"IF HE SPEAKS ITALIAN IT'S BETTER": METAPRAGMATICS IN COURT

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Introduction

When a speaker says that somebody else "speaks a different language," this comment is never neutral. It conveys immediate information about the other person and the "other" language. Not only is the different language marked by opposition to a primary language, but this distinction tends always to be negatively connoted. This other speaker is not from "here;" he or she does not share "our" communicative norms and therefore is not entitled to share our cultural resources. Furthermore, in institutional settings, this already stigmatized alterity is perceived as an inability to follow the "modern," "rational," and "urban" norms that regulate institutional discourse, and is used to regulate access into the bureaucratic context. As numerous studies on communication in institutional settings have pointed out, by calling attention to one's lack of competence in bureaucratic codes, people in the position of authority screen, exclude, and deny access to individuals or groups coming from underprivileged milieus (Gumperz 1982; Erickson & Shultz 1982; Mehan 1983; Agar 1985; Collins 1987; Heller & Freeman 1987).

That a group placed in powerful institutional positions will use language barriers to "keep out" competing groups is by now a well-accepted assumption. What happens, however, when the labeling of "different language" shows up in a multi-party context, where it is utilized as a "fighting spear" by two antagonistic but powerful parties in their struggle for the control of the institutional territory? This was the case of the criminal trials taking place in Naples, Italy during the 1980's, in which both the prosecution and the defense fought to get control of the "different language" of a third party, people coming out of the criminal milieu of Neapolitan lower class. The struggle was particularly severe during the testimony of the *pentiti di camorra*, Italian turncoats who decided to enter a witness-protection plan and become government witnesses in the prosecution of their former associates.

In this paper I will analyze the fight for the control of the *pentiti's* testimony by looking at the different strategies of metapragmatic awareness employed by the defense and the prosecuting bench, represented in the Italian legal system by a prosecuting magistrate, most of the times directly assisted by the presiding judge. With this aim, I will first discuss the nature and dynamics of the courtroom communication within the Italian legal system and the impact that the *pentiti* had on the proceedings of a criminal trial. Then, after having briefly reviewed the literature on metapragmatic awareness, I will present a particular courtroom event which proved to be of great heuristic value for my argument on the legal efficacy of the deployment of strategies of metapragmatic awareness in court. Finally, I will

point out the communicative implications that this case poses for the study of the legal concept of credibility.

The Italian legal system and the *Pentiti*

Until Oct. 25, 1989 the legal system in force in Italy was a prosecutorial system based on penal codes enacted in 1930 under Mussolini. That statute was rooted in the Napoleonic code and ultimately in classical Roman criminal law. For the purpose of this paper, it is sufficient to know that it mainly differed from the Anglo-American adversarial system in that in questioning a defendant or a witness both the prosecutor and the defense counsel had to rely on the presiding judge who, in the role of sole interrogator, related and reformulated all questions to the person on the stand. Due to this mediation, the legal proceedings greatly reflected the judge's personal agreement or disagreement with the arguments on the floor. Proceedings were much more dependent on a judge's linguistic resources and on the quality of the social interaction taking place in the courtroom than are the legal proceedings created in an adversarial system.

Under this prosecutorial system, intrinsically biased against the defense, the prosecuting magistrate and the defense struggled for the floor (and the record) through the intercession of the presiding judge. This struggle was acted out through a relentless communicative skirmish where both parties were trying to gain for their side the bigger portion of this highly regulated code of courtroom communication. When the two parties were represented only by courtroom professionals (i.e. judges, attorneys, and clerks), the struggle was conducted in an orderly and regulated manner. After all, these insiders were from the same social class, and their common understanding of social and legal rules made it possible to make the legal discourse into a smooth routine.

In 1985, this interactional routine underwent a radical transformation. In that year, and for the first time in its recent struggle against organized crime, the Justice Department introduced into the courtroom a new kind of government witness, the *pentiti di camorra*. This label was applied to individuals who had allegedly belonged to the *camorra* (the term used to designate the Neapolitan community involved in illegal activities) but had decided to "repent." An American equivalent is turncoats, or "stoolies," of the Mafia. They were jailed individuals who had allegedly broken the Camorra's code of silence (*omertà*), turned against their former friends and collaborated with the Justice Department. Through their collaboration the Justice Department was able to prosecute, among other groups, the *Nuova Camorra Organizzata* ("Newly Organized Camorra," or NCO, a cartel of different gangs coming from the rural areas around Naples), to arrest more than a thousand people under the charge of belonging to this organization, and to set up the biggest trial ever of a single criminal organization in the Neapolitan area¹.

