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Cultural Factors Influencing Interest Contention of China's Business Dispute Settlement: A Discourse Information Perspective

Tingting Guo[1,2], Dong Wang[3], Qiusheng Zheng[4], Jingyi Cao[2] & Fangyuan Liu[2]

[1] School of Liberal Arts, Zhengzhou University, Zhengzhou, Henan, China

[2] School of Foreign Languages, Zhongyuan University of Technology, Zhengzhou, Henan, China

[3] School of Liberal Arts, Tianjin Normal University, Tianjin, China

[4] Human Resources Department, Zhongyuan University of Technology, Zhengzhou, Henan, China

Correspondence: Tingting Guo, Zhengzhou University, No. 100, Science Avenue, Zhengzhou 450001, Henan Province, China.

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Abstract

Interest contention is the embodiment of the essential issue in the process of business dispute resolution. In order to realize the interest competition in the settlement of business disputes, the litigants with different interest positioning and interest demands can use many information resources to express, cling to and fight for their interests under the influence of various factors. The present study attempts to make a discourse analysis of the cultural factors that influence the conflict of interests in China's business dispute court hearings from the perspective of Discourse Information Theory. This research adopts the discourse information analysis method with the aid of "Legal Information Processing System Corpus (CLIPS)". The analysis is mainly carried out from the perspective of cultural value, thinking mode, business culture and legal culture embodied in the interest competition in the settlement of business disputes. Under the influence of cultural factors, discourse information has different characteristics in the interests of business dispute resolution. The cultural factors and discourse information characteristics that influence interest competition in China's business dispute settlement found in this study will complement and enrich the cultural research on interest competition in business dispute resolution, and promote the integration of different disciplines of business, law and linguistics, which has certain theoretical and practical significance.

Keywords: courtroom discourse, Discourse Information Theory (DIT), cultural factors, discourse analysis, China's business dispute settlement, interest contention

1. Introduction

Conflicts are usually seen as part of the long-term relations of the two parties and the network of others surrounding them in the harmony model (Kazan & Kamil, 1997) and conflict management in the model essentially attempts, by various non-confrontational means, to maintain group harmony. This model is most likely to be found in Hofstede's (1984) terms, collective cultures such as Asian, Middle Eastern, and Latin American countries. Besides, Kazan (1997) argues that criteria for judging effectiveness of resolution include face-saving concerns along with distributive justice. Face-saving involves protecting one's pride, status and honor. Furthermore, the harmony model uses a long-time frame for judging effectiveness of resolution. Cohen (1991) highlights the Chinese's adoption of a "geological sense of time", emphasizing long-term perspectives and relationships in their negotiation processes. Thus, the cultural factors also function as an important factor that influences interest contention in business dispute settlement.

2. Literature Review

2.1 Previous Cultural Studies on Courtroom Discourse

Courtroom discourse, a pivotal element in judicial proceedings, is intricately influenced by diverse cultural factors. In recent years, through methods such as discourse analysis, empirical studies and case studies, many scholars have delved into the diversity and complexity of cultural factors in legal discourses (e.g. Johansson et al., 2023; Zhao & Dong, 2023; Varga, 2020). For instance, Koch and Kjølstad (2023) conduct extensive and in-depth research

on the legal cultures of different countries. Though systematic and profound research on legal culture has been conducted, cultural studies focusing on courtroom discourse remain relatively limited, and even fewer studies have been dedicated to the examination of courtroom discourse from a cultural perspective. The present cultural studies of courtroom discourse, though insightful in specific cultural aspects, such as cultural and linguistic prejudices in South African Courtroom Discourse (Docrat & Kaschula, 2024) and the legitimisation of power in courtroom encounters (Anowu, 2024), lack a comprehensive and systematic analysis from different cultural dimensions, especially in China's unique cultural context.

The previous studies have not only enriched the scope of courtroom discourse research but also provided invaluable insights for enhancing judicial fairness and efficiency. While notable achievements have been made, there are still some shortcomings in current research. For instance, the depth of study on certain cultural factors remains inadequate, cross-cultural comparative research is relatively scarce, and how to apply creative theoretical research findings to judicial practice effectively remains an urgent issue to be addressed. Additionally, the research on the cultural elements embedded in courtroom discourse is still relatively scarce and lacks systematic research, especially for the cultural research in Chinese courtroom discourse. Therefore, the current research endeavors to conduct a discourse analysis, grounded in Discourse Information Theory (DIT) (Du, 2015), of the cultural factors that exert an influence on the dynamics of interest contention within the context of Chinese business dispute court proceedings.

2.2 Previous Linguistic Studies on Interest Contention of Business Dispute Settlement

The topic of interest contention has been studied from the standpoint of linguistics in courtroom interactions (see, for example, Du, 2007, 2015; Ge, 2013, 2014). Ge (2013) examines the characteristics of discourse information, contributing factors, and discourse management techniques that affect how COI (conflict of interest) in Chinese civil court hearings, which do not include instances involving business disputes. According to Ge's (2013) research, litigants usually rely on three types of evidence when proposing interest appeals: explanatory, objective, and subjective data. Data analysis in this study also demonstrates the sociological, psychological, and discursive factors that influence the process of interest negotiation in court proceedings. Additionally, it is discovered that litigants commonly utilize information management, cognitive management, and language management as their primary discourse management techniques to encourage agreement among themselves. According to the Discourse Information Theory (DIT), pertinent studies on interest contention and business dispute resolution have been conducted from the perspectives of social factors (Guo, Zhao, & Han, 2019), psychological factors (Guo, 2019), and discourse information function features (Guo, 2020). However, the researches on the cultural factors influencing the interest contention of business dispute are seldom conducted.

