

# The Vagueness in Courtroom Discourse: A Case Study of Lao Rongzhi

Yujie Mao

School of Foreign Studies, East China University of Political Science and Law, Shanghai  
201600, China

## Abstract

**Courtroom discourse is a branch of legal discourse, which possesses the feature of vagueness. This paper focuses on the influence of fuzzy language on courtroom discourse, taking the trial of Lao Rongzhi as an example. By analyzing the speech of chief judges, prosecutors, defendants, counsels, and the attorney of one of the victims, I will summarize the role vague language plays in the court, which is expected to be helpful to defense strategies as well as interrogation techniques.**

## Keywords

**Vagueness; Courtroom discourse; Fuzzy language.**

## 1. Introduction

Vagueness, one of the main features of natural language, is a subject of growing concern over the past few centuries. Ever since the ancient Greek period, it is always the focus of study, drawing the attention of those great philosophers including Eubulides, Russell, Wittgenstein, Zadeh, and Lackoff. Being comparatively mature, research on fuzzy language has become so specialized that several multidisciplinary specialties—such as vagueness in legal discourse, an overlapping discipline of linguistics and law—gradually sprang up one after another. This paper will centre on courtroom discourse, a branch of legal discourse, by analyzing the transcript of Lao Rongzhi's trial. Referencing the classifications from Cui Fengjuan and Wu Qiaofang's studies, I will categorize vague language into seven groups, according to the functions of vagueness in the trial. In this way, this paper will center on the role of fuzzy language in courtroom discourse, which is closely related to the strategies in defense statements.

## 2. Literature Review

The concept of “fuzziness” can be traced back to ancient Greece. As the first to note fuzziness, Eubulides, a representative of the Magarian School, put forward the known “sorites paradox”, showing the vagueness of natural language [1]. Given the prevailing realism of European philosophy, it was not until the 19th century that language turned eventually into a separate subject rather than just an approach to arguments. With the linguistic turn of western philosophy, the analytic philosophers, represented by Russell and Wittgenstein, cast light on the vagueness of natural language. In *Vagueness*, Russell shared his perspective on the fuzziness of language that “vagueness and precision alike are characteristics which can only belong to a representation”, as “things are what they are” [2]. Wittgenstein, taking this one step further, claimed that “the logic of our language is misunderstood”, so philosophers should “bring words back from their metaphysical to their everyday use” [3]. In 1965, Zadeh used “fuzziness”, which is deemed more a scientific concept than an expression in daily life, to describe the classes of objects. Considering that those we encountered in the real physical world “do not have precisely defined criteria of membership”, he created “fuzzy sets” to deal

with problems in which the source of imprecision is the absence of these “criteria” [4]. Inspired by his predecessors, Israel Scheffler argued that ambiguity, vagueness, and metaphor are pervasive features of language that “shows some basic limitation of the human mind or derives from an ineradicable blur in nature”. In his work *Beyond the Letter*, he demystified the definition of vagueness given by Black, Haak, and Alston, providing a theoretical basis for later research. In China, the publication of Wu Tieping’s *Fuzzy Linguistics* established research in this area in the late 1970s, triggering a wave of interest in the vagueness of language at home. As the enlightened studies before the 21st century laid the groundwork for the research on the ambiguity of legal language, there are several works in this area both at home and abroad. Du Jinbang advocated that the judicial process is the process of eliminating ambiguity per se since there should not be any degree of freedom in the judicial language. Based on the model of Zadeh’s fuzzy sets, Chen Hongju, unlike Du’s opinion, clarified the significance of fuzziness in legal language from the aspects of social development and judicial discretion. Wu Qiaofang, who furthered the study on this topic, put forward that it is significant to give full play to the positive function of fuzziness in legal language, while the disadvantages of ambiguity should be avoided [5].