¹ To follow the trials and gather materials I went to Naples on three different occasions (two summers, 1985 and 1986, and all 1988). There I was able to retrieve over 100 hours of recordings in the archives of the Justice Department, a local radio station, and the Osservatorio sulla Camorra, a courageous institute of research for the study of organized crime. All trials against organized crime had been in fact recorded in their entirety, and the tapes were made into public documents. My

Since the prosecution case mainly rested on the pentiti's confessions, they were called as government witnesses. Once the trial began, it immediately became apparent that the credibility of these witnesses would have depended on their ability to be perceived as "truthful." In order to convey credibility in the courtroom, the pentiti had to perform a true discourse, or a discourse producing a truth meaning-effect (Greimas 1982; Bourdieu 1977), that is, a discourse contextualized in a way that "rang true."

But in constructing their discourse and establishing their credibility, the pentiti, impaired by limited command over potentially available stylistic resources, relied on the communicative strategies acquired over the years in the streets of the tightly-knit community of the Neapolitan underclass. This community, as in many other closed networks, depended greatly on situational context, and implicit, local understandings among speakers to produce an elliptical and formulaic "street" behavior and set clear boundaries between who was "in" and who was "out." In their everyday life the pentiti had utilized these local communicative patterns, and they brought them into the courtroom. In an unfamiliar role and under stress from close scrutiny, they executed these communicative strategies based on local communal values, such as the code of honor, the importance of having/giving respect, the dependence upon patronage ties. The combination of an elliptical, formulaic, and syntactically relatively simple street talk with interactional strategies based on local codes of behavior, was ill-suited for a successful performance in the courtroom. They came to court with their own epistemological expectations and these expectations often conflicted with the ones embodied in courtroom communication. Instead of offering what Conley and O'Barr (1990) called "rule-oriented testimonies" organized around a deductive, hypothesis-testing structure, they employed narrative devices taken out of non-institutional, local communicative contexts. Consequently the pentiti, thwarted in their attempts to effectively perform, were easily frustrated and triggered into unorthodox behavior. The resulting overtly defiant demeanor was ill-suited for a successful performance in the courtroom, clashing with the subdued and regulated conduct expected from a witness. The pentiti were stuck in a double-bind because their behavior on the witness stand reflected and adhered to the rules and values that they were allegedly repudiating. Paradoxically, the people that needed to be most careful in the courtroom to keep their communicative style under check were in fact the ones continuously violating rules of courtroom communication.

One of the communicative features more often violated by the pentito was the rule that all courtroom participants speak "standard" Italian². While the rationale for this rule was that attorneys from different Italian regions representing

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² The notion of 'standard Italian' is a very tormented one. More than one Italian linguist has argued that no such thing exists and that at the most we can talk of 'sovraregional' Italian (see Klein 1989). In keeping with Anglo-American linguistic tradition I will nevertheless use this term, to signify a language distinguished by a set of linguistic rules which are comprehensible to, and recognized by all native-speakers, even if they are unable to reproduce all of them in their actual speech.

Southern clients should have "equal access" to courtroom proceedings, its invocation by the defense was intended to intimidate the pentito. Because of their inability to speak the standard, some pentiti found it difficult to comply with this rule and more often than not were unable to refrain from switching into Neapolitan dialect.

When a pentito had trouble with the ruling to speak standard Italian, the defense usually focused on this violation, claiming that the pentito's inability to use the standard code of courtroom communication impeded the defense's constitutional guarantee of fair access to the proceedings. Defense attorneys tried to link a pentito's inability to perform within courtroom canons to his claim to be a reliable witness, to be a man of truth. They implied that by failing to conform with the required form of talk, he flouted the norms of the legal setting, thus becoming an untrustworthy individual. To this tactic the prosecuting magistrates, and especially the presiding judge, responded by coming to the rescue of "their" witness, trying to negotiate with him a communicative ground where he was comfortable enough to perform competently without injuring the prosecution's case. As in the case of direct examination, the presiding judge had to walk a tight rope between the necessity to relax the Italian-only rule to accommodate the government witness and the equally important obligation to respect standard procedure.

Metapragmatic strategies in Court

Participants of a courtroom exchange usually jostle two sets of strategies: those for establishing one's own acceptance and face-keeping, and those for dismissing and face-threatening the opponent. These strategies carry along multiple devices of metadiscursive explicitness, ranging from self-explanatory introductions and repairs on one's own previous utterance to evaluative remarks on someone else's speech. This cognitive mechanism of the participants is usually labeled as "objectivization of metapragmatic awareness" (Silverstein 1977, 1979; Lucy (ed.) 1991). Following these studies, I intend to use the term "explicit metapragmatic awareness" to designate the specific use of linguistic mechanisms that refer to language use (or pragmatic) whether it involves reference to the emergent surface-form structure (like glossing a word) or to particular instances of speech (like reporting somebody's speech, commenting on a narrative in progress, and so on). Through strategies of explicit metapragmatic awareness, interactants express their "ideology," i.e. their position vis-a-vis rules linking communicative behavior with certain speech situations³. The underlying logic of this ideological approach is that language use is a reflection of the context, so that when interactants explicitly problematize their use of linguistic devices, they are in fact indexing the normative frame of reference (i.e. the ideological construct of the world "out there") into a system of signification: that is, they talk about the broader context. By communicating and sharing

³ In Silverstein's words, "Ideology engages metapragmatically with functional₂ structure [i.e. the structure regulating the indexical function of language] through the constitution of referentially-based (or referentially-centered) functional₁ system [i.e. goal-oriented function of the linguistic system]." (1979:231)

contextual information, members set up the conditions through which inferences are made and the referential world is constructed.

