# **Explorations in Language and Law**

Language and Law in Academic and Professional Settings Analyses and Applications

1/2014

Edited by Vijay K. Bhatia, Giuliana Garzone, Rita Salvi, Girolamo Tessuto and Christopher Williams



### **Explorations in Language and Law**

An international, peer-reviewed publication series

1/2014 – Language and Law in Academic and Professional Settings. Analyses and Applications

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ISBN 978-88-97339-29-8

© 2014 NOVALOGOS/ORTICA EDITRICE soc. coop. via Aldo Moro, 43/D - 04011 Aprilia

www.novalogos.it • info@novalogos.it

FINITO DI STAMPARE NEL MESE DI MAGGIO 2014 PRESSO LA TIPOGRAFIA DIGITAL TEAM DI FANO

#### Content

- 7 Acknowledgements Girolamo Tessuto
- 9 Introduction Girolamo Tessuto, Vijay K. Bhatia, Giuliana Garzone, Rita Salvi, and Christopher Williams

## PART I ANALYSES

## Insights from the past and present

- 25 Chapter One. Arbitration, mediation, conciliation. Pitfalls of prescription Derek Roebuck
- Chapter Two. Between *Sermo* and *Ius*. Parallels and interferences between language and law in thoughts of authors of Antiquity *Paulina Swiécicka*
- 59 Chapter Three. Germanic law: insights into legal terminology Paola Tornaghi

#### Courtroom and ADR discourse

- 79 Chapter Four. The Kercher/Knox trial: accommodation strategies in a bilingual setting

  Lucia Abbamonte and Flavia Cavaliere
- 105 Chapter Five. Use of quotations as a narrativization technique during cross-examination in 'McDonald's Corporation v Helen Steel and David Morris'

  Tatiana Tkačuková

119 Chapter Six. Reaching an agreement through 'jeitinho': threats, the use of the law, and the exchange of favours. An analysis of Brazilian conciliation hearings

Carolina Scali Abritta and Maria do Carmo Leite de Oliveira

# Constitutional and Legislative discourse

- 135 Chapter Seven. Constructing identity in Australian constitutional law *Elisa Arcioni*
- 149 Chapter Eight. Modality in regulatory texts: a corpus-based study of shall in UK and EU legislation Ersilia Incelli

## Language policy and power in law systems and procedures

- 175 Chapter Nine. Should a legal order admit English as an official language used in court? A critical examination of the discussion in Germany *Manfred Herbert*
- 187 Chapter Ten. Language, law and power. A practical and interdisciplinary approach to the linguistic situation when dealing with law in Switzerland *Andrea Wehrli*

#### Multilingualism, Translation and Interpreting

- 201 Chapter Eleven. Barristers (cross)-examining forensic linguists Muhammad Y. Gamal
- Chapter Twelve. Court translation and interpretation in Spain. Towards a better future!
   Maria Isabel del Pozo Triviño and Anabel Borja Albi
- 233 Chapter Thirteen. Uniformity and feasibility in European law: a case study of contract law *Silvia Zorzetto*

## PART II APPLICATIONS

# Education in the academy and the workplace

- Chapter Fourteen. Translation in teaching English for legal purposes. ACzech perspectiveAdela Bahenska
- 267 Chapter Fifteen. Adverbs in academic legal English: collocational patterns and conventionalized units

  \*Amelia R. Burns\*\*
- 287 Chapter Sixteen. Towards a standardized qualification of English as a foreign language for Italian professionals practising in the legal sector *Anila R. Scott-Monkhouse*
- 301 List of Contributors
- 309 Index

# Chapter Four

The Kercher/Knox Trial: Accommodation Strategies in a Bilingual Setting

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#### 1. Introduction

In the last few years, in the picturesque Umbrian city of Perugia, the murder of Leeds University student Meredith Kercher has spawned one of Italy's most sensational and closely watched trials. In November 2007 Meredith's roommate, Amanda Knox, from Seattle, was charged along with her Italian ex-boyfriend, Raffaele Sollecito, with murdering Kercher in a drug-fuelled sexual assault, and in December 2009, they were sentenced to 26 and 25 years respectively. Their convictions were overturned on appeal in October 2011 by a panel of six lay jurors and two judges.<sup>2</sup>

However, Amanda Knox was also given a three-year sentence for slander after falsely accusing Patrick Lumumba, the owner of a Perugia bar where she worked, of involvement in the killing. In this study we foreground a phase of this slander trial, and in particular one segment of special linguistic interest. The bilingual setting of the trial, the defendant's (Amanda Knox) occasional language switching (from Italian into English and vice versa), and the legal professionals', interpreter's and defendant's *accommodative* strategies are analysed from a socio-psychological perspective. In a broad Critical Discourse Analysis (CDA) approach, such strategies have been identified and described under the Communication Accommodation Theory (CAT) purview. One of the most prominent frameworks in the social psychology of language, CAT is applicable to a wide array of contexts,

<sup>1</sup> While the design of this study is common, Flavia Cavaliere is responsible for sections 1., 2., 3.2 and 4.4.1 and Lucia Abbamonte for 3.3.1.3.3.3.4.4.2 and 5.

<sup>4, 4.1,</sup> and Lucia Abbamonte for 3, 3.1, 3.3, 3.4, 4.2 and 5.

<sup>2</sup> In March 2013, Italy's highest criminal court overturned Knox and Sollecito's acquittal for the 2007 Kercher murder in Perugia. http://www.guardian.co.uk/world/2013/apr/28/amanda-knox-wrote-letter-kercher.

courtroom exchanges among them. Essentially, CAT assumes that interactants use strategic behaviours (convergent, divergent, maintenance, or complementarity), mainly based on language and communication, to negotiate social distance between themselves and others and/or to maintain perceived separation or nearness with interlocutors. Convergent accommodation strategies can be enacted either to convey empathy, develop a closer relationship, signal common social identities, or to elicit the other's approval or trust and also to enhance cooperation or defuse a potentially volatile situation. Divergent strategies, in contrast, seek to emphasize identity differences and detachment, whereas maintenance aims at preserving one's own linguistic style, without any accommodative adjustments. On a more complex plane, issues of complementarity necessarily entail a communicative dissimilarity (see *infra* 3.2.), finalized to a functional, successful interpersonal interaction, such as lawyer/client or doctor/patient interviews.

