation type can be characterized in terms of field, tenor, and mode (Halliday & Christian, 2014), in other words, these are the three major contextual elements that form language characteristics. Field refers to what's going on in the situation (the 'subject matter' or 'topic'); tenor refers to who are participants and the relationship among them in the situation; while mode refers to what role is being played by language and other semiotic systems in the situation, whether in written or oral, whether it is an explanation, comment or persuasion (the means of communication) (Halliday & Christian, 2014).

The subject matter of a lawyer's defense normally is the crime and punishment of the parties concerned in the court trial; the participants of the trial include lawyers, judicial personnel, and bystanders in a court; and the defense is orally presented, but usually in prepared oral language. As Halliday (1978) suggested, field values resonate with ideational meanings, tenor values resonate with interpersonal meanings, and mode values resonate with textual meanings (Halliday & Christian, 2014).

3.1 Ideational metafunction

The representational meaning or ideational meaning of clauses is expressed by transitivity structures: what the clause is about, which is typically some process, with associated participants and circumstances (Halliday & Christian, 2014).

Throughout the defense, more than half of the clauses use a material process, such as (1), (3), (10), and so on. This does not seem difficult to explain, since the subject of the defense is to judge the actions or behaviors of the parties concerned. Second is the relational process, mainly intensive relation (x is a) (Halliday, 1994), such as (2), (6), (7). In example (2), Wang Chengzhong was identified as an excellent judge, and the lawyer tried to amplify this meaning through the language form of repetition, thereby generating another meaning: how does a good judge bend the law? Different from (2), (6) and (7) show that it is unreasonable to charge Wang Chengzhong for perverting the law because of the accountability system and judges' status. Example (6) compares the "fuzzy judicial accountability system" to the "Sword of Damocles", by which the lawyer intends to arouse the deep thinking of judicial personnel. (7) is the sublimation of the theme of the defense. Judge is the lord of a legal empire, therefore, the judgment of Wang Chengzhong (a judge) is of great importance. All these are relational clauses of identity (a is the identity of x), as the lawyer tries to assign more value to the party concerned Wang Chengzhong, the court (judge), and the vague judicial accountability system to draw more attention of the judicial workers.

3.2 Interpersonal metafunction

As mentioned earlier, tenor values resonate with interpersonal meanings (Halliday & Christian, 2014). The interpersonal meanings are expressed by the intonation contour; by the 'mood' element, which may be repeated as a tag at the end; and by expressions of modality that may recur throughout the clause (Halliday & Christian, 2014). Lexicogrammatically, there are mainly three types of moods realizing interpersonal meaning, including declarative mood, imperative mood, and interrogative mood. Statistically, more than two-thirds of the foregrounding language in this defense adopts an interrogative tone, as shown in examples (3), (4), (11), (12), and the following.

- 13) If even the respectable judges are not safe, no one can feel safe, how to talk about the rule of law in China?

In the courtroom, lawyers read out their defenses to judicial officers. In addition to clearly stating the facts of the case, they are more eager to arouse the emotions of the judicial officers, and communicate with them efficiently through powerful dialogues, especially in rhetorical questions, which can stimulate emotions and highlight the nature of this dialogue (Xu, 2011).

3.3 Textual metafunction

Mode values resonate with textual meanings. The textual meaning of the clause is expressed by what is put first (the Theme); by what is phonologically prominent (and tends to be put last – the New, signaled by information focus); and by conjunctions and relatives which if present must occur in initial position (Halliday & Christian, 2014). To better demonstrate how the above-mentioned foregrounding language realizes this function, the sixth subsection¹ of the defense is excerpted for analysis:

