

# A probe into testimony styles in Chinese criminal trials: a narrative structure perspective

## Abstract

The present study, based on Labov's narrative theory, focuses on how witnesses' involvement affects their narrative reconstruction of the criminal trial. Witnesses' involvement is first subcategorized and there are two circumstances concerning their involvements, one being single suspect versus victim(s) crime and the other multi-suspects versus victim(s) crime. The present study takes four witness statements from a single suspect assault case as data to further analyze the effects exerted by different witness involvements on witness testimonies and their corresponding representations. Results of the analysis indicate that how witnesses are involved in the criminal event exert different effects on their testimony styles in three aspects: narrative structure, participant distribution, and language strategies. The results of this study further reveal that the more legal responsibility a witness is likely to take for the criminal event, the more transformations he would make in his narrative reconstruction of the crime.

**Keywords:** witnesses' involvement, narrative, participant distribution, language strategy

Volume 4 Issue 6 - 2017

**Luping Zhang, Li Meng**

China University of Political Science and Law, China

**Correspondence:** Li Meng, Doctor of Forensic Linguistics, Associate Professor of Applied Linguistics at School of Foreign Languages, China University of Political Science and Law, China, Email fadawgy@163.com

**Received:** May 06, 2017 | **Published:** May 25, 2017

## Introduction

Witnesses' involvement refers to their roles in an alleged case. Here the definition of witness is a broad one, which "includes eyewitnesses, defendants and expert witnesses as well".<sup>1</sup> How witnesses are involved in alleged criminal cases determines what stance they take in reconstructing the criminal events in their statements, because how the witnesses are related to the crime determines their responsibility distribution for the alleged crime. Every word in the witness statement represents complicated relations and legal obligation of the persons involved in that "language expressions concerning legal activities contain social relations related to the law".<sup>2</sup> Witnesses are normally given freedom to tell their own story about the criminal event which constitutes the body part of witness statements. Their stories are usually put forward in a narrative way. How much the witnesses are involved in the criminal event will probably manifest its influence on the witnesses in their narrative reconstruction of the criminal event. It is reasonable to assume that witnesses "transform reality by techniques more subtle and effective than lying"<sup>3</sup> when telling the truth brings disadvantages to themselves. Labov's narrative study<sup>4</sup> first lay out a six-part structure model "Abstract, Orientation, Complication action, Evaluation, Resolution, and Coda". In his following studies, Labov<sup>5</sup> puts more emphasis on temporal organization in complication action and evaluation of narrative and regards them as the two backbones of narrative in fulfilling the referential and evaluative functions respectively. He proposes that a narrative can be viewed as a theory of the causes of the most reportable event, and the chain of causal events selected in the narrative is intimately linked with the assignment of praise and blame for the actions reported.

From Labov's view of narrative structure, it can be concluded that narrative organization may be determined by the chain of causal relations and the assignment of praise and blame, that is, the temporal organization and evaluation (which is also labeled as an ideological framework by Labov). Labov<sup>3</sup> uncovered the event structure of

narrative by analyzing a witness statement of a criminal case. The crime is an intentional homicide case co-committed by two suspects, and the witness statement chosen as data for the analysis is produced by one of the suspects. Labov used the method of participant analysis, semantic analysis of crucial verbs, and analysis of deleted events to reconstruct the underlying structure of the crime.

## Classification of witnesses' involvement

The witnesses involved in the alleged crime usually include three parties, with one party as suspect of the crime, one party as its victim, and others who have witnessed the crime. However, there are two circumstances concerning the involvement of suspect in criminal cases; one is the single suspect versus victim(s) crime, and the other is multi-suspects versus victim(s) crime. The distinction is made by the number of suspect instead of victim mainly because the multi-suspects crimes always involve the conflict of interest between the suspects themselves. In a crime where there is more than one suspect, usually one suspect would try to avoid his connection with the crime as much as possible by blaming the crime on the other suspect or other suspects; whereas this kind of circumstance would not happen to the victims because multi-victims in a crime suffer from the same criminal action and have the same purpose of suing the suspect. Therefore the analysis of witnesses' involvement in criminal cases would be done within the categories of the single-suspect crimes and multi-suspect crimes respectively. This paper only examines the first circumstance by taking witness statements from a single-suspect crime as the study data.

