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ARTICLE

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Face-work in Chinese routine criminal trials

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Abstract

This article examines the performative aspect of face-to-face interactions among various legal actors and defendants in routine criminal trials in China. Using 105 trial videos as empirical data, the author develops a face-work framework to understand how an individual judge's "face"—signifying judges' legal and political roles, and their professional status—is established, protected, and enhanced during courtroom interactions. The study shows that the legal face of judges can be established by some characterizations of the nature of criminal trials such as the demarcation of legal space, the speed of the trial, and the apprising of rights to the defendants. Nevertheless, the legal face can also be disrupted by trial interactions due to judges' lack of judicial authority. Hence, Chinese judges maintain their authority through the establishment of their political face. They also use both their political face and legal face to establish their situational professional status. These interactions often lead to punitive and coercive measures against defendants in trials. While the article focuses on routine criminal trials in China, the face-work framework has the potential to explain courtroom interactions in other types of social contexts and legal proceedings.

INTRODUCTION

Criminal trials are not only a key legal proceeding that determines the fates of defendants but also legal spectacles consisting of performances. To understand trials, sociolegal scholars have examined many enduring issues that emerge from courtroom interactions, such as inequality between trial participants (Bennett, 2010; Galanter, 1974; Lynch & Haney, 2011), lack of adequate legal representations (Clair, 2020), unfair case decisions (Roger, 2006; Roth, 2015), burdensome legal procedures (Feeley, 1979; Kohler-Hausmann, 2018), and racial and gender inequality (Van Cleve, 2020; He & Ng, 2013; Matoesian, 1995; Natapoff, 2018). Moreover, the expressive and communicative aspects of criminal trials for serious crimes as parts of the penal ritual are also well established in the sociology of law (Durkheim, 1996; Garfinkel, 1956; Garland, 1990; Johnson, 2009; Kennedy, 1999). However,

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the performative aspects in routine criminal trials, which largely adjudicate minor crimes, remains a new territory in sociolegal scholarship (but see Anleu & Mack, 2017; Clair, 2020; Flower, 2019).

The performative dimension of routine criminal trials has been neglected because they often involve minor criminal offenses that do not carry strong moral messages. Rather than condemning horrific crimes such as homicide, rape, and child pornography, routine criminal trials deal with drunk driving, domestic dispute, petty theft, assault, reselling tickets, and so on. Lower-level courtrooms are often characterized as chaotic, confusing, and noisy (Feeley, 1979). In this environment, the main goals are efficiency and social control (Van Cleve, 2020; Kohler-Hausmann, 2018; Natapoff, 2018). Scholars often assume that there are not many performances in lower courts. However, following Ervin Goffman (1959, 1967), sociologists recognize that performative acts are often hidden in people's practices in everyday life: in the dress code of people's upper body in video conferences, in the tone students use when they talk to professors, and in the way people eat in a fancy restaurant. What if we treat routine criminal trials for minor crimes not only as a mechanism for social control but also as a stage for various participants, especially judges, to engage in performative acts? This gives rise to the main research questions in this article: (1) what are the performances embedded in routine criminal trials that aim for social control? (2) How do we analyze them? (3) what are the effects of judges' performances on defendants' penal experiences in criminal trials?

Using 105 trial videos in a district court in Northeast China as empirical data, I develop a face-work framework to understand how individual judges' "faces"—signifying judges' legal and political roles, and their situational professional status—are established, protected, and enhanced during courtroom interactions. I show that the legal face (*legal lian*) of judges can be established by certain characterizations of the nature of criminal trials such as the demarcation of legal space, the speed of the trial, and the apprising of rights to the defendants. The legal face, however, can be challenged by interactions at trials due to judges' lack of judicial authority. Hence, Chinese judges maintain authority through the establishment of their political face (*political lian*). Moreover, both political face and legal face can be used by judges to establish their situational professional status (*mianzi*). I show that these interactions often lead to punitive and coercive measures against defendants in trials.

Chinese criminal courts are embedded in an authoritarian political-legal regime, which makes the courts not only a legal institution but political institution for social control. However, the goal of this study is not to investigate this social control function. Instead, it is to use the social control institutions as a research site for understanding how the entanglement of law, politics, and judges' socially constructed self-interests emerges in courtroom interactions. The empirical analysis enables me to reconceptualize courtroom interactions performatively and connect individuals' performances with the institutional contexts in which their performances operate. It shows that the face-work framework is useful in making sense of interactional moments when judges and other legal actors shift from one justification for their behavior to another based on their situational self-interests. Although the focus of the paper is routine criminal trials in China, the framework has the potential to explain courtroom interactions in other jurisdictions, as well as other types of trials and alternative dispute resolution (ADR).

THE FACE-WORK FRAMEWORK

Three approaches to studying legal trials

What is a trial? This is a longstanding and basic research question in the sociology of law. Existing studies offer three conceptual approaches. The first is what Carlen (1976, p. 48) called "reformist socio-legal analysis." This approach mainly aims to show that some ideal features, such as equality among legal participants in litigation (Bennett, 2010; Galanter, 1974; Lynch & Haney, 2011) and fair and transparent case decisions (Roger, 2006; Roth, 2015), were *missing* in legal proceedings. These studies tend to focus on "what criminal trials are not" instead of "what they are." Sociolegal studies

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on Chinese criminal trials mostly fall under this older, reformist approach. They reveal that Chinese criminal trials lack adequate criminal defense (Liang & He, 2014; Lu & Miethe, 2002), meaningful adversarial systems and fact-finding processes (Zuo, 2018; Zuo & Ma, 2005), and sufficient procedural protections (McConville, 2011). The reformist perspective treats criminal trials in Western democratic systems as a benchmark to evaluate their counterparts in China. As a result, many features of Chinese criminal trials are viewed as problems and dysfunctions (Clarke, 2020).

The second perspective is the study of criminal trial processes. Sociolinguistic scholars have studied micro-level trial processes in which various speaking styles, languages, and discourses emerge (e.g., Conley et al., 1979; Cotterill, 2003; Erickson et al., 1978; He & Ng, 2013; Matoesian, 1995; Ng, 2009; Rickford & King, 2016). However, routine trials for minor criminal cases have been largely neglected in this literature. In contrast, how lower courts handle routine criminal cases has been an enduring interest of sociolegal scholars (Carlen, 1976; Van Cleve, 2020; Feeley, 1979; Hersant, 2017; Kohler-Hausmann, 2018; Mileski, 1971; Natapoff, 2018; Robertson, 1974). Their works show how various court proceedings and interactions achieve the social control of criminal defendants and broadly of particular racial groups. In the Chinese context, Trevaskes (2007) investigate criminal trial processes during the "Strike Hard" campaigns in the 1980s and early 2000s and argue that the Chinese criminal trial operations were caught in the tension between social control and social transformation. Although the processual perspective reveals key insights on how the courtroom interactions are both structured and structuring (Abbott, 2016; Bourdieu & Wacquant, 1992; Giddens, 1986), processual studies tend to overlook the fact that criminal trials are highly staged and scripted legal spectacles, which are different from many other social processes.

The third perspective is performative theory. The expressive and communicative aspects of criminal trials as parts of the penal ritual is well established in the sociology of law (Durkheim, 1996; Garfinkel, 1956; Garland, 1990; Johnson, 2009; Kennedy, 1999; Savelsberg & King, 2007). Criminal trials always send some messages to the public, such as reaffirming moral commitment (Durkheim, 1996) or degrading the defendants (Garfinkel, 1956). However, most of these insights are generated from penal rituals for serious crimes. In the Chinese context, scholars have studied Chinese criminal trials through this performative perspective (Tanner, 1999; Trevaskes, 2004, 2007) but, again, all of them focus on trials for serious crimes.