By analyzing and interpreting samples from a phase of the Amanda Knox slander trial, the present study aims at evaluating the cohesion between the coerciveness of the prosecutor's questions and the pertinence of Amanda's answers. More specifically, we intend to illustrate how, in the course of her cross-examination, Amanda enacted a variety of strategies, which did not include complementarity, to the effect of dislocating responsibility to others. To date, psychological research has given little consideration to understanding how language use provides significant insights into the interpersonal dynamics of conflict, and into the actual involvement of the actors in the crime(s) in question. In criminal trials, witnesses/defendants adjust the types of answers that they provide in order to accommodate to more and less coercive questioning by the lawyer (Gnisci 2005). In our case, CAT tools can significantly contribute to identifying the dynamics underlying the range of maintenance, convergence and divergence strategies in the cross-examination of Amanda

## 2. Key people in the case

In Perugia on 1 November 2007, Meredith Kercher was found dead in the flat she shared with Amanda Knox and two Italian girls (not in Perugia at the time). Kercher, aged 21 at the time of her death, was a British university exchange student from Coulsdon, South London. Hers was a homicide that gained international notoriety when the grisly details of the crime emerged. She was found dead on the floor of her bedroom with stab wounds to the

throat and the signs of attempted rape.<sup>3</sup> Some of her belongings were missing, including cash, two credit cards, two mobile phones, and her house keys. Prosecutors both at the original trial and during the appeal said the burglary was staged in order to distract them from the real culprits.<sup>4</sup>

Three people were initially held on suspicion of conspiracy to commit manslaughter and sexual violence; Amanda Knox, Raffaele Sollecito and drug dealer Rudy Guede. Amanda Knox, a Seattle exchange student, and her then boyfriend – Raffaele Sollecito, an Italian student – were convicted on charges of sexual assault and murder in December 2009, and sentenced to 26 and 25 years respectively.<sup>5</sup> In October 2011 an appeals court overturned the 2009 conviction for murdering Meredith Kercher. In an official statement of their grounds for overturning the convictions the judges wrote there were no material grounds to support the guilty verdicts at the trial.<sup>6</sup>

Instead, Rudy Guede, a drifter who fled the country after Kercher's murder, is in jail. An Ivory Coast native raised in Perugia, Guede was convicted of having sexually assaulted and murdered Miss Kercher in a special fast-track trial which took place behind closed doors in October 2008, and sentenced to 30 years (reduced on appeal to 16 years in December 2009). Guede had originally stated that he was alone with Ms. Kercher on

<sup>&</sup>lt;sup>3</sup> "Hunt for British student's killer." <sup>3</sup> November 2007. http://news.bbc.co.uk/2/hi/7075584.stm.

<sup>&</sup>lt;sup>4</sup> "Kercher accused 'could not kill'". 6 February 2009.http://news.bbc.co.uk/2/hi/europe/7873702.stm.

<sup>5</sup> "Amanda Knox guilty of Meredith Kercher murder." 5 December 2009. http://news.bbc.co.uk/2/hi/uk\_news/8394750.stm.

<sup>&</sup>lt;sup>6</sup> Knox and Sollecito were freed after the independent review found that DNA evidence was badly mishandled; experts told the appeal court that DNA evidence used to convict Knox and Sollecito may have been contaminated and fell short of international standards, with police failing to wear the correct protective equipment. In brief, the case mounted against them by prosecutors was ripped apart by the Italian appeals court which noted the murder weapon was never found, DNA tests were faulty and that prosecutors provided no motive for murder. "Amanda Knox: DNA evidence may be contaminated". *BBCNewsEurope*. 25 July 2011. http://www.bbc.co.uk/news/uk-14282751. Later, the Italian prosecutor Giovanni Galati denied the claims and filed a 112-page appeal seeking to throw out the court ruling that set Amanda free after four years in an Italian prison. Galati said he is "very convinced" that Knox and Sollecito killed Meredith Kercher. The family of Amanda Knox said that Galati's efforts to put her back in prison are "an example of the harassment" by prosecutors who are intent on prolonging "this terrible, painful incident." Battiste, N. "Amanda Knox's Family Slams Harassment By Italian Prosecutor." *ABCNews*. 14 February 2012. http://abcnews.go.com/US/amanda-knox-family-calls-prosecutors-appeal-harassment/story?id=15589610.

<sup>&</sup>lt;sup>7</sup> He was arrested on November 20th 2007 in the German city of Mainz for travelling on a train without a ticket. On 6 December he was extradited to Italy to face murder charges after police claimed his bloody fingerprints were discovered on Miss Kercher's pillow. "Man convicted of Kercher murder". *BBCNewsEurope* 29 October 2008. http://news.bbc.co.uk/2/hi/europe/7695294.stm.

the night of the murder and saw a lone Italian man kill her, but later changed his story to implicate Knox and Sollecito.8

Initially, Patrick Lumumba, a 38-year-old Congolese national, was also implicated. He was the owner of a bar called Le Chic where Knox had a part-time job handing out flyers and getting customers in. Lumumba was arrested and spent two weeks in prison after Amanda Knox told detectives she 'had covered her ears in the kitchen' while 'Patrick killed Meredith'. Mr. Lumumba was eventually released after a Swiss professor came forward to say he could not have been the killer, as he had been a customer in the bar the night of the murder. Amanda was then given a three-year sentence for slander after falsely accusing Lumumba of involvement in the killing.<sup>10</sup> Amanda declared that she had been 'manipulated' during her lengthy police interrogation. Allegedly, she had given the police Lumumba's name after a 14-hour interrogation, and, she claimed, had been hit twice by the police. The police denied such a claim, and this cost Amanda a second charge of slander.11

Knox's arrest and trial received worldwide press coverage, often in the form of salacious tabloid reporting, particularly in the Italian, British and US press. 12 To the Kercher family's chagrin, Meredith had been eclipsed in the public's eye by the photogenic American Knox, 13 as her family and

<sup>&</sup>lt;sup>8</sup> "Amanda Knox killed roommate Meredith, Guede tells court". BBCNewsEurope. 27 June 2011. http://www.bbc.co.uk/news/world-europe-13930073.

Reilley, J. "Amanda Knox launches appeal against slander conviction after she falsely accused bar owner of killing Meredith Kercher". Mailonline. 7 February 2012.

http://www.dailymail.co.uk/news/article-2097617/Amanda-Knox-launches-appeal-slander-

conviction-accusing-bar-owner-involvement-Meredith-Kerchers-death.html#ixzz2HewCwtQu. <sup>10</sup> Judge Claudio Pratillo Hellman gave her a three-year sentence (which she had already served), and also ordered her to pay 22,000 euro court costs. Pisa, N. "Amanda Knox is a fantastic actress, says bar murder". accused of 11 October online.http://www.dailymail.co.uk/news/article-2047234/Amanda-Knox-fantastic-actress-says-Patrick-Lumumba-accused-murder.html#ixzz2Hbh4hQxd.