## Effects of different involvements on narrative structure

The effects of different involvements in a criminal case can be first and foremost reflected on the narrative structure of witness statement. As mentioned above, witnesses are allowed the most freedom in their narrative reconstruction of the criminal event. Therefore the narrative can provide them with the utmost space to express their

own view towards the criminal event and subtly turn their account of the criminal event to a favorable direction. As Labov<sup>5</sup> has described, temporal organization and evaluation of narrative are the sequential and ideological frameworks of narrative. The sequence of the specific actions in one criminal event also represents the causal relation of the actions. The part of evaluation assigns the narrator's praise and blame for the actions reported in the narrative. Therefore different involvements in a criminal event can have different impact on the perspectives of temporal sequence and evaluation of the witness' narrative.

### Effects of different involvements on temporal organization

Sequence of actions can greatly represent the causal relation in a criminal event. When a witness describes how a criminal event happened in his statement, which action happened first and which one happened next plays a crucial role, for example, a criminal action that happened first could place the doer of the action at a disadvantage in that he should take more or sole responsibility for the criminal event. This paper takes four witnesses from a Chinese Assault case as data for analysis. This criminal event is reconstructed by four witnesses in quite different ways. Great discrepancies appear on the temporal organization of the criminal actions among the witness statements. The sequential clauses about how the main criminal actions developed are drawn out and presented in [Appendix 1](#). The clauses are mainly excerpted from the components of complicating action and evaluation in the narrative part of the four witness statements. All the clauses are presented exactly according to the sequential order in which they appeared in the witnesses' narratives. All the given names of the witnesses that appear in the study are replaced by asterisks; most of the names of the witnesses consist of three Chinese characters, with the second and third representing the given name, and the first representing the family name.

The general circumstance of the assault case can be retrieved from the comparison of the four narratives in [Appendix 1](#). The crime started from a quarrel between the suspect (Liu\*\*) and the female victim's grandfather (Old Wang) at the gate of the female victim's house. The cause of the quarrel is that the suspect has been annoying and unreasonable to Old Wang. The female victim (Wang \*\*) came out to help her grandfather and shouted abuse at the suspect (Liu \*\*). Thus the suspect was irritated and ran back home to take a knife and then injured the female victim's head. The male victim (Li \*\*), the female victim's husband, then took a shovel to fight with the suspect and both of them were injured in this fight. Finally the eyewitness and other neighbors helped to stop the fight. The comparison between the statement of the male victim and that of the suspect may leave us puzzled that they both are describing the same event, yet in their narratives the same action happens in different temporal sequence. Firstly the actions are picked out sequentially from the eyewitness' statement and marked by numbers according to the sequence. And the sequence of actions in the other witnesses' statements will be compared with that in the eyewitness' statement. The actions picked out sequentially from the eyewitness' statement are

- i. "Quarrel"
- ii. "The suspect's taking a knife to cut the female victim",
- iii. "Male victim's taking a shovel to fight with the suspect",
- iv. "The suspect's cutting the male victim with the knife",
- v. "The suspect and the male victim's fight for the knife".

The comparison of the sequences of the actions from the four witnesses' statements is presented as follows (Table 1):

**Table 1** Comparison of sequences of actions

Witness	Sequence of Actions
Eyewitness	(1)-(2)-(3)-(4)-(5)
Suspect	(1)-(3)-(2)-(4)
Female Victim	(1)-(2)
Male Victim	(1)-(2)-(4)-(5)-(3)