Recently, sociolegal scholars have started to pay attention to the performative aspects in the lower courts of Western legal systems. For instance, Anleu and Mack (2017) show that, in Australian lower criminal courts, judges have to engage in performances such as showing patience or courtesy towards defendants because an impersonal way of performing judicial authority is insufficient in lower courts in which rash decisions, quick negotiations, and unrepresented defendants are prevalent. Clair (2020) shows that in the United States, lower-court officials often portray themselves as experts in the matters at hand. Flower (2019) shows how defense lawyers in Sweden perform loyalty to their clients. This study joins this emerging and important research topic by providing a more indigenous and systematic theoretical framework for understanding the performative aspects of courtroom interactions.

The face-work framework for studying routine criminal trials

This article proposes a *face-work* framework that captures the performative aspects of routine criminal trials. I draw insights from Goffman's dramaturgical theory and the Chinese concept of face. Goffman (1959) argues that, in face-to-face interactions, a person becomes a performer at the frontstage who needs to foster a particular impression about him or herself. The person then exerts a kind of "synecdochic responsibility," making sure that communication contingencies will not ruin the established impression (Goffman, 1959, p. 51).

This theory of impression management can be translated into face-work, another Goffmanian concept. In his article "On Face-Work" (1967, p. 5), Goffman defines *face* as the positive social value

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a person effectively claims for himself or herself by the line others assume he has taken during a particular contact. Face-work is defined as "the actions by a person to make whatever he is doing consistent with face. […] [It also serves] to counteract 'incidents' – that is, events whose effective symbolic implication threaten face" (Goffman, 1967, p. 12). By delineating dramaturgical theory and face-work theory, he presents an overarching framework for understanding face-to-face interactions, which involves the establishment and maintenance of certain socially positive self-images, or faces. Following Goffman's approach, other Western scholars argue that face is people's desire to be seen positively as likeable and competent (Archer, 2011; Brown & Levinson, 1978; Lim & Bowers, 1991; Tracy & Hodge, 2018). However, as Goffman (1967) acknowledges, the concept of face has its Chinese origin and might take a different shape in other social and cultural contexts than the American middle-class context that he frequently discussed.

In the Chinese context, there are two meanings of face: *lian* and *mianzi* (Hu, 1944). Similar to Goffman's concept of face, the concept of *lian* refers to a person's image of self that fits the social expectation in a social setting (Zhai, 2018). It can be established through both individuals' acts and the help of institutional and social contexts. *Lian* is mostly face-work for impression management. In comparison, *Mianzi* is a person's situational status in either a social sense or a professional sense. It is a symbolic status because it is about a person's evaluation of whether others think highly of her or him during a social interaction. Establishing or protecting *mianzi* refers to what Kemper (2011, p. 14) called a "situational accomplishment." Gaining situational status is connected to positive self-feelings such as pride and confidence while losing situational status evokes shame and resentment/anger (Bergman Blix & Wettergren, 2016).

Two words can be used to describe the difference between Goffman's dramaturgical theory and the Chinese concept of face: flexibility and contradiction. For Goffman, an individual's established impression during an interaction is relatively stable. Once one successfully builds an impression, the goal is to maintain it and not to reveal any conduct that could lead to another *contradicting* impression. However, in the Chinese context, what kinds of impression or *lian* one wants to build can be highly fluid during an interaction. In other words, different or even competing types of *lian* could be *flexibly* used to achieve certain goals such as *mianzi*, or situational status. *Mianzi* does not solely rely on the successful establishment and maintenance of one specific *lian*. If one type of *lian* is not effective, one can shift to another type of *lian* to gain *mianzi*. For example, to demonstrate his social and education status, a well-educated man at a restaurant might present a friendly and patient demeanor to a server when he orders food. However, if the table is empty without food for too long, he might invoke his god-like customer identity to yell at the server and accuse the restaurant of not treating him seriously.

Building on both Goffman and the Chinese concept of face, the face-work framework that I propose here captures the performative aspect of routine criminal trials in China. First, I investigate how judges establish *legal lian*, which refers to the signals of legal elements in a social setting and during an interaction. It is the expression of legal identity of legal profession and institutions. These signals could be rigid procedure protections, strict application of law, and clear legal reasoning. Such signals, however, could also be the word "court" on the wall (even when it is a social control institution), the superficial announcement of legal rights (even when these rights are rarely provided), and the defendants' confessions (even when they are the products of force). *Legal lian* is not judicial integrity, judicial impartiality, nor judicial independence, all of which are idealized concepts and consist of a strong normative element indicating how an ideal judge should behave in a rule of law regime. In contrast, *legal lian* is an empirically grounded concept that does not carry a normative message. It is a much broader concept for showing the signals of law in courtroom interactions. *Legal lian* is not just about the consecrating function of law (Bourdieu, 1987) but also about mundane and superficial signals. This does not suggest that *legal lian* is the result of decoupling between the intention of building a legal system and the legal practice on the ground (Meyer et al., 1997). Instead, it is an essential part of the practices in a social control institution.

Legal lian is often at risk once the trial moves on to stages in which substantive interactions between the judge and the defendant and between the prosecutor and the defendant occur.

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I investigate how judges solve those *legal-lian* crises. I identify two mechanisms adopted by judges: (1) *dissolvement* and (2) *replacement*. Dissolvement means that judges use various tactics such as change of topics, silence, legal formality, and flowery talk to dissolve the legal issues such as police misconduct and torture. Replacement refers to the idea that judges' use of *political lian* to solve the crisis of *legal lian* when disputes over case facts and evidence emerge.

Political lian requires the judge to self-present as a political official who serves the state's goal of social control. In this case, judges do not save the *legal lian*. They abandon it and replace it with *political lian*. *Political lian* is the performative dimension of the politicization of judiciary—the flip side of judicialization of politics (Dressel, 2012; Magnussen & Banasiak, 2013). In the context of lower criminal courts, courts do not interact with "mega politics," that is, "core political controversies that define (and often divide) whole polities" (Hirschl 2011, p. 256). Instead, politics are routinized through a consistent goal of crime control in the everyday practices of the courts. *Political lian* reveals how political categories replace legal categories in routine courtroom interactions.

Lastly, I show that *legal lian* and *political lian* are flexibly used for benefiting judges' *mianzi*—situational professional status—during trial interactions. Scholars on the legal profession have examined professional status through a structural lens. Client-types (Heinz & Laumann, 1982) and professional purity (Abbott, 1981, 1988) have been proved to be the sources of distribution of honor and prestige in legal professions (Sandefur, 2001). This perspective implies a static view on the distribution of professional status among legal actors. It tells us little about the professional status that is often fluid in face-to-face interactions. Scholars have studied the competition of professional status in lower courts (Hersant, 2017; Muneyuki, 2021), but they rarely examine the interactional and performative aspects of such competition. *Mianzi* is a situational status that judges could obtain through interactions in a temporal legal setting. It focuses on individual judges rather than the structurally arranged legal professions or institutions. The interactional and situational perspective treats judges' *mianzi* not as courts' institutional sociopolitical status that often has lasting and substantive effects on the power dynamic between courts and other legal and political institutions. *Mianzi*, instead, is a symbolic and socially constructed self-interest of individual judges rather than the materially and pragmatically driven institutional interests of the courts.