Although the fuzziness in legal language seems to be the subject of intense scholarly debate, few scholars shed light on the vagueness of courtroom discourse [6]. William M. O’Barr, along with his team, focused on the vagueness in the testimony, concluding that hedges might lead to undermined credibility [7]. Krouglov (1999) and Hale (2002) turned their attention to the translation of vagueness in courtroom discourse. In China, Cui Fengjuan, with the research method of a quantitative study, summarized how different participants in the courtroom use the fuzzy language [6], which indicated the research orientation and prospects for the future. This paper, based on previous studies, will concentrate on vague language in courtroom discourse during the Lao Rongzhi murder trial in Nanchang city in 2021. Being frequently used in the trial, fuzzy language should be classified in line with a proper standard. Given that no classification is recognized in linguistic academic circles, I will sort it into seven categories, referencing the work of Wu Qiaofang and Cui Fengjuan [8]. According to the purpose of speakers, Cui divided vague language into six groups, including vague language out of inaccurate information, possibility, palliative, self-protection, affinity, and coherence. Cui, inspired by the study of Zhang Qiao (2012), took the identity of the speaker into account as well, dividing the use of fuzzy language into three groups by the identities of different speakers, since vague language serves as “a communicative act the purpose of which is to get the hearer to do a desired action” [9]. Compared with Cui’s work, Wu focused more on the causes and functions of fuzzy language [5], demystifying that vagueness might be due to the uncertainty of cognition, features of legal language, legislative principles, and cultural differences. In the study, Wu mentioned the role fuzzy language plays in courtroom discourse, which is also taken as a reference in this paper.

Considering all these theories, fuzzy language will be categorized into seven groups—vagueness out of inaccurate information, degrees hard to be described, possibility, taboos, self-protection, affinity, and non-essential information—in this paper, given both the functions and the purposes of vague language. In the next chapter, I will analyze the courtroom discourse in Lao Rongzhi’s murder trial according to this classification method.

### 3. Research Methodology

From 1996 to 1999, Lao Rongzhi, in cahoots with her lover Fa Ziyang, was complicit in robbery, kidnap, and murder in Nanchang, Wenzhou, Changzhou, and Hefei. Their modus operandi consisted of Lao’s hunting for the victims in entertainment places and Fa’s brutal thuggee. Fa was arrested and sentenced to death by the Hefei Intermediate People’s Court in Anhui

Province after the murder, while Lao absconded from punishment under aliases. After twenty years of fleeing, Lao was finally arrested on November 28, 2019.

Charged with murder, robbery, and kidnapping, Lao's case was heard in the Nanchang Intermediate People's Court in December 2020. Lasted two days long, the court finally adjourned and decided to sentence at a later date. The trial of Lao Rongzhi was held again on September 9, 2020, on which the Intermediate People's Court made a public verdict of the first instance on Lao's murder, robbery, and kidnap case. Lao, the defendant, was sentenced to death, deprived of political rights for life, and confiscated all her personal property. After the verdict of the first instance, the defendant Lao Rongzhi claimed that she would appeal against her conviction.

This paper, by making a transcript of the first instance trial published by CCTV program Live in December 2020, will analyze the courtroom discourse of the trial to probe into the functions of vague language in the court.

#### 4. Data and Analysis

According to the classifications mentioned in Chapter Two, the courtroom discourse of Lao Rongzhi will be categorized into seven groups as follows:

**Table 1.** Classification of Fuzzy Language in the Court

Types of Fuzzy Language	Scheme 2
Inaccurate Information	to fill up the inaccurate details
Degrees Hard to be Described	to portray undescrivable degrees
Self-protection	to avoid taking responsibility for what they say
Taboos	to avoid speaking inappropriate things frankly
Possibility	to deduce the missing part of their memories
Non-essential Information	to avoid redundant words
Affinity and Politeness	to show the respect and politeness to the listeners

And the following graph shows the data distributions about the use of different kinds of fuzzy language in the trial of Lao Rongzhi.

**Table 2.** Fuzzy Language Used through the Whole Trial

Types of Fuzzy Language	Frequency of Occurrence	Percentage (%)
Inaccurate Information	47	38.84
Degrees Hard to be Described	25	20.66
Self-protection	16	13.22
Taboos	16	13.22
Possibility	11	9.09
Non-essential Information	5	4.13
Affinity and Politeness	1	0.82
Total	121	100.00

Vague language is used frequently and plays a significant role in the court. According to Cui's study, researchers—including Channell, Ruzaité, and Kaltenböc—tend to divide fuzzy language into subjective and objective fuzzy language. From Figure One, we can see that vagueness in the courtroom comes most from the inherent limitations of language itself, as "Inaccurate

Information” and “Degrees Hard to be Described” account for the largest proportion (38.84% and 22.66% respectively). By contrast, the fuzzy language used for subjective reasons only has a proportion of 40.48% in total.

