

避免二次伤害： 警察讯问言语研究

袁传有 著

AVOIDING REVICTIMIZATION: A STUDY OF POLICE INTERROGATION SPEECH

外语教学与研究出版社
FOREIGN LANGUAGE TEACHING AND RESEARCH PRESS

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FOREIGN LANGUAGE TEACHING AND RESEARCH PRESS
北京 BEIJING**

图书在版编目(CIP)数据

避免二次伤害：警察讯问言语研究：英文 / 袁传有著. — 北京：外语教学与研究出版社，2010. 7
ISBN 978-7-5600-9861-6

I. ①避… II. ①袁… III. ①警察—法律语言学—研究—英文 IV. ①D90-055

中国版本图书馆CIP数据核字（2010）第147404号

出 版 人：于春迟

责任编辑：郑建萍

封面设计：梁 东

出版发行：外语教学与研究出版社

社 址：北京市西三环北路19号（100089）

网 址：<http://www.fltrp.com>

印 刷：北京传奇佳彩数码印刷有限公司

开 本：650×980 1/16

印 张：19.25

版 次：2010年8月第1版 2010年8月第1次印刷

书 号：ISBN 978-7-5600-9861-6

定 价：67.90元

* * *

购书咨询：(010)88819920 电子邮箱：club@fltrp.com

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联系电话：(010)61207896 电子邮箱：zhijian@fltrp.com

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物料号：198610001

前言

本著作是本人博士论文《避免二次伤害：从警察讯问到警察询问的言语转变》的进一步深入研究，属于法律语言学研究领域，旨在运用语言学理论和方法分析、解决法律问题。本研究中的“二次伤害”指警察的讯问言语对家庭暴力案件中作为犯罪嫌疑人的受虐女性所造成的言语伤害。“二次伤害”问题可以通过警察讯问模式的变革——从讯问到询问的言语转变加以避免。

基于言语适应理论和语言评价理论，本研究建构了“多维度言语转变模型”作为研究警察话语的分析框架。该框架主要包括影响言语转变的社会、文化和心理维度及各维度的制约因素，如权力关系、平等关系、警察文化（有罪推定与无罪推定）、讯问动机等。上述因素直接或间接地影响着言语转变的实现，表现于警察对语言策略的选择和语言手段的利用。该框架设计的语言策略包括对话紧缩、对话延展、言语趋异和言语趋同。以上策略又通过若干子策略（如强化、弱化、语用嬗变等）和一系列词汇、句类、语篇层面的语言手段来实现。

本研究运用该分析框架，从社会、文化和心理维度就警察言语进行话语分析。分析的语料来源于家庭暴力案件的《讯问笔录》，讯问对象多为女性犯罪嫌疑人。分析表明，在讯问中警察经常使用大量的法律术语和正式词汇、强迫认罪的命令句、要求自证其罪的疑问句、批评责备性的问题，以及无反馈语的三步会话结构以实现对话紧缩和言语趋异的语言策略。以上语言手段和策略压缩了犯罪嫌疑人的话语空间，减少甚至剥夺了犯罪嫌疑人自行辩护和无罪或罪轻辩解的权利，造成对犯罪嫌疑人的“二次伤害”。相反，在询问中

警察使用普通或简易词汇、纯信息或事实探询功能的疑问句和带有反馈语的三步会话结构等，以实现对话延展和言语趋同的策略，扩大犯罪嫌疑人辩解的话语空间，与犯罪嫌疑人建立起信任关系，从而最大限度地避免对犯罪嫌疑人的“二次伤害”。因而，本研究得出结论：从警察讯问到警察询问的言语转变能有效地避免“二次伤害”。

本研究的主要创新点在于运用“多维度言语转变”的语言学分析框架分析、阐释了如何解决警察讯问中存在的“二次伤害”这一重要法律问题，从而证明了从多维度分析解决该问题的可能性和有效性。本研究系统地分析了相关的语言策略和手段，提供了用于解决相关法律问题的语言学思路和方法。本研究对于法律语言学研究、法律语言教学和法律相关人员培训均有一定的启示，在实践方面也能为正在进行的司法改革和正在修订中的《刑事诉讼法》提供语言学的理论参照。

本书用英文出版，便于向国外推广，加深国外法律语言学界对中国法律语言的认识。本书行文中可能还存在技术问题，希望读者指出以便作者加以修正。

序 一

欣闻袁传有博士的《避免二次伤害：警察讯问言语研究》即将付梓，由外语教学与研究出版社出版，我为之感到高兴。该书是由作者同题的博士论文改写而成。我自己在法律语言学领域读书不够，在研究上造诣不高，只是迫于指导学生做论文的需要才涉猎了一些，所以说话权威性不够。但作为袁传有同志博士学位论文答辩委员会主席，我还是在广东外语外贸大学见证了中国法律语言学研究在某些领域的新发展和新突破。该书不失为法律语言学研究领域的一部杰作。