Moreover, driven by the understanding that metapragmatic awareness constitutes a form of speech monitoring, I claim that there is a normative dimension in all metapragmatic strategies which is the result of group identity, social stratification, and power asymmetry. By explicitly calling attention to language use, members set up the communicative boundaries of their indexical world, and they thus discriminate between who is "in" and who is "out" (social identity), who "has" and who "hasn't" (social and class relations), who "can" and who "can't" (power structure).

In court, these strategies have an extra prominence due to the highly normative code of conduct. Because of the importance of the communicative context in the negotiation for setting up the conditions through which truth is constructed, both sides in a trial tend to manipulate the sequential organization of talk by resorting to metadiscursive strategies. By commenting on a witness' style, an attorney can try to divert attention from a nasty line of questioning, to shift topic, or to escalate the intensity of the exchange (in the case of a cross-examination). There is of course a delicate balance between these strategies and courtroom politeness, but the continuous monitoring from different sides of what is allowed to stay on the floor makes metapragmatic devices a great tool in the hands of the professionals of courtroom communication.

In the Neapolitan Hall of Justice, metapragmatic mechanisms were often used by the defense in its cross-examinations (always done through the mediation of the presiding judge) in an attempt to undermine the testimony of the pentiti. Most of the times attention was focused on the pentito's communicative shift, his choice to speak a different language. As Lind and O'Barr (1979) have pointed out, the judicial judgment of whether a person is telling the truth is heavily influenced by social and psychological evaluation of the speaker and these judgments are in turn heavily influenced by the way that person speaks. Thus the attorneys' metapragmatic attacks on the pentito's adoption of the street talk of the rural areas around Naples - from whence came most of these "men of honor" - constituted a face-threatening act (Brown and Levinson 1987) which required a defensive counter-move by the prosecution. On the one hand, defense attorneys tried to tie the pentito's inability to perform up to standard with courtroom canons to his claim to be a reliable witness, to be a man of truth. The underlying thrust of this ideological attack was to point out the communicative inability of the pentito to effectively function in court, thus casting a doubt on his ability to be credible. Since explicit language awareness reflects, as I have already pointed out, the normative frame of reference (i.e. the ideological construct of the world "out there") transforming it into a contextualized system of signification, by explicitly problematizing the pentito's use of linguistic devices, the defense was in fact indexing this government witness as socially inferior due to the inescapable limitations of his communicative skills. On the other corner, both the prosecuting magistrate and the presiding judge - themselves from Naples - came to the rescue of their witness, trying to negotiate with him a communicative ground where he was comfortable enough to perform competently without injuring the prosecution's case.

The following exchange exemplifies one of these episodes, where the pentito Vincenzo Esposito⁴ came under fire when a defense attorney from Northern Italy objected to his use of Neapolitan vernacular, complaining to the judge about the pentito's inability to correctly speak "Italian." There were five participants in the exchange. In the following transcript: DV is the defense attorney Raffaele Della Valle, an attorney from Northern Italy, assisted by Cop, the Neapolitan attorney Antonio Coppola. JP is the presiding judge, Luigi Sansone, and PM is Diego Marmo, the magistrate in charge of the prosecution, both Neapolitans. Esp is Vincenzo Esposito. His testimony took place in Naples the 24th of May 1985. The main topic of the exchange was the date of Esposito's alleged enrollment into the Nuova Camorra Organizzata. In a move familiar to all courtroom attorneys around the world, the defense tried to obtain factual evidence which could be dismantled by comparing it either with a self-contradicting deposition previously given to the police or with a contradictory testimony from defendants or other government witnesses. By asking the pentito to provide a "hard fact" (usually dates, names or places), the defense was looking for elements that could be disproved.⁵

⁴ According to Justice Department documents, Vincenzo Esposito became a member of the Nuova Camorra Organizzata (NCO) in 1977 in San Severo, the high-security jail of the Puglia (a SE Italian region). In 1981 he was appointed as area manager for Naples' older neighborhood, Sanità, in the event of his release, which never materialized. He became a pentito in November 1983. It was reported that Esposito informed the Justice Department of the NCO's password: "Do you know Peppe di Montalbano?" (Tribunale di Napoli 1986). [Peppe di Montalbano is a half-historical, half-mythical bandit operating in the South of Italy after the 1860 national unification].

