

# Study on the Reasoning Traceability and Reform of Family Related Judgment Documents

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## Abstract

How to present good reasons in judgment documents has been a common problem. This study takes family judgment documents as the pointcuts and is going to discuss how to achieve effective reform through the reasoning traceability analysis. In current stage, China has not promulgated separate legal regulations on family related litigation, the corresponding reasoning part is based on the relevant provisions of civil proceedings, such as the guidance related to the writing of civil judgment document issued by the Supreme People's Court in 2016. Although this document makes some provisions on reasoning in civil judgment document, taking the consideration of certain specialties of family cases, the identities of the parties also have special certain natures, reasoning in family judgment documents usually focus more on the integration of "emotion". Therefore, to standardize family judgment documents at this stage only by relevant provisions of conventional civil litigation is not sufficient, and not able to meet the demands of family cases, and it also shows problems in judicial practice. In 2016, China comprehensively carried out the pilot reform of family justice, which plays an imperative role in following research and development of family judgment document. And the level of reasoning in family judgment document improved in the process of form innovation and practice experience accumulation. However, the pilot work does not set up standardized and complete specifications on making family judgment document. Through the combination on the theoretical analysis and judicial practice cases, and the summary of main problems encountered at present, this research will propose suggested countermeasures, and is targeted to facilitate the development of reasoning in family judgment document.

**Keywords:** family dispute, judgment document reasoning, traceability

As a key part in civil dispute system, family dispute has certain some specialties. In a family dispute, the positions of the parties are relevant equal to each other, which makes the reasoning reform of family judgment document relatively simple and faces less resistance. This research takes analysis of legal reasoning in family judgment documents as the pointcuts, focuses on the analysis about how to improve reasoning effect in family judgment document. The research will first address the differences between family dispute cases and other routine civil dispute cases, introduce the specialties of reasoning in family judgment document as well as relevant concepts; then the research will sort out major problems on family judgment document at current stage; combine the past development of our family court verdict development and present social environment, finally form the implementable improving measures.

## 1. Summary on Reasoning in Family Judgment Document

### 1.1 Family Judgment

For a long time, Chinese people believe "family harmony brings wealth", and highly praise the concept of "home country the world". This shows the importance of family to all people. Nowadays, family is the foundation of social development, and sits as the pre-condition of social stability and economic construction. The scholar Kant pointed out in his study that "family is the microcosm of the society". It shows that the family can be regarded as a small society to some extent. In the discussion of judicial theories in recent years, researchers have been increasingly interested in the analysis of family judgment, and the reasoning reform of family judgment document has gained attention in the meanwhile.

From the perspective of jurisprudence, family judgment document is one of the main court documents in judicial

practice; hence, it shall meet general provisions of all court documents. However, family judgment document has its own specialties, especially on the part of reasoning. Therefore, the research on reasoning of family judgment document is of great significance. While highlighting the reasoning in judgment documents, it is necessary to draw attention on how to present the reasoning characteristics in family judgment document; through the achievement of legal effect and social effect of family judgment document, we are aimed to achieve comprehensive integration of emotion, reasoning and law.

At present, there are no separate laws and regulations on family judgment in China; and the definitions of terms such as family judgment, family judgment documents and family dispute are not clearly included in the current legal provisions. In the *Opinions of the Supreme People's Court on the Pilot Reform of Family Adjudication Methods and Working Mechanisms* ("Reform Opinions") promulgated in 2016, it pointed out "family cases" refers to the cases with clear identity relationships, and the family disputes formed on the basis of these identity relationships. The wording "family judgment" is quoted in the Opinions for several times. Domestic researchers believe family judgment refers to the judgment related to various disputes related to the fields of marriage and family. Some of them pointed out the judgment object of family affairs are parties involved in the marriage and family relationship, who are able to complete the trial activities through litigation or mediation. In judicial practice, family cases mainly refer to marriage and family disputes, inheritance disputes and other cases. The academics analyzed the special scope of family trials. Some researchers believe that family dispute includes various disputes related to marriage and family, such as divorce, domestic violence, minor protection, maintenance, inheritance, etc. In the Opinions promulgated by the Supreme Court, it specifies that family cases shall include following cases: marriage related cases, raise, support and maintenance related cases, parenthood related cases, adoption related cases, cohabit related cases, inheritance and family property related cases, etc.