<sup>&</sup>lt;sup>8</sup> Also Amanda's parents have been charged with defaming five police officers with the Perugia crime squad after repeating their daughter's version of events to a British newspaper in June 2008. claims". "Amanda Knox in court over police beatings http://www.bbc.co.uk/news/10206377. Amanda told her parents that she had been physically and verbally abused by police officers, and never been given food or water, or an interpreter. She also said she had been threatened that "things would get worse" if she asked for a lawyer to be present. "Kercher trial. Police beat me, Knox says". 

<sup>2009.</sup> http://news.bbc.co.uk/2/hi/europe/8390909.stm

<sup>13 &</sup>quot;Amanda Knox appeal: Jury told to remember Kercher". BBC NewsUK. 24 September 2011. http://www.bbc.co.uk/news/uk-15034031.

illustrious supporters mounted a high-profile campaign to dismantle accusations and free her. 14

In the media frenzy, a whirlwind of controversy surrounded Amanda's character. Amanda's behaviour ranged from that of honour's student studying abroad to her wild life in Perugia, far exceeding simple youthful indiscretion, in a crescendo of illegal self-indulgence. Her controversial personality as well as alleged police misconduct casting doubt on the Italian judicial system transformed the case into a media festival, where sensational headlines eclipsed the fate of the unfortunate Meredith Kercher. While the American media all supported Knox, the British media dedicated more attention to the unfortunate victim, 'Mez' Kercher, frequently referring to Amanda as "Foxy Knoxy", as she used to be called in her school years. A

<sup>&</sup>lt;sup>14</sup> Italian prosecutor Giancarlo Costagliola denounced the "obsessive" media campaign that made "everyone feel like the parents" of Knox and Sollecito, while in 2008 American supporters of Knox founded 'The Friends of Amanda organization', which aimed to "counter the lurid tabloid accounts" of Amanda's trial, and to "present the public with, crucial evidence that irrefutably proves Amanda's innocence." Using TV appearances in the US, newspaper stories and friendly internet blog sites, Amanda Knox's supporters have consistently tried to discredit the evidence of the Italian prosecutors. In particular Amanda Knox's supporters have accused the Perugia prosecutor Giuliano Mignini of incompetence, of being a "raving maniac" and even of harbouring an unhealthy obsession with the occult. The West Seattle Herald even organized fund-raising events in aid of the Seattle-based Friends of Amanda campaign, where guests were warned against the Italian prosecutor. Finally, amid the ever-growing U.S. backlash against the verdict, even the American Secretary of State Hillary Clinton was drawn into the battle to overturn Amanda Knox's conviction. Joyce, J. "Battle beyond the Kercher trial". BBC NewsEurope. 12 February 2009. http://news.bbc.co.uk/2/hi/europe/7879293.stm. Willis, D., "Amanda Knox supporters in Seattle celebrate release". BBC News, Seattle. 4 October 2011. http://www.bbc.co.uk/news/world-us-canada-15161976; Hale, B., Bates, "Amanda Knox: U.S. backlash grows as Hillary Clinton is called in over jailing." Mail Online, 8 December 2009: http://www.dailymail.co.uk/news/article-1233768/Amanda-Knox-U-S-backlash-grows-Hillary-Clinton-called-jailing.html.

There have been thousands of newspaper and internet articles, endless TV debates and more than 20 books written about the murder of Meredith Kercher in both English and Italian since that dreadful day in November 2007, but most of them have had Amanda as their main (or rather the only) topic, as can be easily argued from the following titles of these books: Walking with Amanda (Inocencio de Jesus 2010); The Fatal Gift of Beauty: The Trials of Amanda Knox (Burleigh 2011); The Monster of Perugia: The Framing of Amanda Knox (Watebury 2011); Angel Face: The True Story of Student Killer Amanda Knox (Nadeau 2012). Other books, instead, focus on the sensationalism of the trial, or the presumed innocence of Knox and Sollecito: Murder in Italy: The Shocking Slaying of a British Student, the Accused American Girl, and an International Scandal (Dempsey 2010); Injustice in Perugia: a Book Detailing the Wrongful Conviction of Amanda Knox and Raffaele Sollecito (Fisher 2011). Nadeau, B.L. "Meredith Kercher's Father on 'Our Daughter's Murder'". The Daily Beast. 26 April 2012.

http://www.thedailybeast.com/articles/2012/04/26/meredith-kercher-s-father-on-our-daughter-s-murder.html.

Bell, D. "Who is the real 'Foxy Knoxy'? <u>BBCNewsUK.</u>23 November 2010. http://www.bbc.co.uk/news/uk-11823193; Squires, N. "Amanda Knox: Who is Foxy Knoxy? "20 October 2011. *The Telegraph*.

major focus was Amanda's elusive craftiness, displayed through the "many faces of Amanda": a fresh-faced honour's student or a temptress with a dark and callous side? During the convicted pair's appeal trial, Mr. Pacelli, Patrick Lumumba's defence attorney, said: "Who is Amanda Knox? Is she the mild-looking, fresh-faced person you see here, or the one devoted to lust, drugs and alcohol that emerges from the court documents?" <sup>17</sup>

When Amanda was freed, the life-savvy Daily Mail titled: 'Weeping Foxy is freed to make a fortune'. Amanda flew back to Seattle and media crews from around the world assembled for her arrival back home. Her biography *Waiting to be heard* – for which Harper Collins will pay \$4 million – is expected in April 2013.<sup>18</sup>

### 3. Methodology

In our discourse-oriented perspective, the CAT framework helps to better situate and evaluate the variety of issues involved in the Knox trial, ranging from courtroom exchanges with cross-examination of witnesses to confrontational encounters between people from different national backgrounds – including racial concerns<sup>19</sup> – and to the intervention of an interpreter (Matoesian 2001; Simard 1976) under the media's influential, watchful eyes (Cavaliere 2012). Our analysis focuses on a phase of the Lumumba vs. Knox slander trial, by analyzing samples of the prosecutors' and Amanda's strategies, with a spotlight on the presence of an Italian interpreter that added a further (meta-) communicative dimension.

http://www.telegraph.co.uk/news/worldnews/europe/italy/8802699/Amanda-Knox-Who-is-Foxy-Knoxy.html

<sup>&</sup>lt;sup>17</sup>"Amanda Knox is 'witch of deception' says Lumumba lawyer". *BBCNewsUK*. 26 September 2011. http://www.bbc.co.uk/news/uk-15059817.

<sup>&</sup>lt;sup>18</sup> Sollecito has published his own book as well: *Honor Bound, My Journey to Hell and Back with Amanda Knox*. Nazaryan, A., "Amanda Knox book details released". *Daily News*. November 28, 2012

http://www.nydailynews.com/blogs/pageviews/2012/11/amanda-knox-book-details-released.