⁵ We all know by now that a transcription which reproduces the stream of talk exactly is a chimera. Chafe (pers. comm.) compared it to the job of painting the Golden Gate Bridge for rust-protection, where once you are arrived at one end you have to start all over again from the other side, and again (and again). Therefore, following a somewhat standardized transcription convention (Gumperz 1982; Atkinson & Heritage 1984; Gumperz and Berentz 1989), in this excerpt I have noted only the phonological and sequential markers which have a direct impact on the organization of the talk for the purpose of my analysis:

.	Final fall of intonation group
,	Slight final fall
?	Final rise
/	Slight rise
~	Contoured tonal group (rising/falling/rising)
a-	Truncation
a::	Lengthened segments
[allora quando]	Overlapping
=	Latching
<i>italic</i>	Neapolitan dialect
(..)	Pauses less than .5 seconds
(...)	Pauses greater than .5 seconds
{[]}	Nonlexical phenomena
(did)	A guess at an unclear segment
(xxx)	Unintelligible speech

ESPOSITO THE "INFAMOUS" WITNESS

(ESP 24e85-b)

01 DV	presidente/ e::=	01 DV	your honor
02 JP	=prego,	02 JP	go ahead
03 DV	due domande soltanto,	03 DV	I have only two questions.
04	vorrei che precisasse/	04	I would like him to specify,
05	al di là dei suoi rapporti/	05	regardless
06	di amicizia singola/	06	of his friendship
07	coi singoli/	07	with individual
08	componenti della NCO,	08	members of the NCO
09	qual'era la sua qualifica esatta/	09	what was his exact title
10	nell'ambito della NCO,	10	within the NCO?
11	innanzitutto, =	11	first thing.
12 JP	=mi pare che l'ha detto comunque/	12 JP	I think he answered this anyway
13 DV	=ecco/	13 DV	but now,
14	adesso diventa/	14	it's more
15	[più importante] saperlo,=	15	important to know it
16 JP	e:: allora,	16 JP	then...
17	=nella NCO lei che era/	17	in the NCO what were you,
18	~ picciotto	18	picciotto,
19	~ camorrista	19	camorrista,
20	che era/	20	what were you ?
21 Cop	~ sgarrista,	21 Cop	sgarrista?
22 JP	la sua qualifica,=	22 JP	what was your title
23 DV	= ~ santista	23 DV	santista,
24	~ sgarrista	24	sgarrista,
25 DV	~ adhonorem/	25 DV	honorary member
26	~ picciotto	26	picciotto,
27 JP	[e ce lo deve] dire lui pecciò=	27 JP	he must answer himself, so-
28 DV	=e ce lo dica lui cos'era esattamente.	28 DV	and let's hear it exactly.
29	(...)	29	(...)
30 Esp	<i>e ie negli ultimi tempi:: (..)i=</i>	30 Esp	<i>and I in the last years-</i>
31 DV	= no nell'ottandue,	31 DV	no, in '82
32	non negli ultimi tempi/	32	not in the last years;
33	quando ha saputo/	33	when he knew
34	da roberto [cutolo la cir] costanza\=	34	from Roberto Cutolo this fact
35 Esp	<i>e ie:: e ie::</i>	35 Esp	<i>and I and I</i>
36 JP	= vabbè vediamo vediamo/	36 JP	all right, let's see,
37	a che punto è arrivato e quando::=	37	let's see what position he reached
38 Esp	= <i>e ie:: o:: o::ttantrè/</i>	38 Esp	<i>and I in '83</i>
39	<i>a- a-ggio fatto tut- tutto/</i>	39	<i>I did everything,</i>
40	<i>o:: cioè chi steccà o:: a:: o::</i>	40	<i>I became this kind</i>
41	<i>o:: ~ nfame comme o:: volite::</i>	41	<i>of infamous as you would,</i>
42	<i>[o:: volite (chiamà)]</i>	42	<i>as you would (say).</i>
43 DV	[no, se parla in] italiano/	43 DV	no, if he speaks Italian
44	è meglio	44	it's better.
45 PM	=e che=	45 PM	but-
46 JP	=senta avvocato o:: (xxx)=	46 JP	counselor you must understand
47 Esp	=nell'ottan:: a::ntadue no/=	47 Esp	in '82 no
48 JP	=allora/ nell'~ottantadue/	48 JP	then in '82
49	{[lo, to DV] non posso costringere},	49	{[lo, to DV]I can't force him}
50 DV	quindi non era ancora fidelizzato, =	50 DV	then he wasn't yet a member