Face-work is often achieved through the collective works from various participants in a situational setting. A person might try to establish certain types of face, but whether it is successful often depends on other participants' reactions. People might uphold the face through active supports, might leave the performer along without interrupting the performance, or might make the performer lose face. In criminal trials, prosecutors and defense lawyers often play a crucial role in saving or maintaining judges' face in trials. Moreover, the audience of judges' performances are not limited to the defendants, defense lawyer, and the public. The audience also includes prosecutors as judges and prosecutors often engage in a complicated "game playing" relationship in which they often compete for professional status and institutional control in the Chinese criminal justice system (Mou, 2020).

Overall, the conceptual division between *political lian* and *legal lian* illustrates how political aims surface and are managed within legal practices. It guides us to investigate the superficialness of the *legal lian* and its crises, to understand how judges or other legal professionals manage those crises, and to reveal how and when the *political lian* emerges from the interactional movements. The concept of *mianzi* does not treat judges merely as the puppet of law and politics, but as the users of law and politics with their own personal interests. It explores how major discourses of criminal justice systems, such as due process and social control, are used by legal professionals in China and elsewhere to secure their professional status in courtroom interactions.

THE CONTEXT: CHINESE CRIMINAL COURTS

Before proceeding to the method and analytical sections, a brief introduction of Chinese criminal courts is necessary for understanding how face-work operates in this sociolegal context. Since Deng

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Xiaoping, the Chinese Communist Party (CCP) leaders, including Xi Jinping, describe what they do as "law-based governance" (*fa zhi* 法治 or *yi fa zhi guo* 依法治国). This growing importance of legal rhetoric requires that Chinese courts, like their Western counterparts, establish and maintain an impression of being a legal institution in which law, rather than politics or informal practices, is applied to deliver justice (Liu, 2006).

Nevertheless, the subordination of the legal system to the CCP is undisputed among sociolegal scholars (Biddulph, 2015; Clarke, 2020; Fu, 2016; He, 2016b; He & Ng, 2017; Liebman, 2007; Liu, 2021; Lubman, 1999; Minzner, 2011; Nesossi & Trevaskes, 2017; Stern, 2013; Wang & Liu, 2021). Chinese criminal courts operate in an inquisitorial system. The criminal justice system has been viewed as formed by the so-called "Iron Triangle" which represents the three branches of the justice system: police, procuracy, and judiciary (Liu & Halliday, 2016). The primary goal of the "Iron Triangle" is to fight against crime (Mou, 2020). It is well known that judges do not possess a strong position in this relationship due to the lack of judicial independence and authority. Chinese judges are embedded in this authoritarian political-legal regime in which courts are not only a legal institution but also a political institution. This means that judges are not only followers of the law but also followers of the state's goal of social control and related policies.

In the practice of routine criminal trials, judges rarely check misconduct and evidence presented by the police and prosecutor (Mou, 2020). The judicial decision is often made prior to the trial based on the judge's reading of case dossier (Mou, 2020). Defense lawyers encounter various difficulties when they serve their clients (Liu & Halliday, 2016) and often only provide limited defense for lenient punishment when they are in trials (McConville, 2011). Defendants are in a vulnerable position in which they are required to speak for themselves, admit guilt, and show remorse. Scholars have described Chinese routine criminal trials as a hollow legal proceeding that simply aims to finalize defendants' criminality (Liang & He, 2014; McConville, 2011; Mou, 2020). This study demonstrates that a criminal trial in China is, contrary to this common belief, a meaningful legal proceeding in which an individual judge's face is established, protected, and enhanced.

DATA AND METHODS

Research site and trial video selection

The empirical data of this study were collected through criminal trial videos. The trial videotapes are from a public data set that has a total of 5315 criminal trials at 14 basic-level courts in Changchun. Courts in Changchun were selected mainly because of the researcher's status as a native Chinese speaker, familiarity with the local dialect, and intimate knowledge of the surrounding communities, which allow me to capture the cultural and linguistic cues that emerge in the trials. The underrepresentation of Northeast China as a sociolegal research site is an additional reason for this selection. The city lies in the heart of Northeast China, a region that has been considered as China's Rust Belt. As the capital city of the Jilin province, Changchun is an important industrial base with a strong automotive sector. In 2019, the GDP per capita had reached 78,456 RMB (around 12,400 US dollars), which is slightly above the GDP per capita in China but ranks low among provincial capitals (National Bureau of Statistics, 2019). The city has suffered from serious social issues that are common for the region, such as an aging population, brain drain, and slow economic growth. In 2019, it has a total population of 7.5 million people with Han Chinese as the overwhelming majority.

Although China is a vast and diverse country and its criminal justice system varies from different regions, the lower courts in Changchun are not an outlier of Chinese criminal courts. Like courts elsewhere, they are embedded in local politics and rely on financial supports from the provincial government. They are not independent judiciary and mainly serve as social control institutions. Criminal trials are routinized in Changchun courts in the sense that most of the trials adopt "simplified procedures" (*jianyi chengxu* 简易程序). The Criminal Procedure Law (CPL), Article 214 requires

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that such procedures are only applied to criminal cases in which the evidence is sufficient, the facts are clear, and a confession is obtained prior to the trial. Lower criminal courts in Changchun have been loyal followers of simplified procedures.

The trial videotapes used for analysis are from a district basic-level court in Changchun, which has posted 460 of its trial videos online. This article analyzes 105 trials in the period from March 2018 to December 2019. I limit my data to this specific period and this specific court because (1) the court had uploaded trials videos on a regular basis during this timeframe, which allows me to capture the routinized aspect of the trials and (2) a detailed analysis of more than a hundred trials from the same court helps achieve both richness in the details and the goal of finding variations within routineness. Arguably, this approach has a tradeoff in the level of generalization. In order to overcome this issue, I randomly selected 40 trials from other district courts in the same city to verify my findings. There are 10 female judges and 6 male judges appear in the trial video data set of 145 trials. This gender ratio of judges reflects the increasing presence of women in Chinese lower courts (Zheng et al., 2017). According to the analysis of trial videos, there seem to be some behavioral differences between male judges and female judges. For instance, female judges appear to be more active in maintaining and protecting their faces. The sample size, however, is too small to allow the study to make any generalized claim about the gender differences. In terms of legal aid, although China's Legal Aid Regulation states that legal aid is available for indigent defendants if they wish to have a lawyer, this right has not been fully implemented because of various issues in practice such as the lack of lawyers and financial supports (Fu, 2016). In the simplified procedure trials I studied, legal aid was provided for some defendants (56%) but not others (34%). Ten percent of defendants obtained private defense attorneys.

Analytical strategies and positionality

To analyze the trial video data, I first collected the basic information of each trial through a review of 105 trial videos and the court's website. They include types of crimes, number of defendants, participants' gender, duration of each trial, and the use of simplified procedure. Each of the 105 trials is of one trial, not multiple trials for different cases. Then, a more detailed review of all trial videos was conducted. I watched each trial video from the beginning to the end. The trial videos allowed me to investigate and document the dynamics of courtroom interactions in a comprehensive manner. I took extensive notes when court interactions become formal, intensive, and casual. Special attention was paid to the language, tone, and visual aspects emerged in each type of courtroom dynamics. I watched trials or segments of trials, in which the courtroom interactions were intensified or casualized, for several times to make sense of courtroom interactions and the implications of them. These repetitions of seeing and sensing various aspects of courtroom interactions are not available for other qualitative methods such as interview and participant observation in the field. It was through this process of analyzing the trial videos that I identified three major themes in trials: the political theme, the legal theme, and *mianzi* (situational professional status).