### *1.2 Reasoning in Family Judgment Documents*

Judgment instrument reflects the result of a case. Judgment instrument forms a channel between the parties and the court in terms of information feedback, is the path that judge communicate directly with common people; and the reasoning in judgment document can be regarded as the passage of the specific passport. It follows then that reasoning is the key content in a family judgment instrument. Different from other civil cases, family cases are special for status of the parties and emotions existed in the parties. In the process of reasoning, some parties will consider how to resolve the conflict and finally accept the corresponding mediation. The interpretation and reasoning of judgment documents will be helpful for the promotion of judicial reform in China. China has gradually promulgated a number of relevant legal documents, such as documents related to deepening reform, the "Guiding Opinions on Strengthening and Regulating the Interpretation and Reasoning of Judgment " promulgated by Supreme Court issued and so on. These documents regulate on relevant content in Judgment documents. The Supreme Court also requires courts in all levels to publish their written judgments on the website within seven days after the effectiveness of the judgments. Family judgment documents maintains certain special characteristics. Besides, in view of the construction of social stability, family relationship plays an important role in society; hence, the reasoning research of family judgment documents will not only facilitating the judicial reform in China, but also bringing help to the judicial practice work.

President Xi has relevant requests on how to achieve the unification of "law, reasoning and emotion", which is quoted as, "let the people feel fairness and justice in every judicial case". He pointed out that law should not be cold, but shall be with "emotion and justice". In judicial practice work, the judgment work shall be made based on laws and regulations. Other than clearly expressing the legal reasoning of the case, the judgment document shall also clarify the fact of the case. The court shall be able to empathize the parties in order to convince the parties. From the overall perspective, it is necessary to improve the reasoning part in family judgment document, so that the case trial can be clear to both winner and loser. To sum up the above content, the legal reasoning in family judgment documents refers to the court's decision on family disputes, based on the determination of the facts and the application of the law, through legal argumentation, analysis and reasoning, also taking into account the emotion and language rhetoric, and finally reached the conclusion of the reasoning process.

## **2. Traceability of Family Judgment Document**

### *2.1 Features of Reasoning in Ancient Family Judgment Verdict*

In view of historical development, judgment verdict in different dynasties is different, and it shows a trend of overall development. Chinese ancient judgments reflected different law environment in different dynasties. After Emperor Wudi of Han Dynasty "Honored Confucianism Only", it is found is a close relationship between Confucian classics and the content of civil judgment document. After that, the language related to legal reasoning developed rapidly, which formed a language foundation for judgment document. It focused on the preciseness of

language and drew more attention on legal reasoning. When comes to Tang Dynasty, with the development of social economy, judicial system was also improved. Judgment verdict writing became the major examination questions for officer selection. Some ancient parallel judgments, such as "Dragon Tendon and Phoenix Essence Judgment"—a book published in Tang Dynasty which embodied a large number of Judgments made according to laws and regulations of Tang Dynasty—have elegant language and neat confrontation, which enjoy high literary value. The judicial system in Song Dynasty was more perfected. The judgment document focused on normative and practical. In Ming and Qing Dynasty, the qualification of ancient judgment document was further developed. Classic judgments came up gradually, such as "New Words of Sentenced to prison"—a book published in Song Dynasty which collected the final judgments of local officers trialing various types of civil and criminal cases—and "Lu Jiashu's Judgment"—a book published in Qing Dynasty which was a collection of judgments of an officer known as the most incorruptness officers of the Qing Dynasty—, which were not only clear on legal reasoning and detailed on content, but also more legal and rigorous.