2.3 Previous Studies on Discourse Information Theory (DIT)

Discourse information theory (DIT), a theoretical creation of linguistics, is proposed by Du (2015). In contrast to the common practice to consider information as a sentence-level notion, Du (2015) defines information as propositions which are the minimal communication units with a relatively independent and complete structure. The central model of discourse information theory is the linguistic model of information structure put forth by Du (2007) for legal discourse. Based on this fundamental model, researchers have been methodically developing the theoretical and applied studies of DIT for more than seventeen years and numerous investigations have added to the theoretical advancement of DIT. (e.g., Du, 2007, 2009, 2013, 2015; Zhao, 2011; Chen, 2011; Pan & Du, 2011; Huai, 2014; Huang, 2012; Ge, 2014; Xu, 2013; Zhang, 2016; Guan, 2015; Sun, 2016; Yue, 2016; Guo, 2017). In the areas of linguistics, particularly forensic linguistics and business English studies, models and frameworks have been proposed to assist in the resolution of various issues (e.g. Zhao, 2011; Chen, 2011; Du, 2015; Xu, 2013; Ge, 2014; Zhang, 2016; Guan, 2015; Sun, 2016; Yue, 2016; Guo, 2017).

3. Theoretical Framework and Methods

3.1 Discourse Information Theory (DIT)

The tree information structure of legal discourse is regarded as the basic and core framework of Discourse Information Theory (Du, 2007, 2015).

As depicted in Figure 1, a discourse is a hierarchical structure consisting of proposition-based information units that are the minimal, integral and meaningful units that have relatively independent complete meaning and structure. As discourse progresses, these units interconnect to form an intricate information web, interrelate with each other in various ways. This perspective on discourse serves as the fundamental model within Discourse Information Theory, specifically known as the tree information structure (Du, 2013, 2015).

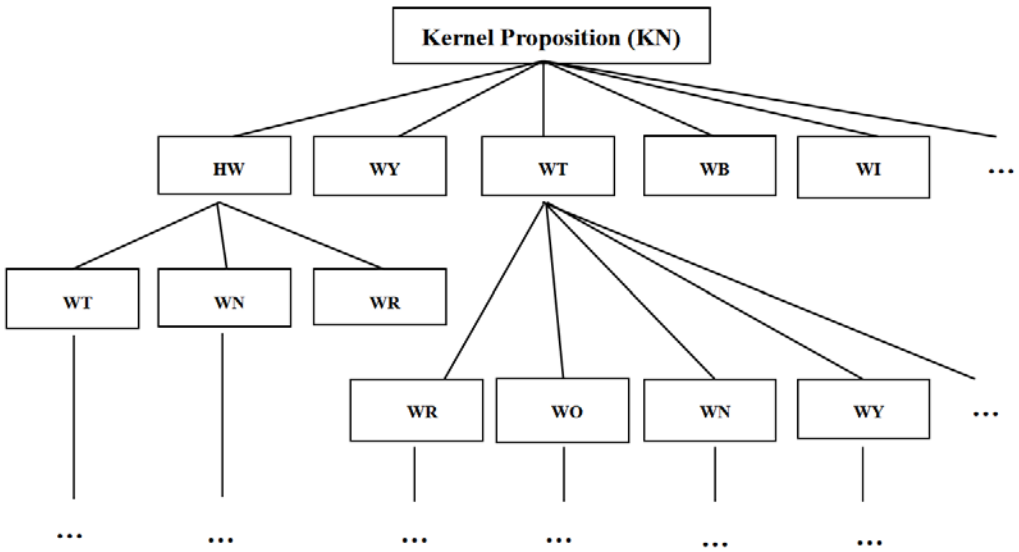

Figure 1. Tree Information Structure of Discourse Information Theory (Du, 2015)

A subordinate information unit develops under its superordinate information unit in a specific manner due to the relationships that each information unit within a discourse holds with the other information units. Information knots are employed to depict this kind of interplay between subordinate and superordinate information units.

Table 1. Types of Information Knots (Du, 2015, pp. 30–31)

Information Knot	Sign	Meaning	Description
What Thing	WT	Refers to sth.	Includes objective things, events, or actions
What Basis	WB	The basis for dealing with problems	The law or general reference standard on which it is based
What Fact	WF	The facts on which it is based	Pure facts, free from subjective inference
What Inference	WI	Inference	It mainly refers to people's judgment of things
What Disposal	WP	Disposal measures	Includes the disposal methods adopted or recommended
Who	WO	The person described	Only refers to the person
When	WN	The time stated	Includes various concepts of time
Where	WR	The stated location	Includes orientation, trend, source and so on
How	HW	The way things are done or resolved	Includes the way things are presented as they are and the way of problem solving takes place or proposes to take place
Why	WY	The cause of the matter	How things are caused
What Effect	WE	The effect of things	How things are turned out
What Condition	WC	Conditions under which things proceed	How do things exist or change
What Attitude	WA	The attitude of the person concerned towards things	Attitude, evaluation, tendency opinion
What Change	WG	The change of things	Different from effect, effect includes ideal effect and unsatisfactory effect; change is the comparison of the state of things before and after a process
What Judgment	WJ	The view, position, etc. of things	Includes the conclusions of specific things and the overall conclusion of things

According to Du's (2007) definition, an information unit is a statement that serves as the lowest significant discourse unit. In a discourse, every information unit interacts with the others in such a way that the superordinate information unit is shaped in a particular way by the subordinate information unit. This type of interaction between subordinate and superordinate information units is referred to as an information knot (Du, 2013, 2015). Information units and information knots are two different ideas; The former focuses on the content of information, whereas the latter delves into the relationships between information units. As seen in Table 1 above, there are 15 different forms of relationships between information units that can be represented by interrogative terms (see Du, 2007, 2015, pp. 30–31).

3.2 Research Methods

With the assistance of the CLIPS corpus, the current study primarily uses the qualitative research methodology. Specifically, the methods of discourse analysis, Discourse Information Analysis (DIA), corpus-assisted approach and contrastive study are employed as the major research methods for data analysis in the present research.