Then, I manually transcribed each trial video. I did not use any software for transcription since the conversations are often in local dialect. Moreover, writing down each sentence word by word allowed me to capture the nuances embedded in the flow of conversations. I then coded the transcripts along three dimensions: legal, political, and *mianzi*. A conversation was categorized as *legal*, if a judge made the following endeavors: (1) closely examine the case evidence, (2) sufficiently address questions from defendants or defense lawyers, and/or (3) heavily rely on legal language in trial interactions. A conversation was categorized as *political* if the judge (1) invokes the language of policy language from the central government and/or (2) emphasizes the goal of social or crime control. A conversation is categorized as *mianzi* if judges use language that indicates their high status in courtroom interaction. It is important to note that the unit of categorization is a segment of conversations

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rather than a trial. This is because a trial is often not dictated by one theme but multiple themes. The key was to capture the shift of themes during trial interactions.

As a person born and raised in the city of Changchun and a *dongbei ren* (native Northeastern person), I am familiar with people in the region and the ways they talk and act, and the cultural clues embedded in their interactions. The interpretation of courtroom interaction derives from my experiences in the region and my knowledge of the local people. This might lead to concerns of objectivity, impartiality, and neutrality of qualitative studies. However, as critical race and feminist scholars have shown, the influence of identities and life experiences is not a hurdle in empirical studies; instead, it is a valuable source of knowledge production (Shaw et al., 2020; Wasserfall, 1993). Theory and interpretations generated from local eyes and careful empirical analyses contribute to the knowledge production on courtroom interactions.

HOW FACE-WORK OPERATES

Legal lian: Signal of law

Legal lian refers to the signals of legal elements in courtroom interactions. *Legal lian* in a criminal trial is met first by the demarcation of legal space and the judicial attire. As Mulcahy (2010, p. 1) points out, "the environment in which the trial takes place can be seen as a physical expression of our relationship with the ideals of justice." The courtrooms in the lower court in Changchun fit Du's (2016) description of the typical criminal courtrooms in China. The courtrooms are large and either square or rectangle. The courtroom space is divided into two separate areas: one is for trial participants and the other for the public. The defendant is placed at the center of the courtroom directly facing the judge. The judicial bench is centered along with one of the walls perpendicular to the entrance and is elevated. The elevation symbolizes the superior status of judges over other participants in trials. In addition, the change of judicial attire also illustrates the importance of *legal lian* in Chinese trials. The old judicial attire in the 1980s resembles police or military uniform which often signal that the court and criminal trials were weapons of deterrence rather than the deliverer of justice (Du, 2016). The current judicial attire in China, similar to the common law style, is featured by the black robe that cast a professional and neutral image of judges. These features in legal-space demarcation and judicial attires establish the *legal lian* of a routine criminal trial even prior to the trial interaction starts.

The second way of establishing *legal lian* is the speed of trials. In many judicial contexts, a routine criminal trial that only lasts 5 min might be viewed as damaging the legal legitimacy of the trial, because the speedy trial provides limited time for meaningful exchange of legal arguments and substantive legal investigations. The brief courtroom encounters at lower courts have been criticized by sociolegal scholars (Feeley, 1979; Mileski, 1971). Various explanations are plausible for those speedy trials such as the application of simplified procedure or the defendants' own confessions. The point, however, is not to discredit these explanations. It is important to recognize that judges are often the beneficiary of the speedy trials from a performative perspective as they can create a *legal lian* by presenting a sense of judges' confidence and sureness about the correctness of judicial decisions. Goffman (1959, p. 30) describes this phenomenon as "dramatic realization." He uses the case of a baseball umpire to illustrate this point:

> If a baseball umpire is to give the impression that he is sure of his judgement, he must forgo the moment of thought which might make him sure of his judgement; he must give an instantaneous decision so that the audience will be sure that he is sure of his judgement (Goffman, 1959, p. 30).

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Around three-quarters (72%) of the trials I analyzed concluded within 10 min. The percentage increases to 85% for trials under 20 min. Only 10% of the trials go beyond the 30-min mark and only 5% of the total cases last for more than an hour. In addition, among those trials longer than 30 min, around half of them (48%) involve multiple defendants, which means a shorter period of courtroom interaction for each defendant. Many trials went smoothly and fast, which create a stronger impression about the sureness and confidence of judicial decisions in these minor crime cases. As Mileski (1971, p. 480) points out, "justice in [lower] court is quick." Nevertheless, quick justice is also a symbolic form of justice.

Third, judges foster the *legal lian* through the apprising of rights to defendants. In American lower courts, apprising of rights to defendants was often inadequate (Mileski, 1971; Warner, 2004). Judges often apprise all defendants seated in the public area or apprise right to a group of defendants who are lined up immediately before the judge's bench (Mileski, 1971). Defendants could be inattentive to the apprising of rights or completely miss it because of a late arrival in the courtroom (Mileski, 1971). Overall, defendants do not receive individualized attention from the court to ensure an adequate comprehension of their constitutional rights (Warner, 2004). However, this is not the case in Chinese lower courts. There is no apprising of rights made when defendants are in the public area. No judge apprises right to a group of defendants when the defendants are from different cases. Instead, Chinese judges often make active efforts to ensure the defendants understand court procedures and their rights by translating legal jargon into everyday language understandable to the local people:

> Transcript (1)
>
> [Judge]: Defendant, you have the right to ask the judge to withdraw himself/herself, do you understand?
> [Defendant]: Not exactly.
> [Judge]: It means whether you think I have a conflict of interest in your case. In other words, whether you think I handle this case is problematic and will lead to injustice or unfair treatment to you. If you think that is the case, you could ask the court to change another judge. Do you think there is an issue if I handle this case? (*speaking patiently*)
> [Defendant]: No issue, judge.

All three approaches create an appearance of legality in Chinese routine criminal trials. The demarcation of legal space and judicial attire, the speed of the trial, and the adequate apprising of rights to the defendants all create a sense that *law* is operating in the space of the court. Prior to the substantive trial interactions starting, *legal lian* of the court and judges are firmly established. However, as the following pages show, the *legal lian* is often being challenged and judges need to find ways to solve these crises. There are two mechanisms: one is dissolving a *legal lian* crisis and the second one is replacing the *legal lian* with the *political lian*.

Dissolving the Crisis of *Legal Lian*

After the judge announces the court rules, apprises rights to the defendants, and confirms case and defendant information, the prosecutor will read the indictment. The judge will ask whether the defendant confesses. Then, the trial will enter into the investigative stage of court proceedings (*diao cha qu zheng huang jie* 调查取证环节). The prosecutor will present the evidence and the judge will ask whether the defendant has any concerns over the evidence and facts presented in the indictment. It is at this moment that substantive interactions begin. A crisis of *legal lian* is seen when defendants show concerns or disagreements over the credibility of evidence and facts presented by the prosecutor.