Intentional distortions of temporal sequence of criminal actions have been found in the statements of both the suspect and the male victim. The suspect brought forward the time juncture at which the male victim took out the shovel to fight with him. In the suspect's statement, when he took out the knife from his house, the male victim had already held a shovel in his hands in (see [Appendix 1](#))<sup>8</sup>, so he chopped at the female victim's head with the knife, see<sup>9</sup>. There exists a question at this juncture: if one victim held a shovel in his hand and another victim did not have any weapon in her hands, why would the suspect choose the unarmed female victim and so leave himself in a much more vulnerable position threatened by another male victim holding a weapon? Here a distortion of sequential organization by the suspect can be found based on the statements of the other three witnesses in [Appendix 1](#). Clauses<sup>3,4</sup> in the female victim's statement, clause<sup>2</sup> in the male victim's statement and clauses<sup>4,5</sup> in the eyewitness' statement all indicate that the male victim only took a shovel after the suspect had injured the female victim with a knife.

The male victim delayed the time when he took out the shovel to fight with the suspect. The male victim insisted that he took a shovel for defense after the suspect had injured him in his face with a knife, see<sup>9,10</sup>. According to the eyewitness, the male victim took a shovel to fight with the suspect when he saw his wife (the female victim) was injured by the suspect in<sup>5</sup>, and the eyewitness and other neighbors held him back and took his shovel away in<sup>6</sup>. Then the suspect got the opportunity to stab the male victim with the knife in<sup>7</sup>. And this temporal sequence of the fight is also justified by other eyewitnesses, which indicates that the male victim intentionally delayed the time of taking the shovel to fight in his narrative. By suspending the time of taking a shovel to fight with the suspect, the male victim can avoid taking responsibility for intentional injury to the suspect with the shovel and he later regarded the suspect's injury as an inadvertent wound caused by his struggle for the knife with the suspect. The distortion of temporal sequence in the male victim's narrative could be caused by his fear of taking possible legal responsibility for the injury that he brought to the suspect. It seems that both the female victim and the eyewitness did not change the temporal organization in their narratives. Their narratives about the criminal event are consistent with each other. The actions from<sup>1-4</sup> in the eyewitness' statement described how the quarrel between the suspect and female victim began and how the suspect injured her with a knife. These actions totally coincide with those in the female victim's statement. After the criminal action the suspect performed to the female victim, there is no mention of her in this eyewitness' narrative, thus it is reasonable to assume that the female victim has been seriously injured and lost the ability to help her husband (the male victim) to fight with the suspect. This also confirmed the self-description of unconsciousness after she got injured in<sup>5,6</sup> in the female victim's statement. So far the eyewitness and female victim's statements have corresponded faithfully to the temporal sequence of the criminal actions later figured out by the

law enforcement officers. From the above comparison and analysis of the statements by four witnesses of different involvements, we can see that both the suspect and the male victim transformed their reconstruction of criminal events by changing the temporal sequence of the specific criminal actions in their narratives. They intentionally made the transformation of the criminal event in order to minimize their own guilt and responsibility for the actions they performed in the crime in that the underlying causal relation changes along with the temporal sequence of specific criminal actions most of the time.

The suspect's transformation through distorting temporal sequence is not due to natural memory loss or any other objective influences; it is affected by the mental state of the witness who is involved in the case as a suspect. That is, the transformation of temporal sequence is produced in the process of choice-making of the witness when he is treated as a suspect and interrogated by the police officers. The male victim was reluctant to make a totally faithful reconstruction of the criminal event in that he also injured the suspect in this fight, and it is hard to say whether he did it intentionally or inadvertently. Thus he was afraid he might have to take partial responsibility for the crime, which determines his special involvement in this case and his complicated mental state in the reconstructing process of the criminal event. Therefore it is clear that different involvements in the criminal case can change the temporal sequence in witnesses' narratives. The more responsibility the witness has to take for the crime, the more distortions he might make in the temporal sequence in his narrative. The female victim and the eyewitness who do not take any responsibility for the crime did not change the temporal organization in their narratives, which also indicates that witnesses who are free of responsibility for the crime can be quite faithful in reconstructing the criminal event in their statements.