- 51 Esp =come come=
 52 DV =soltanto nell'ottantatrè/
 53 è stato fidelizzato. =
 54 Esp =no no ha capide [*chište*]
 55 JP [no no] no =
 56 PM =ha detto che nell'ottantatrè/
 57 si è ~dissociato,=
 58 JP =allora so- (xxx) =
 59 DV = d'altra parte la lingua italiana, =
 60 JP =e vabbè avvocato/
 61 abbia- abbia- (xxx)
 62 DV [se parla in un'altra] lingua/
 63 io non sono tenuto a saperlo,=
 64 JP =abbiamo abbia-
 65 purtroppo=
 66 DV =quindi parli in italiano in modo che/ 66 DV
 67 possa capirlo anch'io, =
 68 JP =e avvocato purtroppo/
 69 non lo possiamo costringere,=
 70 DV =credo che il pubblico ~ministero
 71 [s'indispo] ne ,
 72 JP [no no no]
 73 DV che noi non ~ capiamo =
 74 JP =aspetti che (xxx)
 75 calmi calmi ci arriviamo/= 75
 76 PM =forse non mi sono spiegato/ comm-
 77 sto cercando di riferirle/
 78 faccio da traduttore, (xxx)
 79 DV la ringrazio, =
 80 PM = (questo è un fatto) eccezionale,
 81 JP allora/
 82 DV la ringrazio,
 83 PM però lei ha origini ~ napoletane/
 84 quindi lo [potrei dire (xxx)]
 85 DV [lontane nel tempo]
 86 purtroppo, =
 87 Esp = ma lei::
 88 ma lei::
 89 ma lei::
 90 mi deve anche *šcu- šcusare*.
 91 *ie- ie:: ie::*
 92 *a:: šcola* =
 93 PM = qua però,
 94 la lingua madre è l'ita [liano,]
 95 JP [vabbè/]
 96 cerchi di parlare in italiano,
 97 *ia vediamme nu poche*.
 98 Esp cioè io io ie a *šcuola:: nun ci- cin-* =
 99 JP = vabbè, comunque =
 100 Esp = non ci sono andato,
 101 JP esposito, lei ha fatto il picciotto/
 102 l'ha fatto il picciotto?
 103 Esp sì l'ho- =
 104 JP = 'o *camorrista*?
 105 Esp sì l'ho fatto,
 106 JP eh.
- 51 Esp *what? what?*
 52 DV only in eighty-three
 53 he became a member
 54 Esp *no, no, this guy didn't understand*
 55 JP no no no
 56 PM he said that in '83
 57 he defected from the organization
 58 JP then it must be-
 59 DV but the Italian language
 60 JP well, counselor,
 61 we have, we have
 62 DV if he speaks a different language,
 63 I am not bound to know it.
 64 JP we have, we hav-
 65 unfortunately
 66 DV then he must speak in Italian, so that
 67 I can understand too.
 68 JP well, counselor, unfortunately
 69 we can't force him.
 70 DV I think the prosecuting magistrate
 71 is annoyed (by the fact that)
 72 JP no no no
 73 DV we (I) don't understand
 74 JP wait, then (xxx)
 75 little by little we will clear it up
 76 PM maybe I din't make myself clear anyw-
 77 I'm trying to relate to you,
 78 acting as your translator.
 79 DV I thank you
 80 PM this is an exceptional event.
 81 JP then,
 82 DV I thank you.
 83 PM But you are of Neapolitan descent,
 84 then I must say-
 85 DV very way back
 86 unfortunately.
 87 Esp but you
 88 but you
 89 but you
 90 must also *excuse me*
 91 *I, I,*
 92 *to school-*
 93 PM but here
 94 the mother tongue is Italian.
 95 JP all right,
 96 try to speak in Italian,
 97 *come on, let's see it*
 98 Esp well, I, I, to *school, did-didn't*
 99 JP well, anyway
 100 Esp I didn't go
 101 JP Esposito, you were a picciotto,
 102 were you a picciotto?
 103 Esp yes, I-
 104 JP *the camorrista?*
 105 Esp yes, I was one.
 106 JP all right.

The episode opens with the defense's request to the judge to ask "only" two questions to Esposito (line 3). The first question has to do with Esposito's rank within the social structure of the NCO. However, the defense wants Esposito to specify his position not in relation to single individuals but to the whole of the organization (lines 5-9: "regardless of his friendship / with individual / members of the NCO / what was his exact title / within the NCO?"). This somewhat abstract question, confusing to individuals like the pentito under examination who are used of thinking of themselves in relation to a network of people and not as part of a bureaucratized structure, is accepted by the judge after a slight hesitation and objection (line 12: "I think he already answered this, but anyway..."). The judge then relays the question to Esposito, reformulating it into a list of possible ranks that he could have occupied within the organization⁶. The judge proceeds to give this list from the smaller rank up (lines 17-20 "in the NCO what were you / *picciotto*, / *camorrista*, / what were you?") and the two defense attorneys join in in the compilation of the list: first Coppola provides the next rank (line 21: "*sgarrista*"), and finally Della Valle completes the list and starts it again (lines 23-26: "*santista*, / *sgarrista*, / honorary member / *picciotto*"). Della Valle's interjection is delivered in a sing-song manner (the rising-falling-rising contour iconically marked with the tilde) that does not leave the judge happy. He overlaps with the defense in his next turn, cutting Della Valle off (line 27: "he must answer himself so-"). Della Valle however is not through: his next turn latches with the judge's, mirroring the lexical form of the latter's turn, asking for precise information (line 28: "and let's hear it exactly").