After long-term development, our ancient judgment documents gradually formed its own style. Although there were differences in the provisions and implementation of the judgments in different dynasties, the format and content were similar, and the structure mainly comprised of "main body", "fact" and "legal reasoning". The judgment document presented the case with rigorous structure, detailed content and standardized expression. It met the actual needs of the parties. The language of ancient judgment verdict is elegant, with ornate rhetoric. While making legal reasoning, it highlights "the compatibility of emotion and reasoning", which reflected the national moral and value orientation to the most extent.

### 2.1.1 Literalization

In Tang Dynasty, the judgment verdict instrument was usually set as the major examination questions for officer selection and had certain requirements on standardized wording, elegant content and phrase matching. In feudal society, justice was a major instrument of governance. In social governance, it was not necessary to solely rely on violence to solve social issues; instead, judgment verdict could make cases more "convincing". Hence, it was required that judgment verdict should be able to convince the parties. With the literalization of judgment language, the judgment document can be more persuasive and reduce the cost of persuasion. In ancient society, people is oriented with "nature's justice and human feelings", rather than legal reasoning. Therefore, the literal language stated in judgment verdict can facilitate the implementation of legal reasoning and can shoulder the mission of argumentation. After Tang Dynasty, judgment verdict gradually paid attention to literary rhetoric, and some officers integrated literary language in the processing of judgment verdict, which made the trend of judgment verdict literalization be more obvious.

### 2.1.2 Emotionalization

The emotional tendency and moral thoughts of judges can be found in ancient judgment documents. Hence, the ancient judgment verdict paid more attention on emotion. Language emotionalization refers to the integration of emotion and moral thoughts during communication. This appeared in ancient judgment document, for instance, "though it should be prosecuted by law, taking the consideration of the appeal from TiYing it is decided to exempt from caning". The aforementioned court verdict has obvious emotional overtones, and sometime may include moral values and emotional tendencies of the judge. These Judgments contains both legal provisions and personal emotion, which reflect the humanistic care from the judge other than the objective legal provision. Through showing your sympathies and explaining the reasons, the Judgment not only stating the laws and regulations clearly, but also focusing on emotion expression. Chinese Confucian legal thought emphasized "benevolence" as the core, which was not only prevalent in the society, but also recognized by judges. Additionally, there were thoughts such as father's kindness and filial piety, brother's friendship and brother's respect, has been stated in ancient judgment documents. Therefore, the judgments will be easily integrated into the people's feelings and hearts.

### 2.1.3 The Integration of Etiquette, Emotion and Law

In ancient China, the Confucian theory was mainly used for social governance, and the Confucian thoughts respected the doctrine of the liturgy, which made the ancient ethics and laws exist in harmony to a certain extent. In ancient judgment documents, "etiquette" was regarded as a main criterion. Taking the ethics in Confucian thought as premise, the judgment was made based on Confucian ethics and judged according to the social moral norms. That is to say the Confucian thoughts could be quoted into case judgment directly and the law was actually subordinate to morality. In the course of China's historical development, Confucian thoughts was used for social governance and educated the people with the doctrine of the liturgy. This meant the doctrine of the liturgy was a common measure for social construction and development; and law can only be in a corresponding auxiliary position compared with etiquette or ethics. And the Confucian thoughts were largely integrated into judgment

verdict, including Confucian political ethics such as “principle of feudal moral conduct”, which formed the main criteria for judgment in ancient China. It was common to see words and sentences quoted from *The Classic of Filial Piety* and *Disciple’s Rule*, or any other chapters quoted from Confucian literature. This proved that most ancient judgments were judged by the doctrine of the liturgy. When setting up laws and regulations in the ancient times of China, the legislator put efforts on the satisfaction of both “emotion and legal reasoning”. In early stage, the judgment verdict applied laws and regulations directly; however, when came into Ming and Qing Dynasty, the judgment verdicts rarely quoted laws and regulations, but commonly presented the thoughts that “not necessary to do everything per law”. The judgment shall consider both “natural justice and human emotions”, which rooted in ancient Chinese legal thought, it is necessary to consider the three elements of “natural justice, national laws and human emotions” at the same time.