该书运用系统功能语言学的评价理论，融合社会语言学的言语适应理论，建构了“警察讯问多维度言语转变模型”，并对警察讯问言语及其对家庭暴力类案件中的受虐女性所造成的“二次伤害”进行了深入细致的分析和研究。作者指出从警察讯问到警察询问的言语转变是避免“二次伤害”的有效途径，但言语转变必须植根于社会、文化和心理维度各因素的观念转变，如权力关系、有罪推定和无罪推定、讯问动机和对家庭暴力犯罪的认知等。作者进而提出实现多维度言语转变的语言策略和语言手段，如从对话紧缩到对话延展、从言语趋异到言语趋同、从二步会话结构到三步会话结构等。基于翔实的语料分析和验证而建构的言语转变模型试图从语言学角度解决“二次伤害”这一法律问题，具有较强的理论意义和实践价值。

袁传有博士的学术研究精神也给我留下了深刻印象。早在 2005 年 10 月在河南大学举行的第九届中国功能语言学暨首届国际语言评价系统学术研讨会期间，他就曾带着他的博士论文开题报告和我进行商讨，言简意赅地向我阐述了该选题的意义和总体设想，并征求

我的意见。此后，通过多次电子邮件往来，我们还探讨了一些相关问题，从中我可以感受到他对学术研究孜孜以求的精神和缜密严谨的学术作风，我自己也学到了很多新的东西。

我深信袁传有博士在今后的学术研究中能持之以恒，坚持做学术研究，在法律语言学研究领域多出成果，出好成果，为中国法律语言学的发展做出更大的贡献。

张德禄

2010年5月于上海同济北苑

序 二

袁传有博士的著作《避免二次伤害：警察讯问言语研究》即将出版，受其委托代为写序。作为导师，我对作者整个写作过程中付出的种种艰辛非常了解，对其孜孜以求、勇于探索的开拓精神印象深刻。法律语言学是一个崭新的研究领域，近年来，国内学术队伍逐渐壮大，人才辈出，成果丰硕，令人欣慰。

警察讯问言语是法律语言学研究的重要课题，在国外法律语言学界已有不少研究成果，并且已直接应用到警察讯问的实践中。作者敏锐地洞察到该研究的动态，选择中国的警察讯问言语作为研究对象，具有鲜明的现实意义，体现了法律语言学为我国法治建设服务的研究宗旨。作者基于评价理论和言语适应理论，在本书中建构了“多维度讯问言语转变模型”，包含适应社会、文化和心理维度的讯问言语策略和语言手段。该模型为法律语言学研究提供了一套切实可行的分析框架，已被法律语言学者所采用，具有较大理论价值。该模型的建构，是法律语言学理论建设中的一种成功尝试。

作者在文中用到的评价理论，是系统功能语言学的新发展，为了深刻领会该理论，作者专程赴开封参加“系统功能周”(Systemic Week)，就评价理论相关观点同 Martin 和 White 教授直接交流，并在此基础上，创新性地应用该理论解决问题。这种严谨、一丝不苟做学问的态度，也贯穿他整个写作过程，作为导师我深感欣慰。此书的出版，是他本人的收获，也是法律语言学界的幸事，值得祝贺。欣然命笔，聊发数语，是为序。

杜金榜

2010年5月于广州白云山下

Acknowledgements

In writing this book, I have incurred many debts to many people for their advice and support.

I am especially indebted to Professor Du Jinbang, my supervisor and colleague, for his generous forbearance, intellectual guidance and rigorous training. I do not even know how to thank him for having set me on the thorny but rewarding path to forensic linguistics. His pursuit of truth and justice has benefited me a lot, and his acute criticism and ingenious proposals have greatly inspired me at each and every phase of the present research, including topic selection, data analysis, draft revision, and even correction after dissertation defense. Without his provocative comments and persistent encouragement, I would not have been able to come up with the present book. However, in case of any remaining mistakes in this book, the responsibility will be mine. By the way, I would like to take advantage of this opportunity to thank Ms. Zhang Xinrong, Professor Du's wife, for her constant concerns, generosity and understanding.

I also owe thanks to the Center for Linguistics and Applied Linguistics, Guangdong University of Foreign Studies, for its accessible facilities and meticulous scholarship, and to its learned professors for their insightful lectures during my study there. I am particularly grateful to Professor Liu Yiting, Professor Li Ming, Professor Mo Aiping, Doctor Xu Zhanghong and Doctor Zhang Xinhong (Guangdong University of Foreign Studies) for their attendance at my topic-selecting report and for their probing questions and valuable suggestions during my writing of this book.

