

Critical Discourse Analysis of Judicial Conversations in Vietnam: A Case Study

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Abstract

This article analyzed the interrogation conversation between the jury members and the defendant in a criminal trial in Vietnam. The examined corpus consisted of four conversations with a capacity of about 43 minutes during the interrogation at a criminal trial in Vietnam. Content description and discourse analysis are used as methods from a qualitative approach to explore how power was exercised, maintained, and legitimized in Vietnamese legal conversational discourses. The research results showed that there were seven ways of expression conducted by the jury to produce power in conversation. Specifically, they were the obligation to use polite words/phrases in the defendant's responses, the obligation of the defendants to answer the juris in a question-answer pair, the phenomenon of interruption, the right to change the subject of the conversation, the Trial Panel's request to take action of the defendants, the questions not for informational purposes, the phenomenon of omitting the subject during questioning.

Keywords: judicial conversation, critical discourse analysis, conversation analysis, discourse analysis

1. Introduction

Conversation research and critical discourse analysis have attracted much attention in the world of linguistic research. However, the language used in the legal field such as legal documents, contracts, indictments, conversations of lawyers, judges, etc. has not been widely studied. Specifically, research on conversation in the legal field in Vietnam remains limited, as highlighted by the historical overview of related studies. This article aims to contribute to the diversification of conversation research in Vietnam.

1.1 Previous Studies of Conversation in Court

Within the limitation of searching, some research trends on conversations in court can be divided into three main directions: focusing on conversational characteristics; analyzing power from a critical discursive perspective; and the influence of pragmatics on meaning-making in judicial conversations. In general, research on conversations in court has not been widely conducted worldwide. In Vietnam, in the searchable scope, no publications related to the study of conversations in court have been found.

1.1.1 Research Focusing on Conversational Characteristics

Shi, G., (2011) introduced a thesis titled "A Critical Analysis of Chinese Courtroom Discourse" focusing on analyzing 8 conversational discourses in the following fields: civil (3 conversations), criminal (4 conversations), and administrative (1 conversation). The thesis used Fairclough's three-dimensional theory as the basis for analysis. In the first dimension, that thesis focused on analyzing "discourse as text" in four main aspects: classification, transitivity, modality, and interactive control. In the second dimension, that thesis focused on analyzing "discursive practice" in three aspects force, coherence, and intertextuality. In the third dimension, that thesis focused on analyzing "discourse as social practice" focusing on three contents: power, subjectivity, and ideology.

Susanto, S. (2016) examined conversations in a criminal trial in China to generalize some characteristics of judicial discourse. This work mainly focuses on the role of the judge in directing, guiding, and managing activities in criminal trials as well as establishing the role of "tone of voice" in creating meaning and power.

Adelswärd, V., Aronsson, K., & Linell, P., (1988) surveyed discourses in Swedish courts and interviewed defendants to establish and consolidate research findings related to reproach and support, questioning strategy, forms of address and reference, acknowledging or ignoring the defendant's answers. The main research findings were to establish some characteristics of conversations in Swedish criminal courts based on confirmation of the defendants' opinions.

Elijah, C.N. & Christine, A. (2022) studied the judgments of the Supreme Court of Kenya relating to election petitions and civil suits. That work mainly discussed the transitivity system from the perspective of Systemic functional linguistics. The results showed the diversity of processes appearing in the clauses recorded in the judgments of the Supreme Court of Kenya.

1.1.2 Research from a Pragmatic Perspective

Sanderson, L. (1995) studied conversation in court and identified the role of institutional factors influencing language choice and use. The

results of that publication suggested that institutional factors are not the only factors that influence the choice of language used. Factors of language variation in different situations such as workplaces, public places, etc. also influence people's language use.

Gnisci, A., & Pontecorvo, C. (2004) studied 3700 question-and-answer interactions between lawyers and witnesses during a ten-hour trial in Italy. That work concluded that the more questions asked by lawyers, the more coercive they are and that witnesses used a variety of expressions to give elaborate answers. Moreover, that publication also provided linguistic evidence about the correlation between the use of the blaming strategy in the introductory periodicity and the arrangement of conversation turns (questioning-answering).

Zaitseva, M., & Zatsnyi, Y., (2021) studied conversations in American criminal courts in two cases. The conversations studied were the opening and closing parts of the lawyer and prosecutor in two criminal trials. The research results mainly focused on the psychological aspects that affected the meaning-making process of the discourse of lawyers and prosecutors. The authors believed that the psychological phenomenon of "transgression" is one of the resonant factors that made the litigation discourse of lawyers and prosecutors more effective in communication in court.

Csulich, G. (2022) PhD thesis research on politeness/impoliteness strategies and establishing power in discourse through the accusatory language of authority in England in the period from 1560 -1639. The thesis established the value of non-verbal factors in choosing language expression methods in court such as the position of the communicating parties, power in communication, gender, age, social status, political history, etc. In general, this work approached language in court through a pragmatic perspective.

Wright, D., Robson, J., Murray-Edwards, H., & Braber, N. (2022) studied conversations in the High and Supreme Courts regarding Britain's "exit" from Union Europe. This publication mainly focused on studying conversations between judges and lawyers to examine the use of language to achieve the purpose of interaction and face. Besides, the research results showed that even in case of disagreement, lawyers must still maintain respect and continue communication strategies to make relevant recommendations.

