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IMPACT OF THE ITALIAN LANGUAGE AND CULTURE
ON THE AMANDA KNOX TRIALS

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On the afternoon of November 2nd, 2007 the body of Meredith Kercher, a British exchange student, was found in her residence in the central-Italian city of Perugia. Kercher shared this residence with a young American woman by the name of Amanda Knox as well as two young Italian women. Within a matter of days, authorities had detained multiple suspects on the grounds that Meredith Kercher had been the victim of a murder. Among the alleged involved parties was Knox herself. What followed for Knox was a contentious and lengthy legal battle spanning some four years. Knox and her then boyfriend Raffaele Sollecito would remain in prison with little recourse other than to abide by the legal ramifications of their position. Knox in particular found herself in a dangerous, unfamiliar and frightening situation. Her eventual exoneration and release in the fall of 2011 was an event I personally witnessed alongside several hundred onlookers outside a nondescript Italian courthouse on a chilly fall evening in the quaint hill city of Perugia. Sentiments ranged from quiet vindication of a young girl’s innocence to vocal outrage at the liberation of an accessory to murder. The purpose of this paper is to explore and analyze the circumstances of Knox’s time as a suspect in the murder trial, with special regard to the impact of a foreign language on her ability to navigate and properly respond to the demands made of her as a defendant; whether it restricted her ability to act in her own best interests; and whether it impacted the course of the legal proceedings. This paper will demonstrate how language and culture barriers can drastically alter the way in which an event (i.e. a trial) is both conducted and viewed by the world at large.
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Background

Amanda Knox, a native of Seattle Washington, was a student at the University of Washington and 20 years old at the time of the murder. Her residence in Italy was the result of her decision to study Italian, German and creative writing at the Universita per Stranieri\(^1\) in downtown Perugia, Italy. The University was founded in 1921 as part of a Fascist effort to promote Italian culture, but in recent years the student body has distinguished itself for more scandalous reasons.\(^2\) Perugia itself is a small Italian city perched on a hill in the central Italian province of Umbria. During the course of her time in Perugia Knox became romantically involved with a young Italian engineering student by the name of Raffaele Sollecito.

The events of Knox’s stay in the Italian penal system and the course of her trial begin on November 2\(^{nd}\), 2007 with the death of her roommate Meredith Kercher. The brutalized state of Kercher’s body: throat slashed and half-clothed, instantly indicated that she had been a victim of murder. Knox and her then boyfriend Raffaele Sollecito were quickly detained by the Italian authorities on suspicion of involvement and on allegations that Knox had admitted to being at home at the time of Meredith’s murder. Questioning by authorities resulted in allegations by Knox that a local bar owner by the name of Patrick Lumumba had in fact been the one to commit the murder. After several weeks of questioning Lumumba was eventually released following the corroboration of his alibi. This false implication by Knox would cause Lumumba to bring a civil suit against her. Eventually Rudy Guede, a Libyan national, was extradited from Germany to Italy where DNA evidence confirmed that he had been sexually involved with Meredith Kercher on the day of the murder.

Formal charges were not filed against the trio of Knox, Guede and Sollecito until July of 2008, marking a detainment of over 8 months. It would take another 5 months for the indictments and for the trials of Sollecito and Knox to begin. During this interim, Rudy Guede was indicted, tried, convicted and

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\(^1\) It is interesting to note that the Italian word for “foreigner” and “stranger” are the same.

completed an appeals process reducing his sentence from 30 years to 16. It would take until early December of 2009 for the initial trial of Knox and Raffaele Sollecito to conclude, with both defendants receiving guilty sentences on all counts. Knox herself was sentenced to 26 years in prison, while Sollecito received 25.\(^3\) Appeals were immediately filed by both parties. The appeals process would not move forward for nearly a year, with the trial resuming in November of 2010, at which time trial was postponed another month due to the absence of one of the attorneys. However, in June of 2010 Knox was charged with slander by Italian authorities for accusing them of physically abusing her for the purposes of intimidation.\(^4\) Knox alleged that this abuse by interrogators caused her to falsely implicate Patrick Lumumba.

In addition to the murder charges and libel suit brought by the police department, Knox was the object of a libel suit by Patrick Lumumba for falsely implicating him in the murder of Meredith Kercher, and a separate civil lawsuit on behalf of Meredith Kercher’s parents. All three trials were held in the same courtroom at the same time. The final nine months of Knox’s journey within the Italian penal system reflects the surrealism with which this case progressed. The evidentiary base on which the prosecution stood is slowly revealed to be inadequate, inconclusive and oftentimes inadmissible by third party DNA experts. The prosecution dismisses the experts’ submissions out of hand and continues to insist that the evidence is legitimate. During these nine months (January – October 3, 2011) the tone of the prosecution becomes increasingly defamatory toward Knox. This however fails to result in affirmation of the conviction and Knox and Raffaele Sollecito are absolved of all murder charges with an overturning of the 2009 sentence.\(^5\) Knox’s guilt for defamation against Patrick Lumumba is confirmed. She is required to

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\(^3\) *Sentence of the Court of Assizes of Appeal of Perugia (Presided Over by Dr. Claudio Pratillo Hellmann) In The Murder of Meredith Kercher.* December 15, 2011. Print.

\(^4\) Knox appeared in court to answer these charges on June 1, 2010.

pay a fine and costs, but is otherwise released from custody for time served and allowed to return to the United States.

The purpose of this paper will be to break down and analyze some of the components which may have affected the trial with special regard to language and cultural differences between Italy and Amanda Knox’s home nation of The United States.
Chapter 1

The Italian Criminal Justice System

“In Italy, everything is theoretical.”

A significant factor facilitating the impact of the Italian language on the Knox trials is the structure and function of the Italian criminal justice system. Historically, Italy’s criminal system was similar to that of other Western European nations, commonly referred to as the “inquisitorial” system. This format permitted a great deal of latitude to the presiding judge both in developing evidence and calling and questioning witnesses at trial. This is in sharp contrast to the structure and function of the American “adversarial” system derived from English law which is predicated on “distrust of the state, (and) restraint of state power,” in an attempt to “best safeguard the individual against state abuses.”

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6 Burleigh, supra note 2, at 225, quoting a Perugia defense lawyer (who asked to remain anonymous) on the rights of defendants.


Reform

In 1989, the Italian system underwent extensive revision in an attempt to incorporate many aspects of the American adversarial approach. Judges now had only restricted access to the often extensive preliminary investigation file, with the responsibility for producing evidence now borne by the parties at trial. Judges chafed at the restrictions on their authority and frequently interpreted the rules broadly in an attempt to circumvent the reforms and return to the familiarity of the “inquisitorial” system. This resistance became so difficult to manage that, in 1999 Parliament amended the Constitution to further entrench adversarial processes in the Italian legal structure. An important difference to note is that guarantee of translation/interpretation services for parties who did not speak Italian was one of five major reforms stressed by the Parliament, signifying that this was not regarded as a necessary right in court procedure. As the Italian judges displayed resistance to the reforms in general, this focus on the translation guarantee is reason to think that it may not have been consistently applied. As an example, in May, 2009, Giacinto Profazio, one of the five main Perugia police officers assigned to the Knox case, was convicted along with another detective for eliciting false confessions in a rape investigation from Romanian immigrants who did not speak Italian. Despite Parliament’s best efforts, in practice Italian judges “have struggled with their new passive roles and have generally sought to maintain as much power over the trial process as possible.

10 Grande, supra note 7, at 243.
11 Mirabella, supra note 9, at 237, footnote 53.
12 Burleigh, supra note 2, at 251. See also: footnote 78 herein describing author Doug Preston’s encounter with Prosecutor Giuliano Mignini on the issue of interpreter availability.
13 Mirabella, supra note 9, at 238.
Court Structure

Serious crimes are heard by a panel of two judges and six civilian jurors drawn from the general population between the ages of 30 and 65. In the initial trial, the civilian jurors need only have the equivalent of a junior high school education. On the appellate level, the civilian jurors must have completed the equivalent of high school. While the civilian jurors participate in considering issues of both law and fact, at both levels it is assumed that the professional judges will strongly guide the civilians. Only a majority is required for a murder conviction. The practice of sequestering a jury is unknown in Italy. Defendants are not sworn in and are under no obligation to tell the truth.

Trial courts meet only two days a week and take long holiday and summer breaks, allowing extended periods for media comment.


15 Freccero, Stephen P. “An Introduction to the New Italian Criminal Procedure” 21 Am. J. Crim. L. (1994) Print. p. 370 “The deliberations are to be collegial, with the president of the court directing the discussion.” See also, Pizzi and Marafioti, supra note 8, at 9: “Since professional judges are always involved in the deliberations, there is no need for a lengthy set of jury instructions. Any legal advice needed during the deliberations of a mixed jury is provided by one of the participating professional judges.”

16 Id., p. 371 “In marked contrast to the prevailing U.S. requirement of a unanimous criminal jury verdict, conviction and sentence is by simple majority.”

17 Id., p. 360


“Lengthy pretrial detention and trial delays were significant problems. During the first half of the year, 43 percent of all prisoners were either in pretrial detention or awaiting a final sentence. The maximum term of pretrial detention is two to six years, depending on the severity of the crime. According to independent analysts and magistrates, delays were due to the large number of trials, the lack of non-judicial remedies, and insufficient and inadequate distribution of offices and resources, including judges and staff.”
The Investigation

On November 5, 2007, Amanda Knox was detained and questioned by police in an overnight marathon. She did not have an attorney present and the interpreter was Anna Donnino, a local housewife and “part-time English interpreter”, who did not arrive until at least 90 minutes after the questioning had begun. Interpreters in Italy are not subject to formal professional certification and according to a source who has performed that function for the Italian courts “anyone can be an interpreter”. The absence of a qualified professional interpreter was a critical error. As noted in Guidelines of the American Translation Association: “…bilinguals may speak two languages fluently, but lots of people described as bilingual are not really that fluent or even accurate. Most importantly, they are not good at moving information between two languages, especially when the pressure is on”. It is difficult to imagine a more pressured situation than the police interrogation of a murder suspect. Knox would later testify that she had not been advised at that time that she was a suspect. Contrary to the requirements of the Italian Code of Criminal Procedure, she was not advised of any of her rights (informazione di garanzia) particularly the right to remain silent. The interrogation was neither recorded nor videotaped (or if it was, no record has been

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19 Burleigh, supra note 2, at 195.


21 Zachary Nowak, an American, resident and working in Italy currently and at the time of the trial.


23 Id. p 7.

24 Freccero, supra n. 15 at p. 360, 364. These rights must be provided prior to any “event in which the suspect will be questioned or detained by authorities.” See also: United States Department of State Report on Human Rights’ Practices – Italy: “Although the law entitles detainees to prompt and regular access to lawyers of their choosing, authorities did not always respect that right in practice. In its April 4 report, the CPT (Committee to Prevent Torture) found that in some cases police effectively denied detained persons the right to an attorney, which can be invoked only at the time of arrest, by engaging them in ”informal chats” before a formal arrest was made.” at 6.
made public) and is memorialized solely in the statements prepared by police and signed by Knox. It is asserted in both of these statements that the subject “adequately understands and speaks the Italian language,” although others have expressed a contrary opinion. It was during this interrogation that a simple linguistic misunderstanding began the cascade into the equivalent of an international soap opera.