3.3 Data Collection

In order to ensure the reliability and validity of the study, all the data are extracted from CLIPS (the Corpus for the Legal Information Processing System) which consists of transcripts of Chinese and American civil court trials. As for the American civil court hearings, the data are acquired from the trial transcripts released on the official website of the United States Supreme Court while for the Chinese civil court trials, with the approval of the court and all parties, professional digital voice recorders were used to record court sessions, which makes up the majority of the data obtained. All of the discourses in CLIPS have been transcribed and tagged according to transcription and tagging conventions based on Discourse Information Theory (DIT).

4. Discussion and Analysis

In this section, relevant cultural factors influencing interest contention in business dispute settlement are analyzed from the following perspectives of cultural values concerning relation maintenance, different thinking models reflected in interest contention, business culture and legal culture reflected in interest contention.

4.1 The Effect of Cultural Values on Relation Maintenance

Chinese culture is based on Confucianism which is essentially a “courtesy” culture. In Chinese culture, face-saving is usually concerned and Chinese culture emphasizes the long-term relationship maintenance, which originates from the cultural value emphasis on harmony.

The concept of “the harmony between man and nature” (“天人合一”tian ren he yi in Chinese pinyin) is the theoretical basis of “doctrine of mean or moderation” (“中庸之道”zhong yong zhi dao in Chinese pinyin) which is the highest criterion of Confucian culture. And the “doctrine of mean or moderation” comes from one of the classical Confucian works *The Doctrine of Mean* (《中庸》) written from the end of the Warring states period to the Western Han Dynasty and this doctrine of mean indicates the philosophy of moderate behavior, namely, people’s behavior should be neither insufficient nor excessive.

The disputing parties may give up certain interests to make concessions in order to keep a good relationship with each other for the sake of future business, which originates from the doctrine of moderation and emphasis on harmony in Chinese culture.

Extract 1

01[审判长]：<WT1>嗯。法庭辩论结束。<WT2>现在询问双方当事人是否愿意在法庭的主持下调解解决本案纠纷。<WA1>原告？	01 [J]: <WT1>OK. The court debate is ended. <WT2>Now ask whether the parties are willing to resolve the dispute by mediation under the auspices of the court. <WA1>The plaintiff?
02[原代一]：<WA2>我们可能回去需要请示一下，暂时拿不出方案。	02 [PA1]: <WA2>We may need to go back and report to our boss to decide, and we could not give out a temporary solution at present.
03[审判长]：<WA3>被告？	03 [J]: <WA3>The defendant?
04[被代一]：<WA4>那我们等待原告看看他的意向然后我们再定。	04 [DA1]: <WA4>We wait to see the plaintiff’s intentions and then we make our decision.

Article 93 of China’s Civil Procedure Law prescribes that the people’s court shall distinguish right and wrong on the basis of clear facts and conduct conciliation between the litigants on a voluntary basis in the trial of civil cases. And it can be found that both the plaintiff and the defendant are willing to make concession to reevaluate interest contention in the dispute settlement by WA2 and WA4 in Extract 1. This is also the result of the preceding rounds of information exchange between conflicting parties. In this extract, the doctrine of moderation and emphasis on harmony in Chinese culture reinforce both conflicting parties’ methods, choices and attitudinal inclination to settle the business dispute.

By making a concession to reconsider the settlement for the business dispute, both conflicting parties are balancing their present interest attainment and the potential interests in the future. On one hand, the room for further contention for interest is left, because both disputing parties accept the option to settle their dispute through the

court mediation. If both parties agree to participate in the mediation held by the court later, they will have another round of opportunity to contend for interests.

On the other hand, both the plaintiff and the defendant engage in the similar or same business, such as the service of providing a search engine for the customers for free. Although the plaintiff and the defendant are involved into the business dispute in this case, they may establish cooperative relationship with each other for the consideration of the potential interest acquisition in the future.

Besides, China is a traditional country, where harmony is advocated and confrontation has been long denied culturally (Zhang, 2014). Thus, even though both the plaintiff and the defendant are in the state of pursuing respective interest and are in contradiction at the same time, they want to save the face and keep a relatively harmonious mutual relationship. And this harmonious relationship is mainly established and maintained by means of WA information units. In this way, the possibility of maintaining a good relationship with the counterpart in the future business exchange is also left. And the relation management with their customers, competitors, stakeholders, and so on can be considered in interest contention between the conflicting parties as well.

4.2 The Effect of Thinking Models

The way or model of thinking refers to a subject's awareness, computation, judgment, and the way to deal with the objective objects based on a certain conceptual framework and methodology (Zhang, 1987).

According to statistics from the Ministry of Justice of China (2023), by the end of 2022, there were a total of more than 651,600 practicing lawyers in China. However, there were only 8,727 lawyers who had received education and obtained degrees abroad, accounting for 1.34%. Among the more than 650,000 Chinese lawyers, only about 8,000 could proficiently handle international legal service business, accounting for about 1% of the entire lawyer team. In order to cope with the development of globalization, the qualified lawyers especially those who can deal with international business dispute settlement are urgently needed. As a qualified lawyer who can deal with international business disputes, the lawyer should be quite clear about the features of different thinking models which are crucial to influence interest contention in business dispute settlement.

With regard to the studies on the different thinking models of China and the west, most scholars have mentioned the logical features of linear thinking model and spiral thinking model between the Chinese and English (e.g. Lian, 2002; Zeng, 1994, etc.). Generally speaking, Chinese and English discourses display the logical features of linear form and spiral form respectively, which are the expressions of different thinking habits of Chinese and westerners. To be specific, the Chinese pay more attention to the synthesis while the analysis is emphasized by the westerners (He, 2010).