1.1.3 Research Focusing on Power

Rañosa-Madrurnio, M. (2014) used the theory of critical discourse analysis to study conversation in Philippine courts, where English was not the first language of the majority of people. However, those trials used English as the official language in judicial proceedings in Philippine courts. This publication studied the disadvantages of using English in court conversations that affect the rights and interests of defendants from some perspectives such as politeness strategies, exercise of power, and legitimization of power in court communication.

Olanrewaju, F. R., & Ademola, W. (2020) studied the role of interpreters in the exercise of lawyers' power in trials in Nigeria. This work argued that the interpreter's translation of discourse elements such as "now", "so", etc. had lost/reduced the exercise of power and intentions of lawyers in court cases.

Wagner, A., & Cheng, L. (2016) published a monograph collection of eleven articles related to conversational discourse in court. These articles were divided into two groups: one was about power and domination in words and another was about power and domination behind words. The articles mainly focused on analyzing different aspects of court conversations such as the method of realizing truth in judgments, differences in language in Malaysian and Kenyan courts, and the role of metadiscourse.

Tkačuková, T. (2010) studied the value of questions in institutional discourse to realize power as well as legitimize power. The illustrations in this work were dialogues in court between judges and witnesses.

1.2 First Instance Criminal Trial in Vietnam

The spoken discourse used for investigation within the scope of this article is the conversation between the Trial Panel and the defendant. According to the proceedings at the first instance criminal trial in Vietnam, the conversation between the Trial Panel and the defendant is called "questioning" to clarify the details of the criminal case so that it can conclude about the criminal acts of the defendants. The procedural process at the first instance of a criminal trial in Vietnam is illustrated in Figure 1 below.

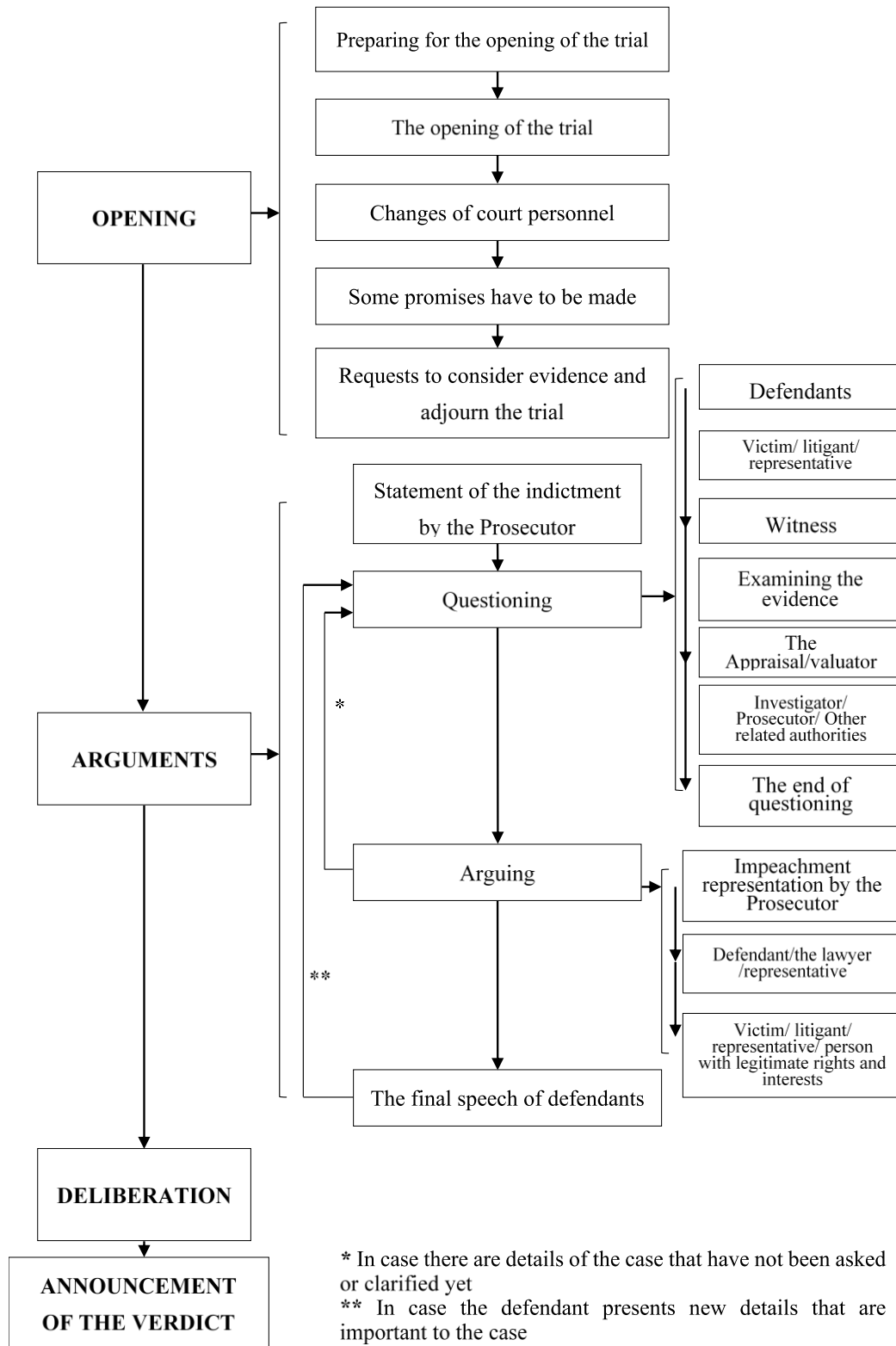


Figure 1. Procedures of the first-instance criminal court in Vietnam (Source: Ly, P. T, 2024)

Thus, the questioning conversation between the Trial panel and the defendant is a mandatory process in Vietnam criminal court proceedings. Accordingly, the questioning is the central stage of trial activities and one of the most important stages to determine the truth of the case. The questions and answers at the trial may not be different from the questions and answers at the investigation stage, but they have an extremely

important meaning with a reason that the questions and answers are held publicly and it is a form of testing the investigation results of the Investigation Agency. In addition to questioning, the Trial panel also examines physical evidence, examines the crime scene and other places, discloses documents, etc. In Vietnam, questioning activities are considered a demonstration of the Court's openness and transparency in adjudication activities.