Knox was carrying her cell phone and consented to police reviewing the outgoing texts (she habitually erased incoming messages). On the night of the murder, at 8:38 p.m., she texted: “Ci vediamo più tardi, buona serata” to Patrick Lumumba in response to his text telling her not to come into work as business was slow. The phrase “Ci vediamo più tardi, buona serata” translates most readily into English as “See you later, good evening”. This is a typical English language way of ending a conversation and entails no actual commitment to a later rendezvous. Italians don’t use the phrase unless they really intend to see each other later, and police interpreted the message to mean that Knox had an actual appointment the night of the murder with Lumumba. Idioms are not meant to be taken literally and can be difficult to translate. This simple misunderstanding began a marathon of escalating pressure by police for Knox to admit that she had a meeting with someone just prior to the murder. It was here that the interpreter overstepped her bounds and demonstrated the lack of objectivity and professionalism that are crucial for an expert in a criminal justice proceeding. Donnino, under the guise of comforting Knox, increasingly

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25 Perugia Police Department, Mobile Squad. “Transcript of briefing” November 6, 2007 at 1:45 a.m. and “Transcript of Spontaneous Statement,” November 6, 2007 at 5:45 a.m. Print.

26 Id.

27 Sollecito, Raffaele and Gumbel, Andre. Honor Bound: My Journey to Hell and Back With Amanda Knox. Simon & Schuster, 2012. Print. See also the opinion of the Court of Appeals, supra note 3 at 21: “The obsessive length of the interrogations which took place day and night and were conducted by several people questioning a young and foreign girl, who at that time did not understand or speak the Italian language well at all…” (Emphasis added).

28 Sentence of the Court of Assizes of Appeal of Perugia, supra note 3.

pressed her to “remember” the details that would support the police theory, “…whispering in English that it was normal to forget the details of a trauma”.  

Knox’s description of that night was that she “didn’t understand what was going on, why they were calling me a liar, why they were insisting that I had met someone, why they were insisting that I was traumatized and had amnesia…”

The American Translation Association notes that “…if they (interpreters) identify with one of the speakers, they might take sides, which can skew a critical exchange.” Under cross-examination, Donnino admitted that she considered herself a “mediator” rather “than a mere translator of words.” In commenting upon the translation of the letters sent and received by Knox in prison, Donnino stated “There was so much material. Some letters were 10 pages long. There wasn’t time to do a word-for-word translation of everything.”

Surveys show that, among Europeans, Italians are the most suspicious of immigrants, believing that they have too many rights and that immigration has brought only crime. Though Knox was not an immigrant, she still represented a foreign influence within Italy and was identified in the media as being part of the “other”. It is easy to see how bias toward the position of the authorities rather than that of an


31 Id.

32 ATA, supra note 18.

33 The Guardian, supra note 30.

34 Vogt, Andrea. “Knox Kept Under Surveillance” SeattlePi.com March 13, 2009, 10:00 p.m. Web. 14 February 2013. While Donnino was present at Knox’s overnight interrogation, multiple interpreters accompanied Knox during her confinement and were charged with the responsibility of translating and interpreting her communications.

oddly behaving foreigner may have influenced the interpretation by a local housewife.\textsuperscript{36} This issue is discussed in more detail in Chapter 3. It was later revealed that the interpreters did not like Knox. In an interview with a reporter, one of the interpreters stated: “Knox is a liar”. The interpreter claimed that Knox lied during the session in which that interpreter had worked and that other lies were learned “by reading about them in the newspapers later.”\textsuperscript{37}

Finally, at 1:45 a.m., Knox relented and gave police what they wanted – a statement implicating Patrick Lumumba and describing the murder.\textsuperscript{38} The statement, which was written by police in Italian, would have been translated to Knox before she signed it.

The Knox Trials

In Italy, multiple civil and criminal trials may be conducted together.\textsuperscript{39} The criminal trial of Knox and Sollecito was conducted simultaneously, in the same courtroom and before the same judges and jurors as the civil suit brought against them by the family of Meredith Kercher and as with Knox’s trial for defamation of Diya “Patrick” Lumumba, initially a co-defendant in the murder trial as the result of Knox’s text message on the night of the murder and her comments to the police.\textsuperscript{40} The critical impact of

\textsuperscript{36} Miriam Hurley, a professional Italian/English translator, notes that “The driving force behind translator decisions is always context, from that of the society at large to that of the sentence.” Versione Italiana. Web. 9 September 2012.

\textsuperscript{37} Burleigh, supra note 2, at 195.


\textsuperscript{39} Mirabella, supra note 9, at 241.

\textsuperscript{40} Sentence of the Court of Assizes of Perugia in the Murder of Meredith Kercher, Print. at 12 and 15. Those present were members of the Kercher family in their suit for civil damages against Knox and Sollecito, represented by attorneys Francesco Paolo Maresca and Serena Perna; Diya Lumumba in his suit against Knox for libel, represented by attorney Carlo Pacelli; Aldalia Tattanelli, owner of the house in which the murder occurred, in her suit for property damage, represented by attorney Letizia Magnini.
this structure is that, while Knox’s statements to police during the overnight interrogation were not admissible in the criminal trial because she “had been questioned without a lawyer or an interpreter”\(^\text{41}\), they were necessary for the Lumumba suit and thus were permitted to be presented to the jury. The statements therefore “could potentially get more weight in the criminal verdict, even if that same evidence would not be considered probative or might be considered prejudicial in an American criminal trial.”\(^\text{42}\) On December 4, 2009 Knox and Sollecito were found guilty on all counts. In the written opinion issued several months later, judges Giancarlo Massei and Beatrice Cristiani, wrote that "the motive for the killing was a 'crescendo ... (of) erotic sexual violence.'”\(^\text{43}\)

In a “boomerang” effect, the trial court was both the mechanism for and the eventual victim of the demonization of Knox. Judges and attorneys leaked negative evidence and characterizations with impunity throughout the trial, creating what has been described as a “judicial media circus”\(^\text{44}\). Italian newspapers – not just the tabloids, but the venerable Corriere Della Sera and La Repubblica, sensationalized coverage of the case.\(^\text{45}\) This information, distilled by the media, was then distributed to the public, including the non-sequestered civilian jurors, their family and friends. The eventual conviction ignited a firestorm of criticism of the Italian legal system.\(^\text{46}\)

\(^{41}\) Donadio, Rachel. "Details Only Add to Puzzle in Umbrian Murder Case." N.Y. Times (Sep 30 2008) Web. 8 October 2012. In fact, there was an interpreter present for part of the time.

\(^{42}\) Mirabella, supra note 9, at 241.


\(^{45}\) Id. p. 259 notes 63/64. See also, discussion of the Sarzarini book in Chapter 2, section 3, Italian Media.

The Appeal

Subsequent to the verdict, appeals were filed both by the defense and the prosecution. Prosecutor Giuliano Mignini was contesting the fact that the sentences given to Knox and Sollecito were less than the life imprisonment he had demanded.

The trial began November 24, 2010 and ended on October 3, 2011. Judge Hellmann allocated the bulk of the time to analysis of the items of physical and DNA evidence. Both the evidence and the processes by which it was collected and analyzed during the investigation were reviewed by independent experts and determined to be insufficient to support the conviction. The judge also disagreed with the circumstantial value accorded to Knox’s behavior by the trial court, noting that “…it is dangerous to take into consideration facts which are not objectively measureable, the individual reactions of human beings, even in the most shocking tragedies being infinite;”

Judge Hellmann, after noting that the trial court opinion included the words “probable/improbable” 39 times stated that “…in order to firm up a conviction based upon assessments of mere probability, the Court of first instance felt the need to come up with a motive which, however, while not being corroborated by any objective element of proof, is itself not at all probable: the sudden choice, by two young people, good and willing to help others, of evil for evil’s sake.” Judge Hellmann went on to opine that “…in order to reach a guilty verdict…it is not sufficient that the probability of the prosecution hypothesis be greater than that of the defense hypothesis, not even when it is considerably


48 Sentence of the Court of Assizes of Appeal of Perugia supra note 3 pp. 43-75

49 Id. p. 90

50 Id. p. 91

51 Id. See also Chapter 4, note 157 for a similar comment on the Sacco and Vanzetti case.
greater than that of the defense hypothesis, but rather it is necessary that every explanation other than the prosecution hypothesis not be plausible at all…”52, concluding that “The collapse in its substance of the circumstantial evidence on which the Court of Assizes of first instance based its own decision exempts us from having to propose an alternative hypothesis”.53

In contrast to her attempts at communicating in Italian at the investigation and initial trial, Knox made “a tearful statement in fluent Italian beseeching the court to overturn the verdict, claiming her innocence.”54 Even with her improved language skills, she read the statement from hand-held notes.55 The appellate judge did not comment on her fluency, but in an interview with a British reporter, Fabio Angeletti, one of the six lay jurors who heard the appeal stated that “he and his fellow jurors had not been swayed by the emotional courtroom speeches by Knox…”56

On October 3, 2011, Amanda Knox and Raffaele Sollecito were acquitted of the murder of Meredith Kercher. The claims of the Knox Family and the landlord were automatically extinguished by the acquittal. Knox’s conviction for defaming Diya Lumumba was confirmed, but as she had already been confined for longer than the three year sentence associated with that conviction, she was released.

52 Id. p. 92
53 Id. p. 93
55 Id. See also: footnote 118 herein for Corriere Della Sera’s critique of her “yankee” accent.
Chapter 2

The Media

“A lie can travel halfway around the world while the truth is still putting on its shoes.”

Mark Twain

The Knox trial was a bonanza for all forms of Italian and international media. Ellen Nerenberg, in the introduction to her recent analysis of notorious Italian murder trials, notes that “…what distinguishes the Knox case is the mediascape in which it is set.” The Italian people, accustomed to the public sexual antics of their apparently uninhibited Prime Minister, Silvio Berlusconi, were perhaps overly receptive to a new scandal wherein the “guilty” sinner could be easily controlled and punished.

American Media

With rare exception, the American media was divided between objective news reporting and supporting Knox’s claim of innocence, in many instances excoriating the Italian criminal justice system and media. The prime dissident was reporter Barbie Latza Nadeau who wrote more than 50 articles that eventually formed the basis for her book Angel Face: Sex, Murder and the Inside Story of Amanda Knox.