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The credibility of the evidence is jeopardized most significantly when the defendant indicates that his or her statements presented in the indictment are the product of police torture. Police torture and coercive confessions have been some of the most serious issues in the Chinese criminal justice system (Guo, 2019; He, 2016a). The CPL revised in 2012 includes procedural safeguards like the exclusionary right to fight illegal means of evidence collection. However, exclusionary rules are seldom applied by judges (Zuo, 2015) since judges and prosecutors are often strategically aligned with each other (Mou, 2020). The judges often lack the incentive or courage to meaningfully check police misconducts and apply the exclusionary rule. As Lewis (2010, p. 689) points out, "The exclusionary rule in China further faces the twin difficulties of weak courts coupled with incentives for judges to avoid exercising the power that they do have. It will be a challenge for a judicially enforced rule to influence police behavior in China. There is scant, if any, precedent for police bowing to judicial pressure." As a result, when a defendant raises an issue of police torture during a trial, the judge's *legal lian* is often at risk.

How does such a crisis get solved? First, I identify the mechanism of *dissolvement*. Such a mechanism means that the judge, often along with the prosecutor, uses various tactics such as change of topic, silence, legal formality, and empty talk to dissolve the issue of police torture brought by the defendants. Below are three excerpts of a trial to illustrate the dissolving process. The case is about a gang fight. There are four defendants and three of them made a clear confession prior to the trial. One defendant, however, shows concerns over the facts presented by the prosecutor and indicates police torture occurred during the investigative stage of the case. The following excerpt illustrates what happened when the issue of police torture first emerged in trial.

Transcript (2)

[Prosecutor]: Did the police torture you to extract a confession? Did they scold you or beat you?
[Defendant (A)]: Yes, they did.
[Prosecutor]: Is there evidence? Which police did it? (*asked in an aggressive tone*)
[Defendant (A)]: No and I don't know who did.
[Prosecutor]: Did Mu (Defendant B) know that you wear knives?
[Defendant (A)]: I don't know whether he knew or not. I was drunk.

Controlling and changing the topic has been a major cross-examining tactic used by prosecutors and defense lawyers in trials (Conley & O'Barr, 1998; Matoesian, 1995). In this case, after the defendant said he was tortured by the police, the prosecutor, in an aggressive tone, immediately asked for evidence, which was impossible for a defendant to get if there was no severe injury. Then, the prosecutor changed the topic to avoid further conversation on the topic of police torture. The judge was silent throughout the conversation. The next excerpt shows that a few minutes later when the judge did talk, the issue of police misconduct was still not on his radar.

Transcript (3)

[Prosecutor]: You said just now that what you said at the public security organs was all facts. Did you sign the transcript of the public security agency's inquiry?
[Defendant (A)]: Yes.
[Prosecutor]: You just said that what you collected at the public security organs was all facts. Since it was your signature, why did you overturn your previous statement?
[Defendant (A)]: Because I was not allowed to check the statement before I sign it.
[Prosecutor]: How many people on the other side during the fight?
[Defendant (A)]: Lots of people.

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[Prosecutor]: No further question.
[Judge]: Let's move on. I have some questions. What did Mu (Defendant B) say over the phone?

In this excerpt, the defendant suggested that his statement is fabricated by the police, a common practice of Chinese police (Mou, 2020). However, the prosecutor changed the topic to avoid the issue again. More importantly, the judge did the same. Instead of questioning the credibility of the defendant's statement presented by the police, the judge pretended that nothing important happened and moved on to ask a different question. Legal formality helped the prosecutor and the judge. By saying "no further question," the prosecutor indicated that the trial should move on to the next legal proceeding which created a sense of the issues that emerged in the current stage had been solved. The judge indeed "moved on" without seeing the legal elephants in the room, which are the police torture and fabrication of the defendant's statement. The judge, then, reestablished *legal lian* by reaffirming the "correctness" of the evidence and through legalese language.

Transcript (4)

[Judge]: The above-mentioned evidence, including natural information, household registration and address, and criminal record, is confirmed in the indictment. You also have no objections to the indictment and evidence.
[Judge]: Based on how the law is judged, the opinions expressed by the prosecution and the defendant are quite clear, and the court has also recorded the case. The law has its rules and principles of application. It can reflect the punishment and education for you and finally reflect the fairness and justice. In the end, what kind of sentence will be judged for you, and I hope you can truly admit your mistakes deep in your heart. The case will not be pronounced in court. The judgment time will be notified separately.

These speeches about justice, law, fairness, punishment, and education are all used for maintaining the *legal lian* of the court and judges themselves. Judges do not have to use them frequently. Out of the 105 trials, judges adopted this empty legal language in only 14 trials (13%). However, all these 14 trials involve crises of *legal lian*. In these cases, the *legal lian*, maintained by dissolvement, is a *superficial* one, because it is not established or maintained through the application of the law and protection of the defendant's rights. Instead, it is established by tactics such as silence, change of topics, superficially following trial procedures, and empty talk.

Dissolvement has emerged when defendants claim the existence of police misconducts and torture. Judges often face a predicament when those serious issues appear in trials. On the one hand, they lack the judicial authority to check those alleged misconducts to make this trial *legal*. On the other hand, they have to maintain a *legal lian* of the court. They often provide inadequate solutions to dissolve these issues to keep the trial running.

Nevertheless, *legal lian* can also be challenged by defendants' disagreements over the specific facts presented by prosecutors. One would expect that, in order to maintain the *legal lian*, judges might investigate the facts in an impartial way. However, confirming Mou's (2020) findings, in all the trials I observed, when two different versions of fact were presented by the prosecutor and the defendant, the judge invariably supports the prosecutorial version. But a crucial question remains: how do judges support it in the trial? Does the judge support the prosecutor through a legal investigation or legal reasoning, which holds up the *legal lian* of the court? As the next section shows, the answer is no. Judges often simply put down *legal lian* and replace it with *political lian*.

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Political Lian: The replacement of *legal Lian*

As mentioned before, the Chinese court is not only a legal institution but also a political institution. The political nature of the courts adds a *political lian* to judges' face repertoire during trial interactions. There are two ways used by judges to establish the *political lian*: (1) turning him or herself into a social control agent and (2) explicitly using party-state political discourses. The following excerpt illustrates how a minor dispute over a fact brought by the defendant turns the judge into a comrade who serves the party-state. In this case, the defendant is accused of assaulting a police officer. A confession was obtained prior to the trial. However, after hearing the prosecutor's statement of accusing him of intentionally beating the police officer, the defendant challenged this fact.

Transcript (5)

[Judge]: Defendant, do you have any objections to the witness testimony presented by the prosecutor just now? If something is wrong, you can correct it.
[Defendant]: I said just now. I didn't mean to beat the police. I was drunk, so I reacted instinctively. He took my hand, and I shook it (*making gesture to show how he shook the police hand*).
[Judge]: You know how you hit the police even when you were unconscious?
[Defendant]: But the policeman said that I had hit, and he showed me the video.
[Judge]: (*silence for 3 seconds*). Did that hurt the police?
[Defendant]: (*shaking his head*) No injuries.
[Judge]: No injuries?
[Defendant]: (*making a gesture to show how he hit the police again*)
[Judge]: You didn't even touch the police? Or just touch his skin?
[Defendant]: It seems that I just slightly touched his mouth.
[Judge]: I will not ***be entangled with the fact*** about what his injury is. Do you confess? Do you admit to beating him? plead guilty! (*yelling at the defendant*)
[Defendant]: (*nods*)

During this interaction, the judge first asked whether the defendant has any objection to the prosecutor's evidence, and more specifically state that "if something is wrong, you can correct it" to show some fairness. However, when the defendant disputed the fact by saying that he did not mean to beat the police and indicated that he just barely touched the police as he was drunk, the judge immediately questioned the credibility of the defendant's statements. This then, was rebutted by the defendant's statement that the police already showed the video to him. The judge then shifted the topic by asking the severity of the injury which is again questioned by the defendant. Towards the end of the exchange, instead of questioning the prosecutorial version of the fact to maintain the *legal lian* of the court, the judge simply put down the *legal lian* by saying: "I will not be entangled with the fact what his injury is. Do you confess? Do you admit to beating him? plead guilty!" The words "not be entangled with the fact" suggesting the fact is no longer a factor that needs to be investigated during the trial. The *legal lian* is dropped. The judge immediately replaced the *legal lian* with the *political lian* by shouting at the defendant demanding that he plead guilty.