<sup>&</sup>lt;sup>19</sup> When he was released Lumumba said he would never forgive Knox, although he later publicly said that he had.

In 2007 Lumumba was quoted as saying: "I still don't understand how I finished up in all this. Because I'm black? Because I'm the perfect guilty one?" Reilley, J. "Amanda Knox launches appeal against slander conviction after she falsely accused bar owner of killing Meredith Kercher". *Mailonline.* 7 February 2012. http://www.dailymail.co.uk/news/article-2097617/Amanda-Knox-launches-appeal-slander-conviction-accusing-bar-owner-involvement-Meredith-Kerchers-death.html#ixzz2HewCwtOu.

Since, to the best of our knowledge, the reception and use of CAT in discourse studies is a recent acquisition (Abbamonte 2012), the need for a brief survey of its pattern and tools arises, with a focus on its applicability to the corpus under analysis in this study.

#### 3.1 Corpus

Our corpus consists of the transcripts of a significant segment from the Lumumba vs. Knox slander trial, which Amanda had to face for falsely accusing Patrick Lumumba of killing Meredith. Such excerpts from Amanda's cross-questioning by Lumumba's defence attorney Carlo Pacelli are foregrounded since they convey some of the key aspects of the trial's dialogistic exchanges. They are grouped into five tables according to their salient features: overlapping in turn-taking in tables 1 and 2, and a range of inter-discursive strategies in this bilingual cross-examination in tables 3, 4, 5.

#### 3.2 Communication Accommodation Theory

In social psychology, language and speech behaviour are regarded not only as instruments for communication, but also as ways to regulate social contacts (Giles 1973, 1977; Giles, Mulac, Bradac and Johnson 1987; Shepard, Giles and Le Poire 2001), and as markers of group membership and personal identity. As a prominent and comprehensive framework focusing on these issues and sharing face-management concerns with Politeness theory, CAT has captured cross-disciplinary imaginations (Coupland and Jaworski 1997). CAT provides the resources to analyse face and identity concerns also in inter-ethnic and generational/gender communication contexts, and it can also be effectively used in multimodal CDA studies. It is applicable to a wide array of organizational, confrontational and intercultural contexts, including law (enforcement) and courtroom situations which are relevant to the present study. Interviewing and questioning patterns – a salient feature of courtroom exchanges – have frequently been investigated in light of this theory (Gnisci and Bakerman 2007; Giles, Willemyns and Gallois 2007; Penman 1990; Philips 1984, 1987; Woodbury 1984). Through the CAT lens it is possible to observe and define strategic behaviours in communicating, which can be convergent when interlocutors want to achieve closeness to others, and *divergent* when

they want to emphasize emotional and/or socio-cultural distance. By and large, speakers, both in interpersonal and intergroup interactions, increasingly accommodate the communicative patterns (language code, accent, gesture, proxemics, non-verbal communication etc.) that they believe to be characteristic of their interactants when they wish to signal positive common social identities so as to elicit the others' approval, and develop a closer, more empathic relationship (Giles 1973; Gallois, Ogay, and Giles 2005; Tracy and Haspel 2004).<sup>20</sup>

Let us now briefly illustrate what these strategic behaviours can consist in. Through accommodative/approximation strategies (AS) the speakers adjust their style in response to the other person/s by changing/reshaping their rate of speech and/or accents, pauses, register as well as a variety of non-verbal behaviours. More specifically, convergence strategies are finalized to emphasize similarity to interlocutors – being other-directed they are usually perceived favourably, and correlate with social competence, attractiveness and supportiveness. Contrarily, divergence strategies aim to accentuate differences from the interlocutor. While divergence is also otherdirected, maintenance is defined as a self-directed strategy aimed at preserving one's own linguistic style, even to the point of ignoring the accommodative attempts made by the interlocutor. Therefore, maintenance is considered to be psychologically contiguous to divergence strategies. Both divergence and maintenance strategies are usually rated negatively, especially if the intent is perceived to be dissociative, such as signalling dislike, lack of interest, empathy, etc.

Additionally, there are contexts of interaction where neither convergence nor divergence/maintenance would be the most suitable communicative style, and, instead, dissimilar speech patterns are not only acceptable, but even expected (Giles et al. 1987; Street 1982). In those contexts, complementarity strategies are found, as, for example, in mixed gender dyads (Shepard, Giles, Le Poire 2001).<sup>21</sup> In the field of criminal justice, in an initial lawyer-client interview, normally the client/defendant is naturally anxious to talk about the case and tell the lawyer what he/she knows and does not know (or pretends not to know), whereas the main thing the lawyer

<sup>20</sup> CAT grew out of Speech Accommodation Theory (SAT), which was developed as a sociopsychological model to explain modifications in speech style during interactions (Giles, Taylor and Bourbis 1973)

<sup>&</sup>lt;sup>21</sup> In such dyadic interactions, men usually undertake more masculine tones of voice and women take on more feminine forms than in same sex dyads: studies on gender language would greatly benefit from CAT insights.

is concerned about is what evidence the prosecutor might have.<sup>22</sup> Thus, the lawyer tries, through a series of (coercive) questions, to learn from the client what he/she thinks the prosecutor is going to say that he/she did and what predictions he/she can make about the prosecutor's version of the story. In this way, the interview becomes fruitful: the lawyer acts as a lawyer and keeps the conversation on the right track, and the client has to focus on his/her role of defendant (Abbamonte 2012). Complementarily, each conversant takes advantage from playing/reinforcing his/her functionally different role in that situation, thus displaying a necessary communicative dissimilarity. As the data of this investigation will show, Amanda did not enact any complementarity strategies, and this may be due to the different role-interaction in the courtroom context, but, possibly, also to the nature of her involvement in the crime.

Amanda displayed a variety of (non-)accommodative behaviours, ranging from linguistic to non-linguistic strategies. In particular, her 'physical' metamorphosis is a clear example of non-verbal convergent strategies: her changed looks were carefully staged throughout the process – from the uninhibited, multi-pierced young woman leading a wild student life to a ponytailed, fresh-faced defendant in puff-sleeved apparel. However, the observation and analysis of non-verbal features are not the focus of this study, which concentrates rather on the linguistic behaviours/exchanges that occurred in the courtroom context of the Lumumba vs. Knox slander trial.<sup>23</sup>

CAT also encompasses more 'interdiscursive' strategies focusing on reception and recipients, rather than on production and performance, as the ones above-mentioned. In particular, *discourse management* attunes with the other person's conversational needs (topic selection, face maintenance, back channelling, turn management). *Interpretability* focuses on the receiver's ability to interpret language in interaction (e.g., speaking louder or slower, code switching etc.), and interpersonal control attempts to direct the course/nature of interaction by way of interruptions or forms of address (Coupland et al. 1988).