### Effects of different involvements on witnesses' evaluation

Evaluation represents ideological framework in narrative. By evaluation, the narrator assigns his praise and blame in his narrative. In their narrative, witnesses are allowed to give their free recall of the criminal event which provides them with the opportunity to give their personal evaluation about the criminal event. Witnesses are very conscious of evaluation in the narratives they make in police interviews in that the evaluation part can show their own judgment on the assignment of responsibility for the criminal event. Thus the component of evaluation in narrative can also be regarded as a strategy used by witnesses to express their personal opinion on the crime. The suspect gives his evaluation in<sup>6</sup> in [Appendix 1](#) that he was not strong enough to fight with the three members of the victim's side (female victim, male victim and one eyewitness Old Wang). The suspect used the evaluation to justify that he had to take the knife to fight with the victims in.<sup>7</sup> But this evaluation is proven false by statements of the victims and eyewitness who all stated that the fight did not begin until the suspect started it by injuring the female victim's head with a knife. Thus the suspect had made up evaluation of the criminal situation to protect his own interest. The female victim made her comment on the suspect by the evaluation in her statement. She said that the suspect had been unreasonable at that time in<sup>2</sup> and so she had to quarrel with him which directly led to the suspect's execution of the criminal action to her in.<sup>4</sup> The suspect's being unreasonable can also be inferred from other witnesses' statements. Thus the female victim just assigned the blame on the suspect for provoking the quarrel and fight. Besides,

she also made a self-comment in<sup>7,8</sup> that she was totally telling the truth and she would not say things that she did not experience, which enhanced the reliability of her statement. Neither the male victim nor the eyewitness used evaluation to express their personal attitudes or opinions on the criminal event in their narratives. The male victim was drawn to the crime by the suspect's criminal action towards the female victim. There was no time for him to tell what actually caused the fight. Thus his narrative mainly focused on the fighting part in the criminal event. The eyewitness is supposed to be the impartial person in reporting what happened in the crime; therefore he scarcely gave any personal attitudes or judgment on the criminal actions. Different involvements in a crime may bring different effects on witnesses' evaluation in their narratives. The suspect made an evaluation to fake part of his narrative in order to justify his action of taking a knife as a weapon in the fight. But this evaluation cannot stand detailed comparison with other witnesses' statements. Eyewitnesses are normally conscious of their impartial position in a case and thus seldom give evaluation in their narratives. The victims do not give evaluation or only express objective evaluation to assign the blame on the specific criminal actions.

### Effects of Different Involvements on Participant Distribution

Participant analysis is introduced in Labov's narrative study (2001) to understand how the responsibility of each action is distributed to each participant involved in a narrative story. For each activity the active causal agent "y", patient "z" and other participants "x" are marked accordingly. Through the examination of different actors of each activity, we can get a general picture of the distribution of responsibility for the activities in the narrative. In the analysis of the participation, the responsibility of every action is distributed to each doer of the criminal event. And how each witness distributes the responsibility for the crime in his narrative would be quite clear through participant analysis. The participant distributions in the four witnesses' statements are presented in [Table 2](#) for a better comparison. The detailed participant analysis of each witness statement can be retrieved in [Appendix 2–5](#). The participant distribution in the suspect's narrative is quite different from those in the other witnesses'. When the female victim, male victim and eyewitness were reporting the criminal event in their narratives with themselves as involved members, they themselves appeared more times as active causal agent than anyone else in that they had to relate one action to another in order to form a coherent story. The suspect's participant distribution forms a sharp contrast with the other three witnesses'; he described himself as active causal agent fewer times and as patient to criminal actions more times. That is, A person accused of committing the crime conducted fewer criminal actions than one of the victims (8<9), while simultaneously he plays the part of direct patient of criminal actions much more than the victims do in frequency (7>2). Though the two victims turned up more times as active agents than any other participants in their narratives, it is noticeable that they also appeared more times as patients to criminal actions in their own narratives. This kind of participant distribution accords more faithfully with the "our understanding of causal relationships in the real world" (Labov 2001<sup>7</sup>) in which suspects should participate as active causal agents more times and victims as patients to criminal actions more times. Thus the participant distribution in the suspect's narrative totally violates this pattern.