Many studies (e.g. Zhang, 1987; Lian, 2002, etc.) have investigated the inductive and deductive thinking models, however, Tirkkonen-Condit and Lieflander-Koinstinen (1989) propose "The theme summary notion", which is more persuasive and is adopted as the criteria to judge inductive and deductive models. Tirkkonen-Condit and Lieflander-Koinstinen (1989) also argue that "the theme summary notion" can be used as the criteria to chief judge whether the logic of the discourse is inductive or deductive thinking model.

If the main idea is raised at the first one-third part of the discourse, it is considered that the argument is proposed at the beginning and this is deductive thinking model, while if the main view is given out in the middle, the argument is raised in the middle part. If the key point is concluded at the last third part of the discourse, it can be said that the argument is proposed at the end and this belongs to the way of inductive thinking model (Dou & Dong, 2006).

In this way, if the lawyer follows the deductive thinking model, the main argument concerning interest contention is probably proposed at the beginning of the discourse whereas the lawyer's main argument for interest contention is probably proposed at the last third part of the discourse if the lawyer's thinking model is inductive.

Extract 2

01[被代二]：<WT>被告的第一组补充证据包括：补充证据 1 到 3。<WF1>补充证据 1 是 04×××号公证书以及原告××软件北京有限公司的组织机构代码证和企业信用信息查询，可以证明原告主要的软件产品的数字签名均为原告软件北京有限公司，而非本案的原告。<WF2>补充证据 2 是第 49××号公证书，证明原	01[DA2]: <WT>The defendant's first group of supplementary evidence includes supplementary evidence 1 to 3. <WF1>Supplementary evidence 1 is No. 04 ××× notarial certificate and the organization code certificate and enterprise credit information of the plaintiff Beijing ×× Software Co., Ltd. It can prove that the digital signatures of the plaintiff's major software products are the plaintiff Beijing ×× Software Co., Ltd., rather than the plaintiff of this case.<WF2>Supplementary Evidence 2 is No. 49×× notarial

告软件不同版本的权属经常发生变更，这一点更使我们产生怀疑。涉案的软件原告手机，手机浏览器涉案版本 4.8 版的软件著作权人究竟是何人，是哪个公司。<WF3>补充证据 3 是第 48××号公证书，我们从原告的网站上可以看到，原告手机浏览器的 1.6.1 版本是在 2012 年 1 月的时候的发布的更新版本，而涉案时间 2013 年 9 月的版本应当是 4.8 版。<WI>所以，原告提供的证据不能证明原告是本案的适格主体。

certificate which proves that the ownership of different versions of the plaintiff's software often changes, which leads to our doubt. Who is on earth the copyright owner of the 4.8 version of the plaintiff's mobile phone browser? Which company is the copyright owner on earth? <WF3>Supplementary evidence 3 is No. 48 ×× notarial certificate, we can see from the plaintiff's website, the 1.6.1 version of the plaintiff's mobile browser is released to be the updated version in January 2012, however, the version involved in the case in September 2013 should be 4.8 version. <WI>Thus, the evidence provided by the plaintiff cannot prove that the plaintiff is the eligible subject of the case.

As can be seen, in Extract 2, the defendant lawyer has made evidence challenge for the plaintiff's first group of supplementary evidence presentation at the stage of defining interest and conflict.

In this extract, WT is used to initiate the defense lawyer's argumentation by means of taking advantage of the plaintiff lawyer's previous evidence presentation of the first group of supplementary evidence. After the WT information unit, WF1, WF2, and WF3 information units are used as the support to challenge the supplementary evidence 1, 2, and 3 respectively.

The oriental thinking model is inclined to think in an inductive way while the western thinking model is apt to think in a deductive way (Dou & Dong, 2006). According to "the theme summary notion" proposed by Tirkkonen-Condit and Lieflander-Koinstinen (1989), the thinking model of the lawyer in this extract is inductive. And the information structure of this inductive thinking model of Extract 2 is illustrated clearly in Figure 2.

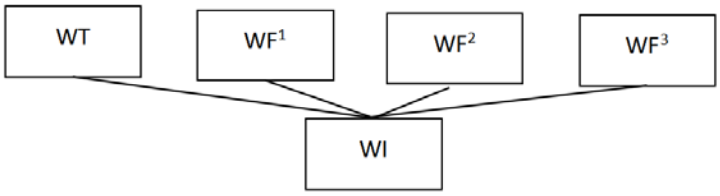

Figure 2. The Information Structure of Extract 2

To be specific, WF1 proposes that the authoritative documents including No. 04××× notarial certificate, the organization code certificate and enterprise credit information of the plaintiff Beijing ×× Software Co., Ltd can prove that the digital signature of the software products is Beijing ×× Software Co., Ltd rather than the plaintiff of the case.

According to No. 49×× notarial certificate, WF2 finds that the ownership of the plaintiff's different versions of mobile browser often changes, which arouse the defendant's doubt on who the reasonable copyright ownership of the mobile browser version involved in this case is on earth.

Furthermore, WF3 points out that the version of the plaintiff's mobile phone browser is not consistent with the information provided by the plaintiff's No. 48 ×× notarial certificate.

Based on the above evidence challenge elaboration by means of information units indicating WF1, WF2, and WF3, the views of defense lawyer are concluded at the end of this round of proof presentation by the adoption of WI information unit.

Extract 3

01[MR. D××]: <WA>Mr. Chief Justice, and may it please the Court: The Article III question in this case turns on resolution of two issues: First, whether loss of freedom to operate on the part of a direct competitor qualifies as Article III injury in fact; and, second, what party bears the burden of proof of facts that are contended by it to render a claim moot. <WF1>The counterclaim in this case seeks to extinguish a source of cost, risk, and official restraint on what footwear products the petitioner can and cannot legally sell. <WF2>These are classic forms of injury in fact. <WF3>On the burden of proof point, the proponent of a factual contention always bears the burden of proving this, and this is

especially true when the question arises in the context of a claim that a voluntary act has allegedly ousted a Federal court of jurisdiction. <WF4>Mootness doctrine protects a party seeking relief from the kind of evasive maneuvering that's happened in this case.