In the forward to the book, Tina Brown, founder and publisher of The Daily Beast, an American news

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57 Nerenberg, supra note 44 p. 10

58 Id.

59 Donadio, Rachel and Povoledo, Elisabetta. “As Amanda Knox Heads Home, the Debate is Just Getting Started”. New York Times, 5 Oct. 2011. Print. Berlusconi proposed a law to prohibit the publication of material leaked from preliminary legal investigations, as those leaks have become a “cornerstone of the Italian press”.

60 Annunziato, supra note 46.

reporting and opinion website, praised the author’s “diligent pursuit of a story that most of the U.S. media, including the *New York Times*, badly misread.” Nadeau, who claimed that TV producers were concerned that the Knox family would ostracize them if they were seen in her company, 62 wrote that in Perugia, the media “were divided in the eyes of the prosecutors, defendants and authorities into two groups: the innocentisti, who thought she’d been framed, and the colpevolisti, who were convinced of her guilt. Reporters…were given access to sources accordingly.” 63

The Knox family hired a public relations firm, Gogerty Marriott, which specialized in crisis management, shortly after her arrest in 2007. A group of classmates, family friends and residents of Seattle formed the “Friends of Amanda Knox” and within a few months launched a website, injusticeinperugia.org, to counteract what they perceived as the negative publicity emanating from Italy. In an interview with a reporter in August 2011, Edda Mellas, Knox’s mother, described her hope that the spotlight could have a positive effect: “she admitted to another aim — to use the insatiable news media appetite for this headline-grabbing tale as a pulpit from which to proclaim the innocence of her daughter.” 64

At the time of the appeal, the prosecutor argued that the American media campaign had influenced the trial.

**British Media**

As might be expected, the media of the victim’s homeland was not inclined to sympathy toward the defendants. While the traditional news sources, as in America, made an attempt to report the facts, their stories were influenced by extraordinary sympathy for the victim’s family. John Follain, the Rome correspondent for the *Sunday Times* (of London) developed his coverage of the trial into a book which

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combines his own interviews and public material and is also an excellent example of the conflict felt by the legitimate British media. 65 He portrays the Kercher family with great dignity - showing them rising above the melee, refusing payment in exchange for coverage of Meredith’s funeral and never disclosing any satisfaction over the trial verdict. He makes an effort to remain detached and professional, however a book reviewer in the Telegraph notes that “Even Follain, for all his attempts at objectivity, occasionally lapses (into judging Knox).” 66 As with the Knox supporters in America, friends and family of Meredith Kercher established a website, perugiamurderfile.org, to support the family and preserve her memory. A small but interesting observation is that the headlines in the British media primarily refer to the “Kercher” trial or “Meredith Murder” trial, not to the “Knox” trial unless there had been a particular development concerning Knox in that day’s proceedings.

The tabloids were an entirely different story. They celebrated and expanded upon every lurid detail that emerged during the trial. 67 Ironically, it was the British tabloids that provided a very public example of the ease with which lack of language capability gives rise to a misinterpretation of events. Upon hearing the word “guilty” a British reporter attending the announcement of the appeal decision did not recognize that the judge was merely affirming Knox’s conviction for slander of Lumumba and raced from the courtroom to advise his contacts that the murder conviction was upheld. Within moments, the Sky News ticker, the Daily Mail website, the Mail Online and the Sun Online confirmed her guilt, some with an entire paragraph of “quotes” from officials backing the “guilty” verdict. 68


67 Johnson, Bridget “The British Tabloids”. worldnews.about.com. Web. 9 September 2012. “The British tabloids are their own brand of journalism. Whereas American tabloids have occasionally broken news stories but are seen more as celebrity gossip bastions, the British tabloids jump on news stories with the same ferocity as they pounce on celebrity gossip. The result is an eclectic mix of hard news with unique (often anonymous) sourcing and traditional tabloid sleaze. And since tabloids are open to paying good money for story information, they’re likely to get scoops that the traditional broadsheets miss -- though raising ethics questions at the same time.”
Italian Media

The Italian media reports of the proceedings began almost immediately – the *Voice of Perugia* asking within days of the murder “Who is Amanda? From brilliant student to cold man-eater.” As noted by one British journalist: “They manage these things differently in Italy, where prosecutors regularly leak their theories to the newspapers, often in extraordinary detail. Reporters compete for the juiciest tidbits(sic). As a result, by the time the trial comes around, the public already know what they think about a case, and why.” The advantage for a prosecutor of immediately and repeatedly publicizing negative comments about a defendant, particularly a “foreign” and therefore generally unknown defendant, is supported by social science research: “…there is good evidence to suggest that, once endorsed and internalized, stereotypes are often resistant to change.”

The reports were influenced by two main factors: Italians’ fascination with cronache nere and prosecutor Mignini’s swift response to any criticism of his behavior. In November, 2008, after Knox was indicted and before the trial even began a book by Italian journalist Fiorenza Sarzanini was published. Entitled *Amanda Knox e gli Altri* (“Amanda Knox and the Others”), it contained Knox’s personal writings, including her diary, as well as interrogations of witnesses. Much of the information in the book

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72 Nerenberg, supra note 44 at 12. “Contemporary Italian fictional representations of murder constitute a rich and growing subfield that has enjoyed much critical attention in the last decade.”

was not in the public domain and could only have been obtained from the police. 74 Knox’s attorney filed suit and on March 22, 2010 she was awarded $55,000.00 in damages. 75 It is highly unlikely that the choice of title for the book was a random occurrence. The “Other” is a politically and emotionally charged term in Italy, representing the wave of immigrants on whom Italians place responsibility for current social, economic and crime problems. 76 The book was removed from distribution and there are few media reports with more than passing comments, but an article in *Corriere Della Sera* (the paper which employed Sarzanini as a reporter) published excerpts indicating that the book had a definite anti-Knox perspective and lending credence to the possibility of the author’s intentional choice of a “hot button” title. The article is entitled “Il delitto di Perugia e i segreti di Amanda” (“The Perugian Crime and Amanda’s Secrets”) – it promised details of “The wild nights. The drunken benders. The reflections from prison.”77 The trial had not even started, but the damage had already been done.

In 2009, Reporters Without Borders – an international organization that monitors the safety of media representatives, ranked Italy 49th in the world for freedom of the press. 78 In its World Report the organization stated that “The Italian press can fall victim to a range of reprisals involving torching of cars and doors of their homes, threatening letters and intimidation of their families, all in the guise of “advice” given to those who persist in exposing what has gone wrong in Italian society.”79

74 See footnote 59 herein regarding Prime Minister Berlusconi’s proposed law to prohibit such behavior.


79 Id. See also: *Atlantic Magazine*, July 2006. Print. Description by American author Doug Preston of the treatment he received from Italian police during his investigation of the Monster of Florence case, and specifically
The domestic and international media covering the Knox trial were not exempt from these tactics. Prosecutor Giuliano Mignini took it upon himself to pursue cases against those who criticized him, whether the comments came from local reporters and newspapers or international websites. The prosecutor’s actions pre-dated the Knox trial, continued through the trial and appeal, and resulted in more than one American writer fearing to return to the country.

The Committee to Protect Journalists sent an open letter to the president of Italy in April, 2011, detailing that organization’s concern “about the local authorities’ harassment of journalists and media outlets who criticize the official investigation into the November, 2007 brutal murder” and requesting him to use his position as president of Italy’s Superior Judicial

of his interactions with Giuliano Mignini, the prosecutor in the Knox trial, when summoned for questioning: “He explained that I had the right to an interpreter, but finding one might take many hours, during which time I would be unpleasantly detained. In his opinion, I spoke Italian fluently. I asked if I needed a lawyer, and he said that, although it was of course my right, it wasn’t necessary; he merely wanted to ask a few questions of a routine nature.”

Committee to Protect Journalists “Attacks on the Press in Italy in 2011”. Web. 7 July 2012.
A prosecutor’s defamation complaints:
February 2009: Mignini told the BBC he had filed a defamation claim against the U.S. weekly West Seattle Herald concerning an article critical of the prosecution in the Kercher case. Mignini was prosecuting a Seattle woman, Amanda Knox.
August 2009: After a critical comment by U.S. writer Joe Cottonwood was published in the Italian daily Il Giornale, Mignini threatened a criminal defamation lawsuit. Cottonwood said he was deterred from traveling to Italy after the threat.
September 2010: Gianfranco Sulas, an investigative reporter with the newsmagazine Oggi, received notice that Mignini had started legal action over coverage of the prosecutor’s record.
July and September 2010: Oggi Editor Umberto Brindani received two “notices of investigation” in relation to coverage of the Monster of Florence case.
February 2011: A Florentine judge ordered the closure of the English-language blog Perugia Shock, which published commentary critical of the Kercher investigation. The order stemmed from Mignini’s lawsuit for “defamation, carried out by means of a website.” The blog was shuttered.
March 2011: A Florentine court found veteran journalist Mario Spezi guilty of offending Mignini’s “honor and prestige” in a public statement. Spezi was ordered to serve 15 days in prison or to pay 570 euros (US$826). Spezi opted to pay.

Preston, supra note 79.


The full text of the letter is available at https://www.cpj.org/2011/04/journalists-threatened-for-reporting-on-murder-cas.php
Council to “ensure that Perugia prosecutors, including Mignini, are not allowed to use criminal
defamation as the proverbial bogeyman against their critics.”

Not every reporter was at odds with the prosecution. As noted in the decision of the
appellate court, several witnesses, including the grocer who identified Knox as the young woman
waiting for his store to open on the morning after the murder in order to buy cleaning products, as
well as several female neighbors who testified to hearing a scream and running footsteps the night
of the murder only came forward and volunteered their information to the police a year after the
murder and “following intense urging” by a young apprentice journalist who lived nearby.

It is within this context that we must consider not only what was reported in the Italian media
about Amanda Knox but also the manner in which it was reported. Throughout the course of the trial and
appeal, the Italian media’s access was the most comprehensive, as both occurred within their country.
They were afforded, via contacts within the police and courtroom, access to Amanda’s journal entries and
other non-public documents. Within weeks of the murder, Corriere Della Sera described Knox as “Man-
hunter, insatiable in bed” and La Repubblica reported that “She lives only for pleasure”. As the trial
became a highly polarizing international issue (American, U.K. media weighing in on the course of
events) with potentially significant ramifications, the Italian media had the motivation to closely report
the proceedings. The trial was covered by the regional Umbrian paper (Corriere dell’Umbria) as well as
the larger national news sources (La Stampa, Corriere Della Sera, La Repubblica). Each of these papers,

84 Id. p. 1
85 Id. p. 4
86 Sentence of the Court of Assizes of Appeal of Perugia, supra note 3, at 35-39.
while demonstrating a general fairness toward Knox and the proceedings of the trial, still carried glaring examples wherein the bias toward Knox as a young American woman was readily apparent.