Moreover, judges sometimes disregard the *legal lian* in an even more explicit manner. In one case, two defendants were accused of extorting money from a gambling hall. The prosecutorial evidence, in this case, is extremely weak. Defendants argue that they simply wanted some money back from the gambling hall because they lost seventy thousand Chinese Yuan. The defendants point out that giving a small portion of the money back to the loser is a common practice of underground gambling halls as it helps them to keep their customers. The prosecutor claims that the two

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defendants were extorting money because the defendants told the gambling hall that they will report the gambling hall's illegal business if they do not get some money back. However, the defendants said that they did not make such a statement. The only evidence that the prosecutor has is the statement of the owner of the gambling hall. The legal status of the gambling hall is crucial because if it is illegal, the whole case against the defendants does not stand. During the trial, however, the judge did not investigate the credibility of prosecutorial evidence, nor did she verify the legal status of the gambling hall. Instead, the judge said:

> Transcript (6).
>
> [Judge]: I want to say something that I should not say in trial: you are two troublemakers. They (the gambling hall) are running their business for profit not a welfare service. Why should they give your money back? You have done this in another city, and now you came here did the same thing again. I shouldn't say here this (*lowered her voice and avoided eye contact with the defendants*), but I believe you guys are two troublemakers (*raised her voice*), and this is what I am thinking in my heart, ***so I speak out anyway***.

Here, the judge explicitly expressed her belief that the defendants are troublemakers. As the defendants are non-local people and have criminal records, the judge deemed that they are legitimate or appropriate subjects of social control. The judge admitted that it would be inappropriate to openly express this view, but she said it anyway. The "inappropriateness" is caused by the *legal lian* of the court as the law requires the presumption of innocence instead of presumption of guilt. However, the "I speak out anyway" is emboldened by the political nature of the court. Here, the judge explicitly disregards the law and puts on the *political lian*.

The second way of establishing the *political lian* is explicitly adopting political discourses to diminish the defendant's argument over the facts. Under this circumstance, the trial is, again, no longer a legal proceeding. Instead, it becomes a site for turning the defendant into a political subject. The following excerpt is from the same extortion case presented above:

> Transcript (7)
>
> [Judge]: Based on your performance today, I should warn you, and persuade you. Otherwise, you will regret it in the future. I will give you some publicity and education on the rule of law (or legal system). On January 23rd of this year, ***the Central Committee of the Communist Party of China and the State Council issued a notice on a special crime campaign against gangsters. Your crime of extortion is among the crimes of evil forces. You thought that you were just wanting your money back. Since I can put you in handcuffs, and since you are brought to the court, you are guilty.*** This anti-organized crime campaign will last for three years from January 23rd of this year to the present. Without this special campaign, extortion is an ordinary offense. However, the crime you committed is serious offense now. Nevertheless, after confessing, you don't know what crime you committed and how serious you committed it. Is this called confession? Is this called confession? You didn't surrender yourself! I will give you another chance, do you plead guilty or not? (*speaking in an angry tone*).
> [Defendant]: Yes.

In this excerpt, the judge turns the legal defendant into a political subject of the party-state by invoking the discourse of the anti-organized crime campaign. As scholars have shown, anti-crime campaigns are political projects that should be contained based on the spirit of the law

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(Trevaskes, 2010). The total abandonment of criminal procedure, the use of disproportionate punishment, and the relentless pursuit of targeted crimes are all features of the so-called "campaign justice" (Tanner, 1999; Trevaskes, 2010). In this case, in reality, there is no chance that the judge could treat the defendants' "offense" as crimes targeted by the campaign since there is no organization involved and the so-called offense is minor even according to the case dossier constructed by the police and the prosecutor. However, whether the offense could be treated as crimes targeted by the campaign was not the judge's real concern. The judge used campaign discourse for establishing the *political lian* as the *legal lian* was no longer a viable option when the judge faced the defendants' challenges. Overall, from an institutional perspective, the use of *political lian* surely is driven by the criminal court's goal of social control. This, however, does not prevent the institutional dimension of the court from coexisting with the performative dimension of individual judges.

Mianzi: A situational status

So far, I have illustrated how judges establish and maintain *legal lian*, and how they replace it with *political lian*. Both concepts are about judges' impression management. However, if we treat impression management as a means rather than an end, how do these impression management strategies benefit judges themselves? I argue that both *legal lian* and *political lian* help judges maintain or gain *mianzi* in trials. *Mianzi* generally refers to a person's situational status, namely a temporal status established or maintained during an interaction. In the context of criminal trials, it means a situational professional status of judges. At the backstage, Chinese criminal judges do not have a high professional status. Chinese judges have to constantly play a facilitating role to help prosecutors and the police get the case results they want (Mou, 2020). However, the elevation of the bench, the judicial attire, and the judge-driven trial proceedings all suggest that at the frontstage, the judge should enjoy a high professional status and authority in trials. Whether the mismatch between backstage status and frontage status forces or incentivizes the judge to maintain or gain *mianzi* is beyond the scope of this article. Nevertheless, it is evident that Chinese judges engage in performance to gain *mianzi* in trials.

Judges sometimes indirectly indicate their higher status compared to the police and prosecutors. This is often observed when the defendant shows an inappropriate demeanor during the trial. In one case, the defendant was constantly looking around the courtroom. He did not really pay attention to the judge's questions and could not understand the court proceedings and the judge's words. Toward the end of the trial, when the judge asked whether the defendant has anything to say in his final statement, the defendant replied: "I have nothing to say." Then, the judge said, in a hostile manner:

> Transcript (8)
>
> [Judge]: You waste national resources, say, how to show remorse and what to do in the future. Are you treating this seriously? Tell me about what lessons you should learn from this incident, how to obey the law and how to be a new person. The court is ***not the only place*** you have to show high respect, you should treat ***the police office*** *and* ***the procuracy*** in the same way.

The judge's last sentence during this exchange shows she was signaling that the court normally gets the highest respect by saying that the people should not only respect the court but also respect the other branches of the legal system (i.e., the police and prosecutors). When we consider that the court does not by most measures hold a higher status, the judge was signaling a message that is not true. From a functional perspective, this assertion of high authority could be a way to ensure compliance. Nevertheless, this assertion was also sending a strong message about court's status in the

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criminal justice system. If the goal was solely about ensuring compliance through asserting authority, the judge could claim the court's high status without mentioning the police and the procuracy. The inclusion of the other two branches in the judge's statement not only signal a general high authority of the court but also a high status particularly in relation with the other two branches of the "Iron Triangle."

Moreover, judges can gain *mianzi* by showing off their legal competency. For instance, in one trial, two defendants were accused of insurance fraud by falsifying car accident documents. The two defendants were construction workers and one of them was injured during work when he accidentally got hit by a coal cart. The prosecutor accused them of submitting falsified documents to the car insurance company to get insurance money. For a case like this, in addition to physical evidence of falsified documents, it is crucial to prove the existence of the discussions between the two defendants and their awareness of false information.