In Extract 3, this extract is a claim dispute between a limited liability company and Nike, Inc. And here Mr. D×× is the lawyer on behalf of petitioner of the case.

In this extract, the main views of the plaintiff's lawyer have been proposed at the very beginning and the detailed elaboration concerning the main view is presented then. As a consequence, this is the way of deductive thinking model. And the information structure of this deductive thinking model can be shown in Figure 3.

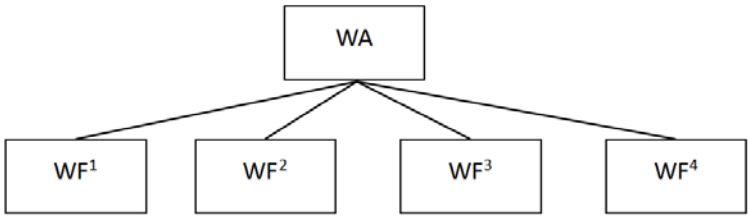

Figure 3. The Information Structure of Extract 3

The westerners' linear thinking model often proposes the main idea at the beginning part of the discourse and the main idea is often expressed in the form of the topic sentence. Based on this topic sentence, the discourse is developed centering on the main idea.

In contrast, Chinese spiral thinking model takes the "起承转合" (refers to introduction, development, climax and conclusion) structure as a typical example, in which the importance of the theme is emphasized at first, then the argumentation is initiated and developed repeatedly, and the theme of the discourse is reemphasized again at last. Besides, the prominent feature of Chinese spiral thinking model is repetition (He, 2010).

4.3 The Effect of Business Culture

From the perspective of the companies involved in the business dispute, interest contention in dispute settlement may be a part of their strategic management, a lot of business culture elements are involved in the process of dispute settlement, for example, the corporate image (e.g. Gray, Balmer, & Villafañe, 1993), corporate social responsibilities (e.g. Margolis & Walsh, 2003; Popoli, 2011), and relation management with their customers, competitors, stakeholders, etc.

Corporate Image in Interest Contention

Corporate culture is the core and soul of corporate image. Corporate image is an important form of corporate culture. For the organization, image should be a strategic element and a management premise in its own right (Villafañe, 1993). More importantly, corporate image is an invisible huge wealth of a company and plays a key role in interest attainment.

Similarly, in the process of business dispute settlement, corporate image is closely related to interest contention of a company. The damage of the corporate image of a company may lead to loss suffering in the reputation of the company, consumers' trust, interests, etc. In contrast, good corporate image can help the company gain more reputation, trust, and interests or so. And therefore, the issue of corporate image can also be used to fight for the interests by the lawyers in interest contention in business dispute settlement.

Extract 4

01[审判长]：<WT1>嗯，现在就第四个争议焦点,即……进行辩论。<WT2>首先，由原告进行辩论。	01[J]: <WT1>Well, now the fourth controversial focus, namely … to debate. <WT2>First, the plaintiff issues views on the debate.
02[原代一]：……<WI1>因此不明真相的网民就会认为原告电脑端的浏览器电脑端的安全浏览器和极速浏览器在窃取用户的密码，<WI2>那么作为一个正常的网民，	02[PA1]: … <WI1>So the Internet users who do not know the truth will think that the plaintiff's security browser and speedy browser used as computer browser steal the users' passwords, <WI2>then as a normal Internet user, who dare to use the plaintiff's browser when the title is seen by the Internet users?

看到这个标题谁还敢去用原告浏览器，你在窃取我的密码我怎么用你，<WI3>所以被告公司将这个原告浏览器窃取用户密码直接上了头条这个行为对原告造成巨大损害……	How can I use the plaintiff's browser since the plaintiff steals my password? <WI3>So the defendant company's behavior of putting the news which states that the plaintiff browser steals the users' passwords to the headline of the website, this has caused great damage to the plaintiff. …

The above interaction is concerned with the plaintiff lawyer's court debate on the fourth focus of the dispute at the stage of testing solutions.

In this extract, the defendant has pointed out that the plaintiff has stolen their Internet users' passwords, which may lead to the plaintiff's losses of interest. In WI2 unit in particular, the plaintiff lawyer points out that "作为一个正常的网民，看到这个标题谁还敢去用原告浏览器，你在窃取我的密码我怎么用你?" (as a normal Internet user, who dare to use the plaintiff's browser when the title is seen by the Internet users? How can I use the plaintiff's browser since the plaintiff steals my password?). And therefore the plaintiff lawyer emphasizes the WI1, WI2 and WI3 inferences that the content of defendant's news headline has affected the plaintiff's corporate image, which can lead to the lost of their Internet users' trust in their enterprise and the great loss of interest for the plaintiff.

Corporate image is not an isolated component of managerial strategy; it is part of the corporate communication process of the organization (Tubillejas, Cuadrado, & Frasquet, 2011). In this communication process, corporate image refers to the public's real perception of the organization which the entity cannot control. It is based on reception, that is, it is in the public's mind, and could be considered as a public opinion phenomenon. Thus, the public's perception of the plaintiff enterprise is an important part of their interests.

Corporate Social Responsibilities in Interest Contention

Since the late 1990s, interest in CSR has expanded rapidly and CSR is increasingly regarded as a natural component of good management (Margolis & Walsh, 2003). This indicates that Corporate Social Responsibilities are also related to the corporate management and interests of a company.

In the interest contention in business dispute settlement, any conflicting party in the dispute can take advantage of the issues concerning CSR to help contend for more interests for themselves. However, the varied expectations of stakeholders about the social responsibility of a company paint a complex picture of multidimensional social responsibility factors (Popoli, 2011).