## 2.2 *The Abandonment of Ancient Judgments and the Inspiration to Judge’s Message*

China has long history. There are certain stylistic features in the formation of traditional judgment verdict, which proved that the judgment verdict is a product of historical development. While under the background of new era, we found the content and the form of ancient judgment verdict were not matched and could not satisfy the requirement of modern judicial system. Therefore, it is necessary to abandon some of the inappropriate parts of the ancient judgment verdict and introspect ancient judgment verdict in order to understand the meaning of the content of ancient judgment document, then effectively promote the work of family justice in the new social environment by extracting the valuable content from ancient judgment verdict.

With the comparison of current judgment document and ancient judgment verdict, it is found the language and writing style have been changed significantly. Less emotional language and more reasoning content. This is because ancient judgment verdict usually integrated personal moral thoughts, while current judgment documents followed on the principles of getting rid of subjective arguments; and the language of current judgment documents is simple and plain. The ancient judgment verdict often used rhetorical and its language aimed to satisfy the imagination of the social populace; but nowadays the judgment documents strongly advocate to get rid of subjective thoughts and emphasize writing the judgment by plain language. In the current social environment, with the constant promotion of rule by law, it requires the change of integration of emotion and ethics in ancient society, and the separation of morality and law in social governance. In the meanwhile, moral also changes over time, which causes the difference of certain number of laws and regulations are difference from traditional moral. Under current society environment, judgment document cannot be made only based on emotion and ethics, but need the combination of ethics and laws. Nowadays, it is emphasized judgment by legal provisions. Some researchers also point out that ancient judgment verdict does not make sense to current legal work, or point out that sentence patterns and use of scriptures in ancient judgments may lead to a decline in the degree of legal expression, or make it difficult for ordinary people to understand, thus not easy to understand. With social development, although some views point out that ancient judgments focused more on natural justice and human feelings, which will have adverse effects on legal authority and will not be conducive to the construction of the judicial system, the contents of ancient judgments still have some inspiration to the present family judgment documents.

### 2.2.1 *The Inspiration of Language Literalization*

In terms of language style, the part of judge’s message in family judgment documents may refer to the literalization of ancient judgment verdict to some extent, for the reason that the expression of judge’s message has certain similarity on expression in ancient judgment verdict. Both of them are inclined to use the literal language, with proper rhetoric and quotations of chapter and verse, etc. In addition to legal reasoning, the judge’s message can use parallelism to improve the expression effect. However, the degree is important as the judge’s message is not a literary work, and should not be too literary, same as ancient judgments. In judgment documents, the understanding and acceptance of the parties can be improved by enhancing the literature level of the judge’s message. In the meanwhile, the judge’s message shall also pay attention to the service effect.

### 2.2.2 *The Inspiration of Paying Attention on Ethics and Moral*

From the content of family judgment document, it is possible to address some content related to morality and ethics in judge’s message. The judge’s message can improve the acceptability of judgment documents in the field of family affairs. Through the combination of morality and legal reasoning, the parties can better understand the judgment verdict. There are certain similarities between the judge’s message and the ancient judgment verdict, both of which can prove the judgment document was incorporated the morality of the judge. In the process of case trial, the judge can evaluate or educate the parties from the moral point of view based on his own position. From judicial practice experience, it is not necessary to only use laws and regulations in the judgment verdict; additionally, the judge can also consider incorporating morality and ethics in judgment document to improve actual

legal effect. In family judgment documents, the judge's message can alleviate conflicts and cope with disputes in an emotional way. Usually, the rigorous and well-reasoned judgment documents are difficult to be understood by the parties, while the judge's message can be recognized by the parties easily.

