

A Pragmatic Analysis of Arbitrator's Interruptions in Arbitration Court

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Abstract. Interruption is one of the important discourse strategies which are frequently used by arbitrator in arbitration court. It is an effective way to help arbitrator control the process of arbitration and maintain order. Based on Cooperative Principle, this study aims to investigate the types, places and pragmatic functions of arbitrator's interruptions. By analyzing the data collected from real arbitration court with qualitative and quantitative methods, five types and three major places of interruptions are identified. Each type serves different pragmatic functions. This study also finds that Cooperative Principle can be well used in the discourse of arbitration court. Any utterance violated the Cooperative Principle will be interrupted by arbitrator.

Introduction

Comparing with much more discourse researches about interruption being done in everyday conversations, interruption used in courtroom is less discussed because of its professional trait. However, as a kind of frequently used discourse strategy, interruption is worthy of detailed study.

In recent decades, scholars both at home and abroad began to study interruption in courtrooms. For example, Bogoch and Brenda Danet investigated interruption between lawyers and parties.¹ O'Barr pointed out the relationship between interruption and power. And Gibbons studied interruption between the lawyer and witness.¹ At home, Liao Meizhen was the first one to study courtroom discourse from the perspectives of pragmatics and conversation analysis. Lv Wanying² analyzed conflicting interruption and interrupter's power in judicial mediation. Following their researches, other scholars focused on courtroom discourse and described interruption from various aspects, including Zhao Hongfang, Zhang Luping, Wu Peng and so on.

Obviously, interruption in courtroom has received wide attention by domestic and international scholars. But in arbitration court, interruption is still an underexplored field which has not yet caught enough attention. Few researches have been done on this part, let alone an in-depth discussion. In fact, discourse in arbitration court is not the same as that in courtroom. And the actual situation of Chinese arbitration court is also different from that in an Anglo-American one. Therefore, it is necessary to undertake a detailed research on interruption within the Chinese arbitration court and find some characteristics of Chinese style.

Method

Theoretical Framework. Cooperative Principle is suggested by Herbert Paul Grice about the regularity in conversation, which reads "Make your conversational contribution such as required, at the stage at which it occurs, by the accepted purpose or direction of the talk exchange in which you are engaged." There are four categories of maxims under it, namely, quantity maxims, quality maxims, relation maxims, and manner maxims (see Table 1).

Table 1 Four Maxims of Cooperative Principle³

Maxims	Implications
Quantity	a) Make your contribution as informative as is required. (for the current purpose of the exchange) b) Do not make your contribution more informative than is required.
Quality	Try to make your contribution one that is true. a) Do not say what you believe to be false. b) Do not say that for which you lack adequate evidence.
Relation	Be relevant.
Manner	Be perspicuous. a) Avoid obscurity. b) Avoid ambiguity. c) Be brief (avoid unnecessary prolixity). d) Be orderly.

Research Questions. On the basis of Cooperative Principle, this study adopts qualitative and quantitative methods to analyze the types, places and pragmatic functions of arbitrator's interruptions, and investigate the reason why arbitrators often use this discourse strategy in arbitration court. To be specific, this study is to answer the following

three questions: (1) What are the types and places of arbitrator's interruption in arbitration court? (2) What are the pragmatic functions of arbitrator's interruption in arbitration court? (3) What is the relationship between Cooperative Principles and interruption in arbitration court?

Date Collection. After auditing in local arbitration committees for two months, we collected ten recordings of arbitration cases from Chongqing Arbitration Commission. According to the transcription conventions set by Professor Liao Meizhen, these recordings were transcribed into written texts. And the interruptions were marked with symbols “▲” (being interrupted) and “▼” (interrupting)¹. Since the language used in arbitration courts was Chinese, the transcribed texts were translated into English later. And then we invited foreign scholars to proofread and modify, and made sure that the translated texts could be understood by native speakers.

With the help of the software UAM corpus tool, we constructed a mini spoken corpus with around 150,000 words and manually annotated arbitrators' interruptions in arbitration court. Then, the software ANTCONC was used to extract these tagged data and calculated frequencies of arbitrators' interruptions as well as standardized them. These statistical data could help us analyze the types, places and pragmatic functions of interruption, and figure out the relationship between interruptions and cooperative principles.

Research Procedures. The procedure of this research consisted of two steps.

The first step was theoretical study. By consulting a large number of previous studies, we aimed to describe Cooperative Principles and the typology of arbitrators' interruptions in arbitration court by adopting literature research method.

The second step was empirical study. We audited in local arbitration committees for two months and collected ten recordings of arbitration court from Chongqing Arbitration Commission. All the recordings were about contract disputes, including housing contracts, sales contracts, land lease contract, tourism contract and insurance contract. After transcribing and translating the recordings into English written texts, we constructed a mini spoken corpus with around 150,000 words. With the help of corpus tools, arbitrators' interruptions were manually annotated and tagged, and then the statistic analysis was made. In this step, massive detailed analyses and supportive argumentation were given to answer research questions.

