

RESPONSES

Of punitive translation, legal meaning, and the interpreter's empathy

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It may be due to reading it at a particular moment in my life, but my first reaction to Angermeyer's article was utterly personal.

His mention of 'punitive' multilingualism in the abstract triggered the memory of my middle-school teacher of Italian prodding me to translate some information I had heard on TV into her own bourgeois speech style. I had been eager to share the information with the class because it was relevant to the lesson being taught, something to do with the leaning tower of Pisa. Once I had finished speaking, I expected some appreciation from the teacher. But apparently, she had noted some language use that did not sound sufficiently refined for her standards. Pretending not to understand, she informed me, in her posh style, that she would offer me the chance to reformulate my explanation so it would be clear to everyone. I do not remember the words I used either the first or the second time, nor do I, to this day, understand exactly where I had gone wrong, despite my current fluency in the sociolect in question. The point—which understandably eluded me at the time—is that the rewording of my explanation served no transactionally communicative function. Rather, the words my teacher would have liked to hear were congenial to her because they are aesthetically valued by those with whom she felt she had an affinity: they substantiated these individuals' image of the world. Needless to say, my effort at reformulation failed to satisfy the teacher, who finally dismissed my contribution and moved on with the lesson.

Appropriating Angermeyer's particular ('punitive' is certainly not a strong collocate of 'multilingualism') but effective adjectival choice, I propose in the following that my teacher's speech act during the event in question was actually a demand for punitive translation. I then try to account for the teacher's own perspective to provide a fuller picture of the issue addressed here. Lastly, after opening a window onto some specific Italian shortcomings in legal interpretation, multilingualism, and inclusivity (and lack thereof), as supporting evidence I attempt to pull the threads together with an example from a recent film revolving around the theme of interpretation.

I was not the only working-class pupil in my middle-school class, and, luckily, all of my classmates were generally nice and friendly, so my memories of those years are mostly positive. However, I would definitely say that the speech act my teacher performed on that occasion (and others) was not the result of the most easily identifiable ideologically driven asymmetry in the teacher-pupil relationship. It originated from a more subtle type of asymmetry: other pupils, whose speech was

more refined than mine, did have the right to speak in class and were praised for their contributions. Luckily for me, these girls (mine was a girls-only class) displayed an enviable capacity to set aside their sense of differentness in more informal contexts, if they actually did feel such a sense of differentness. I was not sure, and frankly do not believe, they did, in hindsight. They excelled at using different sociolects in different situations.

Educated by a very strict primary school teacher—albeit in a working-class school located in a somewhat rough part of town, I well knew that my speech was appropriate to my institutional context: I had finished primary school with flying colours and was already very skilled in register shifting depending on the nature of the social activity I was engaged in. The incident described was due to mere inexperience with the sophisticated sociolect my teacher considered suitable to the social grouping she envisaged for her class. In short, her criticism had nothing to do with precision or clarity. I am positive that I had given the information about the tower of Pisa in perfect Italian, and that it made sense and was accurate. My explanation was simply devoid of the ‘right’ (read: refined, long-winded, and astonishing) adjectives and turns-of-phrase.

Now, while this event might have led me to embark on a very different career path, I also think it may have contributed to unleashing the language teacher (and scholar) in me, instilling an early awareness of register shibboleths and the importance of adhering to them, as well as encouraging language-reflexive behaviour. But yes, my teacher definitely planted the seeds of doubt in my abilities by forcing me into ‘punitive’ translation, causing me an overwhelming anxiety of enregisterment. Paraphrasing Silverstein (2017), she placed a negative feedback mark on my belief in my chances of performative success at doing things with words, since my serious attempt to advance the knowledge produced in class was apparently interpreted as a game to annoy the teacher and was punished as such. The outcome (and not the only one) was my decision to study scientific subjects rather than the classics. Unfortunately, I liked the humanities more. Worse still, this choice led me to feel ill-suited to academia for many years and ruined my first chances of entering the profession I had begun to consider pursuing as an adult.