It may be worth specifying that accommodation strategies can be multifaceted and graded. Not only may maintenance and divergence generate under-accommodation, but also convergence, which is typically expected to be valued positively, may be perceived as insincere or

<sup>&</sup>lt;sup>22</sup>See National Criminal Justice Reference Service, <a href="http://trial-advocacy.homestead.com/Demeanor.html">http://trial-advocacy.homestead.com/Demeanor.html</a>; <a href="http://criminaldefense.homestead.com/ClientInterview.html">http://criminaldefense.homestead.com/ClientInterview.html</a>.

Both looks and other non-linguistic behaviours, as well as sensory accommodation are easily observable in the numerous video-recordings of the trials available on line.

stereotypical. When displayed in excess, convergence may be perceived as over-accommodation, as in the following cases:

- Patronizing (e.g. baby talk) or ingratiating;
- Sensory Over-accommodation (adapting to physical limits);
- Dependency Over-accommodation (treat others as lower status);
- Stereotyping (or Intergroup Over-accommodation) people do not converge toward (or diverge from) the actual interlocutors' behaviours, but rather toward the more or less prestigious image they (are believed to) portray (i.e., class-conscious or racist behaviours are enacted).

In the Lumumba vs. Knox slander trial such strategies play a foreground role, e.g. Amanda's resorting to Italian signals her will to '(over)accommodate' the interlocutor/s, by bridging the lingua-cultural divide and so trying to build common ground.

### 3.3 Questions and answers typology

The focus of our analysis is on the questioning and answering style; in particular the coercive degree of questions and the pertinence of answers were taken into account in the texts under scrutiny.

Following the definition by Woodbury (1984), coercion represents the degree to which a question imposes its own version of facts on the answer and conveys a set of implicit and explicit assumptions on behalf of the form of the question. Seven types of questions can be identified, ranging from the most to the least coercive: declarations, tag-questions, *yes/no* questions, choice, narrow *wh*-questions, broad *wh*-questions and indirect questions.

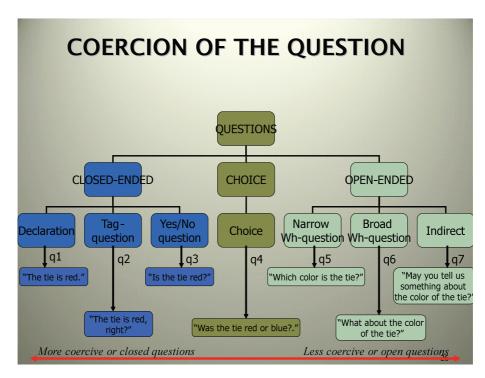


Figure 1. Macro and micro categories for the analysis of the questions<sup>24</sup>.

On the other hand, the pertinence of the answer is defined as the degree to which an answer reflects perfectly, marginally or does not reflect what is affirmed in the question and in its implications (Philips 1984, 1987). The corresponding category system includes three main categories for pertinent (convergent) answers, namely, minimal answers, elaborations and implicit answers and one category for non-pertinent (divergent) answers, including no-replies.

Here follow some examples from our transcripts from the Lumumba vs. Knox slander trial, as follows.

- (1) *Minimal answers* provide only one of the canonical answers projected by the question, with a perfect copy-effect:
- **Q**: Quali giorni? Non ricorda? <sup>25</sup>{Which days? Don't you remember?}
- A: Tuesday and Thursday

<sup>&</sup>lt;sup>24</sup> Gnisci, Di Conza and Zollo, 2011.

<sup>&</sup>lt;sup>25</sup> Our translation in curly brackets.

- **(2)** *Elaborations* provide one of the canonical answers projected by the question, and some additional syntactical or semantic information, thus providing a partial copy-effect:
- **Q**: Senta Signorina, Lei quando ha conosciuto Patrick Lumumba? {Listen Miss, when did you meet Patrick Lumumba?}
- A: I was at the Università per Stranieri...but I met him through a friend of Laura's
- **3)** *Implicit answers* provide only additional information, which implicitly includes the canonical answers, with a deleted copy-effect:
- **Q**: E non sa cancellare i messaggi che invia... {And can't you delete the messages you send...}
- A: I didn't even think about deleting those
- **4)** *Non-replies* do not answer the question because they are different from all the canonical answers projected by the question, and are a clear form of divergence, with no copy-effect:
- **Q**: Lei disse che era andata a casa di Via della Pergola insieme a Patrick. C'è andata? {You said you went to the house in Via della Pergola together with Patrick. Did you go there?}
- A: The declarations were taken against my will.

## 3.4 Turn-taking

A significant role in the unfolding of cross-examinations of defendants is played by turn-taking dynamics (Beattie, Cutler and Pearson 1982; Dixon 1998; Roger, Bull and Smith 1988; Sacks et al. 1974), which can be conveniently schematized as follows:

Latches: perfect synchronism between the two adjacent turns. Latching implies taking the floor without a pause (>600 ms), but also without suggesting conflict (i.e. positive accommodation-convergence)

- perfect latching
- minimal overlapping
- minimal pause (pause < 600ms) due to mistakes in the synchronization
- afterthought, that is, a sort of coda attached to the speaker utterance that does not introduce new information.

*Pauses:* an interval of time (> 600 ms) between the different interlocutors' adjacent turns.

Interruption (divergence/under-accommodation) can be:

- silent interruptions: the speaker leaves the floor just as the interlocutor interrupts;
- simple interruptions: the interrupting speaker displays at least one of the markers of conflict (higher tone and/or volume, perseverance in persecuting interruption, prepositional disagreement, etc.);

 competitive or complex interruptions (the interrupted speaker tries to preserve the turn unsuccessfully): both speakers mutually display at least one marker of conflict.

In the Lumumba vs. Knox slander trial, the presence of the interpreter creates not-so-minimal overlapping and interruptions, as is apparent in Tables 1 and 2 (see Section 4).

## 4. CAT framing of findings

4.1 As the Lumumba vs. Knox process unfolds mostly through exchanges among the Chief Judge, Lumumba's Defence Attorney (DA) and Defendant and Interpreter, the encounter of different AS can be recognized and described in the light of the CAT perspective.

In Tables 1 and 2, the interpreter is directly addressed by the Chief Judge and her performance is called into question, with (meta-linguistic) comments both on overlapping and on translation modes.