As various characterizations of Amanda took shape (with the defense praising and the prosecution demonizing) nicknames became standard in many news articles. While at times the nicknames were simply quotes extracted from transcripts of the trial, several examples exist of the authors themselves referring to Knox by the aforementioned nicknames. Many reporters chose to omit Knox’s name in favor of a simple reference such as “The American Girl”. One of the more common derogatory nicknames for Knox, “The Amelie of Seattle”, was originally coined by one of her defense attorneys. 88 The purpose of this nickname was to characterize Knox as somewhat of a naïve and incompetent young girl who was simply caught up in events she could neither control nor fully appreciate. News sources such as La Repubblica adopted this term as another means of referring to Amanda in their articles. 89 Bongiorno also makes reference to the fact that Amanda has been described as “Jack the Ripper” during the proceedings. 90

La Repubblica would also at times continue to raise controversial and what many would consider private, intimate details with regard to Knox’s sexual proclivities. A former roommate of Knox’s had testified that Amanda had in her possession during their cohabitation a “beautycase containing condoms and a vibrator.” 91 References in articles to these intimate details were a means of imparting a negative characterization of Knox; i.e. a girl of loose moral standards. Multiple articles and news agencies

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portrayed Amanda as morally unfit and frequently focused their reporting on testimony details centering on Knox’s defamation. Some articles instead delve into the personal correspondence and trial details regarding Amanda that had no significant evidentiary relevance, as with articles entitled “Amanda: I liked Raffaele because he resembles Harry Potter”. Articles occasionally referenced the romantic relationship between Sollecito and Knox, including allusions to a physical relationship as the cause of some of the contusions she displayed while in court.

Other descriptions of Amanda Knox seem to focus on her inability to endure the pressure of the court environment rather than her corrupted morals. Several articles describe the manner in which she would break down in tears or sob and stumble through testimony. One such example from *La Repubblica* describes that during a round of questioning:

> “Just one question about Patrick Lumumba is enough to send Amanda Knox into a crisis. When the prosecutor Giuliano Mignini asks her why she has accused the Congolese who had employed her, the young American first stammers: "The police pressured me because I had mentioned his name, I don’t know why I did it~’. She then collapses into hysterical tears and shaking like a leaf, mutters: "In the flashbacks I see Patrick as the murderer but there’s no way to tell if the way it appears in my mind is true.” (my trans.)

The article clearly demonstrates a pejorative attitude toward Knox’s apparent difficulties in maintaining her composure in the courtroom. While many of these articles made reference to these types of moral and behavioral failings on the part of Knox in the context of the prosecution’s arguments, oftentimes the criticisms of Knox are not attributed to the prosecutors but instead reflect the opinions of the article’s author.

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Another such *La Repubblica* article references a comparison made by Public Prosecutor Giuliano Mignini of the couple of Knox and Raffaele Sollecito as an “Erika and Omar”\(^{93}\), an infamous murder case in the Italian town of Novi Ligure from several years prior. Interestingly, this is the most blatant criticism leveled against Sollecito by the press and the prosecution. They label him a murderer and accuse him of being involved in a sort of sick relationship with Knox but refrain from denigrating him in the manner and to the degree that they do Knox. Raffaele Sollecito did not become the subject of numerous nicknames used both in the courtroom and in the media covering the case.

By far the largest contributor to the Italian media’s documentation of the slurs leveled at Knox during the course of the trial was public prosecutor Giuliano Mignini. As prosecutor, it is natural that Mignini would seek to show that Knox was both capable and in fact did carry out the act of murdering Meredith Kercher. However as displayed in numerous articles in several national newspapers, Mignini’s characterizations of Knox were at times vicious. His insults against her as reported in a *La Repubblica* article from November of 2009 in which Knox is referred to as an “assassin” also contains several diatribes by Mignini in which he describes her as a “succubus”, having a “black soul” and that she is deserving of solitary confinement, to which the article adds “as would be the case for mafia bosses.”\(^{94}\)

An even earlier article (October 2008) reveals courtroom bias on the part of the Preliminary Hearing Judge (Giudice per l'Udienza Preliminare, *GUP*) Paolo Micheli when he states that Knox and Sollecito must remain in prison for the course of the trial due to the fact that they are capable of killing again, and that “common sense” was all that was necessary to know that both Knox and Sollecito were involved in the murder. Micheli dismisses pending evidence as “unnecessary” to know the guilt of the accused parties.\(^{95}\)

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The criticisms of the legal proceedings coming from American sources were met with scorn as Mignini attributed the defense of Knox to racism: “We have it all figured out: only one is responsible, the boy of color, the others have no business being here…. I was shocked and appalled by this attitude. It is the first time that I’ve ever come before such presumption and superficiality.”96 Another article from Corriere Della Sera describes Knox’s Italian speaking as “dirtied (sporcato) by the Yankee accent”.97

While the impact of the Italian press occasionally developed independently,98 it primarily arose from the wide dissemination of the negative statements made about Knox in court and the effect this information may have had on jurors and witnesses.

There were some instances that were so extreme that even the press questioned this approach. On November 27, 2009, Lumumba lawyer Carlo Pacelli, in a tirade which La Repubblica noted “was judged by many to be over the top,”99 described Knox as being “dirty inside and out” and called her "half Maria Goretti and half she-devil.”100


98 See text accompanying Note 85, supra. See also: discussion of Oggi in Chapter 3 herein, section on Body Language.


> lizia_indagati_i_genitori_di_Amanda_Knox-1820369/ L'interrogatorio della notte del 6 novembre 2007 d'altronde è stato al centro dell'udienza di ieri del processo ad Amanda Knox e Raffaele Sollecito ormai giunto alle ultime battute. A ricostruirlo in aula è stato l'avvocato Pacelli, il legale di Patrick Lumumba, arrestato il 6 novembre dopo che Amanda Knox lo aveva indicato come l'assassino di Meredith Kercher e ora parte lesa nel dibattimento dopo essere stato proscioltò da ogni accusa grazie alla testimonianza di un professore svizzero che gli ha dato un alibi di ferro. Pacelli, con un intervento giudicato da molti sopra le righe, ha accusato Amanda Knox di essere "sporca dentro e fuori" e l'ha definita "metà Maria Goretti e metà luciferina".

100 Id. Maria Goretti is an Italian Catholic saint revered as a virgin martyr. Catholic Online. Web. 24 February 2013.
Reporters from countries other than the United States were quick to note the negative characterization displayed by the local press. 101

101 Minihan, Mary. Independent Press.ie, December 2007. Web. 24 February 2013. “The Italian press has been captivated by this sweet-looking, expensively-educated young woman who has been described as a luciferina with the face of an angel.”
Chapter 3

The Language

“Sticks and stones may break my bones, but words will never hurt me.”

Children’s taunt

The development of language is a key element in the evolution of humanity. Language enables us to learn from the experiences of the past, share the experiences of the present and impact the experiences of the future. Language is the primary means of human communication but as with many of our achievements it can be used both positively and negatively. Any situation in which one or more participants speak a different language may be particularly prone to result in a negative impact on communication. “Language, a very powerful tool, is at the core of this activity (translation). It is not only a tool for communication but also a manipulative tool, an instrument of control and power. Power can undoubtedly be expressed through ideologies, and ideologies are clearly linked to language because its use is the commonest form of social behaviour. The relationship between these three issues may help people understand better how language contributes to the domination of some people by others (Hodge and Kress, 1993). This sort of domination also has to be understood in terms of the appropriation or distortion of original texts when they are rendered by translators who display a clear ideological positioning…”102

Culture Shapes Language

In order to fully explore the impact of the language barrier in Amanda Knox’s trial one must first have an understanding of the cultural context in which that language is spoken. Each people’s uniqueness naturally expresses itself through the subtleties of their respective languages. In the case of Italian, several

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102 Leonardi, supra, note 29.
cultural factors play significant roles in the manner in which the language is spoken and more importantly how it was applied in the trial of Amanda Knox. Cultural motifs regarding gender and religion etc. work their way into common parlance, which a native speaker would recognize. Native speakers are capable of discerning whether a language is being spoken as a native learner would. Amanda Knox’s status as an outsider is noted in multiple news articles on the trial, and her developing ability with Italian is a central theme of many of these articles. Her language ability became a part of her character as far as the press (and more importantly, the jury) was concerned.

One of the defining characteristics of Italian culture is the strong religious influence emanating from the Roman Catholic Church. The religious demographic of Italy demonstrates that the overwhelming majority of Italians were raised and at least continue to pay lip service to the Church as the foundation of their moral integrity. Catholic religious education is required from an early age, although parents may choose not to send their children. While nominally not the state religion, Catholicism is deeply and historically entrenched: “Under Italy’s 1984 revision of the Concordat with the Catholic Church, the country is officially secular, but maintains practice of state support for religion – largely, Catholicism.” The widespread adherence to a religious faith which places great value on the following of a social moral code and wherein the primary female icon is the Virgin Mary, a woman believed to be so pure that she conceived without engaging in sex, would certainly influence the rhetoric and general tone of legal proceedings, particularly for a free-spirited young female and foreign defendant

103 United States Department of State, Bureau of Democracy, Human Rights and Labor. International Religious Freedom Report for 2011 – Italy. Print. p. 1. “An estimated 87 percent of native-born citizens were Roman Catholic in 2009; however, according to an independent research institute, in 2010 only 24 percent regularly participated in Catholic worship services.”


105 United States Department of State, Bureau of Democracy, Human Rights and Labor. International Religious Freedom Report for 2007 – Italy. Print. “On February 15, 2006, the Council of State, the national appeals court for administrative cases, rejected a request made by a mother to remove crucifixes from her children's classrooms; the court determined that the presence of religious symbols in public buildings is not discriminatory as they epitomize high civil values.”
in a country where “…there is a clear contradiction between women’s drive for more empowerment and the shortcomings of both the legal and the economic systems – as well as the influence of tradition (emphasis added)– in accepting their contribution.” While in America the constitutional guarantee of separation of Church and State results in the absence of religious overtones in the legal system (the classic image of swearing in on a Bible is in fact not legally necessary and not enforced in many courtrooms), that system still suffers from the rhetorical pitfalls and tropes of the American culture in which the language is couched. The influence of the Catholic religion on the Knox trial occurred in a courtroom decorated with religious murals and with a crucifix hanging on the wall behind the Judge’s head, and came primarily through the character attacks on Knox by the prosecution and the other plaintiffs’ attorneys and the corresponding media coverage of those attacks. The character evidence would not have been admissible in an American criminal court. By comparison, in the United States, The Advisory Committee on what at the time was a Federal Proposed Rule (of evidence) anticipated a result very similar to what materialized in the Knox case: “Character evidence is of slight probative value and may be very prejudicial. It tends to distract the trier of fact from the main question of what actually happened on the particular occasion. It subtly permits the trier of fact to reward the good man and to punish the bad


107 Supra note 105, at 5. “The continuing presence of Catholic symbols, such as crucifixes in courtrooms, schools and other public buildings continued to draw criticism and led to a number of lawsuits.”