The ancient judgment verdict can indicate the moral view and emotion orientation of judge. And the language style of ancient court verdict focused on literary expression, which is different from current judgment style. The style of judgment documents in China draws lessons from western judgments and emphasizes the strict logic. Although there are some differences between modern judgment document and ancient judgment verdict in terms of style and inner spirit, for family trials, while learning from the Western "law-oriented" reasoning culture, we should also learn from the Eastern "emotion-oriented" reasoning culture, and we can properly refer to the moralization and literalization maintained in ancient judgment verdict in order to improve the quality of family judgment documents, and enhance the acceptance and recognition of the parties.

### **3. Current Problems of Reasoning in Family Judgment Document**

#### *3.1 The Inappropriateness of Elaborating and Omitting statement*

Under *Civil Judgment Documents Writing Standards*, it emphasizes legal reasoning in judgment documents, additionally, the legal reasoning shall have thorough and rigorous logic. The language in the document should be accurate, concise and easy to understand. However, current family judgment document mainly focused on reasoning, with streamlined and refined language but not cared about easy understanding. Hence, some family judgment documents cannot be understood and recognized by the parties and failed to adequately state the key points of the case. In judicial practice, the reasoning content in some family judgment documents is quite general, the focal points of some cases are always quite broad, while the Judgment cannot respond to all the claims advocated by the parties.

In the process of case trial, it shall not expect the parties to accept and understand the judgment documents in same level due to their differences in education background, legal knowledge and personal opinions. Therefore, the judge shall make certain difference in legal reasoning, which is to say the legal reasoning shall pay attentions on easy understanding in content subject to the level of understanding of the parties. The judgment verdict shall use plain reasoning and elaborate the main issues relevant to the case. While in judicial practice, the content of family judgment document is sort of stylized and some languages are difficult to understand. It is not easy to fully express the meaning. In that case, judges are less likely to state legal reasoning with the consideration of local customs or moral and ethics, which makes the judgment documents are difficult to be understood by the parties.

#### *3.2 Insufficient Reasoning in Findings of Fact*

Most family cases are complicated, and the relationship of the parties are complex. For example, some divorce cases usually have the phenomenon of mixed property; and there are also some couples who have many conflicts during their long marriage life, making the facts of the case more difficult to identify directly. Hence, it is usually difficult for the judge to make legal reasoning directly.

The legal reasoning part in judgment document less frequently mentions the subsequence after case trial, while in many family cases, there is blood relationship between the parties, or the parties need to perform obligations or even live together after the end of the case. For example, in divorce cases, one party shall pay child support and visit periodically after litigation; and in the elderly support related cases, the support relationship remains with the parties. Although the judge does not have much authority on certain relationship, if requested by the parties, the judge has to make some judgment. However, the current status is judgment document rarely make legal reasoning from emotion, moral or ethics perspective for the matters to be coming up after litigation, and some language in judgments documents fall into stereotype, which cannot be recognized by the parties and difficult to be enforced. For example, the determination of custody of minor children and the payment of alimony are matters that will have a long-term impact on the parties and the family, so the judge will need to explain the reasons for the relevant judgment.

#### *3.3 Fail to Balance Moral, Emotion and Laws in Reasoning*

Family litigation cases contains complicated people relationship, which makes some judges limit their focus on the merit of the case itself and pay less attention on the emotional grounds between the parties. The actual disputes and conflicts in a family case are usually not the ones claimed in litigation, but the long-term accumulated emotions. This means that it is difficult for judges to resolve disputes and conflicts when they are only trying to solve the claims raised in the process of litigation.

For instance, if a couple bought an apartment after they got married, and part of the money was from their parents. Upon newly married when husband and wife formed good relationship, no one will have any concern on the

proportion of the money, or the form of the money contribution; however, when dispute or conflict comes, the funds provided by the parents may be considered as borrowing. With above, it is usually difficult for the judge to make decision only relying on the laws and difficult to explain the reasoning to the parties. Due to the reason of complex family relations, it is often difficult to state the reasoning in family judgment documents, which puts forward certain requirements for judges on how to pay attention to the combination of moral, emotion and law.