In a Vietnamese courtroom, various key participants have distinct roles that contribute to the legal process. This article will concentrate on the Trial Panel and the defendant, as they are the main figures with specific responsibilities. The Trial Panel oversees court proceedings, ensuring the trial is fair and complies with legal standards. They are responsible for making decisions regarding legal matters, determining what evidence can be presented, instructing the jury (if applicable), and ultimately delivering a verdict in bench trials. The defendant, who is the individual charged with a crime, has the right to a fair trial and the opportunity to present a defense against the allegations brought against them. Each of these roles is vital for upholding justice and ensuring the legal system runs effectively.

1.3 Research Question

Studying the trial conversation, specifically the conversation between the Trial Panel and the defendant, to establish the method of creating power in Vietnamese is a meaningful work. The interaction between the person with the authority to judge (the Trial panel) and the person being tried (the defendant) is a special type of spoken discourse. The reason is the difference in a special status that is a party with power and a party with no/or little power. This makes the use of language in conversations at criminal trials have featured characteristics. Accordingly, this paper will be conducted to answer two following questions:

- (i) Where is the questioning conversation of the Trial panel located in the first instance of criminal trial in Vietnam?
- (ii) What methods of expression are used to establish power in the interrogation dialogue at criminal trials in Vietnam?

2. Theoretical Framework

2.1 Critical Discourse Analysis

Critical Discourse Analysis (hereinafter referred to as CDA) is a concept that has many different interpretations. Within the scope of this paper, three famous scholars in the field of CDA will be mentioned to set up the conceptual base: van Dijk, Fairclough, and Wodak. These three experts also proposed approaches to CDA in their own ways.

Van Dijk (2015) stated that:

“Critical Discourse Analysis (CDA) is discourse analytical research that primarily studies the way social-power abuse and inequality are enacted, reproduced, legitimated, and resisted by text and talk in the social and political context. With such dissident research, critical discourse analysts take an explicit position and thus want to understand, expose, and ultimately challenge social inequality.”

Wodak did not give a specific concept of what CDA is, but she revolved around CDA focusing on problems. Accordingly, she believed that CDA always revolved around the crucial concepts of “critique, power, and ideology” (Wodak, 2015, pp. 9-12). After analyzing the aspects of CDA, she and her colleagues explained CDA that

“CDA might be defined as fundamentally interested in analyzing opaque as well as transparent structural relationships of dominance, discrimination, power, and control as manifested in language. In other words, CDA aims to investigate critically social inequality as it is expressed, constituted, legitimized, and so on, by language use (or in discourse). Most critical discourse analysts would thus endorse Habermas' claim that ‘language is also a medium of domination and social force. It serves to legitimize relations of organized power. Insofar as the legitimizations of power relations ... are not articulated ... language is also ideological.” (Weiss & Wodak, 2007, P. 15).

Fairclough proposed and developed CDA from 1985 to 2015 with the third revised version of the book “Language and Power”. This book believed that CDA dealt with two core concepts: “power” and “ideology” (Fairclough, 2015, p.3). Accordingly, the power that CDA was concerned with was the one behind the discourse rather than the one within the discourse. This meant that CDA delved deeper into how power-holders established discursive and social orders, rather than understanding how power was realized in discourse. Ideology is also one of two important concepts that CDA was concerned with. He believed that ideology was the central issue of CDA, not simply “persuasion” and “manipulation”. According to this understanding, he compared discourse to a “stake” in the process of social struggle, the struggle between social groups. On this basis, Fairclough (2015) believed that CDA was an analysis that combined discourse criticism with explaining how discourse operated and contributed to social reality as well as viewing discourse as the foundation for action to change existing social reality in specific aspects (p. 6).

2.2 Aims of CDA

CDA is concerned with issues of power or social inequalities from a linguistic perspective, including text, talk, and other meaning-making symbols. Many scholars are interested in studying CDA, but very few researchers specifically state what the purpose of CDA is. In a related work titled “Aims of Critical Discourse Analysis”, van Dijk (1995) proposed many characteristics of CDA to generalize the ultimate purpose.

Critical Discourse Analysis (CDA) is an interdisciplinary approach that explores the intricate relationships between language, power, and society, particularly focusing on issues of domination and inequality. By analyzing various forms of discourse – whether written or spoken

– CDA examines how these elements contribute to the reproduction of social hierarchies. Unlike traditional discourse analysis, CDA is characterized by its commitment to tackling specific social problems and applying a critical lens, emphasizing the need for explicit criticism in understanding the implications of language use.

One of the central goals of CDA is to reveal the underlying ideologies and structures that sustain power imbalances within society. Scholars in this field investigate how language is used strategically to legitimize domination and influence public opinion through mechanisms such as “manufacturing consent”. By focusing on the discursive means that contribute to mental management and social control, CDA aims to uncover what has been hidden or overlooked regarding the dynamics of power and ideology in communication. This includes a detailed examination of grammatical structures, rhetorical strategies, and the use of symbolic elements like images and sounds.