"(a) Character Evidence.
   (1) Prohibited Uses. Evidence of a person’s character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.”
man because of their respective characters despite what the evidence in the case shows actually happened.”

The frequent diatribes against Knox were characterized by religiously influenced condemnations including terms such as “Lucifer-like, demonic, Satanic, La Luciferina.” She was referred to as a “black soul”, a “succubus” and a “witch” who was “dirty inside and out”. These epithets were more than simple name-calling. They were a misogynistic reminder of the deeply embedded Christian doctrine of woman as the evil temptress responsible for the fall of man. As noted by Tertullian, an early Christian writer: “God’s sentence hangs still over your sex and his punishment weights down upon you. You are the devil’s gateway; …With what ease you shattered that image of God: man! Because of the death you merited, the Son of God had to die.” The courtroom became a “divine battleground”, reminiscent of scenes from “The Crucible”. This type of religiously charged language would be incomprehensible to Knox not only due to her lack of Italian language skills, but also because of her lack of familiarity with the important cultural context in which it was spoken. The nature of this rhetoric would likely have been entirely alien to Knox and represents a departure from what would be considered a permissible characterization within a secular courtroom. The religious focus of the prosecution’s attacks and its attempt to portray her as the “evil female” of Christian tradition would have


110 See Chapter 2, Italian Media. The attorneys were engaging in a practice known as “semantic diversion”. Hedin, supra note 70, at 40 states that “semantic diversion,” is defined as a “repetition of emotional words” that hold “extremely negative connotations for the public at large and presumably for the jurors in the trial who represented the public.”

negatively influenced the jury’s opinion of her. Even when positive aspects of Knox’s personality were being expounded upon, religious imagery continued to emerge. Attorneys referred to Knox as “angelic”. Both the defense and prosecution frequently centered on arguments which incorporated religious language and held Knox against religious standards in order to determine her guilt or innocence.\textsuperscript{112} In the eyes of a highly religious populace, indications of innocence or guilt can become more than just a question of civil justice.

Another component of Knox’s trial which is relevant to the impact of language is the linguistic capability of the local populace. Unlike the hotbeds of Italian tourism (Venice, Rome, Florence) Perugia is a relatively less travelled city on the Italian peninsula. Apart from foreign students, English speakers are decidedly less abundant in Perugia.\textsuperscript{113} For an individual such as Knox, with little to no capacity with the Italian language, this would have been a severely limiting factor on her ability to navigate the system.\textsuperscript{114} Even a moderate Italian language capability may not have been sufficient to establish credibility and convey Knox’s message of innocence. Research conducted at the University of Chicago has demonstrated that “accented speech was rated as less truthful than native speech”.\textsuperscript{115} This reaction occurred even when the speaker was stating simple, common facts that would be assumed by most individuals to be true. Researchers believe that people misattribute the difficulty of understanding the speech to the truthfulness of the statements.\textsuperscript{116}

\textsuperscript{112} Egan, Timothy “Lessons From the Amanda Knox Case” the NY Times Opinionator October 3, 2011. Print.

\textsuperscript{113} European Commission Report on Europeans and Languages. September, 2005. Print. P.4-5. Twenty-nine percent of Italians report that they have sufficient command of English to conduct a conversation. These bi-linguals reside primarily in the large cities.

\textsuperscript{114} During my own time in Perugia it was absolutely necessary to speak Italian in order to function. My landlord, the place where I would purchase basic daily goods and essentially any interaction with Italian adults demanded at least some ability with the Italian language.

Italy in general and the Knox case in particular present a scenario in which the effect of an accent is uniquely compelling. While Knox would have been learning the “official” Italian language, she would have been interacting with local citizens whose speech was geographically influenced. Language scholars continue to debate the existence of “a standard spoken Italian with a standard pronunciation”. The variations in speech are much more than a charming idiosyncrasy, as “geographical groupings are also social groupings in Italy, which Italians rank according to socioeconomic status and educational background, as well as other more personal characteristics, such as trustworthiness, friendliness, and authoritativeness.”

Lacking adequate skill not only in the “official” language, but also in the local vernacular would not only have handicapped Knox in her attempts to communicate, but would have branded her as an “outsider” in a closely-knit culture that is acutely sensitive to foreigners. Even as far along in the process as the appellate court decision in October, 2011, the reporter covering the story for Corriere Della Sera made note of Knox’s accent in her statement to the Court.

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116 Id.
117 Cavanaugh, J.R., (2005). “Accent Matters: Material consequences of sounding local in Northern Italy.” Language & Communication 25, 127-148. Print. “Standard Italian – that is, Italian with no regional variations in pronunciation, lexicon, or syntax – has the distinction of being a national language that nearly no one actually speaks. Instead, virtually all Italians speak Italian with an accent. These accents are primarily geographically distributed; each region, but also city and small town, has its own ways of speaking: its own vernacular or dialect and its own local form of Italian.” p 127-128.
118 Id. at pp. 132-133, quoting Galli de Paratesi, 1977, 1985.
119 Id. p 138. “Indeed, the term campanilismo, which stands for the close community of people who live within sight of the same bell-tower (campanile), captures the importance of locality as an organizing category of social identity in Italy.”
translation: “The woman with the clear eyes and straight hair, that had stood in front of the jury, brushing a lock of hair from her face, the Amanda Knox that seemed to stutter and sob, before beginning to speak with her syntactically correct Italian barely dirtied by the yankee accent: ’I’m the same person from four years ago, the only thing that’s different is that which I’ve suffered.’"
The Kercher murder and subsequent trial occurred at a time when Italy’s historic difficulty with illegal immigration, always a topic of heated debate, was once again in the headlines. Particularly pertinent to this population growth is the fact that the percentage of foreigners who were in Italian prisons increased from 15% of the prison population in 1991 to 36.7% of the population in 2010. This growing trend provided support to bolster Italians’ negative impression of the “other” which have been fueled for decades by the openly anti-immigrant political party Lega Nord. In 2003, Prime Minister Silvio Berlusconi had attempted to engage the other members of the European Union in a program of organized control of undocumented immigration at Italy’s borders. Berlusconi’s efforts, fueled by increasing pressure from the Northern League, were unsuccessful. In an alternative approach, the Berlusconi government forced a new immigration law through Parliament in 2009. The law, which had been debated for quite some time (including during the period of Knox’s arrest and trial), imposes harsh penalties on illegal immigrants, including a fine of $14,000.00 and three years’ imprisonment, and follows a bill that was approved in February, 2009 authorizing doctors to “report clandestine patients to the authorities”. The Berlusconi bill encourages the participation of the public by authorizing the use of unarmed civilian patrols to assist immigration enforcement officers. This environment may well


122 Id. p. 12


125 Id.


127 Id.

128 Id.
have fostered a “vigilante” mentality wherein the average Italian citizen considered it to be his or her patriotic duty to protect themselves and their way of life from foreigners. While not an illegal immigrant, Knox’s lack of language skills, her appearance and her behavior clearly marked her as an outsider and provoked the suspicion which had become commonplace to the local citizens.

One final important consideration with regard to the environment in Perugia concerns the local criminal activity. Perugia has a reputation for illicit activity in Italy with particular regard to Mafia activity and with special focus on prostitution and drug trafficking, effectively becoming central Italy’s criminal center. Of officials in Perugia, concerned about damage to the town’s traditional image, have continually sought ways of controlling this problem, even erecting barriers along the roads to prevent potential clients from stopping. The kind of stigma that would be attached to women as a result of this local reputation for female exploitation, readily apparent in the courtroom language, (witch, succubus) could have had an impact on the manner in which Knox’s trial was perceived by Perugians.

Murder is a local crime, tried locally. In a professional legal environment where the language being used is both highly complex and highly inflammatory, where the environment is not accepting of foreigners and has strictly defined rules of behavior for women, it would be extremely difficult for anyone, much less a young American woman with limited local linguistic capabilities to comprehend the proceedings and represent herself fully. Without competent, objective interpreters, this would have been an overwhelming set of circumstances for Knox.

129 Perugia Tourist Information Website. Web. 10 January 2013.
131 Nerenberg, supra note 44 at 7.
Body Language

Spoken and written words represent only one element of human communication. Scholars have concluded that “…non-verbal communication is an indispensable and all-pervasive element of human behavior.”132 The ability of native Italian speakers to engage in the art of non-verbal communication has been widely recognized. It was first documented by Canon Andrea de Jorio in 1832 in a publication entitled “The Ancients Mimic Through the Neapolitan Gestures”, and has been updated to chronicle modern movements.133 Non-verbal communication is learned in childhood and is inherent to Italian culture. Satirically put by culture chronicler, journalist and politician Luigi Barzini “Italians are often disconcerted…in the north of Europe, and seldom know what is going on, surrounded as they are by blank faces on which little can be read.”134

Unfortunately the Knox trials were not entirely videotaped for public distribution and it is therefore only possible to interpret the body language of the various parties from media reports; however there are several documented incidents of non-verbal communication that occurred both inside and outside the courtroom that may have impacted the verdict.

The defined parameters of body language studied by experts are much broader than the commonly accepted categories of facial expression, tone of voice and hand gestures: “…non-verbal communication involves all those non-verbal stimuli in a communication setting that are generated by


134 Burleigh supra note 2, at 238.
both the source and his or her use of the environment and that have potential message value for the source or receiver.”

There were incidents of non-verbal communication and misinterpretations of non-verbal communication by the authorities and the media before, during and after the trial which may have been critical to the outcome and eventual appeal. Within months of Knox’s arrest and well before the beginning of the trial, Eduardo Giobbi, Chief of the Serious Crimes Unit, hung Amanda Knox’s framed portrait in the hallway of the Rome offices of the National Police among those of some of the nation’s most vicious Mafiosi, presumably to send a message as to her perceived status. "Even before being charged, she had joined the gallery of the convicted." Eduardo Giobbi also testified during the trial that his years of investigative experience allowed him to determine by looking at Knox’s face that she was a murder suspect and “never conceded that he could have mistranslated the nonverbal cues of a young woman who hailed from the other side of the planet and who didn’t speak his language.” During the trial, Prosecutor Mignini’s insistence that the victim’s body being covered by a blanket was a sign of feminine pieta (sympathy) indicating a female perpetrator was a misinterpretation of body language. According to American criminologists, any killer, regardless of gender, who is inexperienced and feels badly about his/her actions, might cover the victim. The term “pieta” also carries great religious and emotional weight in a predominantly Catholic country, particularly one which is the home of Michelangelo’s masterpiece, and may have been intended to invoke an unfavorable comparison of Knox to the Virgin Mary.