Esposito finally takes the floor speaking in Neapolitan dialect, actually using the street version from the Neapolitan hinterland of this dialect, and starts to say something about his role in the more recent years (line 30: "*and I in the last years*"). Then he suddenly stops, possibly because of the palpable tension aroused in the courtroom by this violation of the Italian-only rule. Immediately Della Valle takes advantage to this hesitation to interrupt him, objecting on the period chosen by Esposito as the starting point of his recollection. The defense wants Esposito to talk about the 1982 period, while the latter has started talking about his role at the end of period in question (line 31: "no, in '82 not in the last years"). After an

⁶ According to the pentiti, the NCO had a hierarchical structure organized in different levels, where all members found their place in accord with their skills, functions, and seniority. The entry level was made up of the *picciotti* (from the M.Fr "petit", small), who were assigned to minute and simple operations. In order to step up to the second level, each individual had to perform some violent action, thus becoming a *camorrista* (i.e. a full member of the camorra). The next promotion allowed the member to order particular operations, especially violent ones, which were called *sgarri*. Accordingly, at this level the individual acquired the title of *sgarrista*. His task was to link the executive board with the single groups operating in a specific area. In order to be included in the executive board of the organization, a *sgarrista* had to prove incredible abilities not only in performing particular actions but also in coordinating multiple deals involving a great number of people. Moreover, only the undisputed leader of the organization, Renato Cutolo, could appoint somebody to the executive board, an action which was solemnized in a highly ritualized ceremony and in which a newly elected executive was anointed as *santista* (or holy one). Finally, *camorristi ad honorem* (honorary individuals) were non-members who were nevertheless involved in the illegal activities of the organization (Tribunale di Napoli 1985, Sales 1988). In their exchange, the judge and the defense list all these different ranks, asking Esposito to pick his own.

intervention by the presiding judge, Esposito continues his answer without taking into consideration the defense's objection, and again using his Neapolitan street talk says that in 1983 he became an informer (lines 38-42: "*and I, in '83, I did everything / I became this kind / of infamous as you would / as you would (say)*", *that is, he became an informer*). At the end of his turn he labels himself with the pejorative word '*nfame*', "infamous," while trying at the same time to distance himself from this highly marked and offensive label by projecting it onto a second plural pronoun (you the media, the public opinion, but especially the people from the NCO). This injurious word was in fact largely used in the criminal underworld to categorize those individuals who had broken the code of silence and turned into police informers.

Esposito's long stretch of Neapolitan has annoyed the defense. Della Valle objects and deploys a metapragmatical attack against the witness' use of dialect (line 43: "no if he speaks Italian it's better"). The use of the verb "speak" constitutes a metapragmatic framing of the interaction, producing the explicit performativity of this statement (see Austin's (1962) similar treatment of the verb "say"). In Silverstein's terms, this explicit performativity "depends upon the existence of certain metapragmatic configurations and the quasi-propositional indexical usage of them in certain contexts of discourse" (1979: 215). This is possible through "maximally transparent creative indexical relationships otherwise difficult to apprehend. This transparency allows the strategic formulation of performativity as presupposed indexical relationships of the surface-structure form, plus the illocutionary force which, at the ideological level, properly applied, has its creative indexical effect." (1979: 216). By metapragmatically calling attention to the violation, the defense is letting the witness on the stand take the full blow of the perlocutionary effect of this violation, pointing to the witness' improper communicative behavior. Although at issue is the Italian-only rule, the real goal of this metapragmatic display is to attack the social (and indexical) position of the witness within the ecology of courtroom communication. Della Valle's attack is kept under check: his metapragmatic objection is indirect; it is not an order but a request addressed to the judge. His negative interjection "no", as the initial metapragmatic device, creates a new space of talk, removed from the main arena in the courtroom floor. This is a normative space based on the ideological values of institutional communication, where the defense invites the magistrates to a formal debate on the rules of the code of courtroom behaviors and on the role of the government witness in it. Both magistrates are compelled to intervene in this new space, the presiding judge with an aside delivered in a low pitched register stating his inability to have Esposito comply with the Italian-only rule (line 49: "I can't force him"). To the defense attorney's indirectness and explicit metapragmatics, the presiding judge responds by pointing out his own impotence to control and monitor the pentito's speech, a fact hard for this ruling lord of the courtroom to concede, thus underlining once more the disruption that the pentiti had caused in the taken-for-granted routines of courtroom behavior. Esposito's linguistic choice is not really a choice but a necessity. He has no other linguistic resources. He can only rely on the communicative skills acquired over the years in a community which, as we have seen, was made up by social networks traditionally at odds with centralized and bureaucratized national life and its codes.