Presidente/Chief Judge	Interpreter
1.Scusate magari vedo qualche volta che c'è una sovrapposizione di voci {Excuse memaybesometimes there seems to be some voice overlapping}[declaration]	1. Perché è una simultanea {Because it is a simultaneous translation} [pertinent reply+elaboration]
2.Sì eccomagari se è possibile siccome a noi interessa anche che venga registrata la risposta in lingua Inglese della imputataecco l'interprete {Well thenmaybe if it is possible since we need the recorded English version of the defendant's answerso the interpreter} [declaration]	2. Va bene devo fare la consecutiva {All right, I must do a consecutive translation} [elaboration]
3ecco è pregata di aspettare prima di fare la traduzione che l'imputata abbia cessato dal rispondere. D'altra parte si rileva che l'imputata stessa offre delle frasi abbastanza corte e quindi ciò consente anche una traduzione non proprio in simultanea, ma ravvicinatissima e letterale. {please wait for the defendant to finish her answer before translating. Besides, we notice that the defendant offers rather short sentences, thus this allows a translation which, if not exactly simultaneous, is, however, very close and literal} [declaration, DISCOURSE MANAGEMENT: attunes on the other person's needs/identity]	
4. Prego avvocato {Your turn, Mr. Attorney }[discourse management]	

Table 1. Lumumba vs. Knox Slander Trial Testimony - Overlapping in turn-taking

Patrick's defence attorney(DA), Chief Judge, Judicial Registrar	Amanda
1. DA: Perché non ha cancellato il messaggio da Lei inviato in risposta a Patrick? {Why didn't you delete the message you had sent as a reply to Patrick?} [broad wh-question (wh-q)]	1.I had a limited amount of space in my phone and whenever I received a message that I didn't need to remember something for I deleted them [elaboration, DIVERGENCE] I am not used to deleting those I am just used to deleting those I receive, I believe [elaboration, DIVERGENCE]
2.DA: Senta Signorina[voices over] Judicial Registrar: c'è un buco alla traduzione, manca una parte della risposta, forse {DA: Listen Miss[voices over] Judicial Registrar: there is a gap in the translation, a part of the answer is missing, maybe} [declaration]	
3.Chief Judge: Ad alta, ad alta voce sempre, tutto nel microfono {out loud, always out loud, everything in the mike}	
4. <b>DA:</b> Ma mi era sembrato di capire che aveva detto perché aveva il tetto pieno dei messaggi nel cellulare {It seemed to me you said your mobile phone memory was full} [declaration]	4.I wasn't used to deleting the ones that I sent out, just the ones that I received [elaboration, DIVERGENCE]
5. <b>DA</b> : sì, sì {yes, yes } [declaration]	5.I am not a technical genius so I only know how to delete the ones I receive once I get them [elaboration, DIVERGENCE]
6.Chief Judge: Le domande nel microfono. Le domande le risposte nel microfonoè tutto per tutti. {The questions in the mike. The questions the answers in the mike everything for everybody} [declaration]	

Table 2. Lumumba vs. Knox Slander Trial Testimony - Debate and overlapping

The interpreter's professional skills are repeatedly questioned by the Chief Judge who complains about the overlapping between the defendant's words and the translation. Both translation problems and voice overlapping due to violations of turn-taking are the target of frequent complaints. As the trial progresses, the interpreter's role loses momentum since Amanda is able to 'manage' interaction in Italian, also thanks to the DA's efforts to be

understood. By and large, the interpreter only needed to translate Amanda's words for the Italian DA, judges and audience, and not vice versa. It is worth noting that Amanda never gets involved in voice overlapping; she respects turn-taking, according to the expected behaviour in Anglo-Saxon cultures, and seems puzzled when more than one person speaks at the same time

In the following excerpts from Amanda's cross-examinations by the DA, a variety of reciprocal AS and discourse management skills are enacted, mainly through structured question/answer styles. Adopting a mutually convergent behaviour seems the dominant orientation in the following exchanges. Through a series of discourse management strategies, the DA adopts a cautious and polite language, as far as this is allowed by the set courtroom style for cross-examination.

Patrick's Defence Attorney	Amanda
1. Buongiorno signorina Amanda{Good morning Miss Amanda} [Interpersonal control: form of address, CONVERGENCE]	1.Buongiorno {Good morning} [Interpersonal control: form of address, CONVERGENCE]
2. Sono l'avvocato Carlo Pacelli e sono l'avv. Difensore di Patrick Lumumba {My name is Carlo Pacelli and I am Patrick Lumumba's Defence Attorney}  [Interpersonal control: form of address, CONVERGENCE]	2.Va bene {All right} [CONVERGENCE]
3.Una piccola premessa, cercherò di farle le domande in nell'Italiano più semplice. Posso iniziare? {A short premise, I'll try to ask you the questions in Italian as simply as possible} [interpretability, yes/no question), CONVERGENCE]	3.Grazie, sì {Yes, thanks} [CONVERGENCE]
4.Lei conosce Rudy Guede? {Are you acquainted with Rudy Guede?} [narrow wh-q]	4.Poco {A little} [minimal reply, MAINTENANCE]
5.Dove lo ha conosciuto? In quali circostanze? {Where did you meet him? Under what circumstances?} [broad wh-q]	5.I was in the centre, near the church.[Italian Translation starts] It was during an evening when I met the guy [Italian Translation] [pertinent reply, MAINTENANCE through language switch (LgSw)]
6. Questo party era a fine ottobre? {Was this party at the end of October?} [yes/no q]	6. I think eh it was more in the middle of October[pertinent answer + elaboration,

#### EXPLORATIONS IN LANGUAGE AND LAW 1/2014

MAINTENANCE]		
7. There wasa <i>spinello</i> yes [pertinent reply + LgSw, CONVERGENCE]		
8every once in a whilewith friends [elaboration, MAINTENANCE]		
9. Marijuana [pertinent minimal answer, CONVERGENCE]		
10. I was at the Università per Stranieribut I met him through a friend of Laura's [elaboration, MAINTENANCE]		
11.Yes [minimal answer, CONVERGENCE]		
12. Around the middle of October [pertinent minimal answer, CONVERGENCE]		
13. In the beginning I worked everydayand then we organized to work twice a week [pertinent answer + elaboration, CONVERGENCE]		
14. Tuesday and Thursday [pertinent minimal answer, CONVERGENCE]		
15. I liked Patrick a lot [elaboration, MAINTENANCE]		
16. No [minimal answer, CONVERGENCE]		
17 No [hesitation + minimal answer, CONVERGENCE]		
18. No [minimal answer, CONVERGENCE]		
19. No [minimal answer, CONVERGENCE]		
20. Sì [minimal answer + LgSw, CONVERGENCE]		

Table 3. Lumumba vs. Knox Slander Trial Testimony – Interdiscursive strategies in bilingual cross-examination – *Amanda's friends and habits* 

In this initial phase of the cross-examination the DA Carlo Pacelli makes an explicit effort to enhance comprehension and to facilitate communication. He uses mostly specific questions aimed at obtaining precise information, though without enacting explicit face threats to Amanda. We could say that his AS are mainly convergent, as far as his speech rate, intonation, mode of address and lexical choice are concerned. He never resorts to declarations which are coercive, or closed ended forms of question, and yet he manages to elicit the required information. As regards Amanda, in the initial phase her behaviour is definitely convergent, since there is no immediate face threat to her: the first questions concern her lifestyle and relations with Patrick. She even utilizes Italian, thus signalling her willingness to cooperate.

