

# Systemic Functional Analysis of Thematic Structure in Legislative Discourse — Based on *Criminal Procedure Law of the People's Republic of China*

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## ABSTRACT

This study is devoted to analyze the thematic structure of *Criminal Procedure Law of the People's Republic of China* in light of the systemic functional linguistics. From the data analysis, the study indicates that the Law places the condition in the position of theme, and reflects that the legislative text has the scientific spirit of respecting the fact. The findings indicate that there are more use of the textual theme and the ideational theme to emphasize the thematic background and the zero-ratio use of interpersonal theme reflects the formality of the Law. The result shows that, in the marked thematic structure, the adverbial clause of condition and the one of time occupy a large proportion, which make a clear list of the objective situations existing in the enforcement procedure and thus it reflects the rigidity of the Law.

**Keywords:** *systemic functional analysis, thematic structure, legislative discourse analysis*

## I. INTRODUCTION

Systemic Functional Approach is an important school of the contemporary western theories of grammar. Its representative is Halliday who starts to study systemic functional grammar and analyze relationship between clauses and text from 1960s. Halliday's "An Introduction to Functional Grammar" (1985, 1994) marks the integrity and systematic of the theory has been basically formed. He proposes that the goal of constructing systemic functional grammar is to offer a theoretical framework to analyze any spoken or written text in English. Huang Guowen (2001a, 2001b) points that functional discourse analysis is more suitable to analyze text than any other linguistic framework.

Halliday proposes three metafunctions of language: ideational metafunction, interpersonal metafunction and textual metafunction. Textual metafunction is achieved by the following three modes: thematic structure, information structure and cohesion system (Halliday 1985, 1994). Huang guowen (2000:19) regards that textual metafunction refers how people organize information well in

using language, how to show relationship among information. The study is going to concern the thematic structure mainly.

## II. THEORETICAL FRAMEWORK

Thematic structure is the important part of discourse analysis in systemic functional linguistics, that is, the system of theme and rheme. The representatives of systemic functional linguistics, M.A.K. Halliday (1994) and Geoff Thompson (1997) propose that theme should be defined from the view of function, that is, to divide clauses according to the semantics. They hold the view that any sentence and utterance can be divided into theme and rheme from the perspective of communicative function. Theme is the starting point of departure of message. Halliday points that theme is always in front of rheme, which is determined by its function of starting point. We will take about thematic structure in the following part.

Halliday (1994) divides theme from different angles. We can summarize it into the following "Table I".

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TABLE I. CLASSIFICATION OF THEME

| Metafunction   | Classification |                     |               |
|----------------|----------------|---------------------|---------------|
|                | Topical theme  | Interpersonal theme | Textual theme |
| Structure      | Simple theme   | Multiple theme      | Clause theme  |
| Speaker's will | Unmarked theme |                     | Marked theme  |

Halliday (1994) cut the theme into "simple theme", "multiple theme" and "clause theme". All these themes are the starting point of information and the beginning of clauses. The single theme refers to that reflecting the only metafunction (such as the ideational function, the interpersonal function or the textual function) no matter whether the theme is composed by one word or more. According to Halliday's point of view, the main forms of the single theme are noun phrases, adverb phrases and prepositional phrases. The single theme is often composed by the experiential elements of the ideational function in the transitive system such the participant, the circumstance and the process, which are often called the experiential theme. The multiple theme refers to the theme composed by a variety of functional elements, including two or more phrases that reflect different semantic function of the theme: the ideational function, the interpersonal function and the textual function.

Thompson (1997) considers that there are mainly four functions of choosing theme in discourse: (1) to continue or expand the passage by using unmarked theme (the former is reflected by using the theme of the first clause as the theme of the following clause and the latter is reflected by using the rheme of the first clause as the theme of the following clause); (2) to identify the change of topics by using the marked theme; (3) to reflect the integrity of the content by changing the form of theme; (4) to show the importance of the starting point of clauses by using a certain element as the theme repeatedly.