Extract 5

01[被代二]：……<WA1>原告自诩为安全厂商，它在存在漏洞的时候它应当对用户去负责，对用户和产品进行负责，采取一定的措施去解决这个问题，而不是说回馈说这是安卓系统的漏洞。<WF1>现在市面上有大量的××手机浏览器、××手机浏览器，都是在 web kate 基础上生产出的自己的引擎，这就不产生这个漏洞。<WA2>即使你一定要用 web kate 的漏洞，那也可以对私有目录的数据当中进行加密，这样在加密的情况下，即使泄漏，也没有那么容易被别人这么轻易地去获取，<WF2>但是原告只是说这是安卓系统的漏洞，跟原告无关，不采取任何措施。<WA3>我们觉得这是违背了全国人大常委对加强信息网络安全的一个要求的，在发生泄露你要采取谨慎措施，防止泄漏。即使发生泄漏了，也及时采取补救措施。	01[DA2]: …<WA1>The plaintiff claims to be the secure vendors, so the plaintiff should be responsible for the users when loopholes exist, the plaintiff should be responsible for the users and the products, and should take some measures to solve this problem, rather than saying that this is the loopholes of Andrew system. <WF1>And now in the market, there are a large number of browsers like ×× mobile phone browser, ×× mobile phone browser which are based on the web kate to produce their own engines, and this does not produce this loophole. <WA2>Even if you must use the loopholes of web kate, you can also encrypt the data in the private catalog, so that in the case of encryption, even if the data is leaked, the data cannot be got so easily.<WF2>But the plaintiff just said that this was the vulnerabilities of Andrews system, and this has nothing to do with the plaintiff, do not take any measures. <WA3>We think that this is contrary to the requirements of NPC Standing Committee concerning strengthening the information network security, you should take prudent measures to prevent leakage in the event of disclosure. Even if a leak occurs, remedial measures should be taken timely.

In Extract 5, the defendant lawyer presents the debate opinions on the second dispute focus at the stage of testing solutions.

At first, in WA1, the defendant lawyer says that "原告自诩为安全厂商，它在存在漏洞的时候它应当对用户去

负责，对用户和产品进行负责，采取一定的措施去解决这个问题" (the plaintiff claims to be the secure vendors, so the plaintiff should be responsible for the users when loopholes exist, the plaintiff should be responsible for the users and the products, and should take some measures to solve this problem). And the defendant lawyer points out that the plaintiff as the safe corporate providing safe website services for their customers should take the responsibilities for both the products and customers and should bear the duties of repairing the loopholes to guarantee and protect their products' and users' safety by the way of WA1.

In respect to the repair of the loopholes, the defendant lawyer proposes the suggestion that the plaintiff can encrypt the data in their private catalog by another WA2 unit of "即使你一定要用 web kate 的漏洞，那也可以对私有目录的数据当中进行加密，这样在加密的情况下，即使泄漏，也没有那么容易被别人这么轻易地去获取" (even if you must use the loopholes of web kate, you can also encrypt the data in the private catalog, so that in the case of encryption, even if the data is leaked, the data cannot be got so easily). However, WF2 points out that the plaintiff hasn't taken their corresponding responsibilities for their products and customers.

Furthermore, WA3 gives out the requirements of relevant government's regulation concerning strengthening the information network security and in essence criticizes that the plaintiff hasn't borne the responsibilities well to take measures in time when their customers' information is disclosed or leaked. This has been emphasized by the defendant lawyer to decrease the plaintiff's sense of CSR and to blame the plaintiff's behavior of shifting responsibilities which they should bear.

Whitehouse (2006) proposes that Corporate Social Responsibility (CSR) can assume numerous and diverse meanings and relate to all aspects of a firm's activity that produce social and environmental effects, including for example employee work conditions and employment policies; the quality of the products and services and the characteristics of the production process; balance sheets and other information destined to third parties; relationships with political, social and administrative institutions in the community of the firm, location of the production activities, fiscal behavior and employment of resources that investors give to the firm in the form of stocks and bonds; and the relationship of products, services and production technology to the external ecological environment. In this extract, the part of the quality of the products and services has been used by the defendant lawyer to blame the plaintiff's loss of CSR.

4.4 The Effect of Legal Culture

In addition to the influence of business culture on managing conflicts of interest during business dispute resolution, the present study also examines the role of legal culture elements in addressing such conflicts during the litigation phase, specifically comparing the practices in China with those in the United States. And this probably originates from the different legal systems of China's Civil-law system (also called continental law system) and America's Common-law system (also called Anglo-American legal system). Thus, this section focuses on the contrastive analysis of legal culture reflected in interest contention in business dispute settlement from the perspectives of different participants' involvement and reasoning logic reflected in lawyers' arguments.

Different Participants' Involvement in Interest Contention

Due to the distinct legal systems followed in Chinese and American court proceedings, namely, the Civil-law system in China and the Common-law system in the United States, there are notable differences in the participants involved in these trials.

Common participants across both systems include the chief judge, the plaintiff, the defendant, the plaintiff (petitioner) lawyer(s), the defendant (respondent) lawyer(s), (the expert witness), the witness(es) for the prosecution, the witness(es) for the defense and the clerk. However, a notable difference is the inclusion of a jury in Common-law systems like the United States.

Furthermore, in the American court trials, amicus curiae is involved at times when they are needed to supply the amicus briefs for the chief judge's reference to make a verdict. And the different participants' involvement may influence both conflicting parties' interest contention in business dispute settlement.

Extract 6

01[JUSTICE ALITO]: <WT>What public health benefit is served by this regulation? This is what puzzles me about it.