4.2 Significantly, as the focus shifts to topics that are more face-threatening and dangerous for her (answers 8), Amanda switches to English and enacts maintenance strategies, including repeated LgSw and hesitation (answers 17, 21).

22. Perché la sera del primo novembre non andò a lavorare al pub 'Le Chie'? {Why didn't you go to work at the pub 'Le Chie' on the evening of November 1 <sup>st</sup> ?} [broad wh-q.]	22. Because Patrick sent me a message saying I didn't have to go to work. [pertinent answer, CONVERGENCE]
23. Di preciso se lo ricorda questo messaggio? { Exactly, do you remember that message?} [yes/no q.]	23. I don't remember word for word [elaboration, MAINTENANCE]
24. Che ora era quando ricevette questo messaggio? {What time was it when you received the message? } [narrow wh-q]	24. Around 8.15 8.30 [pertinent answer + hesitation, CONVERGENCE]
25. Lei in quel momento dove si trovava Signorina? {Where were you in that moment, Miss?} [narrow wh-q]	25. At the apartment of Raffaele [pertinent answer, CONVERGENCE]
26. Lei rispose al messaggio di Patrick? {Did you answer Patrick's message?} [yes/no q.]	26.Yes [minimal answer, CONVERGENCE]
27.Quando rispose al messaggio di Patrick dove si	27.In the apartment of Raffaele I think

#### **EXPLORATIONS IN LANGUAGE AND LAW 1/2014**

sì [elaboration + LgSw, MAINTENANCE]
28.That I let's see, I said ok see you later [elaboration, MAINTENANCE]
29.Yes [minimal answer, CONVERGENCE]
30. I believe I responded as soon as I noticed I received the message [elaboration, MAINTENANCE]
31. I had a limited amount of space in my phone and whenever I received a message that I didn't need to remember something for I deleted them [elaboration, MAINTENANCE]
32. I am not used to deleting those I am just used to deleting those I receive, I believe [hesitation, elaboration, MAINTENANCE]
34. I wasn't used to deleting the ones that I sent out, just the ones that I received [elaboration, MAINTENANCE]
35. I am not a technical genius so I only know how to delete the ones I receive once I get them  I didn't even think about doing those [elaboration, MAINTENANCE]

Table 4. Lumumba vs. Knox Slander Trial Testimony – Interdiscursive strategies in bilingual cross-examination – *Text message deletion*<sup>26</sup>

As the questions narrow the focus on burning issues, Amanda's AS increasingly rely on maintenance, whereas the DA's strategies do not change significantly. Faithful to his identity and initial choice not to enact explicit, deliberate face-threats, he tries to obtain information through wh-

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<sup>&</sup>lt;sup>26</sup> The night of the murder Knox had been due to work but it was a quiet Bank Holiday in Italy and Patrick had sent her a text saying not to bother coming in, adding: "See you later". When Knox gave them his name they immediately raced to his house and arrested him."Kercher trial. Police beat me, Knox says". *BBC NewsUK*. 12 June 2009. http://news.bbc.co.uk/2/hi/uk news/8096980.stm.

questions, tag questions, suggestions rather than through close-ended declarations.

Patrick's defence attorney	Amanda
36. [procedural controversy - voices over] Al 6 novembre alle 1.45 lei andò Lei disse che era andata a casa di via della Pergola insieme a Patrick. C'è andata? {On the 6 <sup>th</sup> of November at 1.45 p.m. you wentyou said you went to the house in via della Pergola together with Patrick. Did you go?} [yes/no q]	36. The declarations were taken against my will, and so, everything that I said was said in confusion and under pressure and because they were suggested by the Public Minister [non-reply, DIVERGENCE]
37. Oh chiedo scusa alle 1 e 45 non c'era il pubblico ministero c'era solo la polizia giudiziaria {Oh, I beg your pardon, but at 1.45 p.m. the public prosecution was not there, only the judiciary police were there} [declaration]	37.Heh they also were pressuring me [non-reply, DIVERGENCE]
38. Ho capito ma gliel'hanno detto loro di dire così oppure lo ha detto Lei di sua spontanea volontà? {I see but did they tell you to say that, or did you say it spontaneously?} [yes/no q]	38. They were suggesting paths of thought [non-reply/DIVERGENCE] Did you say so the first thing I said 'Ok Patrick!' and then they said, ok, where did you meet him? Did you meet him at your house? Did you meet him near your house? 'huh near my house' boh così e [hesitation + LgSw] and then my memory got mixed up from other days I remembered having met Patrick at piazza Grimana so I said 'ok Piazza Grimana'. It wasn't as if as I said 'that's it'. [elaboration + non-reply, DIVERGENCE]
39. Senta, Meredith prima di essere uccisa aveva fatto sesso? (procedural controversy –voices over) Meredith prima di essere uccisa aveva fatto sesso? {Listen, did Meredith have sex before being killed? (procedural controversy – voices over) did Meredith have sex before being killed? } [yes/no q]	39. I don't know [minimal answer, MAINTENANCE]
40. Riformulo la domanda: Meredith prima di essere uccisa aveva fatto sesso? {I'll rephrase the question: did Meredith have sex before being killed?} [yes/no q]	40. I don't know [minimal answer, MAINTENANCE]
41. E allora perché Lei nel verbale del 6.11.2007 aveva dichiarato che Meredith prima di morire aveva fatto sesso? {Then,	41. Under pressure I imagined lots of different things, also because during the day that I was being questioned by the police they suggested to me that she had been