To protect and fight for the rights of judges

From the cases of Mo Zhaojun, Liu Deshan, Ma Ruizhi and Li Jian to the case of Jilin Wang Chengzhong and Zhang Daqing, the urgent need to protect the rights of judges has been put forward, especially the need to establish a system of immunity for judges' acts of duty. For example, in the Wang Chengzhong case, it is inappropriate for the Discipline Inspection Commission and the procuratorial organs to hold the judge responsible for the wrongful conviction before the result of the retrial of the civil case. On September 1, it was ruled for a retrial. The judge was arrested on the same day, and the Longshan District Procuratorate was designated to have jurisdiction. It is terrible to arrest the judge in such a hurry. Retrieving judicial statistics, there are more than 30,000 retrial cases per year, and 37,598 cases in 2017; ① According to Liaoyuan's logic of allegation of crimes and conviction in the first instance, as soon as the case is in a retrial, two levels of presiding judges will be arrested, whereas the number of judges nationwide is less than 120,000, all of them will be arrested in less than a year this way. Absurd! In the future, the judge's disciplinary committee should conclude on judges being suspected of a crime under the law before the judge is handed over to the judicial organ for handling.

② Such cases and the vague judicial accountability system have become the "Sword of Damocles" hanging over the judges' heads, which to a certain extent prompted the resignation of judges and prosecutors. It is necessary to resolutely investigate the responsibility of judges for breaking the law, and more than that, to have sound and powerful judicial guarantees, including job guarantees, economic guarantees, and especially security guarantees. The live broadcast of the trial of this case must have exceeded 10 million views, and it will become the most concerning case among Chinese people, especially judges and prosecutors. The judgment must be made with caution.

③ "The court is the palace of the legal empire, the judge is the lord of the legal empire", and the judges are supposed to enjoy a high status and prestige. In ancient China, when the parties concerned visited the judge, the Great Master, they often had to kneel. However, in China, judicial authority is insufficient. Judges, like lawyers, face various occupational risks. Some incidents violate the occupational safety of judges, and there is also the phenomenon of arbitrarily holding judges accountable. Wang Chengzhong's case is a typical one. If even the respectable judges are not safe, no one can feel safe, ④ how to talk about the rule of law in China?

*The crime of perverting the law in civil judgment requires judicial personnel to deliberately violate the facts and the law to pervert the law. Wang Chengzhong handled the civil case, based on the rules of evidence, in the light of the facts that could be ascertained, and made a judgment according to law. The result of judgment was correct, the trial procedure was fair, and there was no fault at all, let alone criminal intent, let alone serious circumstances. On the contrary, **Wang Chengzhong is a good judge.***

The Jilin Wang Chengzhong case has aroused social concern, especially the concern of the judges, with the bizarre way in which the chief judge of the criminal court tried the chief judge of the civil court. It promoted the concept of procedural justice, prompted the popularization of the live broadcast of court trials, and may become the basis for establishing the immunity system of judges' acts of duty. The Wang Chengzhong case will surely become a classic precedent for creating the boundaries of judges' behavior, and a landmark case for safeguarding the professional rights of judges. Jilin High People's Court and President Xu Jiabin attached great importance to this case. ⑤ The live broadcast of the trial made this case "a lively open class on the rule of law shared by the people across the country".

¹ For the convenience of analysis, the underlined examples that appear in this passage are renumbered as ①-⑥, which respectively corresponds to the above examples as (10) (①), (6) (②), (7) (③), (8) (⑤), (2) (⑥), (13) (④).

I believe the Supreme People's Court is also paying close attention to it. I wrote three letters to President Zhou Qiang. Wang Chengzhong wrote two blood letters. If the personal rights of the judges cannot be protected under the law in this case, the enthusiasm of the judges may be undermined.

Dear Judge, there is also a judge sitting in the dock. ⑥ Wang Chengzhong, neither did he bend the law, nor did he have any fault; Instead, he is an outstanding judge, the first batch of outstanding judges in Jilin Province, and the first outstanding judge in Liaoyuan City. The Commission for Discipline Inspection and the Procuratorate did not find any problems in the strict investigation. Wang Chengzhong handled thousands of civil cases, and none of them were appealed for retrial. He has not been removed from office. He is still a judge and the head of a civil court. I should respectfully address him as Judge Wang Chengzhong. However, he has been detained for 606 days so far, and he does not even know that his mother died. It is moving that he is still mentioning his mother during the court debate. I urge you three respected judges to protect the freedom and dignity of fellow judge Wang Chengzhong by the law and make a fair judgment that can stand the evaluation of hundreds of thousands of judges across the country and the test of history.