Transcript (9)

[Judge]: who starts the discussion of falsifying documents?
[Defendant (a)]: there is no such discussion, we submitted the accident report to the insurance company right after he got hit.
[Judge]: You have to tell the truth.
[Defendant (a)]: The thing (injury) is true.
[Judge]: the injury is true, but do you think you guys should be compensated by the car insurance company?
[Defendant (a)]: No.
[Judge]: Then why did your factory provide you with the proof of injury?
[Defendant (a)]: I don't know why.
[Judge]: You didn't ask them to give you a fake report?
[Defendant (a)]: We just said that the insurance company asks for a proof of injury. And then we get the accident report.
[Judge]: Why this is fake then?
[Defendant (a)]: I don't know. No one said it is fake.
[Judge]: (*silence for 5 seconds*).
[Prosecutor]: What is the exact content of the accident report? Does the report say that defendant (b) was hit by the car while the car was backing up?
[Defendant (a)]: Yes.
[Prosecutor]: Is this what actually happened? Is it true that defendant (b) was hit by the car while the car was backing up?
[Defendant (a)]: No.
[Defense Lawyer (b)]: Yes, you have to clarify this.
[Judge]: You see, this is why I asked these previous questions. Every case has a story which I cannot tell from the dossier. That is why I asked these questions. I am always able to get some real stuff by asking these questions.

In this example, the judge took credit for something that, at first glance, did not belong to her: none of her questions led to the defendant's confirmation of the specific actions of falsifying documents. In fact, the prosecutor was, in this case, the one who got the job done. However, the judge did not acknowledge this fact and treats this as an opportunity to gain *mianzi* by showing that she is a competent judge and in total control of the trial. This practice cannot be simply understood as benefiting the court. The judge's language in this exchange does not refer to the court. Instead, the last sentence shows that the judge's goal was more about showing her personal competency in handling cases and trials.

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Although judges can sometimes use legal competency to gain *mianzi*, the *legal lian* is not always available to judges. In fact, if a judge always tries to keep the *legal lian*, his or her high professional status (i.e., *mianzi*) is hard to maintain because of the judge's inability to conduct meaningful court investigations over the facts and evidence presented by the prosecutor. Nevertheless, the tension between *legal lian* and *mianzi* could be replaced by the interdependence between *political lian* and *mianzi*. For instance, in the assaulting police case I presented before, the judge said "I will not be entangled with the fact about what his injury is. Do you confess? Do you admit to beating him? plead guilty!" By adopting this coercive and punitive measure, the judge does not protect *legal lian*. In contrast, this authoritarian statement diminishes the legality of the court and the judge, as the judge completely ignores the disputed facts presented by the defendant. This statement, however, establishes the judge's high status (*mianzi*) in the trial. By suppressing the defendants' arguments, the judge eventually protects her *mianzi* as a weaker player in the legal system. In a similar vein, the use of campaign language to suppress defendants' disagreements and legal issues is also a way to maintain judges' *mianzi* in trials. Again, punitiveness and high situational status are paired in Chinese routine criminal trials.

Lastly, the face-work of professional status in trials requires the cooperation of other legal actors. Prosecutors often work together with judges to save judges' *mianzi*. The next example describes a scene in which the prosecutors discovered that the defendant was being accused of a wrong type of crime. As the judge was supposed to discover this mistake through her reading of the case dossier prior to the trial, this discovery diminishes her high status during trial interactions. Not surprisingly, face-works dominated the following interaction.

Transcript (10)

[Judge]: Well, the trial of the defendant (x) who committed insurance fraud ends here. The court is now adjourned. (*stood up*)
[Prosecutor (1 and 2)]: Is it insurance fraud?
[Prosecutor (2)]: That's not right.
[Judge]: Right?
[Prosecutor (2)]: That's not true.
[Judge]: Right?
[Prosecutor (1)]: ***He*** cited Article 266 (*in the case dossier*), which is crime of fraud not insurance fraud.
[Judge]: Take a look. At first, the defendant was detained for insurance fraud.
[Prosecutor (2)]: This has to be rewrite. This is wrong. It is not the crime of fraud.
[Judge]: Right?
[Prosecutor (2)]: Then he was prosecuted under the name of fraud, not insurance fraud.
[Judge]: Do you think…we should… right…? Normally… we should…follow that…right? (*the judge and the prosecutor were moving closer to each other and making eye contact*)
[Prosecutor (1)]: Insurance fraud.
[Judge]: Right?
[Prosecutor (1)]: Isn't this a typical insurance fraud?
[Judge]: Then I will ask ***him***.
[Prosecutor (2)]: You should ask the one who handles the case.
[Judge]: Yes, yes. Ok.

In this excerpt, various kinds of face-works emerge. First, it involves the judge's defensive measure to save her face by her repeated use of the phrase: right? (*shi bu shi*? 是不是? also can be translated as "is that the case?"). During this short exchange, the judge used this phrase five times to indicate that she was not totally ignorant of this mistake. In the local dialects of

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Northeast China, "*shi bu shi*?" is often used to hide one's inability to perceive and acknowledge certain things. It is often used to turn others' opinions into one's own opinions. It implies that "I've already been thinking in the same way." In this example, the judge kept adopting this phrase to align with the prosecutors' statements. This alignment is not only reflected in their language but also in their physical movement. Both the judge and the prosecutor were making eye contact and moving closer to each other, but they did not move beyond their own "territories" (the bench and the prosecution desk) since a private conversation cannot save the judge's *mianzi* (Goffman, 1971). Hence, the alignment has to be subtly established in a public setting to save the judge's *mianzi* in this dangerous and tumultuous moment.

It is worth mentioning that this scenario could jeopardize the status and authority of the prosecutors because they are the ones who bring the charge against the defendant. However, in the Chinese context, the prosecutors who are present in the courtroom during a trial might not be the same prosecutor who actually handles the case. This is a common practice that is recognized by Chinese legal practitioners. Thus, even though the above excerpt could be a face-losing scenario to the procuracy as an institution, it might not be able to make the prosecutors before the court lose their face as individuals. The divergence between legal institutions and legal practitioners needs to be recognized.

This faceless prosecutor allows the prosecutors in the trial to save not only the *mianzi* of themselves but also the judge's *mianzi* in the above example. By stating that "*He* cited Article 266 (*in the case dossier*), which is crime of fraud, not insurance fraud," prosecutor (1) directed people's attention away from the frontage (trial) to the backstage of the legal system, which in turn enables everyone at the frontstage to save their *mianzi* including the judge's face. The exchange ends by the judge's agreement to ask the "one who handles the case" at the backstage. Everyone's face is saved, and so is the trial.

Moreover, defense lawyers, if they are present, also have to engage in extensive face-works in trials. The defense lawyer rarely directly challenges the judge's statement. When disagreement emerges, the defense lawyer would state her opinion in a euphemistic manner. In the extortion trial presented before, the defense challenged the illegal status of the gambling hall:

Transcript (11)

[Judge]: If you are saying that the gambling hall is illegal, you are actually saying the two defendants are not guilty of extortion?
[Defense Lawyer]: Yes, this is what I mean in my defense.
[Judge]: This means I have to wait for another trial for deciding whether the gambling hall is illegal before giving a verdict for this one? Let's discuss this between two of us.
[Defense Lawyer]: (*smiling*) I hope, judge (*fa guan*) because the issue in this case is just about the two defendants want to get back money they lose by calling the mayor's office to report the illegal activities in the gambling hall…then…
[Judge]: The call was made several month ago and the city government and the police has not investigated the gambling hall, so do I have to wait here forever?
[Defense Lawyer]: I am not suggesting you wait, judge (*fa guan*). What I am suggesting is that we should transfer the case of illegal gambling hall to the police before reaching a verdict for this case. I believe, judge (*fa guan*), both you and I, as legal practitioners, want to restore the facts of a case and want to achieve the goal of judicial justice.
[Judge]: I will take a note of this, but it is not a guarantee.

