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Evidentiality and epistemic modality in witness testimony in the context of Italian criminal trials[☆]

Paolo Greco

Università di Napoli "Federico II", Via Porta di Massa 1, 80100 Napoli, Italy

Abstract

Languages without grammatical evidentiality, such as Italian, often express the category of 'information source' using linguistic means that involve interactions between evidentiality and epistemic modality. This paper aims to investigate such interactions in the linguistic strategies adopted by various players in a criminal trial situation. In the context of a trial, both the expression of the source of information and the variation in the degree of the speakers' commitment to what they are saying are key factors. This study is based on an analysis of one inferential and one reportive strategy in Italian, as they occur in the legal testimonies given in two different Italian trials. We will also discuss the rhetorical effects related to the underlying ambiguities between a purely evidential and an evidential/epistemic reading of the investigated strategies.

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1. Introduction

This paper aims to investigate the interactions between evidentiality and epistemic modality in the linguistic strategies adopted by the different parties involved in a criminal trial. The variation in the level of speakers' commitment to the truth of the information they are communicating, as well as the explicit reference to the source of this information (first-hand, reported or inferred) are central aspects of many speech acts produced in criminal trials. Witnesses' oral testimonies therefore represent a context in which both the source of the information provided, and the relations between speakers' statements and the truth, play a crucial role.¹ Yet, the relevance of the interactions between evidentiality and epistemic modality in the language used by lay witnesses, judges and attorneys in the context of a criminal trial has not yet been pointed out in the literature. Our analysis is based on a corpus of legal testimonies from two Italian criminal trials.² The witnesses participating in these trials have very different socio-economic backgrounds. Through the analysis of their language, we will also emphasize that the speakers' differing sociolinguistic level and rhetorical skill play a decisive role in their capacity to manipulate the subtle distinction between the expression of the source of information and the epistemic stance of the speaker.

[☆] I wish to thank two anonymous reviewers for their extremely helpful comments. All errors are my own.

E-mail address: pagreco@unina.it.

¹ To find out more about the characteristics of the pragmatic situation in which speakers, and witnesses in particular, find themselves during a trial, we refer the reader to, for instance, Atkinson and Drew (1979), O'Barr and Conley (1985), Conley and O'Barr (1990), and, for the Italian situation, to Bellucci (2002) and Galatolo (2007).

² The Italian legal system, while not completely adversarial in nature, is more adversarial than inquisitorial. Witnesses are questioned by the public prosecutor and by the defendant's lawyers, and the system always provides for the possibility of direct examinations and cross-examinations (see also Galatolo, 2007:196–199).

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As a result, witnesses' testimonies provide fertile ground for the analysis of phenomena related to the interactions between evidentiality and epistemic modality, and, conversely, linguistic investigations on such interactions are crucial to describing the rhetorical strategies employed by the parties involved in a trial. Finally, witnesses' testimonies also provide fertile ground for the study of the impact of sociolinguistic variation on the linguistic realization of evidentiality.

This paper is organized as follows: in section 2, we provide a brief overview of the main theoretical questions regarding the relations between evidentiality and epistemic modality (section 2.1), and then a sketch of the Italian epistemic/evidential system (section 2.2); in section 3, after a description of the corpus investigated in this paper (section 3.1), we move on to the core of the analysis: the study of the use of two evidentiality strategies (the 'epistemic future' and the 'reportive conditional') in the trials that we have analyzed (sections 3.2 and 3.3). Finally, in section 4, we highlight the main results of this study and we propose some potential avenues for future research.

2. On evidentiality and epistemic modality

2.1. The relations between evidentiality and epistemic modality: a brief overview

In this section, we shall briefly discuss two fundamental preliminary aspects of this paper: the view of evidentiality we shall adopt here, and the notion of speaker's commitment we shall take as our basis; and what, according to the literature on this subject, the relations are between these two categories.

According to Aikhenvald (2004), evidentiality is a linguistic category "whose primary meaning is source of information" (Aikhenvald, 2004:3). But what is a 'linguistic category'³? Does the term 'evidentiality' refer to a grammatical category or to a semantic-functional domain that can (but does not necessarily have to) take the form of a grammatical category⁴? This has been a hotly debated issue over the years, and we shall not enter into this discussion here.⁵ In this paper, we shall maintain that evidentiality is a functional domain whose linguistic realization can belong to four macro-types:

- a) specific and purely grammatical, and sometimes obligatory encoding (that is, 'grammatical evidentiality');
- b) non-specific and non-obligatory, but grammatical (or semi-grammatical) encoding⁶;
- c) non-specific, non-obligatory, and non-grammatical encoding (that is, 'lexical evidentiality');
- d) non-specific, non-obligatory, non-grammatical, and non-lexical encoding (for instance, intonational encoding).⁷

Italian, like the other Romance languages, cannot mark evidentiality through specific and purely grammatical means. In this paper, we shall mainly address class b) phenomena (and their epistemic overtones): we aim to show that direct and cross-examinations of witnesses provide fertile ground for the analysis of the semi-grammatical encoding of evidentiality.

This paper will use the definition of epistemic modality given by Nuyts (2006:6), namely "an indication of the estimation, typically, but not necessarily, by the speaker, of the chances that the state of affairs expressed in the clause applies in the world".

The question of the relations existing between evidentiality and epistemic modality is one that has been a bone of contention since at least the 1980s.⁸ Behind the supposed connection between evidentiality and epistemic modality lies the idea that there is to some extent an obvious relationship between the source of our information and our evaluation of its likelihood. The more directly we have acquired a piece of information, the more certain we are meant to be of what we are saying. However, as pointed out by de Haan (1999:87), "evidentials are in fact a priori unmarked with respect to a commitment to the truth of the speech utterance on the part of the speaker. Evidentials merely assert that there is evidence to back up the speaker's utterance. Any connection between the two [...] is secondary in nature. They encode different things (source of information vs. attitude towards that information). Although they are closely enough related to cause overlap in some languages, this overlap is not universal".

³ The notion of 'linguistic category' itself is, as is well-known, problematic. We refer the reader to the discussion that took place in the Lingtyp list in January 2016 (available online in The Lingtyp Archives) and to the related papers published in *Linguistic Typology* (20.2, 2016, pp. 297–462).

⁴ Aikhenvald (2007) uses 'information source' as a technical term to refer to this semantic-functional domain, opposed to 'evidentiality', a term the author in question exclusively reserves for the grammatical category.

⁵ There is a considerable body of literature on this subject. A discussion of the various positions can be found in Greco (2012:55–75), and in Dendale and Van Bogaert (2012).

⁶ Aikhenvald (2004) refers to such means of encoding the source of information as "evidentiality strategies".

⁷ See Ifantidou (2001).

⁸ Detailed accounts of this debate can be found in Plungian (2010), Greco (2012:76–94) and, more recently, Brugmann and Macaulay (2015:205–208).

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