The opening clause is the explicit starting point of the whole paragraph with a marked theme, namely, an adverbial modifier “from the cases of Mo Zhaojun... to the case of Jilin Wang Chengzhong and Wang Daqing”, which provides the context for the whole passage, indicating the non-uniqueness of the case of Wang Chengzhong; while the focus of the whole sentence is on the rheme “the urgent need to...has been forward, especially the need to...”. This sentence has laid the foundation for the development of the following passage.

The first clause ① makes use of irony, with a marked theme “according to Liaoyuan’s logic of allegation of crimes and conviction in the first instance”. As the theme is not the subject of the entire statement, the irony is further intensified. After all, the lawyer could express in a normal statement that “two levels of presiding judges will be arrested as soon as the case is in a retrial, according to Liaoyuan’s logic of allegation of crimes and conviction in the first instance ...”, which is also a sarcastic questioning of judicial personnel’s professionalism. However, in the former way, the whole sentence not only echoes powerfully with the call for the establishment of a system of immunity for judges’ acts of duty at the beginning but also coherently answers the previous “question” why “it is terrible to arrest the judge in such a hurry”.

The second clause ② starts with “such cases and the vague judicial accountability system”, which serves as the subject and the theme, so the theme is unmarked; in the rheme, a metaphor “Sword of Damocles” is introduced as new information to highlight the implication of the ever-present danger, rather than the other way around. As a result, the risk of a “vague accountability system” is concretized and stressed through the prominent metaphor. Furthermore, the metaphor, on the one hand, makes the depiction of the judicial workers’ resignation more natural, on the other hand, creates coherence between “Sword of Damocles” and the urgency of the establishment of a more sound and powerful judicial safeguard.

The third narration ③ contains two clauses, involving three interlocked metaphors (law-empire, court-palace, judge-king). The themes of the two clauses are “the court”, and “the judge” respectively, which are unmarked. In a way similar to the climax, the focal point of the whole narration is “the judge”, who is compared to “the lord”. Based on this foregrounding metaphor, there was a contrast in the judges’ status between ancient China and current China. The status of judges has dropped dramatically, so the lawyer raised a rhetorical question naturally and reasonably at last, “how to talk about rule of law in China?” (Clause ④). As the subject is omitted, “how to” becomes a marked theme. This is not surprising, since the speaker wanted to give more force to the meaning of his words, namely, the judges should have had a sufficient sense of security, so a system of immunity for their duties is badly needed. It is seen that clauses ③ and ④ are combined coherently and cohesively to emphasize that judges are the backbone of the process of China's rule of law, with different foregrounding languages.

Similar to the structure of clause ②, clause ⑤ has an unmarked theme, the live broadcast of the trial. Likewise, the rheme introduces new information, “a lively open class on the rule of law shared by the people across the country”. This metaphor emphasizes the high degree of concern and modeling effect in Wang Chengzhong’s case. Discursively speaking, the metaphor in the rheme foregrounded the significance of the trial of Wang Chengzhong’s case, as it will affect the future trials of similar cases, as it said, it may also corrode “the enthusiasm of the judges”. Therefore, one cannot help but think about the necessity of establishing an immunity system for judges’ acts of duty.

At last, clause ⑥ starts with the subject “Wang Chengzhong”, an unmarked theme. Repetitively, the theme is stressed as an “outstanding judge” three times. Through the repetition, the lawyer seemed to foreground the excellence of the defendant judge, despite all the above reasoning, to further arouse the present judicial workers’ positive feelings towards Wang Chengzhong.