In this excerpt, the defense lawyer was trying to present her defense of not guilty while maintaining the judge's *mianzi* by invoking language that reflects the ideals of legal profession. She intentionally aligns the judge with herself and tries to portray them as legal practitioners

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joined by the collective desire to pursue judicial justice. This is a common pattern in the trials I observed. The more serious challenges the defense lawyers make, the milder the tone becomes. Overall, prosecutors and defense lawyers often play the role of judges' teammates in the process of face-work.

CONCLUSION

In this article, I use the case of Chinese routine criminal trials to develop a face-work framework for understanding courtroom interactions. Courts in an authoritarian context always face the tension between law and politics. The empirical analysis shows how the face-work framework, from a performative perspective, helps identify how the entanglement of law, politics, and self-interests influences legal actors' actions in authoritarian regimes. It is important to emphasize that the performative aspects do not replace other explanations for the behavior of authoritarian courts. The coercive and punitive measures in Chinese routine criminal trials could be driven by institutional goals of lower courts such as efficiency and social control. They could be explained by judges' self-interests other than *mianzi*, such as fear of reprisal from prosecutors, police, or higher authorities. They could also be explained by the low level of professionalization in Chinese lower courts. Nevertheless, the face-work framework is not a zero-sum game with other theories or explanations. The framework treats other institutional explanations as the social contexts in which face-work performances operate. It highlights situational and socially constructed self-interests to make sense of interactional moments when a legal professional may shift from one justification for their behavior to another. Although there are many other types of self-interests, the fact that people treat their self-image seriously in face-to-face interactions (Goffman, 1959) makes face-work a powerful framework for understanding courtroom interactions.

Although the Chinese criminal justice system is vastly different than its counterparts in Western-democratic systems, *legal lian*, *political lian*, and *mianzi* are general conceptual tools for understanding interactions in lower courts. *Legal lian* represents signals of law. Some of them, such as the demarcation of legal space and judicial attire, could be used for the consecrating function of law (Bourdieu, 1987). Some of them, such as the speedy trials and the empty language used for dissolvement could be merely a face of law that hides other functions of the courts. The concept of *legal lian* leads to a critical gaze towards any legal signal in courtroom interactions. In his classic study on the lower criminal courts in New Haven, Feeley (1979, p. 278) claims that "courts are not what they appear to be." There, the *legal lian* is not mainly manifested by adjudication and sentencing, but by various criminal procedures. The rise of due process and rights of defendants under the Warren Court in the 1960s makes American lower courts appear to be a much more law-oriented institution in the eyes of the public. However, those rigid criminal procedures do not protect defendants from the government's intrusion; instead, they punish those people who are trapped in the courts. In other words, the superficialness of *legal lian* is not the result of decoupling or the gap between law on the book or law in action, it is a routine practice that maintains the operation of lower criminal courts both as a legal institution and a social control institution.

While *legal lian* allows scholars to identify how courtroom interactions appear to be a legal one, the concept of *political lian* helps understand the undercurrent of criminal courts. The *political lian* is hidden much deeper under the face of law in Western criminal courts than in authoritarian courts. Judicialization of politics is a more popular concept than politicization of judiciary in the Western context. However, in his recent work on French criminal trials, de Lagasnerie (2018) argues that the courtroom is a disturbing and political space in which the judge exercises an act of violence on the accused. In America, the lower courts' control of marginalized communities has been documented extensively (e.g., Van Cleve, 2020; Kohler-Hausmann, 2018; Natapoff, 2018). Although all these studies reveal the political nature of criminal courts, we do not yet have a good understanding of how *political lian* and *legal lian* interact in the performances of legal actors. For instance, *political*

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lian emerges when a defense lawyer and a prosecutor negotiate the terms of imprisonment based on a defendant's prior records (a legal signal) without carefully examining case evidence. It emerges when a judge requires multiple appearances of the accused in the courtroom through various legal procedures (a legal signal) without considering the impact of those decisions on the defendant's life. It emerges when all legal actors only consider the factual innocence of criminal defendants (a legal signal) but not their moral innocence (Bibas, 2013).

The concept of *mianzi*, a situational status of legal professionals, is also a valuable concept for analyzing courtroom interactions in other jurisdictions. If one uses a structural lens to understand the status of legal professionals in lower courts, a straightforward answer can be provided: many of them are marginalized in the legal community and do not enjoy a high status (Zaloznaya & Nielsen, 2011). Lower courts are generally not a healthy environment for legal professionals to establish higher status. For public defenders, they have to deal with clients who do not believe adequate defense would be provided. For prosecutors, they have to work with defense lawyers who often consider prosecution as a part of the racialized carceral state. For judges, they often have to provide what Reinhold Niebuhr (2011, p. 118) calls "proximate solutions to insoluble problems." The courtrooms are filled with frustrations, indifferences, and predicaments (Feeley, 2020). Nevertheless, this does not mean that grassroots legal professionals give up on maintaining or promoting their status, which often results in competition for professional status between judges and other legal actors. Such competition has been shown to exist in lower courts in many parts of the world such as Japan and Latin America (Hersant, 2017; Muneyuki, 2021).

The concept of *mianzi* furthers our understanding on professional status by directing people's attention to its situational aspect and its various sources. For instance, Hersant (2017, p. 23) argues that, in the lower criminal courts in Chile, some "judges demonstrate their symbolic status […] [by] asking the lowliest [administrative] official in the court to go and buy them a snack or settle their domestic bills." I agree with Hersant's assessment, but he does not explain how status is demonstrated by asking officials to perform judges' private errands. For example, was the judge asking the official in a polite manner or a demanding way and how did the official react? The concept of *mianzi* enables us to examine the interactional moments between judges and officials to understand the maintenance of professional status. It is through a sequence of interactions that judges gain their *mianzi*, from them asking for a favor and officials agreeing to perform it. The concept also reminds people that law is never the sole source for establishing legal professionals' situational status in lower courts. In Hersant's example, instead of showing off legal skills, the judge uses his or her pure institutional authority to gain *mianzi*.

Lastly, although the focus of this study is criminal trials, the face-work framework has the potential to explain courtroom interactions in civil trials and alternative dispute resolution (ADR). In those more negotiation and mediation-oriented legal settings, whose goal often is reaching consensus rather than a one-sided verdict, it is crucial to maintain or give face to one another. It is hard to achieve a successful mediation or negotiation if one party completely loses their face in interactions. To describe and explain the face-work processes in these legal settings is a task for future research.

Sociolegal scholars should not be trapped by the goals of the legal institutions that they study. It is important to use our sociological imagination (Mills, 1976) and detailed empirical analysis to reveal neglected features of legal and criminal justice systems. This article has proposed a face-work framework to reveal the performative aspect of routine criminal trials. Using trial videos as a novel data set and my positionality as a native *dongbei* person, the framework is developed through a comprehensive analysis of trial interactions. It is a theory grounded in Chinese soil, but it has explanatory potential in many global settings.

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