#### **EXPLORATIONS IN LANGUAGE AND LAW 1/2014**

in the November 6 <sup>th</sup> 2007 report, why did you declare that Meredith had had sex before being killed?} [broad Wh-q.]	raped [elaboration, MAINTENANCE]
42. Gliel'ha quindi suggerito la polizia di dire questo? {So it was the police who suggested you to say that?} [yes/no q]	42.Sì [minimal answer + LgSw]
43. E per farle dire questo l'hanno picchiata? { And to make you say that, did they hit you?} [yes/no q]	43. Sì [minimal answer, CONVERGENCE]
44. Lei Lei nei giorni successivi, aveva molta paura di Patrick nei giorni successivi al delitto aveva molta paura di Patrick? {In the following days, were were you afraid of Patrick? in the days following the crime, were you afraid of Patrick?} [yes/no q]	44. No [minimal answer, CONVERGENCE]
45. La sera del primo novembre 2007, Lei aveva appuntamento con Patrick? {On November 1st, in the evening, did you have an appointment with Patrick?} [yes/no q]	45. No I didn't [minimal answer, CONVERGENCE]
46. Dunque non l'ha incontrato? {So you didn't meet him?} [yes/no q]	46. No [minimal answer, CONVERGENCE]
47. Perché Lei ha dichiarato invece di averlo incontrato davanti al campetto di basket? {So why did you declare you had met him in front of the basketball court?} [narrow Wh-q.] (voices over, interruption)	47. It was a complicated situation, I can explain if you want me to do it to you [elaboration, CONVERGENCE] Ok Ah The interrogation process was very long and difficult. Arriving in the police office I didn't expect to be interrogated at all. When I got there I was sitting on my own doing my homework when a couple of police officers came to sit with me and they began to ask me the same questions they had been asking me all the days ever since it happened. [non-reply, DIVERGENCE]

Table 5. Lumumba vs. Knox Slander Trial Testimony – Interdiscursive strategies in bilingual cross-examination – *Under pressure* 

In this decisive part of the questioning, Amanda's answers range from minimal pertinent, convergent replies – which are neither necessarily sincere nor true – to elaboration and to divergent non-reply. That she lied and slandered Mr. Lumumba is undeniable, so her efforts as a defendant are focused on limiting and possibly eluding personal responsibility by attributing it to others. She recalls chunks from her interrogation by police officers (see answer 38) and by shifting from and back to reported direct

speech she frames them in a coercive context, which supposedly made her memory 'mixed up'. Hence, police officers' questioning would have been responsible for her lies, as she also tries to explain in answer 47, in a more articulate and descriptive/interpretive mode.

Apparently, her explanations failed to convince the judges, who upheld Amanda Knox's conviction for slander against Patrick Lumumba, and set the sentence at three years.

## 5. Conclusions and future agenda

The findings of the present investigation are only partly in line with those of previous research in the domain of discourse studies on courtroom exchanges from a CAT perspective, with a focus on Italian courtrooms (Di Conza, Abbamonte, Scognamiglio, Gnisci 2012; Gnisci, Bakeman 2007; Gnisci 2005). By and large, the language in Italian courtrooms appears to rest mainly on convergence rather than on divergence strategies. More coercive questions are generally asked to obtain straight pertinent answers and, essentially, the respondents provide more pertinent replies to such questions, whereas an interviewer who has just obtained a pertinent reply is expected to reduce the degree of his/her questioning coercion, acknowledging the willingness of the respondent to provide the requested information. On the other hand, respondents are expected to provide broader answers when asked open questions (narrow or broad *wh*-questions and indirect questions).

In our case, in the cross-examination under analysis, varied sequences of accommodation strategies can be noticed. Carlo Pacelli (Lumumba's defence attorney) mainly used (positive) other-directed convergent AS (attention to Amanda's discursive needs/skills) and also self-directed maintenance strategies of his role in the courtroom, mainly by utilising sequences of open-ended wh-questions. However, Amanda's replies even to broad wh-questions are not broad, but pertinent and short, which may be due to adherence to the Anglo-Saxon preference for a more concise and less long-winded answering style. Amanda resorts to elaboration and to non-reply only when she needs to justify her course of action by attributing responsibility to others. We could say that the form of Amanda's answers was not so much influenced by the form of Pacelli's questions, but rather by the degree of potential danger for her position. Hence the cohesion between the coerciveness of Pacelli's questions and the pertinence of Amanda's answers has not been observed at a formal level. In other words, variations

in Amanda's answers are due more to the content than to the form of the questions. Indeed, she replied with minimal pertinent answers to non-dangerous questions (enacting positive other-directed convergence strategies, positive discourse management and interpretability); whereas she resorted to elaboration/non-reply when asked questions on dangerous matters (enacting other-directed divergence and self-directed maintenance strategies). Significantly, she never appears to have utilized *complementarity* strategies, which are functional to truly collaborative communication.

CAT contributions to this investigation have enhanced the comprehension and facilitated the description and interpretation of verbal language (code and register in particular, intonation, accent, speech rate, etc.). In this trial for slander, Amanda responded to Pacelli's questions by opportunistically displaying a variety of strategies. Neither the bilingual setting of the trial with overlapping in turn-taking, nor the imperfect interpreter's performance hindered her ability to voice her own truth, nor did she ever lose the logical sequence of her version of the facts, thus signalling a well developed 'personal adaptive equipment'.<sup>27</sup>

A path for future CAT research could be to appraise and gauge the role of complementarity strategies – or the lack of them – in courtroom exchanges, and to compare maintenance to complementarity strategies, possibly in relation to the nature of the defendants' involvement in the crimes in question. A further step of our research could be to investigate how and to what extent in the (ongoing) Kercher vs. Knox trial the judge's and the prosecutor's accommodation strategies may have been influenced by the awareness of the keen attention of the inter/national media. This investigation would be in line with such CAT research strands, such as the analysis of media communication. For example, CAT can assist by providing an over-arching dimension of evaluation for studies on newscasters' pronunciation accommodation to the *assumed* socio-economic status of their listeners.

Other central concerns in CAT's innovative, cross-cultural research agenda are intergroup, interethnic and/or gender/role-based profiling in relation to enacted accommodation strategies. Indeed, intercultural and bilingual contexts are a favourite research territory for CAT, especially when situated in the courtroom, or in the context of law enforcement, in

<sup>&</sup>lt;sup>27</sup> In brief, features of personality, personal norms of reciprocity, extroversion and introversion (Gnisci 2005).

particular where officers' and civilians' accommodative behaviours are concerned.<sup>28</sup>

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<sup>&</sup>lt;sup>28</sup> Another territory of interest for CAT is communication in organisations. Further, the continual development of new audio-visual and written media – including a variety of social networks – with either known or unknown addressees and either real time or deferred communication definitely contributes to opening new scenarios for both CAT analyses and CDA. With their combined potentialities to investigate macro- and micro contextual forces, cognitive schemas, interpersonal and intergroup dynamics and motives, and to variously 'dissect' any linguistic instantiations, CAT and CDA can provide the resources to give a significant contribution to the understanding of such dynamics, various communicative competences and discourse strategies by which speakers can accommodate their listeners' interpretive competences, emotions, patterns of control and conversational needs.

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