III. RESULTS AND DISCUSSION

What reflects the discourse function is the thematic system. The theme and rheme of a clause can not only help authors generate discourse efficiently but also help readers understand the text and grasp the information correctly. From the view of Systemic Functional Analysis of Thematic Structure, we will make an analysis on the following text chosen from *Criminal Procedure Law of the People's Republic of China*.

"Article 3 ① The public security organs shall be responsible for investigation, detention, execution of arrests and preliminary inquiry in criminal cases. ② The People's Procuratorates shall

<sup>1</sup> In order to carry out a thematic structure analysis, we number the clauses in this study.

be responsible for procuratorial work, authorizing approval of arrests, conducting investigation and initiating public prosecution of cases directly accepted by the procuratorial organs. ③ The People's Courts shall be responsible for adjudication. ④ Except as otherwise provided by law, no other organs, organizations or individuals shall have the authority to exercise such powers.

⑤ In conducting criminal proceedings, the People's Courts, the People's Procuratorates and the public security organs must strictly observe this Law and any relevant stipulations of other laws."

The Article includes five clauses. We make the "Table II" for analyzing the theme of the text.

TABLE II. ANALYSIS OF ARTICLE 3

| Clause | Theme                               | Mark     |
|--------|-------------------------------------|----------|
| ①      | The public security organs          | Unmarked |
| ②      | The People's Procuratorates         | Unmarked |
| ③      | The People's Courts                 | Unmarked |
| ④      | Except as otherwise provided by law | Marked   |
| ⑤      | In conducting criminal proceedings  | Marked   |

In the first three clauses, the themes are rightly in the position of the subjects of the clauses, so the themes of the first three clauses all belong to unmarked theme. The fourth theme is in the position of adverbial to serve as the adverbial adjunct of condition. Therefore, it belongs to marked theme. Similarly the fifth theme is in the position of adverbial to serve as the adverbial adjunct of place, so it also belongs to marked theme. There are 225 articles in *Criminal Procedure Law of the People's Republic of China* including 506 clauses. According to the statistics, there are 258 unmarked themes in the ratio of 51.0% and 248 marked themes in the ratio of 49.0%. When the subject serves as the theme, it emphasizes the topic. While it pays attention to the extension of the background if the adverbial or the complement serves as the theme. From the above statistics, we can see that the Law not only makes the rule of rights and obligations, but also provides the objective conditions and factors. It places the condition in the position of theme, reflecting that the legislative text has the scientific spirit of respecting the fact.

Next is another article chosen from the Law.

"Article 19 ① The Primary People's Courts shall have jurisdiction as courts of first instance over ordinary criminal cases; ② however, those cases which fall under the jurisdiction of the People's Courts at higher levels as stipulated by this Law shall be exceptions."

We make the "Table III" to analyze the thematic structure of the article.

TABLE III. ANALYSIS OF ARTICLE 19

| Clause | Theme         |                     |                             | Mark     |
|--------|---------------|---------------------|-----------------------------|----------|
|        | Textual theme | Interpersonal theme | Ideational theme            |          |
| ①      |               |                     | The primary people's courts | Unmarked |
| ②      | However       |                     | Those cases                 | Unmarked |

In this article, there is both simple theme (the ideational theme here) and multiple theme. In the Law, there are totally 15 multiple themes in the ratio of 3.0% which is composed by the form of "textual theme + ideational theme" without interpersonal theme. The interpersonal function of language expresses the significance of potential, that is, the "potentiality". It contains a kind of uncertainty to a large extent. Therefore, the multiple theme usually lacks of the interpersonal theme. It reflects the formality of the legislative text.

"Article 53 If the People's Courts, the People's Procuratorates or the public security organs decide to allow a criminal suspect or defendant to obtain a guarantor pending trial, they shall order the

criminal suspect or defendant to provide a guarantor or pay guaranty money."

The clause begins with an adverbial clause as its theme. The adverbial clause of condition provides such a background as is considered to obtain a guarantor pending trial. Such theme that is served by the adverbial clause is definitely marked and is defined as the clause theme. In *Criminal Procedure Law of the People's Republic of China*, there are 203 clause themes. Most of the clause themes are provided by the adverbial clause of condition that is led by "if". A considerable part of clause themes are led by "when" as the adverbial clause of time. The other parts are provided by the adverbial clause of place and the subject clause. The following "Table IV" is summarized from the statistics of the distribution of the clause theme.