02[MS. SHERRY]: <WB>The regulations comes under the misbranding provisions of the FDCA. <WF1>So 343 focuses on misbranding. <WF2>It has a number of subsections, <WF3>one of which gives the FDA authority to establish common or usual names of products. <WA1>And the purpose of that is to have some form of standardization so that when a consumer goes to a marketplace to purchase

a particular product, it knows what is going to be in the product. <WA2>And, in fact, that was the purpose of the very regulation at issue here, the idea being by allowing manufacturers to choose to name their juice product based on the juice that flavors the product as opposed to based on the juice that is predominant by volume, that consumers will come to understand that when a juice says pomegranate and blueberry flavored, what it means is that the juice is present as a flavor.

In this extract, justice Alito is one of the justices of the case and Ms. Sherry is the amicus curiae on behalf of United States supporting neither party in the lawsuit. And this case is concerned with the trademark dispute between ×× Wonderful LLC and the ×× Company. ×× Wonderful, LLC is a private company which sells an eponymous brand of beverages and fruit extracts while the ×× Company is an American multinational beverage corporation, and manufacturer, retailer, and marketer of nonalcoholic beverage concentrates and syrups.

As is seen, the justice wants to achieve the help from the amicus curiae on the issue of what public health benefit under the regulation. The amicus curiae mainly expresses her understanding of the relevant regulations for the justice's reference by means of two information units (WA1 and WA2).

Prior to the expression of the amicus curiae's understanding of the relevant regulations, the information about the relevant regulations are presented at first in more detail by presenting the relevant regulations as the judgment basis by WB and explaining the previous regulation more clearly by three information units of WF1, WF2, and WF3. This is also for the sake of providing suggestions on relevant regulations to the justice to consider well before the last decision on verdict is made. And therefore the involvement of amicus curiae in the American courtroom trials mainly plays a neutral role in interest contention in business dispute settlement.

However, in contrast to the practice of the American Supreme Court, the Chinese judicial system does not incorporate the role of amicus curiae, who are traditionally tasked with offering legal insights and suggestions to the Chief Justice and fellow justices during court hearings. This distinction underscores the differing approaches to legal adjudication between the two systems. And the suggestions from amicus curiae also influence the chief justice's last decision on verdict concerning the interest arrangement in the business dispute settlement.

Lawyers' Reasoning Logic of Arguments for Interest Contention

The legal reasoning can be classified into deductive reasoning, inductive reasoning, analogical reasoning, and presumptive reasoning (Bodenheimer, 2004). And there is not the consensus on the classification of legal reasoning. Moreover, many disagreements concerning legal reasoning still exist.

Extract 7

01[被代二]：……<WF>原告推卸说这跟我们原告无关，这是安卓系统的漏洞。<WA>这就跟一个汽车厂商因为另外一个厂商生产的发动机出现问题，汽车厂商说跟我没有关系，发生任何问题都是发动机的问题，这个我们觉得是不可以理解的。……	01[DA2]: … <WF> The plaintiff shirks its responsibility and says that this has nothing to do with our plaintiff, this is Android system's vulnerabilities. <WA> This is like that owing to the problems of the engine which is made by another manufacturer, then the auto manufacturer says that the engine problems are none of my businesses, any problem comes from the problem of the engine, we think this cannot be understood. …

In the above extract, the means of analogical reasoning is used by the defendant lawyer to blame the plaintiff's irresponsible behavior of shifting their compulsory responsibility of protecting their users' privacy safety and taking measures to repair the loopholes in time to another company's loophole in the Android system.

As is seen, the defendant lawyer uses WF information unit to present the fact that the plaintiff has shifted the responsibility to another company of Android System. In order to make the previous WF unit much easier to be understood and accepted by the chief judge, then an analogical reasoning is used by the usage of WA unit. And in this WA information unit, the plaintiff's irresponsible behavior is analogized to an automobile manufacturer's irresponsible behavior of shifting its responsibilities to the engine manufacturer with the expression of "汽车厂商说跟我没有关系，发生任何问题都是发动机的问题" (the auto manufacturer says that the engine problems are none of my businesses, any problem comes from the problem of the engine). In this way, the irresponsible image of the plaintiff is established and emphasized by the defendant lawyer's usage of this analogical reasoning.

In addition to the aforementioned analogical reasoning, there exists another type of reasoning, put forward by Walton (2010), which stands in parallel with deductive and inductive reasoning—presumptive reasoning. To date, presumptive reasoning remains without a universally acknowledged or standardized nomenclature in academic realm. Polya (1985) refers to it as "plausible argument," Walton (2010) as "plausible argument" or "presumptive argument," and Wu et al. (2009) as "reasonable argument." It is a "third type of reasoning" proposed in contrast

to deductive and inductive reasoning (Qi, 2015). And the presumptive reasoning belongs to one of the other ways and is analyzed in the following.

Extract 8

> 01[JUSTICE ALITO]: <WT>Well, what I'm saying is suppose it's the case that for 99.999 percent of the population, the more pomegranate juice, the better, you just can't drink enough of it. The more you drink, the healthier you are. But for this tiny percentage of the population, it could produce an allergic reaction. And so the Food and Drug Administration (hereinafter referred to as FDA) says, you've got to put that on there even if there is just a tincture of pomegranate juice. <WA1>Could you have a Lanham Act claim on the ground for the vast majority of your potential customers, they are going to be misled, because they want pomegranate juice and they are buying this stuff that just has a little bit of it in it?
>
> 02[MR. WAXMAN]: <WA2>Well, I think the vast presumably, and we're talking about a hypothetical regulation, presumably the FDA would promulgate a requirement that, in fact, you must name each of the constituent juices in case there is an allergy. I mean, we wouldn't have an objection the argument wouldn't be that consumers are misled by that fact alone. <WA3>What's misleading consumers here is they have no way on God's green earth of telling that the total amount of blueberry and pomegranate juice in this product can be dispensed with a single eyedropper. It amounts to a teaspoon in a half gallon. <WA4>And the FDA has explained in this case that it has no expertise, it has no warrant to interpret or understand or apply judgments about what kind of words and symbols and the combination thereof, to use the language of the Lanham Act, will have a tendency to misrepresent the nature or quality of the goods from the perspective of the competitor. And that's…

In Extract 8, the interaction occurs between one of the justices and the lawyer on behalf of the petitioner at the stage of testing solutions.