#### **4. The Reform of and Improvement of Family Judgment Document**

##### *4.1 Form Requirement: Standardize the Reasoning Form in Judgment Document*

In the process of the reform, the forms of legal reasoning in family judgment gradually are various and look more creative than before. There is no standard form for legal reasoning, and no required reasoning form for particular type of litigation cases, no standard regulations or guidance on judgment reasoning. No matter the regular three-paragraph syllogism reasoning before reform or the other forms came up after reform, the purpose of the reasoning is to make it clear on legal analysis and let the parties fully understand the judgment document and improve the effect of the judgment documents. Provided there is no standardization on reasoning form, after long-term reform and creation, the forms of judgment documents will become "multifarious" situation. Therefore, it is necessary to improve and emphasize the standardization of the form of family judgment document and make the judgment document be serious and authoritative. Once the form of the judgment confirmed, it shall also take care of the format of writing and the content, and figure prominently in the process of family court trial in order to show the reasoning function.

However, there are also some views consider judgment document standardization is not desirable. It points out that the standardization will obliterate individuality. This paper believes such concern is not necessary because the format standardization will not impact the content itself, especially the reasoning part is flexible for the judge to express his/her own opinions individually. It is not advocated the judge to show his/her personality from format perspective, on the contrary, the judge shall draw much attention on the content of the document, which is more important and flexible. Although the specific complexity of the judgment document is determined by the judge, this research suggested to set up the rules of complexity. For simple cases with less controversy, the judgment should be simplified, and for those cases with more difficult and complex claims and many demands, it is necessary to explain in detail, making the judgment looks appropriately between complicated and simply.

##### *4.2 Language Requirement: Literalization Should Be Combined into the Legal Reasoning*

As aforementioned, moral and emotion play a key part of legal reasoning in family judgment document. In the process of integration of emotion, moral and law not only requiring to complete reasoning structure but also having high demand on the content of the judgment document. Language, as a carrier of thought, can be helpful on the quality improvement of family judgment documents, so that the relevant legal reasoning part can be fully expressed. Therefore, in the context of the application of the rule of law, judges use linguistic skills to persuade their audiences (including the parties, the legal professional community, and society at large) with the aim of assisting in corroborating the decision's conclusions and increasing their recognition and acceptance.

First, from structure perspective, the reasoning ability in family judgment documents reflects the judge's heartfelt evidence. The judgment document can include various parts, including "the court believe", "judge's message" and so on, which contains relevant strict logic. Second, family judgment document shall be well organized and well structured. The requirement of well structure needs the judgment documents to clearly present the finding of the fact of the dispute; and integrate the reasoning and legal provisions. The content of the judgment document shall be well structured and made based on the litigation procedures and show the judge's logic from every perspective. With these, we believe the practicality of family judgment documents can be improved.

The complex and simpleness shall be proper in family judgment documents. This is not only refer to the expression in the judgment documents, but also refer to the sorting of relationship of the parties and the fact of the disputes. According to the findings of the fact, the specific standards for making family judgment documents will be explained and clarified, which is also the basis for dividing the degree of complexity of the case. For ordinary people, excessive and complicated arguments will make them feel difficult to understand, which is also a negative impact on the trial effect of family cases. For the cases with complex facts and various disputing points, detailed explanation should be carried out in the family judgment documents, and the reasoning strength also needs to be further improved. For summary cases, appropriate simplicity can be considered. In the process of writing, language shall be concise instead of empty words, reflect the thought of the judge with short sentences, for better understanding of the parties.

The degree of ordinary people understanding has direct relation with the quality of judgment documents. In the

reasoning part, making the professional legal language can be properly interpreted into plain language for the understanding of ordinary people. Hence, there is close relationship between the reasoning ability of a judge and the effect of legal language. In family judgment documents, too much legal language, stylization and formalization will cause difficulties on understanding. The language used in family judgment documents shall comply with laws and regulations, and shall also be close to life, so as to effectively improve the comprehensibility of judgment documents.