Moreover, CDA emphasizes the importance of fostering solidarity among marginalized groups and developing strategies for “counter-power” and “counter-ideologies”. By highlighting the discursive practices that enable the abuse of power, CDA advocates for social change and encourages critical engagement with dominant narratives. Ultimately, CDA seeks to empower individuals and groups by providing tools to challenge unequal power relations and contribute to a more equitable society. This multifaceted approach not only critiques but also strives for social transformation through a deeper understanding of discourse in its social context.

The generalization of the purpose of CDA as proposed by van Dijk serves primarily as a summary of the objectives outlined in earlier studies. Nonetheless, these overarching themes can assist future research projects in navigating the research process on smaller, specific aspects. Previous researchers have identified key aims of CDA, which can be broadly categorized around themes such as power, domination, ideology, and inequality. This paper specifically concentrates on one aspect: the exercise, maintenance, and legitimization of power within the conversational discourse of judicial authorities in Vietnam.

3. Corpus and Research Methods

The first instance criminal trial of a case was recorded and publicly posted on a YouTube page called “People’s Court of Ba Ria - Vung Tau Province” on August 22, 2020. This trial lasted for 3 hours 57 minutes 52 seconds, recording the entire proceedings of the trial from the beginning to the verdict. The duration of the trial was long, including many different conversations with diverse themes. This paper uses some conversations between the Trial Panel and the defendant with a length of about 43 minutes. These conversations were recorded manually. During the process of recording conversation content, pauses, and overlaps are also recorded to fully describe the characteristics of trial conversations in Vietnamese criminal courts. Issues related to research ethics were paid attention to in addressing the personal factors of the defendant and members of the Trial Council.

On August 23, the People’s Court of Binh Duong province held the trial of defendant D, accused of murdering her partner, Mr. Tran Thanh T. Although D and T were not officially married, they had two children who lived with their grandparents. On December 15, 2017, after T returned home from drinking, an argument escalated into violence, leading D to stab T to death with a knife. To conceal her actions, D dismembered T’s body and disposed of the parts in plastic bags around Thuan Giao ward. She was later summoned by police and confessed to the murder following her arrest.

The content of the conversations was recorded into 15 A4 pages, with more than 6700 words (according to Microsoft Word’s counting method). The defendant’s questioning conversations consist of 4 small dialogues between the Trial panel members and the defendant. In this paper, all conversations between members of the Trial Panel and the defendant are analyzed to describe and establish power in the judicial conversations. The dialogues were marked with the letter C (conversation) from 1 to 4. The dialogue moves are marked with the letter M from 01 to the end of the dialogue. “M + odd number” is the dialogue of the Trial Panel and “M + even number” is the dialogue of the defendant (named D). In total, the corpus has 326 moves, including 161 moves of the defendant and 165 moves of the Trial Panel. Example 1 below illustrates the symbolization of moves in the surveyed corpus.

Example 1:

Content	Conversation	Whose move
C1M13: về ở với nhau như vợ chồng ở sống tại đâu? (C1M13: at the time all of you were together, where did you live?)	1	Trial Panel (Move No.13)
C2M14: bị cáo có nhiều lần khuyên anh Tú là nếu có tình cảm nào với bên ngoài thì thôi cố gắng quên đi rồi tái với anh Tú sẽ làm lại từ đầu nhưng mà anh Tú anh không đồng ý th [t ấ] bị cáo cố khuyên tiếp bị cáo có nói là cố gắng mình sống sao để lo cho hai đứa con chứ bị cáo không có muốn bị cáo với anh Tú phải mỗi người một nhà. (C2M14: The defendant (I) repeatedly advised Mr. Tu that if he had any feelings for someone else, he should stop trying to forget it and then Mr. Tu and I would start over, but if Mr. Tu did not agree, after, defendant (I) had further advice, defendant (I) said that he would try to live together to take care of our two children, because defendant (I) did not want defendant (I) and Mr. Tu to have to go our separate ways.)	2	Defendant (Move No.14)

The research methods used in this paper are descriptive statistics and content analysis. This paper is approached with mixed methods to describe and establish the power exercised within and behind the conversational discourse between the Trial Panel and the defendant. Based on the purpose of CDA in the theoretical framework, the research conversations will be read slowly to understand the content in detail and to

examine the ways of realizing power expressed by the Trial Panel.

4. Results and Discussion

4.1 Results

Based on the survey of recorded and converted conversation contents into Word transcript, the results showed that there were seven ways to realize the power of the Trial Panel in communication during questioning procedures at the first instance criminal trials in Vietnam. These seven ways of expression can be divided into two groups coming from two sides: one is the lower position (less powerful) of the defendant and the other is the higher position (more powerful) of the Trial Panel member.

4.1.1 On the Defendant's Side (Lower Position/Less Power)

(i) Use polite words/phrases in the defendant's moves

The conversation between the Trial Panel and the defendant in a criminal trial has a difference in social status as well as social distance. A defendant is a person who is being prosecuted for criminal law violations. Meanwhile, the Trial Panel is the person with authority to question and make a decision on whether the defendant committed a crime or not. Therefore, the social distance between the defendant and the Trial Panel is clear. Survey results showed that dialogues containing the words "đạ/ ạ thưa" (yes/yes sir) accounted for 136 out of 161 moves performed by the defendant. In Vietnamese communication, the use of the word "đạ/ ạ thưa" (yes/yes sir) is intended to show the lower position of the 1st speaking person compared to the 2nd speaking person. Therefore, the use of these words contributed to forming and maintaining power in conversations. Excerpt 1 below illustrates the use of polite words to establish the higher authority of the recipient of the statement (Trial Panel).

