PhD abstract

Avoiding revictimization: shifting from police interrogations to police interviewing in China

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Revictimization of rape victims has long been a legal issue studied from linguistic perspectives in the field of forensic linguistics (e.g. Conley and O'Barr 1998, Matoesian 1993, 1995, 2001). What previous researchers mean by 'revictimization' is that the victim is 'forced to relive the rape in her courtroom testimony and is revictimized in this literal sense' and 'the victim being blamed for the crime' (Conley and O'Barr 1998: 17) by defense lawyers in cross-examination.

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The present thesis conducts a forensic linguistic study on the issue of revictimization not of rape victims but of battered women suspects who go on to kill their aggressors (Walker 1999, Liu and Chan 1999, Zhao 2001, Tang et al. 2002). Revictimization in this context refers to second-time victimization by police interrogators of battered women, i.e., victims of domestic violence who were physically and mentally victimized by their abusive husbands before committing homicides. The research shows that this type of revictimization is primarily enacted by the police via their interrogating language, which is characterized by overuse of legalese and formal terminology, excessive employment of imperative mood and confirmation-seeking questions (Woodbury 1984, Tsui 1992, Zhang 2004), and intentional choice of Initiative-Response (IR) exchange structure (Sinclair and Coulthard 1975, Coulthard 1992). Such language use at lexical, sentential, and discourse levels is beyond suspects' comprehensibility, demanding self-incriminating confessions, or requesting suspects to offer preferred answers to the questions. As a consequence, suspects are not allowed to 'relive' the domestic violence or to retell their experience of being victimized in their own words, and are thus deprived of the discourse space and opportunity to defend themselves.

This thesis argues that revictimization can be avoided via shifting from an interrogation towards a new style of police interviewing (Williamson 1993, Gudjonsson 2003, Heydon 2004). It is hypothesized that shifting is realized by a set of linguistic strategies and language devices.

On the basis of the Speech Accommodation Theory and Appraisal Theory, we construct an analytical framework, namely 'A Multi-Dimensional Speech Shifting Model', to describe, analyze, and interpret police speech. This model depicts speech shifting along social, cultural, and psychological dimensions, which involve such variables as power and solidarity relations, police cultures of 'presumption of guilt' and 'presumption of innocence', and police perceptions of domestic violence. All these variables affect and constrain shifting that is realized by the linguistic strategies of **dialogic contraction** versus **dialogic expansion** (Martin and White 2005, Körner 2000), and **speech divergence** versus **speech convergence** (Giles et al. 1991), which are further realized by such micro-strategies as accentuation, attenuation, and pragmatic transmutation, and a set of language devices at the levels of lexis, syntax, and discourse.

Following this analytical framework, a comprehensive and detailed discourse analysis was undertaken of data taken from official 'Interrogation Records' (i.e. written records of police interrogations) of murder cases in which the suspect had been a victim of domestic violence. The data consisted of fifty interrogation records from fourteen homicide cases involving domestic violence, collected from various levels of police bureaus, people's courts, and

people's procuratorates in five cities in China. Upon careful examination of the language use against the variables and strategies set in the analytical framework, the data is classified into two categories – police interrogation and police interviewing.

Data analyses reveal that in police interrogations the police tend to overuse intimidating legal terms and formal lexis, confession-eliciting imperatives, self-incriminating interrogatives, accusatory questions, and the two-move Initiative-Response (IR) exchange structure to realize the linguistic strategies of dialogic contraction and speech divergence. These linguistic strategies and language devices function to contract suspects' dialogic space and curtail or even deprive suspects of their legitimate right to defend themselves, resulting in revictimization. Conversely, in police interviewing the police make use of plain words, genuine information-seeking questions, and the three-move Initiative-Response-Follow-up (IRF) exchange structure, to realize the linguistic strategies of dialogic expansion and speech convergence, opening up suspects' dialogic space for innocence defense and building rapport with suspects, thus avoiding revictimization to a great extent.

The major findings along the three dimensions are many and varied. For instance, confession-eliciting questions such as incriminating interrogatives, coercive imperatives, and accusatory 'why' questions are found to be extensively used in police interrogations, while information-seeking questions such as the 'for what' questions are widely employed in police interviewing. Typical examples are:

(a) 你 为什么 杀死 你 丈夫?

　　Nǐ wèishénmo shāsǐ nǐ zhāngfū

　　Why did you kill your husband?

(b) 你 为什么 没 想到 这么 捅 能 把 人 捅死?

　　Nǐ wèishénmo méi xiǎngdào zhèmo tǒng néng bǎ rén tǒngsǐ

　　Why didn't you realize that such stabs could kill a person?

(c) 你 是 因为 什么事儿 把 你 丈夫 打死了?

　　Nǐ shì yīnwéi shénmōshìer bǎ nǐ zhāngfū dǎsǐle

　　For what matter did you batter your husband to death?

Here, in (a), the positive why-question (Why did you …?) was asked after the suspect had made clear the reasons why and the situation under which she took the action. According to Quirk et al. (1985), it conveys a negative overtone, and depending on the context could rhetorically imply, 'You shouldn't have killed

him'. The illocutionary force is actually accusing the suspect of her behaviour rather than seeking the genuine cause of her action. In the same vein, the negative why-question ('Why didn't you…?') in (b) functions even stronger to reproach the suspect for not having realized the obvious consequence of the 'stabs' rather than asking for specific reasons for her failure to realize the consequence.

Unlike the 'why' questions in (a) and (b), the 'for what' question in (c) aims to seek unknown information and shows genuine interest on the part of the police in seeking the real causes leading to her killing action. In using this information-seeking question, the police allow the woman suspect dialogic space to elaborate on the cause of her actions, resulting in a lengthy account of the sexual and/or physical abuse the husband perpetrated on her, which might constitute a valid defense for her taking the action of killing her husband.

From the brief analysis we can tell (a) and (b) belong to the interrogation style wherein the suspects were revictimized via the accusatory why-questions, whilst (c) falls into the style of interviewing, which constitutes a genuine attempt at eliciting information. These findings, among others, lead to the conclusion that speech shifting from police interrogations to police interviewing is an effective linguistic means to avoid revictimization of the battered women suspects who kill in domestic violence cases.

The major contribution of the present research lies in addressing the important legal issue of revictimization in police interrogations with a linguistic model, which involves linguistic strategies and language devices.

The present research sheds light on the judicial practice in China as well as the study of forensic linguistics *per se*. It is also hoped that the research findings can be of value to the ongoing judicial reform and the re-amendment of the Criminal Procedural Law of P.R.C., both of which place much emphasis on procedural justice as well as substantive justice.

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