## 4.1. Classification

### 4.1.1. Inaccurate Information

Inaccurate information, containing information about time, places, quantity, and frequency, is one of the main sources of fuzzy language in courtroom discourse. The uncertainty comes from inaccurate memories and unnoticed details. On one hand, it is almost impossible for those involved in the incident to remember all the details. Lao’s case was tried about twenty years after the crimes took place. In this case, it is reasonable for both witnesses and Lao herself to cloud their memories. On the other hand, the precise description of time and places is hard to be available in most cases, since it is counterintuitive for perpetrators to pay attention to every specific detail. And here are several examples of vagueness out of inaccurate information [L is the defendant Lao Rongzhi, P is the prosecutor, D is the defense counsel, A is the attorney, and J is the judge.]:

(1)L: I went on unpaid leave in November 1995. (inaccurate time)

(2)D: When did you go to Xiong's house?

L: After supper. (inaccurate time)

(3)L: After we met up, we took a bus to another city. I forget the exact city. And he smashed his phone and threw it in the river. (inaccurate place)

(4)L: About two thousand yuan. (inaccurate quantity)

(5)P: Thousands of RMB in cash were found on the nightstand. (inaccurate quantity)

In the examples above, both Lao and the prosecutor made good use of fuzzy language to describe the inaccurate information. Instead of telling the exact date, Lao only told the judge the month she left in the first example. Similarly, in the second example, Lao answered the defense counsel’s question with an inaccurate time, since in our daily life, it is easier to remember the incident based on the mealtime than based on the accurate time on the watch. In the third example, Lao told the judge that they went to “another city”, and explained that she forgot the exact city. Thus it can be known that this uncertain information came from a vague memory of Lao. And in the last two examples, as the specific amount of money is hard to be recalled, the two speakers chose to provide the approximate number instead.

### 4.1.2. Degrees Hard to be Described

It is impossible for speakers to describe the specific degrees, such as the traumatic conditions, the severity of the crime, and the financial situation. “The classes of objects encountered in the real physical world do not have precisely defined criteria of membership”, so things like traumatic condition require no explicit descriptions.

(1)P: The victim Lu died of acute massive hemorrhage caused by the puncture of the left carotid artery and lung.

(2)A: The victim Lu went to Hefei for woodworking. On the afternoon of July 22, 1999, he was killed by Fa Ziying and Lao Rongzhi in an extremely cruel atrocity.

(3)A: ...not only caused great mental trauma to the whole family....

(4)A: For more than 20 years, the victim's family led a hard life.

(5)P: In addition, “his cohort will kill me quicker” also reflects that Lao had more subjective viciousness.

Expressions like “barbaric atrocity”, “be of the most heinous guilt”, “have a bad character”, “degenerate into immorality”, “serious enough”, and “huge amount” are not easy to be

described accurately. The fuzziness of language leads to the openness of the understanding, providing the law enforcement with discretion in a given scope [5].

#### 4.1.3. Self-protection

The fuzzy language out of self-protection shows that speakers avoid taking responsibility for what they say. As every word and action will be put on record, speakers tend to carefully measure the words before they speak in court. That is to say, speakers, especially defendants, do not want to be pinned down because they blurt out whatever comes into their heads.

(1)L: I can't say I'm gentle, kind, and timid, but in fact, I give everyone that impression.

(2)P: Did you get the money?

L: So I am regretful.

(3)D: Did you see Fa used a dagger when kidnapping?

L: I had this impression.

(4)D: At Xiong's, did you mention that you would set a fire to burn down the house?

L: I can't remember things clearly because it was too long ago. I was asked to give more details (by the police), so I colour my description...I don't think I have said any of that.

(5)L: But actually, I don't think I have touched the victim.

(6)P: Yin was found dead in your rented house, do you know who killed him?

L: It was either me or him (Fa Ziyong).

(7)J: So you admit you wrote it?

L: Yes, it looks like my notes.

The instances above show Lao's good use of fuzzy language for the purpose of copping out. In most of Lao's answers, she preferred the expressions such as "I can't say" and "I don't think" in order to undermine her statements. In the second example, Lao gave a positive answer under the disguise of her regret. Every time Lao was asked to answer a yes-or-no question in the court, she would not answer it directly with a certain answer, as she wanted to protect herself from the responsibility.