#### *4.3 System Requirement: Set Up Corresponding Governance System*

##### 4.3.1 Set Up Incentive Mechanism for Reasoning Draft in Family Judgment Document

From the perspective of judicial practice, the number of family case is significant and reasoning in family judgment shall cover every perspective, which takes the judge much time and energy to identify the complex relationship of the parties and the facts of the cases. Under current circumstances, the incentive mechanism implemented in court system is not sufficient to motivate judges to enhance legal reasoning in judgment. The leader in Supreme Court pointed out moderate incentives may enhance the enthusiasm of reasoning. This indicates the improvement of reasoning quality shall reply on the enthusiastic involvement of family judge. Therefore, it is essential to set up incentive mechanism related to judge work based on our national situation. In the process of case trial in common law countries, judges attach great importance to reasoning and pay attention to how to effectively implement the provisions of case law, and the judgment documents issued by judges are often reviewed by lawyers or peers. Although China is not in common law system, we may rely on the guidance of typical cases published by Supreme Court in terms of trial process. Case guidance system can provide guidance and reference for many similar cases from the perspective of individual cases. Therefore, to select typical cases periodically and set it up as a mechanism will not only be helpful to make the judgment standards be consistent, but also encouraging the judges to put more efforts on legal reasoning part in a judgment.

##### 4.3.2 Set Up Evaluation System for Reasoning Draft in Family Judgment Document

Setting up internal and external evaluation system will be helpful for improving the effect of judicial practice. The internal evaluation system focusses on court internal management and is targeted to improve the effect of judgment document reasoning. While the external evaluation system will involve third party in court work, which will also reduce court workload to some extent. External evaluation may motive court to do analysis actively and develop the way to improve reasoning effect. This will also strengthen the relationship between court and social organization. In general, a sound supervision and evaluation system can enhance the reasoning effect of judges and make judges pay more attention to reasoning in their daily work.

The promulgation of *Guiding Opinions on Reasoning in Adjudicative Instruments* (“*Guiding Opinions*”) provides guidance for the reasoning evaluation of judgment documents, so that local courts can issue corresponding detailed standards according to the *Guiding Opinions*, which shall include the determination of evaluation standard, setting up internal evaluation department, and improving external evaluation system. This requires the change from past internal evaluation model to future external evaluation model. After the determination of evaluation standard, the court may consider involving third part like law school in university, law institute, social organizations, professional associations, community organizations etc. In order to improve the social effect evaluation of judgment document.

Overall, the design of evaluation system shall meet reasoning rules. Under judicial reform, the improvement of reasoning in judgment document can be carried out through system level, and scientific evaluation can be carried out after comprehensive investigation. This may help law popularization in the meanwhile. In another word, to fully implement the reasoning evaluation system of family adjudication documents can make judges and audiences agree with the corresponding evaluation system, however, it will be a long-term task.

## **5. Conclusions**

The reform of family judgment documents is an important aspect of the reform of the family trial system, the essence of which is to grasp the peculiarities of family cases and family trials, to highlight the affinity and temperature of family judgment documents, and to enhance the perceptibility and acceptability of family judgment conclusions. To sum up, the reasoning of family judgment documents is first of all to analyze the factual findings and application of the law in conjunction with the evidence on the case, to make a fair decision, and to meet the requirements of the normative nature of judgment documents. On this basis, unlike other documents, family judgment documents also have the function of "repairing, diagnosing, and treating" family relationships, so it is necessary to use traditional Chinese moral values and rhetorical language skills to strengthen the expression of reasoning, so that judgment documents can be more easily recognized emotionally and then accepted and

implemented. Therefore, from the unique Chinese national context, this paper applies historical research methods to sort out the useful parts of ancient Chinese judgments and make suggestions on the demand of strengthening the emotional and moral aspects of the existing instruments. It also provides recommendations on the need to strengthen the language rhetoric of the instrument from a multidisciplinary perspective. In general, the reasoning of family judgment documents needs to be combined with localized historical and emotional culture, within the framework of legal regulations, and strengthen the flexible treatment of language rhetoric, so as to finally achieve the balance and integration of emotion and legal reasoning and enhance the sense of identity of adjudication conclusions.

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