From the beginning to the end, the above six clauses, no matter with a marked or unmarked theme, always centers on “the urgency of protecting judges’ rights, namely, establishing a system of immunity for judges’ acts of duty”. The elaboration is done from a variety of perspectives, including the logic of case handling, the harm of the fuzzy judicial accountability system, the status of Chinese judges, and the professionalism of Wang Chengzhong as a judge.

With the adoption of different foregrounding languages, the lawyer highlighted his viewpoints in a top-down approach with different themes (the logic of allegation of crimes and conviction at the first instance, vague judicial accountability system, the court, the judge, Wang Chengzhong, etc.); and those languages are echoing with each other, making a cohesive discourse with prominent focus.

4. Conclusion

Foregrounding means “motivated prominence”, and only when prominence has a certain function in the process of communication can it have the features of foregrounding language. Through this concept of functional stylistics proposed by Halliday, this article has discussed the specific forms of foregrounding language in lawyers’ defense, i.e. the quantitative and qualitative deviations from the language convention, and analyzed its ideational, interpersonal, and textual functions. Specifically, more than half of the clauses in the analyzed defense use a material process, followed by a relational process. The reasons behind this are two-fold, one, the subject of the defense is to judge the actions or behaviors of the parties concerned; another, the defense lawyer tries to assign more value to the party concerned, the court (judge), the vague judicial accountability system to draw more attention of the judicial workers. Besides, according to statistics, more than two-thirds of the foregrounding language in this defense adopts an interrogative tone to express its interpersonal meaning, this is because rhetorical questions can stimulate emotions and highlight the efficiency of the dialogue between the lawyer and the judicial workers. Last but not the least, the selected clauses from the sixth subsection of the defense utilize both marked and unmarked themes, with the same focus, “the urgency of protecting judges’ rights, namely, establishing a system of immunity for judges’ acts of duty”. These different themes are adopted in various foregrounding languages to realize the communication intention of the lawyer; further, the foregrounding languages are echoing with each other to make a cohesive and coherent defense. Hopefully, it will provide some useful insights into the pragmatic motives behind the lawyer’s defense, as well as a certain stylistic reference for the professionals who write the lawyer’s defense.

References

- Baidu, E. (2020). Sword of Damocles (达摩克利斯之剑). <https://baike.baidu.com/item/达摩克利斯之剑>.
- Deng, R. H. (1999). The Evolution of the Concept of "Foregrounding" and Its Use in the Analysis of Literary Texts (In Chinese, “前景化”概念的演变及其对文学文本解析的功用). *Journal of South China University of Technology (Social Science Edition) (华南理工大学学报<社会科学版>)* (02), 118-124.
- Ding, X. Z. (2017). Linguistic Foregrounding and Translation of Figurative Rhetoric ——On the English Translation Strategy of Figurative Rhetoric of *Red Sorghum Family* (In Chinese, 语言前景化与比喻修辞翻译——试析《红高粱家族》比喻辞格英译策略). *Journal of Gansu Radio & Television University (甘肃广播电视大学学报)*, 27 (02), 53-57.
- Feng, Z. B., & Dang, Z. S. (2019). A Study of Translation Strategies for Foregrounding Language: Taking Ge Haowen's English Translation of *The Abandoned Capital* as an example (In Chinese, 前景化语言翻译策略研究: 以《废都》葛浩文英译本为例). *Foreign Language Education (外语教学)*, 40 (01), 84-89. <https://doi.org/10.16362/j.cnki.cn61-1023/h.2019.01.016>
- Gong, W. D. (2001). Linguistic Deviation and Stylistic Function of Language in English and Chinese Texts (In Chinese, 英汉语篇中的语言变异及其文体功能). *Foreign Language Education (外语教学)* (01), 74-78.
- Halliday, M. A. K. (1971). Linguistic function and literary style: an inquiry into the language of William Golding's *The Inheritors* In J. Webster (Ed.), *Linguistic Studies of Text and Discourse* (pp. 88-125) : Continuum.
- Halliday, M. A. K. (1994). *An Introduction to Functional Grammar (2e)* (功能语法导论<第二版>) (P. X. W. e. al., Trans.). (Foreign Language Teaching and Research Press (外语教学与研究出版社))
- Halliday, M. A. K., & Christian, M. M. I. M. (2014). *An Introduction to Functional Grammar (4e)* (4 ed.). Routledge.
- Ma, J. L. (2008). Functional Theory of Foregrounding (In Chinese, 前景化功能论). *Journal of Jilin Teachers Institute of Engineering and Technology (吉林工程技术师范学院学报)* (01), 47-50.