Analysis and Discussion

Types and Frequency of Interruption in Arbitration Court. Consulting the typology of courtroom interruption set by Professor Lv Wanying⁴, interruption in arbitration court can be divided into five types, namely, avoiding-digression interruption, preventing-emotion interruption, summarizing-points interruption, ending-repetition interruption and requiring-information interruption.

After analyzing the data collected, we find that arbitrators make interruptions for 173 times in total. As shown in Table 2, avoiding-digression interruption is the most frequently used type by arbitrator, which accounts for 38.15%. Next is summarizing-points interruption (23.12%), then followed by requiring-information interruption (18.50%). By contrast, ending-repetition interruption (13.87%) and preventing-emotion interruption (6.36%) are less frequently used types by arbitrators.

Table 2 Types and Frequencies of Interruption in Arbitration Court

Types of Interruption	Frequency	Ratio
Avoiding-digression	66	38.15%
Summarizing-points	40	23.12%
Requiring-information	32	18.50%
Ending-repetition	24	13.87%
Preventing-emotion	11	6.36%

Places of Interruption. Referring to the research of Mumy⁵, the places of interruption can be divided into four categories: before the first point of one's utterance, before the finishing of one's first turn, in the mid-clause and at the end of a clause. In arbitration court, the places of interruption also can be divided into three distinct categories: before one's utterance, in the mid of one' utterance and at the end of one' utterance. The following table indicates how many times interruptions happen in each place[1].

Table 3 Places and Frequencies of Interruption in Arbitration Court

Places Frequency	before one's utterance	in the mid of one' utterance	at the end of one' utterance
173	46	41	86
Ratio	26.59%	23.70%	49.71%

Obviously, the interruption happened at the end of one's utterance accounts for 49.71%. It is much more than the other two which are respectively 26.59% and 23.70%.

The Relationship between Cooperative Principle and Interruption. Cooperative Principle is the principle suggested by Grice about the regularity in conversation. The discourse in arbitration court, as a kind of legal

conversation, also should abide by the principle. If people in arbitration comply with any one of the four maxims, interruption will not happen. Otherwise, arbitrators may make interruption to intervene the interaction. Thus, this study finds that, from the perspectives of pragmatic purpose, these five types of interruption are all caused by violation of Cooperative Principle (see Table 4).

Table 4 The Relationship between Cooperative Principle and Interruption

Cooperative Principle	Types	Frequency		Ratio	
Quantity maxim	ending-repetition interruption	24	56	13.87%	32.37%
	requiring-information interruption	32		18.50%	
Quality maxim	preventing-emotion interruption	11		6.36%	
Relation maxim	avoiding-digression interruption	66		38.15%	
Manner maxim	summarizing-points interruption	40		23.12%	

(1) Quantity maxims

Grice believes that in conversation, speaker should give information as much as is required. Otherwise, the speaker may violate the quantity maxim, no matter his/her contribution is more informative or less than required. Thus, it can be confirmed that both ending-repetition interruption and requiring-information interruption are caused by parties' violation of quantity maxim.

Example 1:

Applicant: So, can you confirm that it is on December 4th, you made the project construction application?

Respondent: Yes. I confirm. We also made some preparations that day. I mean paying the fees.

Arbitrator: Any other questions, applicant?

Applicant: Yes, still about the date. Is it on December 4th... ▲

Arbitrator: ▼ Well, well. You have asked the same question just now.

In the above example, the applicant repeats the same question again and again which violates the quantity maxim for giving more information than required. In order to save time and ensure the success of mediation in a limited time, arbitrators interrupt him directly[2].

Sometimes in arbitration court, insufficient information offered by parties may trigger arbitrator's interruption. Like Example 2, the respondent doesn't give enough information about how to determine the amount of compensation, which violates the quantity maxim. Then, arbitrator makes requiring-information interruption and asks him to add necessary explanation.

Example 2:

Arbitrator: How much are you willing to pay for the applicant? What standard did you use to determine that amount?

Respondent: For our part, we can only offer him 3,000 RMB as compensation. This is the highest I can go. We have studied his case and we have consulted with a lawyer. The lawyer is professional and familiar with the relevant regulations. And em...We know we should not bear all the responsibilities. Because in this case, the applicant also at fault... ▲

Arbitrator: ▼ Sorry, I have to interrupt you. You'd better explain to us how you reach that figure.

(2) Quality maxims

Preventing-emotion interruption is caused by the parties' violation of quality maxim. Individual case shows that parties without sufficient evidences may sometimes try to exert emotional influence on arbitrator for the purpose of winning sympathy and enhancing persuasion. To do so, parties may show grievance or difficulties in court, complain tearfully, and even exaggerate the truth and offer inaccurate information. In such a case, arbitrator must prevent their emotional exertion and interrupt their utterance. Let's see the following example. The respondent should answer arbitrator's question directly, but he keeps describing his difficulties, and even gives false information. This utterance violates the quality maxim. So arbitrator interrupts him and prevents his further emotional expression[3].