#### 4.1.4. Taboos

Unlike the use of vagueness out of possibility that can sometimes be used unconsciously, speakers choose to use fuzzy words to avoid taboo terms of their own accord. In some cases, it is inappropriate to speak frankly, and that is why fuzzy language is used so frequently. People might use vague language in place of detailed description: 1) Grotesque scenes of bloodshed and violence against humanity; 2) Obscene plot with bawdy words; 3) Criminal methods, psychology, and feelings during a crime; 4) Purchasing channel of drugs and feelings after taking drugs. There are two main reasons for speakers to avoid these taboo terms: Considering the gravitas of the court, the complete portrayal of the sanguinary process of crime is improper. In addition, the complete description can be the imparting of criminal methods, which does harm to society as some wrongdoers might learn from these descriptions of crime.

(1)P (paraphrasing testimony of the witness): She would go for someone more generous.

(2)P: Fang Ying threatened them with a knife, tied Liu's hands and feet with wires, ropes, and other tools, grabbed a mobile phone from Liu, and forced him to hand over his passbook and bank card password.

In the first example, the subaudition of the witness's testimony is that Lao Rongzhi, as a sex worker, tended to seduce those who were rich. But in consideration of the occasion, the witness chose the euphemistic expression. Besides, in the case of Lao Rongzhi, the phrase "waitresses at bars" is used as a substitute for "sex worker" to show respect for the court. And in the second instance, the prosecutor skate over the process of how Fa Ziyong strong-armed Liu to hand over

his belongings, since showing the methods that have been used to commit the crime in the live broadcast might do harm to social stability.

#### 4.1.5. Possibility

In the court, speakers have to use vague language to express the possibility of their words while describing the process of the crime, it is inevitable for both the defendant and prosecutors to deduce the missing part of their memories. Here are some examples of the deduction that results in the vagueness of expressions.

(1)P (paraphrasing the testimony of the witness): The man was about thirty years old, 1.75 metres tall, and they looked like a couple.

(2)P (paraphrasing the testimony of the witness): I think she is a foreigner, above 1.65 metres tall. She looks loose.

(3)L: He (Fa Ziying) won't insult me like this, will he?

(4)P: Have you realized Fang Ying would become a threat to Xiong's wife and daughter?

L: I don't think so.

(5)P (paraphrasing the confession of Fa Ziying): At this very moment, I saw the first woman on the bed motionless, as though she was dead.

(6)P: Did you call Fa Ziying to tell him you had got the money?

L: According to my logical inference, I must have informed him, somehow. Maybe we had a pager.

In the first example, the witness did not know the relationship between Lao and Fa, so he used inferential expressions ("looks like"). From the appearance, accent, and behaviour of Lao, the witness in the second example speculated that Lao was a dissolute stranger. In the third and fourth instances, the defendant was asked how she felt, so she can only answer the questions with her supposition. And in the confession of Fa Ziying, it seems that he did not know whether the woman was dead or not. So he used the word "as though" to show the possibility. In the last example, Lao Rongzhi cannot remember whether she informed Fa or not. In this case, she used "somehow" to show her uncertainty about her confession. From these instances, we can see that, intentionally or accidentally, speakers choose to use fuzzy phrases to express their uncertainty about the things they are supposed to state.

#### 4.1.6. Non-essential Information

There is also some non-essential information replaced by vague language.

(1)P: Fa Ziying took the note to collect money, but for some reason failed.

In this example, the prosecutor chose not to mention the specific reason for Fa's failure, since, in the trial of Lao Rongzhi, it was not important to mention that.

#### 4.1.7. Affinity and Politeness

Fuzzy language can also be used when speakers want to show their respect and politeness to the listeners.

(1)D: Therefore, both Xiong's time of death and the identification time are different from the confession of Fa Ziying and Lao Rongzhi. In this case, we request the court to make a comprehensive and objective judgment.

In this example, the counsel was asking the judge to make the decision, considering the differences between the confession and the actual time of death, which denied Lao's involvement in the murder.

Among the speakers, the defendant Lao Rongzhi and the prosecutor adopted different strategies, which can be seen in the following two figures.

## 4.2. Analysis

By comparing the data of Lao Rongzhi with that of the prosecutors, we can figure out the differences between the feature of defendants and prosecutors.

