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硕 士 学 位 论 文

预设在警察讯问中的语用功能

The Pragmatic Analysis of Presupposition in Police Interrogation

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Abstract

Pragmatic presupposition has been a great interest of many philosophers and linguists. Many of them have done thorough research on some aspects of it, but mostly about political interviews and advertisements. Hence, this thesis will set out from pragmatic presupposition in police interrogation and demonstrate how pragmatic presupposition is well applied to police interrogation by data analysis.

To construct the theoretical basis for the whole research, the thesis first introduces the previous researches on police interrogation. Meanwhile, an overview of the presupposition theory both abroad and home is rendered. A theoretical framework for the present study is illustrated then, including the concept, properties and triggers of pragmatic presupposition. Among all the properties of pragmatic presupposition, three of them are selected for the application of police interrogation, namely mutual knowledge, implicitness and defeasibility. The main focus of the thesis lies on how the interrogator skillfully applies the three properties of pragmatic presupposition to realize the specific interrogatory intension. This theory provides a theoretical framework for the data analysis in the following chapter. In the final chapter, the author builds an analytical framework to analyze presupposition in police interrogation with the perspective of pragmatics.

The thesis presents that there is a connection between police interrogation and pragmatic presupposition. A good knowledge of the pragmatic presupposition enables the interrogator to make the most appropriate strategies of interrogation, improve both the quality and efficiency of interrogation and avoid possible negligence. The present study supplements the existing pragmatic study to some extent, while some areas still call for further research.

Key Words: Pragmatic presupposition; police interrogation; mutual knowledge; implicitness; defeasibility

摘 要

语用预设一直是哲学家和语言学家们关注的焦点之一。他们中有许多人已经对预设的一些方面进行了透彻的研究，但是很多都是关于政治访谈和广告语料的分析。本文旨在以警察讯问为切入点，通过语料分析来展示语用预设在警察讯问中的应用。

在理论建构部分，本文首先回顾了前人对警察讯问的研究。与此同时，作者介绍了预设理论在中西方的发展。接着，文章详细阐述了语用预设，包括其概念，特征及触发语。就语用预设的特征而言，作者选择了最具代表的共知性，隐蔽性和可取消性，并将它们运用到警察讯问中来。文章的重点着眼于研究讯问人员如何技巧地运用语用预设的三个特征以实现特定的讯问意图。这一理论为下一章的语料分析提供了理论框架。在本文的最后一章中，作者通过图示清晰得阐述了语用预设在警察讯问中的应用。

以上研究表明，警察讯问与语用预设是密切相关的。掌握好语用预设的特征，能够帮助审讯者巧妙地进行审讯。这不但能提高办案质量和效率，还能避免可能出现的疏漏。本文在一定程度上补充和丰富了现存的语用预设研究。当然，警察讯问的实施涉及多方面因素，还需要更多的研究和进一步的探讨。

关键词：语用预设；警察讯问；共知性；隐蔽性；可取消性

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Introduction

1. General introduction

When it comes to criminal investigation, people may form the pictures of what they have seen in some of the movies or series. That is, whenever a crime is committed, if the police look carefully enough at the crime scene, they will always find some clue leading them to the suspect. And once the suspect is located, he would either confess when confronted with evidence, or fight his way out of the trap. But that's pure fiction. In reality, the situation is quite different. Criminal investigation has not developed into a point that the analysis of physical evidence will always reveal the criminal or provide sufficient proof to the guilt of a certain suspect. Therefore, police interrogation is a necessity to solving a case.

As for police interrogation, the so-called "third degree", which may result in false confession from innocent person, would never have been an option of any law enforcement officer. However, psychological tactics and techniques as trickery and deceit are sometimes helpful to secure incriminating information from the guilt, because the quality of interrogation will directly affect the related judicial activities in terms of efficiency and justice, and the quality of interrogation, to a certain extent, rests on the strategies the interrogator uses.

The research on the police interrogation can be done from the perspectives of rhetoric, logic, psychology, or linguistics. However, whatever perspective it is conducted from, the ultimate goal is the same: to elicit necessary information to realize the intentions of interrogators. The present thesis explores police interrogation from the perspective of pragmatic presupposition. It mainly focuses on contribution of the properties of pragmatic presupposition to police interrogation.

2. The significance of the study

The process of a police interrogation is a fierce battle between two parties. Either party is an individual with independent thought, so it will be a battle of intelligence. To win the battle, the interrogator with the knowledge of presupposition may possibly become the manipulator of a conversation and he could steer the topic of the conversation easily. On the other hand, the suspect who lacks knowledge in this field may unconsciously expose the information he so desperately wants to hide. Thus, the significance of the study lies in the following:

(1) It provides us with a new viewpoint in police interrogation with the application of pragmatic presupposition.