Example 3:

Arbitration: Are you willing to accept mediation?

Respondent: Yes, but Your Honor, my small grocery store is the sole means of support for my wife and three children. We can't live without that store. (Crying) What they do to us is illegal, and we never sign the contract... ▲

Arbitration: ▼ But the fact is that you really do it. Please just answer my question. Are you willing to accept mediation?

Respondent: Yeah, I accept.

(3) Relation maxims

Avoiding-digression interruption can be considered as the one which caused by parties' violation of relation maxim. Many parties may easily deviate from the centre topic for not getting the main points or indulging in trifles and details, especially when they answer arbitrators' questions. Under these circumstances, arbitrators may always interrupt parties' imprecise answers in order to avoid their digression and finish the arbitration as soon as possible.

Example 4:

Arbitrator: Please check the following three contracts. Give opinions on authenticity.

Respondent: Well, let me tell you. At that time, when I got the contract... ▲

Arbitrator: ▼ I mean, these contracts are real or fake?

Respondent: He didn't promise to me. He didn't promise anything... ▲

Arbitrator: ▼ No, no, no. Please answer my question. Are these contracts real?

Respondent: All right. It seems real, but I don't know.

In the above example, arbitrator wants to know whether the contracts are real or not. But respondent doesn't answer the question directly instead of offering some irrelevant information. Therefore, arbitrator interrupts him for two times in order to control his utterance for avoiding digression and guide him to keep the point. In arbitration court, arbitrator must obey the relation maxim to guarantee efficiency.

(4) Manner maxims

Manner maxim requires speaker to be perspicuous in conversation. According to this rule, what parties say in arbitration court should be brief and orderly. However, due to nervousness in arbitration court or poor language ability, parties hardly make their utterance to the point and violate the manner maxim unintentionally. At this time, arbitrator will make interruption and help parties to summarize the main points from their wordy utterance (see Example 5). The interruption used in this situation is summarizing-points interruption[4].

Example 5:

Arbitrator: Besides the contract, do you have other evidences?

Applicant: When we signed the contract, I didn't get any copies. They gave me some documents, but I have no idea whether these papers can be used as evidences. I got a detailed list. They gave it to me on delivery date. Maybe they gave me something else that day, but I can't remember clearly... ▲

Arbitrator: ▼ That is to say, the developer gave you a detailed list on delivery date, right? The detailed list can be one of the evidences.

Major Findings

First of all, five types of interruptions which the arbitrator often used in arbitral tribunal are identified, namely, avoiding-digression interruption, preventing-emotion interruption, summarizing-points interruption, ending-repetition interruption and requiring-information interruption. Each type serves different pragmatic functions. What's more, three major places of arbitrator's interruption are identified, namely, before one's utterance, in the mid-clause and at the end of a clause.

Second, the main pragmatic function of interruption is to help arbitrator gain control of utterance. Thus arbitrator can control the process of arbitration and make it smooth and efficient for getting relevant information as soon as possible. In addition, another pragmatic function of interruption in arbitration court is to help arbitrator keep order of arbitral process. Arbitration court which represents law and regularity is such a place where everyone should comply with the order. In order to uphold the prestige and authority of arbitration, arbitrator must use interruption as a powerful method to intervene parties' digression and endless debate sometimes[5].

Third, Cooperative Principle can be well used in the discourse of arbitration court. Any utterance violated the Cooperative Principle will be interrupted by arbitrator. In addition, five types of interruption and four maxims are closely linked. From the perspectives of pragmatic purposes, the five types of interruption are all caused by violation of any maxims of Cooperative Principle.

Conclusion

Interruption is a common strategy used in interactive discourse, especially being widely accepted in courtroom or arbitration court. Different from that in our daily conversation, interruption used in arbitration court is related to both parties' rights and interests, and the efficiency of arbitration. The frequency and success of interruption will show directly the arbitrator's personality and strain capacity as well as his power and position in arbitration court. Thus, arbitrator should use interruption flexibly in the appropriate context, which will help him to improve the efficiency of arbitration and realize the intention of mediation.

Admittedly, this study has some limitations. First, corpus used in this study is limited to contract disputes in Chongqing and the transcriptions are not detailed and all-round because of time limited. Second, this study is based on the analysis of arbitrator's utterances, involving no intonation and non-verbal behaviors such as gestures, facial expressions, etc. Omission of the above messages makes the present study not so thorough.

For the future study, the relationship between arbitrator's interruption and power in arbitration court is worthy of in-depth analysis. If conditions permit, the comparative study of interruptions in arbitration court could be made between China and western countries. In addition, other linguistic phenomena in the arbitration court can be noticed,

such as question, repetition, evasion and stress. To some extent, the above studies will enrich the research achievement of arbitration court in linguistic field.

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