**Table 2** Participant distribution in witness statements in the assault case

Witness	Participant Label	Suspect	Female Victim	Male Victim	Eyewitness	Old Wang
Suspect	y	8	3	9	1	5
	z	7	2	2	0	2
	x	1	0	0	0	0
Female Victim	y	4	5	0	1	0
	z	0	1	0	0	2
	x	0	0	0	0	0
Male Victim	y	3	0	6	2	0
	z	1	0	2	0	0
	x	1	0	0	0	0
Eyewitness	y	4	2	3	7	0
	z	2	1	4	0	0
	x	0	0	0	0	1

Notes “y” represents the active causal agent of an action; “z” represents the patient of an action and “x” other participant in an action. Old Wang is also a By-stander W who is the female victim’s grandfather

From the eyewitness’ perspective, the participant distribution presents us a more comprehensive view: the suspect performed 4 actions, while the female victim 2 actions and male victim 3 actions; the suspect is described as patient to 2 criminal actions, while the female victim as patient to 1 criminal action and male victim patient to 4 criminal actions. Generally speaking, the suspect carried out more criminal actions and the victims underwent more criminal actions. This kind of agent-patient distribution accords more with the common ideology about crime in which suspects perform criminal actions and victims get injured. This kind of agent-patient distribution in the eyewitness’ statement is totally different from that in the suspect’s statement. From the above analysis and comparison, it is clear that the suspect has taken the opportunity of free narrative to evade his responsibility for the crime and enhance the injuries he got by rearranging the participant distribution in his narrative. While the rest of the witnesses who should not worry about taking responsibility for the crime or taking much responsibility for the crime presented a more reasonable participant distribution in their narratives. Thus the more legal responsibility the witness is involved with, the more likely he would deliberately rearrange the participant distribution in his narrative.

**Effects of different involvements on language strategies**

The fake evaluation and the rearrangement of participant distribution in the suspect’s narrative give clues that the suspect had made other intentional transformations in his reconstruction of the criminal event except his distortion of temporal sequence of the narrative. The intentional transformations can manifest themselves on different levels; Labov in his narrative study (2001) has discovered that a suspect employed the techniques of deletion of events and exploitation of ambiguous constructions in order to minimize his responsibility for the crime. That is, besides distorting temporal sequence of the narrative and using evaluation, witnesses can employ other strategies to transform their narrative reconstruction of the criminal event in order to avoid taking responsibility for the crime as much as possible. The evaluation in<sup>6</sup> in the suspect’s narrative has

been proven fabricated information by other witnesses’ statements, so is the action in<sup>5</sup> that describes the three members of the victim side had began to fight with him before he ran to take a knife to protect himself. The other witnesses have testified that the fight did not begin until the suspect started it by injuring the female victim with a knife. Also both narratives of the female victim and other eyewitnesses can prove the actions mentioned from (see Appendix 6)<sup>15-22</sup> in the suspect’s narrative are totally fabricated. These fabricated actions are used to accuse the male victim of hitting him with a knife and put the blame on the female victim for hitting him with a brick, and he even made up a story that his wife got hurt in protecting him from getting injured by the male victim. It is obvious that the suspect has fabricated a series of criminal actions and inserted them in his narrative to form a self-serving story so that he would not have to take full responsibility for what happened in the crime.

A deletion of action between<sup>6,7</sup> is worth mentioning in the eyewitness’ statement in Appendix 1. If the action in<sup>6</sup> really happens, that is, the eyewitness and others stopped the male victim and the suspect, action in<sup>7</sup> would not have happened in which the suspect hit the male victim in the head with his knife. It is reasonable to assume that the eyewitness stopped the male victim and took away his shovel, which accidentally gave the suspect a chance to hurt the male victim with his knife. This deletion of the detailed action implies that the eyewitness, while trying to give an unbiased statement, still holds back some facts that might jeopardize his reliability or bring him trouble in this criminal case. The male victim, though did injure the suspect in the crime, never mentioned the specific action in his narrative. The two key clauses<sup>6,10</sup> in which this action might have happened did not reveal any information concerning this action. He held it until the police asked him the question “Did you get to injure the suspect in this fight?” in the question-answer part after his narrative reconstruction. To this he answered “Yes, I felt the knife hit him while we were struggling for it”. Here the male victim, being afraid that he might have to take responsibility for the injury he caused to the suspect, deleted this information in his narrative clause sequence and even gave an ambiguous expression concerning this information