C1	<p>(M13) về ở với nhau như vợ chồng ấ sống tại đâu? (at the time all of you were together, where did you live?)</p> <p>(M14) Đạ từ Bình Dương tới nay từ Bình Dương lên sống tới giờ lu ôn (Yes, I have lived here since the time coming to Binh Duong until now)</p> <p>(M15) lên Bình Dương sống ở tại địa chỉ n ã (what address have you lived in Binh Duong?)</p> <p>(M16) đạ ấp B ãnh Thuận 1 x ã Thuận Giao huyện Thuận An tỉnh Bình Dương (Yes, Binh Thuan 1, Thuan Giao commune, Thuan An district, Binh Duong province)</p> <p>(M17) thu ênh ã sống hay ở nh ã trọ (rent a house or live in a leasing room)</p> <p>(M18) ạ thưa ở Nh ã Trọ (yes sir, in a leasing room)</p> <p>(M19) vợ chồng sống c ó hạnh ph úc kh ông (Are you and your husband living happily?)</p> <p>(M20) đạ kh ông, L úc mới ban đầu th ã hạnh ph úc, nhưng c ã về 4 năm nay thì không c ó hạnh ph úc ([yes], no, in the beginning we were happy, but after 4 years we have not been happy)</p>
<i>Excerpt 1. Illustration of polite words/phrases</i>	

The odd moves (M13, 15, 17, 19) in excerpt 1 showed that the jury used language very freely, while the defendant used even moves (M14, 16, 18, 20) that all of them started with polite words like "yes/yes". Overall, all four conversations between the defendant and the Trial Panel members demonstrated the power exercise of judicial authority. Even in cases where the defendant forgot or did not use it, he/she was immediately requested with a commanding move as C1M61: "defendant (you) declared yourself as "defendant", and "yes, Trial Panel". It is easy to understand and uncover the exercising power in institutional conversations. They are conversations between a party that carries power in the name of the Vietnamese state (powerful party) and a party that is being considered for whether or not to commit a criminal offense (no/ less powerful party).

(ii) The defendant's obligation to answer in the questioning - answering moves

The results of surveying the defendant's moves in the entire research corpus showed that the defendant was obliged to respond within the questioning-answering moves. The pairs of moves between the defendant and the Trial Panel in the questioning conversation are all dialogue pairs that performed the questioning and answering function. The trial panel had the right to question, meanwhile the defendant had the obligation to answer. Vietnamese legal system recognizes the right of defendants and suspects to remain silent. However, in the practice of communication at the criminal trial being surveyed, the defendant seemed to have little/no opportunity to choose the right to remain silent. The survey conversation showed that there was silence from the defendant during the interrogation. However, that silence was not an exercise of the right to remain silent at trial. These silent moves will be analyzed in the following content below. Because those silent moves were considered a form of "response" in the Trial Panel's questioning moves.

C1	<p>(M63) khi người bị hại cầm dao tới chỗ bị cáo thì bị cáo làm gì (When the victim came to the defendant with a knife, what did the defendant do?)</p> <p>(M64) dạ thì bị cáo đứng dậy để bị cáo giật lại con dao nhưng mà anh T anh dẫn cơ mạnh qu á thì tui/ bị cáo đã dùng chân để đạp vào bộ sinh dục của anh T rồi anh T ngã xuống đó bị cáo giật con dao trên tay anh T bị cáo chấn nhiều nh á v ào cổ v à mặt của anh T (Yes, defendant (I) stood up to snatch the knife back, but Mr. T struggled so hard that defendant (I) used the foot to kick Mr. T's genitals and Mr. T fell down, then defendant (I) snatched the knife from Mr. T's hand and slashed Mr. T's neck and face many times)</p> <p>(M65) tư thế Bị Cáo đứng chém như thế nào (What was the position in which defendant (you) stood and slashed?)</p> <p>(M66) dạ tư thế của bị cáo khum xuống (Yes, defendant (I) was bent down)</p> <p>(M67) chém vào nơi nào trên cơ thể của anh T (in which did you slashed on Mr. T's body)</p> <p>(M68) dạ bị cáo chấn v ào mặt v à cổ của anh T (Yes, defendant (I) slashed Mr. Tu's face and neck)</p> <p>(M69) phản ứng của người bị hại lúc đó như thế nào (What was the victim's reaction at that time?)</p>
Excerpt 2. Illustration of the obligation to respond	

Even moves M64, 66, and 68 are all used to answer the Trial Panel member's question. The moves that performed the response function were always initiated to respond to the demanding move of the Trial Panel's questioning. In the survey data, no statements were refusing the questioning moves. This made the survey conversation more obligatory in the context of criminal court. In other words, the defendant's answers to questions from the Trial Panel members are mandatory during the questioning session in the criminal trial.

4.1.2 On the Part of the Trial Panel Member (Higher Position/More Power)

(i) Interruption phenomenon

In Vietnamese casual conversation, it is impolite to interrupt or stop others who are speaking. However, this interruption can be considered acceptable if the interrupting person has a higher social status. Interrupting can also be seen as a method of expressing power in communication. The results of a survey of conversations in criminal trials in Vietnam showed that there were 12 interruption moves by members of the Trial Panel to stop the defendant's speaking/ moves. Excerpt 3 below illustrates this interruption phenomenon.