My heartfelt thanks also go to Professor John Gibbons (University of Sydney and Baptist University of Hong Kong), my mentor who has put me on the right track of the research of forensic linguistics, and Professor Jim Martin (University of Sydney) and Doctor Peter White (University of Adelaide), Professor Liao Meizheng (Central China Normal University), Professor Wu Weiping (Chinese University of Hong Kong), Professor Wang Zhenhua (Henan University), and Professor Zhang Delu (Ocean University of China), for their invaluable comments on earlier proposals and drafts of this book, which saved me from many a blunder. I have also profited immeasurably from discussions with Huang Ying, Han Jinlong, Dai Zhongping, Sun Li, Zhang Liping, Liang Ruiqing, Wang Aihua, Ma Xiao, and Li Liang. I wish to extend my sincere thanks to all of them.

I feel greatly obliged to Doctor Henrike K rner (University of Sydney), who kindly sent me her unpublished Ph.D thesis which carries a similar research to mine, and Doctor Yang Wenhui, who helped to find some valuable references in Hong Kong that are not available to me here.

Finally, I would like to turn to the other side of the world and thank my family. I am most grateful to my wife, Chen Dongmei, who, as ever, has kept me going with her unfailing love and encouragement during these years; to my dear son, Yuan Mingchen, for his understanding of my negligence over him and his good grades at school, of which I feel proud over the past four years.

Contents

Acknowledgements	xiii
List of Figures and Tables	xv
Chapter 1 Introduction	1
1.1 Rationale of This Study	2
1.2 Working Definitions	4
1.3 Research Objective.....	6
1.4 Research Questions.....	6
1.5 Data and Research Methodology.....	7
1.5.1 Data Collection and Data Classification.....	7
1.5.2 Research Methods	12
1.6 Significance of This Study.....	13
1.7 Organization of This Book.....	14
Chapter 2 Previous Studies of Relevant Topics	16
2.1 Introduction	16
2.2 Studies on Domestic Violence	16
2.2.1 Definitions of Domestic Violence and Violence Against Women	16
2.2.2 Relevant Laws and Regulations	18
2.2.3 Research on DV/VAW	22
2.3 Research on Police Interrogations	27
2.3.1 Interrogation Tactics and Techniques.....	27
2.3.2 Approach of Forensic Psychology	30

2.3.3 Communication Approach to Policing Domestic Violence.....	34
2.3.4 Approach of Forensic Linguistics.....	37
2.3.5 Legislative Power of Interrogating Suspects by the Police in China	44
2.3.6 Approaches to Language Issues of Police Interrogations in China	50
2.3.7 Related Research on Linguistic Strategies in Courtroom Interaction	56
2.4 Linguistic Theories Relevant to Speech Shifting.....	60
2.4.1 A Survey of the Speech Accommodation Theory	60
2.4.2 SAT in Use	64
2.4.3 An Overview of the SFL and Its Appraisal Theory.....	68
2.4.4 SFL and Appraisal Theory in Use	72
2.4.5 The Birmingham School of Discourse Analysis.....	75
2.6 Summary.....	79
Chapter 3 Theoretical Framework.....	81
3.1 Introduction	81
3.2 Revisiting the Linguistic Theories Along Three Dimensions	82
3.2.1 Engagement System Realizing Social Variables: Power and Solidarity	82
3.2.2 Accommodation Adapting to Cultural and Psychological Dimensions	85
3.2.3 Language Devices Realizing the Linguistic Strategies.....	89
3.2.3.1 Lexical Choice and Information Density.....	89
3.2.3.2 Grammatical Variation and Pragmatic Transmutation.....	90

3.2.3.3 Exchange Structure: Two-Move Versus Three-Move Exchanges	92
3.2.3.4 Structural Location	94
3.3 The Analytical Framework	96
3.3.1 The Notion of Speech Shifting	96
3.3.2 A Multi-Dimensional Speech Shifting Model	97
3.4 Summary	99
Chapter 4 Speech Shifting Along the Social Dimension	100
4.1 Introduction	100
4.2 Conventional Speech in Police Interrogations	100
4.2.1 Power Relation Dominating Police Interrogations	101
4.2.2 Dialogic Contraction as a Linguistic Strategy to Maintain Power Relation	107
4.2.3 Micro Strategies and Language Devices to Realize Dialogic Contraction	108
4.2.3.1 Identifying Intergroup Membership	108
4.2.3.2 Controlling Exchange/Discourse Structure	111
4.2.3.3 Delivering Police Warnings	116
4.2.3.4 Proclaiming the Criminal Policy	118
4.2.3.5 Making Use of Pragmatic Transmutation	119
4.2.4 Limitations of the Conventional Interrogation Speech	121
4.3 Speech Shifting to Police Interviewing	124
4.3.1 Solidarity Relation Prevailing in Police Interviewing	124
4.3.2 Dialogic Expansion as a Linguistic Strategy to Build Solidarity Relation	125
4.3.3 Micro Strategies and Language Devices to Realize Dialogic Expansion	126