when he had to answer the specific question raised by the police later. The suspect, the male victim and the eyewitness all employed certain language techniques when they describe the specific criminal actions in their narratives. The suspect added a series of fabricated criminal actions that have never happened in the crime in order to lessen his responsibility for the crime and enhance the injuries he suffered. The male victim and eyewitness deleted information concerning certain criminal action which might bring them trouble in the case. Thus the female victim is the only one who has not intentionally transformed her narrative and she is also the only one who does not have to worry about taking any legal responsibility for the crime. Therefore the more legal responsibility the witness is likely to take in a crime, the more language techniques he might adopt to transform his narrative to a direction of advantage.

**Table 3** Effects of different involvements on witness statements

Effects Witness	Narrative		Participant Distribution		Language Strategy	
	Temporal sequence	Evaluation			Fabrication	Deletion
Suspect	+	+	+		+	-
Female victim	-	-	-		-	-
Male victim	+	-	+		-	+
Eyewitness	-	-	-		-	+

Notes “+” refers to the existence of effects of a specific involvement; “-” refers to nonexistence of effects. Though there is evaluation part in female victim’s narrative, she did not use it to transform the actual fact

The suspect, being the one who is involved with the utmost responsibility for the crime, made a lot of transformations in his narrative reconstruction of the criminal event on every level mentioned above. The male victim distorted the temporal sequence and deleted one specific action in his narrative, being afraid that he might also have to take partial responsibility for the crime. The eyewitness deleted one specific action whose occurrence might degrade his credibility and bring him trouble. The female victim is not involved in any legal responsibility in the crime and did not make any transformation at all. This paper focuses on how the different involvements of witnesses affect their narrative reconstruction of the criminal event. Through detailed analysis, we can see that the effects exerted by different involvements can be manifested on three levels. And the more legal responsibility the witness is involved in, the more transformations he makes in his statement. This indicates that witnesses’ involvement plays a significant role in their own narrative stories about the criminal event, and therefore determines the accuracy and reliability of witness statements.

## Acknowledgments

This paper is supported by the Opening Project of Key Laboratory of Evidence Science (China University of Political Science and Law)

## Conclusion

Through the detailed comparison and analysis of the statements of the four witnesses in the assault case, the general rule can be observed that the more responsibility the witness gets involved in a crime, the more transformations he might make in his statement. These transformations are exactly the effects exerted by witnesses’ involvement on their statements. These effects manifest themselves on three levels in witness statements: the narrative structure, the participant distribution and the language strategies employed by the witnesses. The effects on narrative structure can be further explored on the temporal sequence and evaluation part of the narrative. The relationship between the involvement and their effects on witness statement in this criminal case can be summed up in the following Table 3:

Ministry of Education, Grant Number: 2016KFKT09. This article is a final project result supported by Foundation of Humanity and Social Sciences of China University of Political Science and Law (Grant No. 12ZFK74002).

## Conflicts of interest

None.

## References

1. Jinxi W. *On Statements in Criminal Cases*. People’s Public Security University Press, USA. 2002.
2. Jinbang DU. *Forensic Linguistics*. Shanghai Foreign Language Education Press, China. 2004.
3. Labov W. *Uncovering the Event Structure of Narrative*. Georgetown University Press, USA. 2001;1–23.
4. Labov W. *Language in the Inner City*. University of Pennsylvania Press, USA. 1972;1–21.
5. Labov W. *Some Further Steps in Narrative Analysis*. In: Bamberg M, editor. *Oral Versions of Personal Experience: Three Decades of Narrative Analysis Special Issue of the Journal of Narrative and Life History*. USA. 1997.