C3	<p>(M1) Bị cáo cho hội đồng xét xử biết là bị cáo với lại bị hại đó sống là từ năm 2012 thì giữa bị cáo và bị hại là không có đăng ký kết hôn nhưng mà chỗ bị cáo là có nghĩa là khi mà bị cáo phát hiện ra bị hại có người tình thì bị cáo là có đã từng khuyên là người chồng mình thì phải bỏ người tình đi để mà lo vun vén cho gia đình không? (Defendant (you), tell the Trial Panel (I) that defendant (you) and the victim had been living together since 2012, there was no marriage registration between defendant (you) and the victim, but when the defendant (you) knew that the victim had a lover, have defendant (you) ever advised your husband to leave his lover to take care of your family?)</p> <p>(M2) Dạ bị cáo có khuyên rất nhiều lần nhưng... (Yes, defendant (I) advised many times but...)</p> <p>(M3) [chen] rồi Chỗ bị hại thì thường là có đi về đánh bị cáo không? ([interrupting] Then, the victim, has he usually beaten defendant (you) before?)</p> <p>(M4) Dạ, có bị hại thường xuyên đi qua đêm (Yes, he have, the victim who often stayed overnight)</p> <p>(M5) đánh bị cáo nhiều không? (dis he beat defendant (you) a lot?)</p> <p>(M6) Dạ đánh nhiều mà cũng rất nhiều lần nhưng bị cáo không có dấn nấ với người nào nghe hết tron á. (Yes, [he beat me] many times before, but defendant (I) did not dare to tell anyone)</p>
Excerpt 3. Illustration of the interruption phenomenon	

The phenomenon of interruption in judicial communication as in the above excerpt is considered as a method of exercising power in court conversations. Although it was not a phenomenon that appeared frequently in the survey corpus, that was also considered as one of the methods of exercising, maintaining, and legitimizing the power in communication of Trial Panel members.

(ii) Right to change the conversational topic

Changing the topic actively in communication is also one of the ways to express the speaker's rights. During the questioning conversation at

the criminal trial, the defendant seemed to have no right to change the topic freely. On the contrary, members of the Trial panel are quite proactive in starting or changing the topic of communication. Therefore, the right to change the topic is also considered as one of the ways to exercise power in communication.

C2	<p>(M94) Dạ, xin lỗi hội đồng x á xử. dạ bị c á thấy vỏ xe của bị cáo cũng mòn rồi bị c á mới đi thay vỏ xe v à thay nhớt lu ôn (Yes, sorry Trial Panel. Yes, defendant (I) saw that the tires of his car were worn out, so I went to change the tires and change the oil)</p> <p>(M95) theo như giám định c á vỏ xe đó thu ở ngay chỗ sửa xe ông T ân á là c ó d ãnh m áu của... giám định l à m áu của ông Tú Bị c á ó thấy giám định á kết quả đó thì bị cáo như thế nào có suy nghĩ gì không c ó ý kiến g ì kh ông? (According to the inspection, the tire collected at Mr. Tan A's car repairing place, was stained with the blood of... the blood of Mr. Tu was determined. In the assessment test, what do defendant (you) think of the results? or do you have any opinions related?)</p> <p>(M96) Dạ bị c á kh ông c ó ý kiến (yes, defendant (I) have no ideas)</p>	<i>Topic: car tires</i>
	<p>(M97) sau khi sự việc xảy ra th ì bị cáo là c ó làm động tác gì để á l à c á những cái cơ quan điều tra cũng như cái người th ân kh ông ph á hiện ra l à bị cáo bị c á c ó l àm những cái hành động g ì? (After the case happened, what actions did defendant (you) take to prevent the investigation agencies and your relatives from finding out that defendant (you) was the doer?)</p>	<i>Topic: covering up criminal behavior</i>
Excerpt 4. Illustration of changing topics		

Excerpt 4 showed that the topic had changed from “car tires” to “covering up criminal behavior”. Upon completion of the trial panel's questioning regarding the tires of the car, as well as the defendant's purpose of changing the tires after committing the act of murder, the topic of questioning was moved to the actions of the defendant whether the defendant's actions were intended to cover up her crime. This active change of topic showed the power as well as the higher position of the Trial Panel compared to the defendant who is being tried in the criminal trial.

(iii) Command to perform action

The power of the judicial authority is also realized through imperative statements. The release of these statements is one-sided from the Trial Panel member to request the defendant perform a certain action. In terms of the conversation function, to respond to a command is to act. The defendant must always comply with the orders of the trial panel. This causes power to be exercised and maintained in conversations at the criminal court. Excerpt 5 illustrated the issuing of statements commanding action (M85, 89) and the defendant's compliance with orders in statements M86 and M90.

C2	<p>(M83) Bị cáo phân như thế nào (How did defendant (you) cut?)</p> <p>(M84) bị c á dùng một con dao sắt vu ông bị c á cắt c á cổ của Anh Tú ra (The defendant (I) used a square iron knife to cut Anh Tu's neck)</p> <p>(M85) <u>bị c á tr ãnh bày tiếp!</u> (defendant (you), present your talk)</p> <p>(M86) dạ dùng một c á con dao bầu th ì bị c á cắt ngo ã phần da thịt c òn con dao vu ông kia th ì bị cáo dùng để chặt xương cổ v à c á con dao bầu đó thì bị cáo dùng để th áo khớp ch ân tay của anh Tú (Yes, using a knife, defendant (I) cut the flesh, and the square knife, defendant (I) used to cut the neck bone, and that knife, defendant (I) used to dislocate Mr. Tu's limbs)</p> <p>(M87) những bộ phận trên cơ thể qu ên Tú m à bị cáo phân ra đó bị cáo để ở đâu (Tu's body parts were cut, where did defendant (you) hide them)</p> <p>(M88) Dạ để ở trong ở nh à vệ sinh của ph òng trọ của bị cáo đang ở (Yes, they were in the bathroom of defendant's (my) room)</p> <p>(M89) <u>bị c á nh ìn c á tủ đựng vật chứng những bị cáo xác định những con dao nào bị c á dùng để thực hiện hành vi phân xác người bị hại</u> (defendant, look at the evidence cabinet and determine which knives you used to cut the victim's body)</p> <p>(M90) dạ (yes)</p>
Excerpt 5. Illustration of an imperative statement	