135 Samovar, supra note 132, at 246


137 Id.

138 Burleigh, supra note 2 at 239.

139 Sentence of the Court of Assizes of Appeal of Perugia, supra note 3
In October, 2011, during the appeal trial, the Italian weekly magazine Oggi published an issue featuring Amanda Knox on the cover and included a clear plastic envelope containing a free set of black-handled kitchen knives. This magazine had previously been severely criticized by Prosecutor Mignini for what he deemed to be biased coverage of the Knox trial and this action may have been an attempt by the publication to “redeem itself” in the opinion of local authorities. The cover of the Oggi issue displays an emotionally distressed Knox with the subheading “AMANDA IS FREE”. The knives and pizza cutter are attached to the issue in a sealed plastic bag. This “picture is worth a thousand words” behavior of “visual suggestion” was not limited to Oggi. Reportedly on several occasions photos of Knox appeared in the media “accompanied by images of Pinocchio with a very long nose”.

The responsibility for nonverbal “mis-communication” does not rest solely with the Italian media and authorities. There were multiple reports of Knox’s failure to behave in the mature and sober manner expected by Italian culture and jurisprudence in the circumstances of a murder investigation and trial. The issue in this instance is the inaccuracy of the interpretation of that behavior and the consequences of that inaccuracy. Defense Attorney Giulia Bongiornio tried to address the “guilt-by-inappropriate behavior argument” by telling the jury that Amanda Knox is “…a little crazy, extravagant. She does the cartwheels in the police station because reality for her is too strong to deal with. She is spontaneous, immediate and imprudent.”

The attempt to “send a message” may, in desperation, have even extended to abuse of the judicial system. In November, 2009, just days before a verdict in the murder trial was expected, several of the investigating police officers in the Knox trial filed suit against her mother and stepfather for criminal

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140 Pisa, Nick The Daily Mail, October 14, 2011. Print. A black-handled kitchen knife was alleged by the prosecution to have been the murder weapon.

141 Minihan, supra note 101.


143 Id.
defamation. The charges stemmed from an interview the parents gave in June, 2008 to a reporter from the London Sunday Times in which they repeated what Amanda Knox had told them of physical and verbal abuse by the police officers during her interrogation.\textsuperscript{144} The timing of the complaint, almost 1½ years after the publication of the interview, but just days before the expected appellate verdict, is curious and in the opinion of at least one commentator, is “an attempt to influence the outcome inside the courtroom.”\textsuperscript{145}

Finally, Prosecutor Mignini’s behavior toward journalists, detailed in the section on Italian Media, was a campaign to control the public’s perception of the proceedings.

The means by which Italians express themselves via language are myriad. From colloquial expressions to broad gesticulation, an Italian may demonstrate his or her place of birth, religious sentiments, cultural upbringing and most importantly opinion. For Amanda Knox to enter another culture would have been a challenging experience, as it is for the thousands of students that choose to study abroad each year. However her circumstances took a deadly serious tone when she found herself defending her own freedom, conscience and innocence. The Italian language, and by extension, culture, were not a familiar nor comforting medium for Amanda Knox to operate in, much less conduct legal business. Her status as a foreigner in Italy, as evidenced by many of the (intentionally insulting) remarks directed toward her by the prosecution, clearly placed her at a disadvantage by both limiting her capacity to respond to the allegations but also (and arguably more importantly) rendering her less trustworthy in the eyes of the jurors. All of these factors contributed significantly to the events of Amanda Knox’s four years in the Italian legal system.


\textsuperscript{145} Egan, supra note 142.
Chapter 4

Could it Happen Here?

“People who live in glass houses shouldn’t throw stones.”

Traditional Proverb

The apparent prejudices of American media against the Italian criminal justice system and media have been described in detail by Sarah Annunziato; however situations similar to the Knox trials are not a uniquely Italian problem. In reviewing dozens of media reports as part of my research, I noted that the comments went beyond mere criticism of Italian jurisprudence, culture and media and contained a common thread extolling the virtues and superiority of the American criminal justice system. The New York Times quoted George P. Fletcher, Columbia University’s Cardozo professor of jurisprudence, as describing the guilty verdict as “a scandal of the first order” that happened “because the Italian judicial system has not ‘adapted correctly’ the American judicial system.” Fletcher’s comments are characteristic of the response not only from the American legal community, but from individuals with no apparent legal training who nevertheless believed themselves qualified to evaluate the Italian system and culture. In light of our history, there is reason to be careful with such comments.

In one of the most notorious murder cases in the U.S. involving Italian defendants, the American criminal justice system, despite the hostility and prejudice of the local residents, technically worked, although its result was horrifyingly reversed by the citizens. On March 14, 1891, the largest lynching in U.S. history occurred in New Orleans when 11 Italian-Americans were dragged from jail and shot by a

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146 Annunziato, supra note 46.

147 Robbins, supra note 14.

148 Egan, supra note 18, described the Knox trial as a “collision of predatory journalism and slipshod prosecution”.

mob lead by prominent local citizens.\textsuperscript{149} Six of the victims had earlier been acquitted of the murder charges pertaining to the death of New Orleans Police Chief David Hennessy and three were the object of a mistrial.\textsuperscript{150} The other two victims were completely unrelated to the Hennessy murder. The local population was convinced that associates of the defendants had tampered with the court proceedings and chose to exact their own punishment. The New Orleans Cotton Exchange, Stock Exchange and Board of Trade immediately lauded the actions of the mob as “proper and justifiable” and many of the local newspapers approved the lynching.\textsuperscript{151} \textit{The New York Times} described the victims as a “pest without mitigations” and stated that “Lynch law was the only course open to the people of New Orleans…”\textsuperscript{152} The general opinion at the time was one of suspicion and dislike of the immigrants who were believed to be of low moral character. Fortunately for Amanda Knox, the citizens of Perugia, while markedly unhappy with her ultimate acquittal, chose to abide by the judge’s decision.\textsuperscript{153}

Thirty years later, a case which is remembered even today came to trial in Massachusetts. In 1921, Nicola Sacco and Bartolomeo Vanzetti, Italian immigrants, were convicted of robbery and murder. On April 9, 1927, their final appeal was rejected and they were sentenced to death. Many legal scholars now believe what was eloquently detailed by Felix Frankfurter in 1927 - that Sacco and Vanzetti did not receive a fair trial.\textsuperscript{154} In a proceeding eerily reminiscent of the Knox interrogation, the defendants,

\footnotesize
\begin{itemize}
  \item \textsuperscript{149} “Chief Hennessy Avenged: Eleven of His Italian Assassins Lynched By a Mob”. \textit{The New York Times}, March 15, 1891. Print.
  \item \textsuperscript{150} “Six Prisoners Acquitted: New Orleans Excited by the Verdict in the Hennessy Trial” \textit{New York Times} March 14, 1891. Print.
  \item \textsuperscript{152} Id.
  \item \textsuperscript{153} BBC News Europe. “Media reacts to Amanda Knox acquittal.” 4 October, 2011. Web. 2 February 2013. “The crowd outside the courtroom exploded in rage and shouted “Shame! Bastards!” to the judges and lawyers who were being interviewed.”(reporting comments from \textit{La Repubblica}).
\end{itemize}
whose English language skills were rudimentary,

“…freely conceded that when questioned at the police station they told lies. What was their explanation of this conduct? To exculpate themselves of the crime of murder they had to disclose elaborately their guilt of radicalism. In order to meet the significance which the prosecution attached to the incidents at the Johnson house and those following, it became necessary for the defendants to advertise to the jury their offensive radicalism, and thereby to excite the deepest prejudices of a Norfolk County jury picked for its respectability and sitting in judgment upon two men of alien blood and abhorrent philosophy.

Innocent men, it is suggested, do not lie when picked up by the police. But Sacco and Vanzetti knew they were not innocent of the charge on which they supposed themselves arrested, and about which the police interrogated them. For, when apprehended, Sacco and Vanzetti were not confronted with the charge of murder; they were not accused of banditry; they were not given the remotest intimation that the murders of Parmenter and Berardelli were laid at their door. They were told they were arrested as "suspicous characters," and the meaning which that carried to their minds was rendered concrete by the questions that were put to them.”

Neither prior to nor during the police and prosecutor questioning were Sacco and Vanzetti advised that they had been arrested on suspicion of robbery and murder, but rather believed that they had been arrested for radicalism. As with Knox, their initial statements and behavior during questioning would motivate investigators and prosecutors to rely upon frequently insubstantial evidence to justify a conviction. The local media frenzy, as in the Knox matter, was overwhelmingly against the defendants, albeit in this era limited to the only means available - print.

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155 Id. p. 2.

156 Id.
In perhaps the saddest parallel of all to the Knox matter, a reading of their final statements to the
court at the sentencing hearing emphasizes their poor English language skills.157 These statements were
given after six years of incarceration, during which they should have had ample time (more than Amanda
Knox had) to improve their language ability. If these final statements are, in fact, an improvement, their
facility with English at the time of their arrest and trial must have been abysmal.158

In summing up his analysis of the proceedings in the Sacco and Vanzetti trial, Mr. Frankfurter
delineates a situation which, with a few minor adjustments, could well describe the Knox trial:

“In 1921 the temper of the times made it the special duty of a prosecutor and a court engaged in
trying two Italian radicals before a jury of native New Englanders to keep the instruments of justice free
from the infection of passion or prejudice. In the case of Sacco and Vanzetti no such restraints were
respected. By systematic exploitation of the defendants' alien blood, their imperfect knowledge of
English, their unpopular social views, and their opposition to the war, the District Attorney invoked
against them a riot of political passion and patriotic sentiment; and the trial judge connived at—one had
almost written, cooperated in—the process.”159

These sentiments parallel the criticisms raised by Judge Hellman of the Knox trial court.160

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Vanzetti speeches to the Court at the Time of Sentencing.

158 Hedin, supra note 71, at 33. “Sacco had resided in the United States for twelve years, but had not
mastered English. An interpreter was available during the trial to translate questions and answers. In their closings,
defense counsel pointedly asked the jury to consider their clients' failure to speak English.” See also, Watson,
Quotations. “Nicola Sacco, Bartolomeo Vanzetti and several others in this book were far from proficient in
English”.

159 Frankfurter, supra note 154.

160 Sentence of the Court of Assizes of Appeal of Perugia, supra note 3.
While I chose the above cases for comparison in part because they describe the precise counterpoint to an American subjected to the Italian legal system, defendants of other nationalities with poor English language skills have also suffered at the hands of the American criminal justice system.\(^ {161}\)

Unfortunately, similar miscarriages of justice are not confined to our distant past. Lisa Bloom, an American civil rights attorney, commented during an interview with Anderson Cooper that defendants are convicted in the US even today with no more evidence than what was available in the Knox trial.\(^ {162}\)

While I consider myself a patriotic and proud American, in light of the United States’ less than sterling history in the treatment of foreign defendants and its consistent assertion of its right to apply US law to crimes committed on its soil, it is my opinion that the unmitigated criticism of the Italian criminal justice system and culture that has arisen during the Knox saga should be tempered with humility.

\(^ {161}\) The most notorious trial of this kind is probably that of Bruno Hauptman, a German immigrant unskilled in English, who was convicted and executed for the kidnapping and death of the Lindbergh baby. Douglas O. Linder, a professor at the University of Missouri-Kansas City School of Law, has spearheaded a webpage called “The Famous Trials” (2012) which details many of these cases.