To make things worse, the defense seems to have misunderstood Esposito's use of the word '*nfame*'. Reacting (sequentially) to his own initial request as to Esposito's rank (lines 4-10), and subsequent specification to found out Esposito's role within the NCO in 1982 (line 31), the defense incorrectly infers from the association of the word '*nfame*' with the date offered by Esposito (1983) that the latter has set the date for his membership into the NCO in 1983 (line 52: "only in '83 he became a member"). This would constitute a major contradiction to the police record that had traced Esposito's membership into the NCO back to 1977, precisely the very kind of contradictory statement for which the defense was looking. However, to this leading conclusion everybody objects (see the multiple latching in lines 53-56) including Esposito, who uses his own metapragmatic mechanism, again in dialect (line 54: "*no no this guy didn't understand*"). Finally the prosecuting magistrate explains to the defense that 1983 is the date of Esposito's defection from the organization and successive collaboration with the Justice Department, an action that gained him the label of "infamous" (lines 56-57: "he said that in eighty-three / he defected")⁷.

The defense's attempt to put Esposito in contradiction with the legal record is unsuccessful, but Della Valle turns it into an additional point against the pentito's behavior: Esposito's inability to correctly speak standard Italian is limiting Della Valle's right to follow the proceedings. This switch in tactics is again done both through elliptical indirection (line 59: "but the Italian language-") and metapragmatics ("lines 62-63: "if he speaks a different language / I am not bound to know it"). Immediately afterward Della Valle, the chief attorney for the defense and one of the best trial lawyers of Northern Italy, shifts the topic by launching into a by-then ritual skirmish with his sparring partner, the prosecuting magistrate. Della Valle claims that the latter is annoyed by his inability to understand the Neapolitan dialect, and the prosecuting magistrate responds with an aside on Della Valle's betrayal of his Neapolitan roots (line 83: "but you are of Neapolitan descent",

⁷ Curiously, the '*nfame*' label coincided with the *infames* status of underclass individuals in the Pre-Giustinianus Codex (the legal code of Pre-Classic Roman society). In the Roman republic, this term was used to designate people of slave or foreign origins who were destitute of civic rights, including the right to testify in a court of law (Mancuso in ANM 1986: 97). This term was widely used by the NCO. For instance, in 1984, when one of the NCO underbosses (Pasquale D'Amico), later himself a pentito, was arrested, the police found in his pockets a small copybook containing a text written in capital letters which was later identified as the oath of the NCO. During the ritual of initiation, an initiate had to answer a list of questions (all concerning the code of silence) asked him by his would-be godfather. One of these clearly addressed the figure of the '*nfame*': "Q: *Why does a walking camorrista raise dust?* A: In order to blind the infamous." (Baglivo 1983: 181). Note how the '*nfame*'s threat to the community comes from his gaze. Later in the trial against the NCO, a defendant stressed this character of visual perception of the '*nfame*'. He greeted one of the most infamous of the pentiti, Giovanni Pandico, with the insult: "*tieni 'e infamità in 'agglie uocchie*" (lit.: "you have infamies inside your eyes"). The infamies did not lie in the testimony or in the words of the pentito (which could be represented in his tongue), but in his perception of reality. What was dishonorable was not his recollection of determined facts or his claims, but the fact that he was able to witness them, that he had lay his eyes on social practices which were off-limits for his new status as police informer. What was disputed was precisely his vision of these practices, thus his interpretation, based upon a *Weltanschauung* no longer in tune with the social community.

delivered with the characteristic intonation (rising-falling-rising) of the Neapolitan "instigating" style)⁸.

While this dueling is going on, Esposito is trying to regain control of the floor through repeated requests. Due to these repetitions and particularly because of his attempt to speak Italian, he is finally able to regain the floor, but again, in the middle of his turn, he switches to the Neapolitan dialect (lines 87-92: "but you, but you / but you must *also, ex-cuse me / I, I, to school*"). This shift from standard to dialect is performed in gradual steps, marked phonetically: the standard initial [s] in front of [ku] is substituted by the palatalized [ʃku] in /ʃcusare/ (a half-way transformation which violates the commonly accepted sovra-regional standard in Southern Italy) and finally he reaches the proper Neapolitan system with the form [ʃko] as in /ʃcola/.⁹ Although a more accurate analysis at the phonological level is needed, it is important to point out here to Esposito's rationale for his lack of control in standard Italian. Esposito puts the blame for his limited linguistic competence on his lack of schooling. Here Esposito has internalized the dominant ideology that defines literacy and education as a form of political control: he has rationalized his poor control of the Italian language as the result of his underprivileged position as a drop-out student. By placing the blame on a super-individual entity he is trying to find an acceptable excuse.