These imperative statements can also be considered a form of interruption in some cases. In move M84, when the defendant was hesitant in communicating, move M85 was performed to request the defendant to continue presenting. However, this step can also be seen as a step to interrupt the defendant's move. No matter how it is considered, giving orders or interrupting a conversation is also a method of realizing

power in conversation.

(iv) The question with no informational purpose

Questions are commonly used in communication for the purpose of finding information. However, in everyday communication, some questions do not aim to find information, which some scholars call rhetorical questions (Koshik, I., 2005). These non-informative questions in communication at this criminal trial are illustrated in Excerpt 6. They performed a certain function in the context of the Vietnamese court.

C3	<p>(M39) lúc đó máu như thế nào? chảy ra nhiều không? (What was the blood like at that time? Was it a lot?)</p> <p>(M40) Dạ nhiều. (yes, a lot)</p> <p>(M41) chắc là đầy nhà chứ chứ gì. Trong khi đó Bị Cáo sống với lại bị hại là 15 năm có hai mặt con hai con này là hai con của chung với bị cáo bị hại hay là con riêng? (it must be full in-house, right? Meanwhile, defendant (you) lived with the victim for 15 years and had two children. Are these two children of the victim and you, or are they stepchildren?)</p> <p>(M42) Dạ con chung với anh Tú (yes, they are the children of Mr Tu and [I])</p> <p>(M43) con chung! hai đứa con này nó nghĩ như thế nào về mẹ nó? (the children of two of you, What will these two children think about their mother?)</p> <p>(M44) ... <i>[im]</i> ([silence])</p> <p>(M45) người chồng ít nhiều nó cũng đầu áp tay gối cuộc sống vợ chồng hạnh phúc với nhau rất nhiều năm chỉ có thời gian gần đây thôi. Tại sao mình là một người vợ để cho trong âm mưu ghen mình không là động viên rồi Khônghay ghen bảo chồng, rồi nghĩ đến gia đình chứ tình cảm giữa hai bên gia đình hai họ nữa mà bị cáo mà coi như có cái cách mà hành xử phải nói là rất là man rợ một điều này chỉ có trong phim kinh dị thôi. Bị cáo có biết một vụ án này mà rúng động toàn xã hội, người ta nghe là người ta sợ hết, ngoảnh sức tưởng tượng. Hành vi của bị cáo ngoảnh cái chuyện Ám ảnh với cái nh ân bị cáo thì sau này trong nhận thức của đứa con mình, con mình là con chung kêu bằng ba mẹ mà mẹ mà hành xử với ba như vậy những đứa con sau này nó lớn nó trưởng thành nó có chấp nhận được không. -rất khó chấp nhận được (The husband, he lived with you in a happy married life together for many years, only in shortly. Why did not you as a wife remain inside and outside be happy? Why didn't you encourage my husband? Why didn't you advise your husband? You must think about your family, and the feelings between both families. Your actions were very barbaric, something that only happened in horror movies. Did defendant (you) know about that case that shook the whole society? People heard it and it was shocking, beyond imagination. The defendant's (your) actions, in addition to being obsessed with defendant (you) personally, later in his child's perception, they are the children of yours, but towards actions their mother did like that with his father, when they become big, how can they accept with this horror circumstance? It is very difficult to forgive.)</p> <p>(M46) ... <i>[im]</i> ([silence])</p> <p>(M47) không biết bị cáo là suy nghĩ như thế nào hoặc trạng thái tâm lý như thế nào mà bị cáo làm phải nói là rất là miệt mài tới 5 giờ sáng là dọn xong. nhưng mà bằng cách nào bị cáo lại lột cái thịt ra của nạn nhân ra bằng lấy cái con dao găm (I didn't know how defendant (you) thought or what his mental state was at that time, but you acted very hard until 5 a.m. to finish cleaning. But how did defendant (you) remove the victim's flesh? what knife?)</p>
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Excerpt 6. Illustration of non-informative questions in questioning moves

In this excerpt, there are two moves M43 and M45 that express a series of statements, but at the end of the statement, the Trial Panel asks two questions: “hai đứa con này nó nghĩ như thế nào về mẹ nó?” (What will these two children think about their mother?) and “mà, mẹ mà hành xử với ba như vậy những đứa con sau này nó lớn nó trưởng thành nó có chấp nhận được không?” (but towards actions their mother did like that with his father, when they become big, how can they accept this horror circumstance?). In move M45, the Trial Panel member also made a statement to answer the self-asked question “rất khó chấp nhận được” (It is very difficult to forgive). The questions in these two moves are not aimed at the information that needs to be sought or questioned. Correspondingly, responding to these questions is not an act of providing information but a silent symbol of the defendant. This paper speculates that the effect of these questions seems to be to remind, or even “teach” the defendant about his or her wrong actions. From the perspective of the realization of power, the raising of these questions only comes from the judicial body. They must not/ must not allowed to come from the defendant. Therefore, questioning that is not intended to seek information is also considered a way to establish and maintain power in the questioning conversation at a criminal trial.