**Table 3.** Fuzzy Language Used by Lao Rongzhi

Types of Fuzzy Language	Frequency of Occurrence	Percentage (%)
Inaccurate Information	20	32.26
Self-protection	16	25.81
Degrees Hard to be Described	14	22.58
Taboos	5	8.06
Possibility	4	6.45
Non-essential Information	3	4.84
Total	62	100.00

According to Figure Three, Lao made good use of vague language, especially vague language out of self-protection which occupies 25.81%. Lao, then, was inclined to answer the questions with equivocations.

**Table 4.** Fuzzy Language Used by the prosecutors

Types of Fuzzy Language	Frequency of Occurrence	Percentage (%)
Inaccurate Information	25	49.02
Taboos	11	21.57
Degrees Hard to be Described	7	13.73
Possibility	7	13.73
Affinity and Politeness	1	1.96
Total	51	100.00

On the contrary, the prosecutors, whose goal is to prove Lao's guilt by providing evidence, tended to declaim with absolute certainty. Here is an instance of the prosecutor's certain tone.

(1)P: To sum up, based on the evidence in the case, it is an incontrovertible fact that...

Given that, the prosecutors, well-educated and skillful, applied fuzzy language mainly because of the avoidance of taboos (21.57%), the deduction (13.73%) as well as the inherent limitations of language (49.02%+13.73%=62.75%) I mentioned earlier.

## 5. Conclusion

Vagueness has a profound influence on courtroom discourse. According to the previous chapter, the fuzzy language used in the court comes from inaccurate information, degrees hard to be described, self-protection, taboos, possibility, non-essential information, and politeness. Fuzzy language is frequently used in Lao's trial, by its nature, for the following two reasons—the principle of conversation and the cultural background of the legal development in China. H. P. Grice put forward the Cooperative Principle (CP), which provided the Maxim of Quantity, the Maxim of Quality, the Maxim of Relation, and the Maxim of Manner. However, it “does not mean that the CP and its maxims will be followed by everybody all the time” as “people do violate them and tell lies”, and in this case “at a deeper level the CP can still be thought to be upheld”. The use of fuzzy language is per se the embodiment of this “CP at a deeper level”, particularly

the use of vague language for affinity and politeness. Besides, the cultural background also has a marked impact on fuzzy language. In Fei Xiaotong's work *Earthbound China*, the author mentioned the great influence of the "authority" on the practice of law. From the analysis in the last chapter, we can easily see that the judge, which was the representative of "authority", tended to speak in a decided tone, while Lao Rongzhi, the defendant—regarded as the one who should be "educated and disciplined"—was inclined to apply the more vague language. Given that, the defendant works out the strategies like "Chun-Qiu Writing Method" in ancient China, which hides the speakers' attitude in only a few words, to skate over the confession against them. This linguistic phenomenon can be systematized and applied to the defense skills of lawyers.

Every coin has two sides, and vagueness is no exception. Although fuzzy language plays an indispensable role in the court, we should still notice that it has an adverse impact on courtroom discourse. Fuzzy language—especially when used by prosecutors and judges—can sometimes lead to chaos in law enforcement. As I mentioned in 3.2, vagueness in legal language results in the discretion of the judge in the given scope; however, this also leads to power rent-seeking when this discretion is exploited by those with ulterior motives. Besides, excessive use of vague language brings about inefficient communication, as it violates Grice's Cooperative Principle. Given that, fuzzy language should also be prudent to use in the plea.

By analyzing the causes and functions of fuzzy language in courtroom discourse, this paper reveals the influences of vagueness on courtroom discourse through the trial of Lao Rongzhi, yet some limitations are to be pointed out. First, the original transcript is written in Chinese, so the translation process might affect the analysis results. Second, the recognition and classification of fuzzy language in the trial of Lao Rongzhi can be somehow subjective. So the results of the survey were weighted and scrutinized to allow for variations in the sample. Third, given space limitations, there are still many aspects not mentioned in this paper that should be supplemented in my follow-up study.

## Acknowledgments

First, I am deeply indebted to Professor Wang Haiping, my supervisor, for her enlightened suggestions. Without her timely instruction, I could not have finished the thesis. As one who is always eager to engage in academic research, I am so grateful to have Professor Wang help me fit gradually into a groove.

Besides, a special thanks goes to those who have supported me through this difficult time.

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