However, this move did not please the prosecuting magistrate, who, side-stepping the presiding judge, calls immediate attention to this new violation of the Italian-only rule, using the full directness derived from his authority (line 94: "here the mother tongue is Italian"). Consequently, the presiding judge interrupts him with an overlap, directly asking Esposito to speak in Italian. Immediately after, however, as if to attenuate the severity of his order, he switches to a "half-breed" Neapolitan sentence which precisely negates his previous order (lines 96-97: "try to speak in Italian / *come on let's see it*"). The spurious character of this turn derives from the fact that the judge's rendition of "let's see" as *vediamme* is really half-way in between the Neapolitan standard *vedimme* and the Italian standard *vediamo*. Such a self-contradiction should constitute a mixed message, a flouting of communicative rules of the sort of those studied by Bateson (1975) for his theory of the double bind. In interactional terms, the judge's communicative behavior produces an attempt to balance conflicting allegiances: by violating his own rule and asking in Neapolitan not to speak Neapolitan, the judge qualifies himself both for a "high" code (through his initial order given in Italian to speak Italian) and a "low" one (through his subsequent use of the Neapolitan dialect which contradicts the rule that he had just stated). In this case, the directness of his initial line is attenuated by the closing line produced in a marked code. With this move the judge negotiates a common ground with the government witness by engaging him in his own territory, and at the same time he is able to keep the defense's objections at bay. If before he occupied, together with the defense and the prosecuting

⁸ For two related linguistic studies on dispute management, see Bolinger (1982) where he develops the notion of "contradiction contour," and Goodwin (1981) for her analysis of "instigating" among Afro-American teen-agers.

⁹ I am indebted to Gabriella Klein for this remark.

magistrate, the "high" ground of the Italian standard, he is now able to claim an additional presence on the lower ground of the Neapolitan dialect. That his negotiation is successful shows in his ability to take full control of the interaction. He cuts Esposito short after he is slow to answer the question (line 104: "were you a camorrista?", produced again in a spurious mode, using the Neapolitan article *o* instead of the standard Italian *il*). Then he quickly reverts to a questioning mode which asks Esposito to minimally comply with yes/no answers. This brings the entire sequence to a more stable ground, back again to the unmarked dominant language produced by the leading questions of the judge. The standard, rational, modern, urban language is finally taking full control of the interaction; but the judge, acting as a bridge between Esposito's Neapolitan and the Italian standard, has both validated his testimony and made it acceptable in the communicative context of the courtroom.

Conclusion

Discussing the impact of metalanguage in American courtroom interaction, De Leon (1989) points out that it provides the weapons for a strategy that could distort interaction and hegemonizes the verbal space of participants through intimidation and exclusion. Moreover, it is worth pointing out that this intimidation is usually the exclusive right of the most powerful speaker(s), and that only the powerful rely on explicit metapragmatic strategies as a form of control. This happens in every context, but in institutional settings such as the courtroom, explicit metapragmatics becomes a mechanism of control over the communicative expectations of participants. Speakers are expected to be fluent in the "proper" courtroom code, that is, the unmarked, bureaucratized, rational (and so on) communicative code of the dominant class. In his work on Galician public language in town council meetings, Alvarez-Caccamo (1990) observes how, in negotiating their interactional behavior, participants act out their expectations about the communicative world. These expectations are in fact the result of a struggle for the establishment of the proper code of social conduct. When different social groups come into contact, non-shared expectations may result in interactional conflict and tension. In the courtroom, two such groups never have equal resources and power. The people on the safe side of the bench are able to force their rules on the people who are tried. This normative constriction on people's communicative behavior creates an interactional tension which can influence the communicative ability of a witness, and hence his credibility.

In the case examined above, it was crucial for the presiding judge to create through his authoritative control an alternate world where the government witness could claim that his talk was appropriate. The defense, by calling attention to the pentito's inability to correctly use the 'high' code of courtroom communication, was attempting to undermine his claim to credibility. This strategy was however unsuccessful, due to the judge's strategy which rescued the witness. By resorting to a metalinguistic device which simultaneously signaled his acceptance of the Neapolitan dialect and other unorthodox styles utilized by the pentiti, while allowing him to keep his high ground, the presiding judge was able to offer an alternative to the pentito which kept him from being intimidated and silenced by the defense's

objections. In doing so the judge showed his ability to control different repertoires of alternative styles, displaying his refined social persona. This display of a broad communicative competence had significant implications: not only did it boost his "interactional power" (Jacquemet 1989), but at the same time it signaled to everybody who wanted to listen closely that the Neapolitan "difference" was tolerated and had a place in the Hall of Justice in Naples.

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