- Ma, L. (2017). A New Exploration of the Charm of *Cold Mountain* Based on Foregrounding Theory (In Chinese, 前景化理论基础下的《冷山》魅力新探). *Language Planning (语文建设)* (29), 39-40.
- Oxford, L. (2022). US Dictionary: rhetorical question. https://www.lexico.com/en/definition/rhetorical_question
- Souhu, N. (2019). Thoughts on Wang Chengzhong's Case: Don't Let the Judge Bear the Burden and the Guilt (In Chinese, 王成忠案有感: 不要让法官负重又负罪).
- Wang, M. F. (2015). The Foregrounding Features and Translation of Advertising Parodies (In Chinese, 广告仿拟语的前景化特征及翻译研究). *Chinese Science & Technology Translators Journal (中国科技翻译)*, 28 (04), 27-30.
- Wu, L. (2016). Discussion on the Foregrounding Features of *Song to the British People* Based on Discord and Disequilibrium (In Chinese, 基于失协和失衡探讨《给英国人民的歌》的前景化特征). *Language Planning (语文建设)* (12), 69-70.
- Wu, X. Y. (2004). Stones from Other Mountains: From Defamiliarization to Foregrounding (In Chinese, 他山之石: 从陌生化到前景化). *Journal of Henan Normal University (Philosophy and Social Sciences Edition) (河南师范大学学报<哲学社会科学版>)* (01), 142-146.
- Wu, X. Y. (2011). The Stylistic Method of Literary Discourse—A Review of *Literary Language: Style and Foregrounding* (In Chinese, 文学语篇的文体学方法——《文学语言——文体与前景化》评介). *Foreign Language Teaching and Research (外语教学与研究)*, 43 (05), 788-793.
- Xing, Z. T., & Xu, Y. (2015). Research on Recognition Method for Chinese Irony Rhetoric in Internet Text (In Chinese, 面向网络文本的汉语反讽修辞识别方法研究). *Journal of Shanxi University (Natural Science Edition) (山西大学学报<自然科学版>)*, 38 (03), 385-391.
- Xu, J. (2011). The Foregrounding of Discourse Cohesion Patterns (In Chinese, 语篇衔接模式的前景化). *Shandong Foreign Language Teaching (山东外语教学)*, 32 (04), 27-31.
- Xu, X. Z. (2005). Heterogeneous Combinations and Linguistic Tension (In Chinese, 异质组合与语言张力). *Study & Exploration (学习与探索)* (03), 113-115
- Zhang, D. L. (1994). Language Signs and Their Foregrounding (In Chinese, 语言符号及其前景化). *Journal of Foreign Languages (外国语<上海外国语大学学报>)* (06), 9-14.
- Zhang, D. L. (1999). A Review of Halliday's Theory of Functional Stylistics (In Chinese, 韩礼德功能文体学理论述评). *Foreign Language Teaching and Research (外语教学与研究)* (01), 3-5.
- Zhang, Y. B., & Liu, X. L. (2015). An Analysis of *A Gay Man's Mother* under the Foregrounding Theory (In Chinese, 前景化理论下的《一个男同性恋者的母亲》探析). *Journal of Ocean University of China (Social Sciences) (中国海洋大学学报<社会科学版>)* (01), 108-112.
- Zhao, X., & Ji, L. (2009). Foregrounding of TV Advertising Language (In Chinese, 电视广告语言的前景化). *Modern Communication-Journal of Communication University of China (现代传播-中国传媒大学学报)* (02), 68-69.



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