(v) The phenomenon of omitting the subject in questioning

In Vietnamese communication, omitting the subject sometimes causes a loss of politeness in the conversation. Survey results showed that in most of the defendant's moves, there must be a subject (defendant notifies "I") or words expressing politeness. On the contrary, the moves of the Trial Panel were allowed to omit the subject (such as I, we) during the interrogating process in the questioning conversations. This can be accepted in a conversation where there is a difference in social status between an authority acting on behalf of the state and a person being considered for violating the law. Accordingly, this is a featured way to exercise power in judicial communication.

C4	<p>(M3) [chen] rồi Chỗ bị hại thì thường là có đi về đánh bị c áo kh ông? ([interrupting] Then, the victim, has he usually beaten defendant (you) before?)</p> <p>(M4) Dạ, c ó bị hại thường xuyên đi qua đêm (Yes, he have, the victim who often stayed overnight)</p> <p>(M5) đánh bị c áo nhiều kh ông? (dis he beat defendant (you) a lot?)</p> <p>(M6) Dạ đánh nhiều mà cũng rất nhiều lần nhưng bị c áo kh ông c ó d ảm n ấ với người n ào nghe hết tron á. (Yes, [he beat me] many times before, but defendant (I) did not dare to tell anyone)</p> <p>(M7) đánh bị cáo như vậy th ì bị c áo khi mà ở trọ, th ì ỉ kể nh à ph òng bị c áo th ì ó nhữn g ph òng trọ kể b ản kh ông? (When the defendant was beaten like that, was there anyone who lived next to your rented room?)</p> <p>(M8) Dạ c ó (yes, there are)</p> <p>(M9) Th ì nhữn g người ở trọ gần đó có biết l à chồng của bị cáo có người t ình kh ông? (Did the people living nearby know that the defendant's (your) husband had a lover?)</p>
Excerpt 7. Illustration of the phenomenon of subject omission	

Excerpt 7 recorded seven moves between the defendant and the Trial Panel members. In particular, moves M5 and M7 illustrated the phenomenon of subject omission in judicial communication. If these moves had been added the subject "the victim" (notified Mr. T), the move would have ensured better politeness in Vietnamese conversation. However, omitting the subject in this case did not lose politeness in conversation but rather established power in communication. Therefore, omitting the subject in this case can also be seen as a method of establishing power in court conversations.

4.2 Discussion

Power in communication is realized in many different ways. CDA is concerned with the establishment, maintenance, and legitimation of power in language use. In the questioning conversation between the Trial Panel and the defendant at a criminal trial in Vietnam, power is exercised and maintained through a variety of different methods from both sides of parties in communication, from the side of the Trial Panel to the side of the defendant. This result showed similarities with court conversations in China (Shi, G., 2011, p. 159). Shi, G. (2011) believed that the interaction between members of the Panel Trial as well as the Procuracy with defendants, litigants, and other relevant parties were always controlled by power. The subject that exercised power and controlled the interactive roles of the remaining parties were the Trial Panel members. Within a certain limit, powerless parties also have ways to "resist" but they are usually controlled by a variety of different methods from the Trial Panel. Shi's thesis (2011) focused on analyzing critical discourse from Fairclough's perspective with the theoretical foundation of Systematic Functional Linguistics. Although the modes of expression are named differently, the results showed that power was always created, maintained, and legitimized in conversational discourse in Chinese courts.

In a survey of conversations in criminal and civil trials in the Philippines, Rañosa-Madrugno, M. (2014) argued that power institutions were exercised during court communication through methods such as form and structure of questions, establishment of turn order, and pragmatic characteristics of utterances (p. 28). This also contributed to further establishing how power was exercised in court communication. Similarly, research by Tkačuková, T. (2010) also pointed out how the jury used power during the questioning process in court such as controlling the turn of events, witnesses' answers, and explaining the meaning of related other parties' answers (p. 59). Although they are not expressions of realizing power in language, these factors outside of language are also ways of realizing power in court.

From previous studies, there are many different ways to establish power in court conversations. Looking from a variety of perspectives, researchers can identify how power is created, maintained, and legitimized in spoken and written discourse.

5. Conclusion

CDA focuses on understanding how power is created, maintained, and legitimized in human's use of language. In the interrogation conversation at the criminal trial in Vietnam, power is also expressed by the communicating subjects in the process of using language. The results of this paper showed that power in the interrogation conversation in the Vietnamese court can be established from two sides: the defendant with less/no power and the Trial Panel with more power. Accordingly, the results of the discourse semantic survey showed that there were seven modes of expression used to realize power in questioning discourse at criminal trials, including using words/phrases of the form of politeness in the defendant's communication, the defendant's obligation to answer in a question-and-answer pair, the phenomenon of

interruption, the right to change the topic, demanding the defendant to take a certain action, giving questions not for informational purposes, the phenomenon of subject omission on interrogating. The examination in this paper is only small-scale, not enough to generalize to a genre of interrogative conversational discourse in the Vietnam context. However, this paper hopes to further stimulate the study of court conversations or other types of spoken discourse from the perspective of CDA. There is quite an open and much gap for more extensive research on the creation, maintenance, and legitimization of power in conversational discourse at criminal trials and other trials. Conversations of state authorities will be a positive and scientifically meaningful research object in the coming years.

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