As is seen, this lawsuit is concerned with the trademark dispute. However, in Extract 8, what the justice cares about is whether this case can be a Lanham Act claim even in the case of the supposed circumstance. And by means of two information units (WT and WA1), the justice has used the way of presumptive reasoning in order to know what the petitioner lawyer's opinions are on whether this case could be a Lanham Act claim even in the supposed circumstance.

In respect to the petitioner lawyer, he cares about his party's interests and presents the advantageous parts of the regulation to the court. And by adopting three WA information units, namely, WA1, WA2, and WA3, the petitioner lawyer argues that the FDA (Food and Drug Administration) has explained in this case that it has no expertise, it has no warrant to interpret or understand or apply judgments about what kind of words and symbols and the combination.

Apart from the usage of presumptive reasoning between the justice and the lawyers, this presumptive reasoning can also be used between the chief justice and the amicus curiae, etc. when the understanding and suggestions on the case are needed from a neutral party.

From the perspective of legal cultures, the frequent use of presumptive reasoning by lawyers in American trials is primarily attributed to the requirements of its adversarial litigation system. Under this system, lawyers need to construct robust arguments to confront their opponents, and presumptive reasoning provides them with a flexible and versatile tool for argumentation. By constructing hypothetical scenarios, lawyers can comprehensively analyze cases, predict legal consequences, and formulate effective defense strategies accordingly. Presumptive reasoning not only strengthens lawyers' arguments but also plays a crucial role when evidence is insufficient, legal application is disputed, or case facts are complex and varied. It helps lawyers grasp the case more comprehensively, rebut opposing viewpoints, and provide valuable references for judges. Therefore, presumptive reasoning is widely applied in American trials, becoming an indispensable legal reasoning method for lawyers.

While the reason why lawyers in Chinese trials seldom use presumptive reasoning lies in the differences in the judicial system, cultural traditions, and legal practices. China's judicial system emphasizes basing decisions on facts and adhering to the law, with a focus on the certainty and sufficiency of evidence. In this context, lawyers tend to defend their cases directly based on existing evidence and legal provisions, rather than employing presumptive reasoning to construct arguments. Additionally, China's cultural tradition, which is cautious about assumptions and speculations, and the pursuit of fairness and certainty in judicial outcomes, also influence the frequency of lawyers using presumptive reasoning in trials. Therefore, compared to countries with an adversarial litigation system like the United States, lawyers in Chinese trials use presumptive reasoning less frequently.

5. Conclusion

This paper conducts a discourse analysis, utilizing Discourse Information Theory, to explore the cultural factors that contribute to interest contention during court hearings related to business disputes in China. And new findings have been made, to be specific, the analyses concerning the cultural factors are mainly conducted from the perspectives of cultural values on relation maintenance, thinking models, business culture and legal culture reflected in conflicts of interest in business dispute settlement. Referring to the cultural values on relation maintenance, the Confucian values of harmony and face-saving significantly influence conflict resolution in Chinese business disputes. Parties strive to maintain harmony and dignity amidst competing interests, facilitated by WA information units promoting compromise. This approach prioritizes long-term relational harmony over short-term gains, reflecting a cultural emphasis on cooperation, understanding, and mutual respect. By nurturing valuable relationships, dispute resolution becomes an integral part of preserving business connections, transcending mere outcome-focused negotiations. With regards to the influence of thinking models, this study delves into the contrasting paradigms of legal reasoning and discourse structure between Eastern and Western thoughts. Furthermore, these distinct thought patterns can be vividly illustrated through the information units of Discourse Information Theory. The Western thought emphasizes deductive reasoning, utilizing a linear discourse model that presents the core argument upfront, progressing logically from abstract to concrete. In contrast, the Eastern thought, exemplified in China, favors inductive reasoning and a spiral discourse model ("qi cheng zhuan he"), initiating with a thematic essence, developing through iterations, and concluding with a reiteration. This inductive approach underscores interconnection and induction of universal truths from specifics. The dichotomy underscores cultural influences shaping cognitive frameworks and discursive practices. In the realm of business dispute settlement, corporate image plays a pivotal role, influencing a company's reputation, consumer trust, and stakeholder interests. Legal practitioners recognize this and strategically leverage corporate image, particularly through Corporate Social Responsibility (CSR), to strengthen clients' positions. By emphasizing a company's ethical business practices and CSR commitments, lawyers can bolster credibility and secure more favorable outcomes. This holistic approach, integrating legal considerations with non-legal factors like corporate image and CSR, enables lawyers to contend for clients' interests more effectively and successfully navigate complex business disputes. As for the legal cultures, this study delves into conflict resolution dynamics in business disputes, contrasting legal cultures between China and the US. It highlights differences in litigation practices, notably the jury system in the US and the inquisitorial approach in China. Participants' roles vary, with amicus curiae contributing in the US, while presumptive reasoning is limited in China. The adversarial nature of US litigation emphasizes persuasive arguments, while China's system emphasizes the judge's investigative role. This contrastive analysis underscores the intricate interplay of legal cultures, judicial systems, and cultural traditions in managing conflicts of interest. It offers insights into unique challenges and opportunities in both systems, enhancing understanding of international dispute resolution practices. In conclusion, this discourse analysis utilizing Discourse Information Theory provides a nuanced understanding of the cultural factors that shape interest contention in Chinese business dispute hearings, revealing the intricate interplay between cultural values, thinking models, business culture, and legal culture. It contributes to a deeper comprehension of international dispute resolution practices by elucidating the distinct approaches employed in China and other legal systems.

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