TABLE IV. DISTRIBUTION OF CLAUSE THEME IN THE LAW

| Clause theme | Marked                        |            |                          |            |                           |            | Unmarked       |            |
|--------------|-------------------------------|------------|--------------------------|------------|---------------------------|------------|----------------|------------|
|              | Adverbial clause of condition |            | Adverbial clause of time |            | Adverbial clause of place |            | Subject clause |            |
|              | Number                        | Proportion | Number                   | Proportion | Number                    | Proportion | Number         | Proportion |
| 203          | 142                           | 69.5%      | 54                       | 27.1%      | 4                         | 1.9%       | 3              | 1.5%       |

We can see that from the "Table IV", in the legislative text, the clause theme occupies a large proportion, and most of the clause themes are marked. There are 248 marked themes in *Criminal Procedure Law of the People's Republic of China*, in which there are 200 clause themes served by adverbial clauses as the marked theme, at a proportion of 80.6%, among which the adverbial clause of condition to serve as the theme for listing the objective conditions occupies a large proportion. Such phenomenon shows that, in

legislative text, the objective conditions are given full consideration and given a detailed list in the Law. For the time of each procedure there is a clearly defined provision in the criminal procedures, which helps law enforcement officers have a definite rule to obey and document, thus to enforce the Law strictly and effectively.

Now we can make a summary of the themes in *Criminal Procedure Law of the People's Republic of China* by the following "Table V" to have a full perspective of the Law.

TABLE V. DISTRIBUTION OF THEME IN THE LAW

| No. of themes | Classification of theme |       |                |       |              |       |                |       |              |       |
|---------------|-------------------------|-------|----------------|-------|--------------|-------|----------------|-------|--------------|-------|
|               | Simple theme            |       | Multiple theme |       | Clause theme |       | Unmarked theme |       | Marked theme |       |
|               | No.                     | Ratio | No.            | Ratio | No.          | Ratio | No.            | Ratio | No.          | Ratio |
| 506           | 288                     | 56.9% | 15             | 3.0%  | 203          | 40.1% | 258            | 51.0% | 248          | 49.0% |

From the above data, we can see that, there is no distinction between the proportions of the unmarked theme and the marked theme. Why does the phenomenon appear in *Criminal Procedure Law of the People's Republic of China*? We believe that the *Criminal Law of the People's Republic of China* is the substantive law, mainly related to the

basic principles of law, charges, liability and penalty regulations. While the *Criminal Procedure Law of the People's Republic of China* belongs to the procedure law, mainly providing procedures to be undertaken. In other words, it is related to the investigation, the arrest, the detention, the trial and such, which touches upon the actual objective

problems in the implementing procedure. The actual objective problems increased the restrictions to the legal procedure. As a result, it must make a detailed list and clarification in *Criminal Procedure Law of the People's Republic of China*. The marked theme shows the function of extending background and emphasizing conditions. The large proportion of the marked theme in the Law reflects the objective application of legislative text. From the thematic structure point of view, the simple theme and the clause theme occupies a large proportion while the multiple theme occupies a very small proportion. This also reflects the formality and the rigor of legislative text.

#### **IV. CONCLUSION**

All in all, the thematic structure theory, as one of the methods of analyzing the textual function of the legislative text, is full of complexity and diversity. The theory is that of strong operability and practicability, with a significant reference, so it is a kind of "described activity". In the *Criminal Procedure Law of the People's Republic of China*, we can see, after the statistical analysis, that the thematic structure reflects the detailed consideration on the objective condition in the actual circumstances and these objective details have been listed specifically in the Law. The choice of theme and rheme makes the law enforcement officers have clear defined principles to adopt and obey. It also reflects the elites, formality, compulsion and rigidity of the Law. However, the organization of discourse is not the only type that we mentioned above. What the theme and the rheme load are the new information and the known information. But how does the information connect and alternate with each other? In the future study, we will take about the information structure in *Criminal Procedure Law of the People's Republic of China* by the information theory.

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