Chapter 5

The Future

“First of all, let's get one thing straight. Your Italy and our Italia are not the same thing. Italy is a soft drug peddled in predictable packages, such as hills in the sunset, olive groves, lemon trees, white wine, and raven-haired girls. Italia, on the other hand, is a maze. It's alluring, but complicated. It's the kind of place that can have you fuming and then purring in the space of a hundred meters, or in the course of ten minutes. Italy is the only workshop in the world that can turn out both Botticellis and Berlusconis.”

Beppe Severgnini

Despite the negative descriptions of Italy and its legal system by American media, the trial and conviction of Amanda Knox does not seem to have had a permanent chilling effect on Italy as a destination for studying abroad. Data published by the Institute of International Education (“IIE”) indicates that, apart from a 10.8% decline in the 2008/2009 academic year over the previous 2007/2008 academic year, the number of American students traveling to Italy has increased each year, maintaining Italy’s number two position in popularity, number one in destinations where English is not the native language. In 2010/2011, the most recent data available, 30,361 American students studied in Italy, including 532 from The Pennsylvania State University, representing slightly more than 25% of all Penn State students studying abroad that year.

164 Annunziato, supra note 46.
165 Institute of International Education (2012). "Leading Institutions by Study Abroad Total, 2010/11." Open Doors Report on International Educational Exchange. Web. 10 November 2012. Since November, 2007, the time of the murder and Knox’s arrest, would have been the time when students were planning study abroad programs for the following year, it is reasonable to assume that the event may have impacted students’ choice of destination.
166 Id. See also, Nerenberg, supra note 44, at 257, footnote 54.
167 Id.
168 Fox, Kathleen. The Pennsylvania State University, Office of Global Programs. E-mail. 12 December 2012.
A point of significance exists in the fact that the most recent data available shows that study abroad by foreign language majors has consistently declined each year from 8.2% of all students in 2000/2001 to 5.6% of all students in 2010/2011. This means that each year, fewer American students abroad are likely to speak the language of their host country. Since the typical American student abroad is a white female (females outnumber males almost 2:1) in her junior or senior year, it seems that, at least demographically, the potential for the emergence of similarly difficult legal problems for students abroad exists.

If Americans travelling abroad are doing so with a false sense of security, that sense is shared in Italy. *Corriere Della Sera* published an editorial during the Knox proceedings voicing a common Italian perception that Americans “skated on the surface of the law”: “The first rule when an American citizen is accused of a crime abroad is that it does not matter whether he or she is innocent or guilty, what matters is that he or she has a US passport, which carries even more weight than an alibi”. A comparison of the behavior of the U.S. and British governments during the investigation and trial demonstrates that this did not hold true in the Knox case. The British consul arrived in Perugia immediately upon learning of Meredith Kercher’s death, and British female students were removed from Perugia within a few days. A representative of the British Embassy was constantly with the Kercher family, guiding them through dealing with the police and prosecutor and helping them to select an attorney who had previously worked with British citizens. In contrast, the U.S. Embassy e-mailed a list of attorneys to Amanda Knox’s

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171 Nerenberg, supra note 44 at 252.

172 Burleigh, supra note 2, at 225.

173 Id. p. 225-226.
stepfather with no accompanying advice. With no guidance, he chose the first attorney on the list who had “an office manager who spoke English.” The only on-site aid offered by the U.S. Embassy was to send an attaché to interview Amanda Knox in prison to confirm that she was not being abused. Although the Knox family announced its intention to solicit the intervention of then Secretary of State Hillary Clinton, no such intervention occurred. Unlike prior situations where U.S. diplomacy was brought to bear, Knox was not a political prisoner; she had not been kidnapped and summarily tried by an unrecognized authority.

In responding to one American student’s criticism of the behavior of other American students abroad, Elaine Fallon commented that “while it is true that American students often behave badly while studying abroad, we should remember that American colleges have created a revenue bonanza by sending their students abroad on programs that provide little in the way of structure or serious academic obligations.” In an interview with National Public Radio in 2008, Bari Hochwald, an American who lives and teaches in Florence noted that “The No. 1 market in Florence is tourism and the second is the American college student. They are the dominant factors in the historic center of the city. Florentines don't live here, it doesn't belong to them anymore, and they're resentful of that and they should be.” Approximately 80% of the American students who study abroad in Florence each year are female.

174 Id. p. 226.
175 Id. See also: United States Diplomatic Mission to Italy – Arrest of a U.S. Citizen. Web. 12 December 2012.
177 Egan, Sophie supra note 87.
178 Nerenberg, supra note 44, at 257
179 Poggioli, Sylvia “Study-Abroad Students Gone Wild in Italy?” National Public Radio, March 23, 2008. 12:01 a.m. Web. 18 February 2013. Florence is the closest large metropolitan area to Perugia.
180 Id.
local shopkeeper noted that "Italians go to those pubs only on weekends, but the Americans are there every night, and then they complain about Italian men seducing them. They go around in miniskirts up to here, half undressed. They get drunk." While a member of the city council in charge of security noted that only about 10% of the American students binge drink, they have clearly made an impression, as the local government has responded by establishing a curfew and installing closed circuit cameras in the downtown area. The interview concludes that “…lately, the American image has become tarnished.” Comments such as these reveal that Italians’ perceptions of Americans abroad may create expectations and certainly have an impact on how interactions take place across cultural boundaries.

The implications of the Knox trial are especially relevant for students who are unfamiliar with the world at large. While the thought of studying abroad may raise visions of an ideal life-changing experience it certainly carries risks which must be addressed in order to prevent seriously negative consequences. Perry Binder, a legal studies professor in Georgia State University’s Robinson College of Business, periodically teaches law courses in Italy. He has prepared a list of important advice and items for his students, the first of which might well have kept Amanda Knox in anonymity:

“Keep a translated statement to police in your pocketbook or wallet. Before my students travel, each of them will carry two copies of this statement, translated into Italian: My lawyer has advised me not to talk to anyone about any criminal matter. I do not wish to answer any questions without my lawyer in the room. I have the phone number for my lawyer with me.

Italian: Il mio avvocato mi ha consigliato di non parlare con nessuno [di] qualcosa questione criminale. Non voglio rispondere ad alcuna domanda senza il mio avvocato nella stanza. Ho il numero di telefono per mio avvocato con me.

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181 Quoting Letizia Biagi.

182 Id. The city council member is Graziano Cioni.

183 Id.
Why two copies? If you are detained for questioning and the copy you give the police disappears, you've got a backup copy to give to your lawyer as proof of your intent (as he or she moves to exclude a supposed confession from evidence). Make sure your faculty program director translates the statement above into your country's native language.¹⁸⁴

Many foreign nations have existed for centuries (or in the case of Italy, millennia) before the United States. They have developed laws and cultures with a complex and nuanced history and application which we underestimate at our peril. We may not agree with them in whole or in part, but when we place ourselves within their jurisdiction we give tacit consent to their application. Anticipating that American law, language and customs automatically follow us wherever we go is a foolish and antiquated notion in this increasingly global environment. The potential benefits of a stay in any foreign country are certainly contrasted by a set of risks which can have significant consequences for those unfamiliar with their surroundings. These consequences are readily illustrated by dramatic examples such as the Knox trial.

Conclusion

The detention, prosecution and eventual exoneration of Amanda Knox are a cautionary tale of the significant potential dangers of living in or even just visiting a foreign country. Beginning with the interpretive misunderstanding during her interrogation, compounded by less than objective and professional interpreters and culminating with the semantic diversion repeatedly engaged in by the prosecuting and plaintiffs’ attorneys which was widely disseminated by the media, Knox’s experience delineates the value of studying a foreign culture and its companion language prior to entering another country. Knox’s status as a young American woman, her unfamiliarity with Italian culture and lack of capability with the Italian language directly impacted the sequence of events which took place during her incarceration and multiple trials. The perceptions and stereotypes of both Americans and specifically American students abroad colored much of the prosecution’s allegations and served as the topic for many of the news articles covering the trial. The extremely complex nuances of the Italian language prevented Knox from fully appreciating her surroundings, as did her inability to properly respond to her circumstances in the context of the Italian legal system and culture. Her distinct foreignness in this environment led to her receiving questionable treatment at the hands of Italian authorities and to her demonization both in the court room and in the media world at large. Her circumstances and treatment directly reflect the importance that language and culture can have during official interactions across these boundaries.
Appendix A

Timeline of Events

The following chronology of important events is compiled from multiple media and official sources.185

November 2, 2007
Meredith Kercher is found dead in the house in Perugia, Italy, that she shared with Amanda Knox, two female Italian roommates and several male roommates in another apartment. Police say her body is partially clothed, with her throat cut. Investigators state that she was killed the night before.

November 5, 2007
Knox and Raffaele Sollecito are detained by police and the local prosecutor for questioning. Knox allegedly confesses to being present when Kercher was killed and implicates Patrick Lumumba, the owner of a bar where she worked. Lumumba is also detained.

November 6, 2007
Knox, Sollecito and Lumumba are arrested and held on suspicion of conspiracy to commit murder and sexual violence.

November 20, 2007

185 Per CNN Wire Staff supra note 47.


Sentence of the Court of Assizes of Perugia in the Murder of Meredith Kercher. Supra note 40.
Lumumba, implicated by Knox statements to police, is released for lack of evidence.

**November 22, 2007**

The text of a note Knox wrote on November 6, while in police custody, is published by CNN and other media outlets. Knox addresses an alleged confession, saying: In regards to this 'confession' that I made last night, I want to make clear that I'm very doubtful of the verity of my statements because they were made under the pressures of stress, shock and extreme exhaustion. Not only was I told I would be arrested and put in jail for 30 years, but I was also hit in the head when I didn't remember a fact correctly.

**December 6, 2007**

Ivory Coast national Rudy Guede is arrested in Germany and extradited to Italy. Guede admits to police that he had sexual relations with Kercher but says another man killed her while he was in the bathroom. He is arrested and jailed.

**December 18, 2007**

The Scientific Police Unit from Rome inspected the murder scene, particularly Meredith Kercher’s bedroom, in the process removing additional items, including her bra clasp.

**July 11, 2008**

Italian prosecutors formally charge Knox, Guede and Sollecito with murder.

**September 6, 2008**

Rudy Guede asks for a separate fast-track trial.
October 28, 2008
Knox and Sollecito are indicted on murder and sexual assault charges. Guede is convicted of murder and sexual assault and sentenced to 30 years imprisonment.

January 16, 2009
Knox and Sollecito's murder trial begins in Perugia. In addition to the two defendants, their attorneys and the prosecutor, there are three additional plaintiffs for separate but related suits and their attorneys present, as all four matters will be tried simultaneously.