(2) It explores properties of pragmatic presupposition from the perspective of police interrogation.

(3) It illustrates the theory into practice by analyzing data from an emulational American series.

(4) It gives the police a new guidance in interrogation which helps promote the justice in criminal investigation.

3. Data selection

This paper will demonstrate the application of pragmatic presupposition in police interrogation through a hot American drama named *The Closer*, which has received six Golden Globe Award nominations, six Primetime Emmy Award nominations, nine Saturn Award nominations, thirteen Screen Actors Guild Award nominations, and won for Favorite TV Drama Diva.

The dialogues from the drama are very typical and useful. This paper tries to have a tentative study of police interrogation with pragmatic presupposition involved, and recommends some suggestions for effective interrogation according to the study. Though the data is not from real cases, the drama itself is condense and reflection of real cases. Thus some enlightenment would be given for police interrogation.

4. Organization of the thesis

The thesis will proceed according to the following outline:

The first part states a general introduction to the topic of this thesis, the significance of the paper, the data selection and also maps out the organization of the thesis.

Chapter one renders a review of the relevant literature, including a review of the previous studies on the strategies for police interrogation, the critique of the previous researches on police interrogation, and an overview of the presupposition theory both abroad and home.

Chapter two maps out the theoretical framework for the present study. The pragmatic presupposition theory is the theoretical framework for the present study. It elaborates the concept, properties of pragmatic presupposition as well as presupposition triggers. The main focus of this chapter lies on the properties of pragmatic presupposition. Among all the properties of pragmatic presupposition, three of them are selected for the application of police interrogation, namely mutual knowledge, implicitness and defeasibility. In addition, the introduction of presupposition trigger is to assist the analysis of the three properties in police interrogation.

Chapter three illustrates the research procedures for the present study including data selection, and data analysis. Thirty-three samples are offered to demonstrate the effective role pragmatic presupposition plays in police interrogation.

The final part brings the present study to a close. The main findings and implications as well as the limitation of the present study and suggestions for further studies are pointed out.

Chapter One Literature Review

1.1 Introduction

This chapter begins with a review of the existent studies on police interrogation from various aspects. To seek for a sound framework for the present study, we also review the studies on the presupposition theory at home and abroad.

1.2 Definition of police interrogation

In *Black's Law Dictionary*, Bryan A. Garner (1999: 825) defines interrogation as "the formal or systematic questioning of a person; especially intensive questioning by the police, usu. of a person arrested for or suspected of committing a crime".

In *Criminal Investigation*, Wayne W. Bennett and Karen M. Hess (1998: 190) put interrogation into "the questioning of persons suspected of direct or indirect involvement in the crime" and maintain that its ultimate goals are to identify those responsible for a crime and to eliminate the innocent from suspicion.

The term "police interrogation" is often used in equation to "custodial interrogation". In *Oregon v. Matheson*, the U.S. Supreme Court defined custodial interrogation as questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of freedom in a significant way (qtd. in Bennett, 1998: 206). Although police interrogation shares the same goal and many of the procedures with interview, they target different respondents. An interview is the questioning of persons who are not suspects in a crime but who know something about the crime or the individuals involved, say victims or witnesses. Police interrogation is more difficult than an interview as suspects may not be willing to make a statement, an admission of guilt, or a confession. So according to Kermit L. Hall (2008: 344), police interrogation is an effective tool for the police to obtain written or oral confession of guilt or admission of crime from suspects.

Jayne and Buckley (1992) point out that police interrogation has three primary

objectives:

To ascertain the probability that the suspect is or is not the offender.

To eliminate the innocent by eliciting information, evidence or behavior symptoms that indicates innocence.

To obtain a confession from the guilty and/or information from him or her about the involvement of other persons.

1.3 Related studies on police interrogation

Various studies have been conducted on police interrogation, concerning rhetoric, logic, psychology and linguistics.