4.3.3.1 Establishing Rapport with Suspects.....	126
4.3.3.2 Attenuating Suspect's Criminal Liability.....	133
4.3.3.3 Accentuating Victim's Blunder	138
4.3.3.4 Being Sympathetic and Empathetic to Suspects.....	140
4.3.3.5 Delivering Police Cautions.....	146
4.3.4 Merits of the Police Interviewing Speech.....	148
4.4 Summary.....	149

Chapter 5 Speech Shifting Along the Cultural Dimension151

5.1 Introduction	151
5.2 Cultural Dimension Affecting Speech Shifting.....	151
5.2.1 Police Culture	152
5.2.2 The Suspects' Literacy	158
5.2.3 Culture-Determined Speech Shifting.....	159
5.3 Speech Divergence in Police Interrogations	159
5.3.1 Lexical Divergence.....	160
5.3.2 Grammatical Divergence.....	168
5.3.2.1 Divergent Statements.....	169
5.3.2.2 Divergent Mands.....	172
5.3.2.3 Divergent Questions	174
5.3.3 Discursive Divergence	189
5.4 Speech Convergence in Police Interviewing.....	193
5.4.1 Lexical Convergence	195
5.4.2 Grammatical Convergence	197
5.4.2.1 Convergent Statements to Deliver Police Cautions	197
5.4.2.2 Convergent Mands to Make Requests.....	202
5.4.2.3 Convergent Questions to Seek Information	204

5.4.3 Discursive Convergence.....	206
5.4.4 Speech Shifting from Divergence to Convergence	208
5.5 Summary.....	209

Chapter 6 Speech Shifting Along the Psychological

Dimension	211
6.1 Introduction	211
6.2 Attitude-Related Speech Shifting	212
6.2.1 Perception-Related Linguistic Strategies.....	213
6.2.2 Affect-Related Speech Accommodation.....	215
6.2.2.1 Speech Divergence with Negative Affect	216
6.2.2.2 Speech Convergence with Positive Affect.....	217
6.3 Role-Based Speech Shifting	220
6.3.1 Speech Accommodation Based on Differing Police Roles	221
6.3.2 Speech Accommodation Based on Perceived Roles of Suspects	225
6.4 Motivation-Driven Speech Shifting	230
6.4.1 Speech Divergence Motivated by Eliciting Evidence and Confessions	230
6.4.2 Speech Convergence Motivated by Seeking Information for Justice.....	234
6.5 Gender-Differentiated Speech Shifting	237
6.5.1 Speech Accommodation on Gender Difference of the Police	238
6.5.2 Speech Accommodation on Gender Difference of Suspects	242
6.6 Summary.....	249

Chapter 7 Conclusion	251
7.1 Summary of the Present Study	251
7.2 Major Findings of the Study	253
7.2.1 Findings Along the Social Dimension.....	253
7.2.2 Findings Along the Cultural Dimension.....	255
7.2.3 Findings Along the Psychological Dimension	258
7.3 Conclusions.....	261
7.4 Implications	264
7.5 Limitations	266
7.6 Suggestions for Future Research	268
References	269
Appendices	285
Appendix I: Legislative Stipulations on “Interrogation” Versus “Interviewing”	285
Appendix II: Police Cautions	289

List of Figures and Tables

Fig. 2.1	Speech Accomodation and Its Supporting Theories	62
Fig. 2.2	Development of SFL.....	69
Fig. 2.3	The Engagement System.....	71
Fig. 2.4	A Topology of Values Closing down Heteroglossic Diversity.....	73
Tab. 3.1	Resources of Engagement.....	84
Fig. 3.1	Speech Shifting as a Multi-Dimensional Process.....	96
Fig. 3.2	A Multi-Dimensional Speech Shifting Model.....	97
Fig. 5.1	LID in Three Extracts.....	163
Fig. 5.2	LID in Three Extended Extracts	164
Fig. 5.3	LID in Type-I and Type-II Cases.....	165
Tab. 5.1	Ba-Imperatives in Type-I Cases	173
Tab. 5.2	Two Versions of the Miranda Rights.....	199
Tab. 5.3	Ba-Imperatives in Type-II Cases	203