June 12, 2009
Knox testifies that during police interrogations she was confused and pressured and that the interrogators called her a "stupid liar" and hit her in the head. Officials have denied beating Knox. She also says some of her actions that made her look bad when described by the press were taken the wrong way. She adds that she was in shock after the murder, and that caused her strange behavior.

September 27, 2009
Final witnesses are heard in the trial.

November 21, 2009
Prosecutors urge a conviction and request that the jury impose life imprisonment on the defendants.
December 4, 2009

The jury finds Knox and Sollecito guilty on all counts in the stabbing death of Meredith Kercher. Knox receives a 26-year sentence; Sollecito receives 25 years.

December 22, 2009

Appeals court upholds Guede’s conviction and reduces his sentence to 16 years.

June 1, 2010

Knox appears briefly in Italian court to face slander charges for saying that Italian police beat her during interrogation. She said police used the threat of physical violence to intimidate and pressure her, which led her to falsely accuse Lumumba of Kercher's murder, but officials deny these allegations.

November 8, 2010

Judge orders Knox to stand trial for slander of police.

November 24, 2010

Knox and Sollecito's murder appeal trial begins. The hearing lasts about 15 minutes before the judge adjourns until December 11 because one of the lawyers is not present.

December 11, 2010

Knox speaks in Italian for about 15 minutes reading from handwritten notes and breaks down in tears. She says that she and Sollecito are innocent and unjustly accused.

December 16, 2010
Italian Supreme Court confirms Guede’s conviction and 16 year sentence.

**December 18, 2010**

Appeals court grants a review of the forensic evidence, including disputed DNA evidence on the alleged murder weapon and the clasp of the victim’s bra.

**January 22, 2011**

Two forensic experts from Rome’s La Sapienza University are sworn in and will retest crucial forensic evidence used to convict Knox. They will re-inspect a knife and clasp from Kercher's bra. Results from the tests are expected in May.

**February 15, 2011**

Amanda Knox’s parents are indicted for allegedly libeling police in Perugia. Curt Knox and Edda Mellas are accused of defaming the police in comments to the Sunday Times of London in a 2009 interview. A hearing in the case is set for July 4.

**May 21, 2011**

A jury of two judges and six citizens is scheduled to hear Knox's appeal starting in late May.

**June 18, 2011**

Two prison inmates testify during Knox's appeal that Guede confided in jail that Knox and Sollecito were innocent. Guede denies the claims. Prosecutors say they doubt the credibility of the witnesses.

**June 29, 2011**
Forensic specialists testify that DNA evidence linking Knox to the alleged murder weapon is unsound. Specialists say that while they agree Knox's DNA was present on the knife handle, tests for Kercher's DNA were unreliable as the sample was so small that forensic scientists were not able to double-test it in accordance with international norms, which Knox's attorneys assert raises doubts about its validity. Defense lawyers also say the tiny metal clasp from Kercher's bra may have been contaminated because it was not collected as evidence until nearly six weeks after the killing. Prosecutors claimed that there was DNA from Raffaele Sollecito on the clasp.

**July 4, 2011**

The judge in the libel case against Knox's parents resigns because he was involved in the trial of Knox and Sollecito. Paolo Micheli says he will recuse himself.

**July 25, 2011**

Court-appointed experts testify that police forensic scientists involved in the murder case made a series of glaring errors during their investigation.

In a point-by-point deconstruction, the experts say that because of the errors made by police during the original investigation, the evidence against Knox and Sollecito should be considered "inadmissible."

**September 5, 2011**

Prosecutors fighting to keep Knox behind bars defend the DNA tests. As the appeal nears its end, Kercher's sister urges people not to get caught up in the details but to "please remember our beautiful Meredith."

**September 6, 2011**
Italian state police forensic expert Patrizia Stefanoni defends the methods and equipment used in DNA tests for the investigation. She says the machine used for the DNA examination was clean and rejects suggestions that Meredith Kercher's bra clasp had been contaminated.

**September 7, 2011**

Appellate Judge Claudio Pratillo Hellman rejects a prosecution request for new DNA testing. The hearing is adjourned until September 23.

**September 23, 2011**

Final arguments begin with prosecutors urging jurors to remember Meredith Kercher’s family. In closing, they stated that an obsessive media campaign to free Knox had distracted jurors.

**September 24, 2011**

Prosecutor Manuela Comodi concludes the prosecution summary by attacking the independent experts who questions the DNA evidence, calling their review "embarrassing, inappropriate and presented in a hostile way." She requests that Knox and Sollecito's sentences to be increased to life.

**September 26, 2011**

Lawyers for the civil parties to the case, including Kercher's family and falsely accused bar owner Lumumba, present their final statements. Kercher family lawyer Francesco Maresca shows the jury photos of the murder victim's body that "show you the pain of Meredith." Lumumba's lawyer Carlo
Pacelli accuses Knox of having two sides one of which is "angelic, good, compassionate" and the other "Lucifer-like, demonic, Satanic."

September 27, 2011
Sollecito's lawyer Giulia Bongiorno states there is no physical evidence placing Knox and Sollecito at the scene of the crime, attacks the credibility of DNA evidence and says that Knox's statements to police the night of the murder should be discounted because of hostile questioning by police.

October 3, 2011
Italian appeals court reverses Knox and Sollecito convictions. Knox is, however, judged guilty of defamation against Patrick Lumumba.

December 15, 2011
Publication of appellate opinion.
Appendix B

A MATTER OF PERSPECTIVE

When I began my preliminary reading and research for this thesis more than a year ago, I had not formed an opinion on the matter. As an American student in Perugia at the time of the Knox appeal, I witnessed first-hand the reactions of the local citizens and was fascinated by the subjectivity and inconsistency of the news accounts and by the strong opinions of native Italians and other American students with whom I discussed the proceedings. As an Italian major studying among other foreign students who, for the most part, were not fluent in Italian, I became increasingly curious about the impact of the Italian language on these very serious and formal legal proceedings.

As my research progressed, I consulted scholarly works (Nerenberg, Annunziato, Mirabilia) as well as books written for the public (Burleigh, Follain, Latzer, Sollecito) and hundreds of media reports. The Annunziato and Mirabilia papers have a narrow focus - American media’s negative portrayal of Italy and the Italian criminal justice system, respectively. The Nerenberg book, while comprehensive and an excellent resource on the background of relevant Italian culture, was essentially complete at the time of the Knox trial and it is only discussed in an epilogue. In the three cases that comprise the substance of the Nerenberg book each defendant was Italian, so language was not an issue. The books written for popular consumption were useful for establishing an initial framework for the events, but are each written with what appears to be a personal bias and are not intended as scholarly resources. The comments therein with respect to the impact of the Italian language are superficial and report who said what, where they said it and when they said it. The goal of this paper is to focus specifically on the language and to uncover two “whys” – why something was said in a chosen manner and why that mattered.

I attempted to choose my sources and conduct my analysis in an objective and balanced manner, reading the original documents and many of the media reports in Italian when available. I was able to read both the trial court and appellate court opinions, as well as Knox’s signed statements to the police.
While I was only able to obtain limited excerpts of transcripts (transcripts are not public material and would have cost thousands of dollars to purchase) the trial court opinion (at almost 400 pages) and the appellate court opinion (at over 100 pages) are fairly comprehensive of the proceedings. I also reviewed the media reports subsequent to each day of testimony in order to determine what occurred. As my research continued, I began to see patterns emerge, many of which were confirmed in the appellate court opinion released in December 2011.

Finally, as a matter of disclosure, I have always been proud of my Italian heritage. My paternal grandmother was born in Costa san Savino, approximately an hour outside of Perugia. My paternal great-grandparents were natives of Gubbio, the town that Amanda Knox and Rafael Sollecito planned to visit the morning after the murder.
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Florence is the closest large metropolitan area to Perugia.


Ponte, Meo. "E Amanda Diventò Un Affare Di Stato L'ira Del Pm Sul Complotto Americano."


"Processo Meredith, Parla La Difesa Di Sollecito"Aaa Cercasi Raffaele, Di Lui Non Si Sa Nulla"


*Sentence of the Court of Assizes of Appeal of Perugia (Presided Over by Dr. Claudio Pratillo Hellmann)*

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February 2013.


ACADEMIC VITA

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EDUCATION

Pennsylvania State University, College of Liberal Arts
Spring 2013
BA – Majors: Italian; International Politics/International Relations Option
Minors: Middle Eastern Studies; International Studies; History
The Umbra Institute, Perugia, Italy, Fall Semester   2011
Semester study: focus in Italian language, culture and history

Academic Honors
Schreyer Honors College; Paterno Fellows Honors Program; Josephine Rhea Award for Excellence in Italian Studies; John E. Sherry Endowed Scholarship; National Italian American Foundation Scholarship (twice); Strategic and Global Security Program Scholarship; Arcadia University Global Study Scholarship; Sons of Italy Foundation Scholarship; National Society of Collegiate Scholars; Italian Honor Society; Political Science Honor Society; Dean’s List.

Languages

Italian (fluent)       •       Russian (intermediate)       •       French       •       Latin
Spanish (fluent)       •       Arabic       •       German

INTERNSHIPS/CONFERENCES

FIVE EYES CONFERENCE
Feb. 11-13, 2013
• Delegate attending workshops.

SCUSA 64
Nov. 7-10, 2012
• Delegate to the Student Conference on United States Affairs.
• Skills Acquired: Participating in round table discussions with international and domestic civilian and military delegates on current policy issues and writing paper on US border security.

ARMY WAR COLLEGE
Summer 2012
• Worked at the Peacekeeping and Stability Operations Institute.
• Skills Acquired: Coordinating with military and civilian personnel (both domestic and international) to develop an educational tool for AWC students to demonstrate knowledge of key peacekeeping information. Analyzing and adapting the “Massive Multiplayer Online War Game Leveraging the Internet” for application development within the context of the United Nations’ protocols for peacekeeping operations. Presentation of project status to J8 staff at the Pentagon.
TOFFLER ASSOCIATES
Spring 2012
• Worked on the “Use of Social Media to Predict Violence in Syria” project.
• Skills Acquired: Defining the problem geographically and quantitatively; determining the most accurate method of correlating social media traffic with subsequent events; analyzing event data to confirm/deny validity of predictions.

THE INTERNATIONAL CENTER FOR THE STUDY OF TERRORISM
Fall 2010
• Worked on the “Bomb to Bomb-maker Project”.
• Skills Acquired: Data analysis and input to determine patterns in targets and outcomes of IRA violence.

Employment

CENTER COURT CLUB CHATHAM NJ, Lifeguard Summer 2011

UNITED PARCEL SERVICE, Delivery Assistant December 2010

CHATHAM TWP. COLONY RECREATION AREA, Lifeguard Summers 2007-2010

Extracurricular Activities

Strategic and Global Security Scholars Program; Italian Student Society; UNICO; THON (year – round fundraising efforts to combat pediatric cancer); Delta Kappa Epsilon Fraternity; Liberal Arts Envoys.