The study from the perspective of rhetoric aims at exploring the purposes and functions of interrogation questions. Bnerg and Horgan (1998: 143) apply the technique of indirect inquiry into police interrogation: "An indirect approach attempts to draw out information without specifically addressing the actual topic or subject". It may be helpful when suspects are being a little bit evasive. In that case, coming on too directly may close down an otherwise cooperative suspect. But they also conclude with the limitation of the approach that following too indirect a line of questioning, or maintaining this style too long, may fail to provide an investigator with necessary information. Shuy (1998: 186-194) initiates five principles for which police interrogation may benefit: (a) be conversational; (b) ask clear and explicit questions; (c) do not mix interview types; (d) look for inconsistencies before determining deception; (e) tape-record all contacts. Yin Xiangyin (2004) proposes some rhetoric tactics on questioning: (a) using interpretative questions; (b) asking questions randomly, without spatial or temporal or logical order; (c) implicitly showing doubts in expressions; (d) distortion of the seriousness of the offence. Bi Xixi (2005) talks about the conception of "Ying-Da" in investigative interrogation, and points out that the investigator should analyze the question of the suspect according to the legal, realistic or flexible principle. Cheng Wengao (2009) defines police interrogation as a legal dialogue with the feature of mandatory and randomicity. He argues that the

mandatory is absolute, and randomicity is relative and conditional.

The study from the logical perspective focuses on the reasoning and inferring of the participants in the interaction. According to Bnerg and Horgan (1998: 142), the logical approach is often used with suspects who have prior criminal records, with educated people, with mature adults, and with others who have a good rapport with the interrogator. In their book, it assumes that the person being interviewed or interrogated is reasonable and rational and that there is considerable evidence available. In that case, making factual remarks that indicate the suspect's guilt or involvement makes it difficult for him or her to deny involvement with any conviction. Zhou Jixiang and Liu Yulan (2006) make the similar claim of the application of law of contradiction in police interrogation. They argue that the strategies of interrogation are designed scientifically and logical trap is reasonably set to expose the contradiction in suspects. Lies and false testimony can also be uncovered if relative evidence is working under the law of contradiction. Zhou Jixiang (2008) advocates applying identity law in police interrogation, which could be helpful to the setup of reasonable questions around interrogation gist, to the surveillance of the suspect's answer and confession, to the identification and refutation of the suspect's sophistry. Xu Mingliang and Zhang Chuanxin (2009) bring forward the art of logic in interrogation. They propose that experience should be drawn on to come to a logic conclusion. They also emphasize that certain attention be paid to convert logic theories to solutions to difficulty. And the art of logic in interrogation is based on law, administration of justice and maintaining fairness.

Based on the research by Skolnick and Leo (1992), it is reported that the following types of interrogatory deception are being used: Misrepresenting the nature or seriousness of the offence; Role-playing manipulative appeals to conscience; Misrepresenting the moral seriousness of the offense; Using promises; Misrepresenting identity; Fabricating evidence. All the above-mentioned deceptions indicate that the interrogation in criminal investigation is also a fierce and complex combat in terms of psychology. During this game, the criminal mind of crime suspects has a direct impact on investigator's choice in using interrogative tactics. Therefore,

making research on criminal mind will play an important role in winning the game of interrogation. The study from the psychological perspective mainly concerns with tactics from the mental aspect of the interlocutors. Cheng Wengao and Deng Xiang (2007) point out that the interrogation is actually the psychological communication, demanding techniques of interpersonal communication. They maintain that careful planning and trial circumstance should be employed based on suspects' character. That is to say, investigators should make full use of evidence and environment, bring suspects' imagination into play, and skillfully convey information in the dialogue. Li Yongqing, Zhang Hongyan and Huang Wenzhen (2008) explore the field in the same direction by saying that the psychological structure of the suspects is based on their psychological balance. Therefore, interrogators need to take measures to push a little bit hard to break the criminal suspects' psychological balance, like using evidence, emotional communication and psychological impact.

While the study from the linguistic one attempts to reveal the connections between language and police interrogation. The study by Saul M. Kassin and Karlyn McNall (1991) concerns with communicating promises and threats by pragmatic implication in police interrogation. They demonstrate three experiments to show the possible effects of two methods of police interrogation: maximization, a technique in which the interrogator exaggerates the strength of the evidence and the magnitude of the charges, and minimization, a technique in which the interrogator mitigates the crime and plays down the seriousness of the offense. In Experiments 1 and 2, subjects read interrogation transcripts in which an interrogator uses one of five methods to try to elicit a confession: a promise of leniency, threat of punishment, minimization, maximization, or none of the above. As indicated on a subsequent questionnaire, maximization communicates high sentencing expectations as in an explicit threat of punishment, while minimization implies low sentencing expectations as did an explicit offer of leniency. Experiment 3 demonstrates that although mock jurors discount a confession elicited by a threat of punishment, their conviction rate is significantly increased by confessions that followed from promises or minimization. Ying Xiangyin (2005) suggests interrogators make full use of grey information in the

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