I wonder, though, whether the frustration I felt has made me a better teacher and nurtured my curiosity about sociolinguistics. Of course, it is also important to listen to the opinions of both sides, and since that teacher passed away a few years ago, it is too late to seek her opinion on the matter, so I will try to fill the information gap by attempting to see things from her standpoint. From this perspective, her efforts at hypercorrection appear well meant: she wanted to use intralingual translation as a remedy for linguistic inequality and inculcate in me both reverence for a refined, sophisticated sociolect and the need for sociolectal shifting in some contexts. It was too bad that her educational intervention filled me with anxiety. My speech style must have revealed only too well, to her ear (my mother’s skilful hands were excellent at hiding further privations dress-wise), my disprivileged, if not underprivileged, ‘unaesthetic’ position: it was a clear index of my lack of that

something which she deemed essential for success in life. Hence her not-so-hidden reprimand, uttered in the form of a request for translation. She must have thought that making me translate myself was a way of encouraging me to produce markers of a different class identity or even to assume control of a broader repertoire of sociolects, self-fashioning myself as a different type of speaker. What my teacher wanted to hear were different choices of vocabulary and turns of phrase along the paradigmatic axis, alternative indexical signs pointing to a distinct social class. My identity as she perceived it did not appear to place me among the socially mobile, and in pushing me to present the same denotational content in a distinct way she was merely trying to motivate me to make it to the upper middle classes one day. Why would I choose to be part of her class in the first place if I were not eager to climb the social ladder? A simple desire for knowledge must not have appeared enough. You needed strong backing to be admitted to that class, and my mother had persuaded a cousin who taught at the same school to convince the principal to add me to the list. In short, my teacher was trying to make me produce different shibboleths as anchors to a new class identity, hoping that one day I would learn the art of rapidly detecting group-specific lexical repertoires and promptly adjust my speech to suit the context. Sociolectal shifting, that is. Had I managed to produce a good translation, the class would have encountered two distinct, indexically contrasting ways of saying the same thing. The first was deemed inappropriate for a group of young ladies in the making. She was probably over-conscious of her role as the agent of an upper-class community project. The families of many of my classmates certainly expected her to inculcate in their children (and monitor adherence to) the shibboleths of upper-middle-class identity performance and eventually learn to see, understand, and respond to reality in the 'right' way (see Silverstein 2017). Up until a few years ago, I would hardly ever intervene in a discussion (of any type), and on the rare occasions I did so I was so nervous that I had problems raising my voice and making myself understood properly. Nevertheless, forty-five years later, seen from the position from which I write, this event might well, from the teacher's perspective, come across as a case of rehabilitative or reconstructive rather than punitive translation. From my perspective, most of my acts of communication were thought out and prepared in advance to prevent shy and nervous silence: a form of compensatory translation of my speech performed beforehand, driven by a sense of inadequacy.

I now try to relate the memory triggered by Angermeyer's reflections more closely to the topic of his article. However, since most of his examples come from legal language, it is evident that we are both developing our arguments in terms of social dialects: indeed, relying as it does on specific vocabulary often not fully intelligible to those outside the field, legal parlance, or legalese, is an occupational dialect. As in Italian upper-middle-class communities, law degree courses in Western countries have managed to make their social dialect quite consistent among those who complete their studies. They are taught to talk like lawyers in court. In Italy, for example, compliance is ensured by imposing a very precise lexicon. This, and the fact that repetition is in itself a constitutive element of law, has made legal language

markedly different from other social dialects: of course, its use is not limited to legal professionals, but meaning is often opaque to those who have received no legal training. Coming to the issue of discrimination at the core of the article, I think the event that the article has helped to retrieve from my memory points to one of the most subtle forms that inequality involving translation can take. It is one that habitually occurred in educational practices (See Michaels 1981; Heath 1983; Romaine 1984/2000) up until a few years ago (and still happens outside the educational field today, but probably also within it, though less often and less blatantly). It shows how language ideologies concerning sociolects used to drive, in a visible form (and still do, more covertly), albeit not necessarily in a conscious way, punitive translation practices that systematically restrict(ed) the participation of speakers of subordinated sociolects, stereotyping them as deviant. Sociolinguistic studies should pay closer attention to such translation practices within the context of sociolectal contacts, just as they 'should pay closer attention to translation practices within a wider context of language contact and in relation to phenomena such as translanguaging, mock languages, or language shift' (p. 837), as Angermeyer argues.

I suggested above that my teacher's recourse to punitive translation could be justified, from her perspective, by her difficulty in identifying any aspiration for social mobility in me as indexed by my speech style. By demanding that I translate my explanation of why the tower leans to the class into a more sophisticated sociolect, she was trying to encourage me to reflect on my style as indexical of certain life values, unfortunately instilling enregisterment anxieties, however. She surely meant well, since as far as she was concerned, a speech style could be the ticket to socioeconomic and social mobility. At the same time, from a different perspective (mine, today), my teacher was exercising her power of enregisterment, of stipulating the nature and limits of discourse usage indexing the required manifestation of a sense of groupness, a power which she had been granted by families embracing a specific class identity project. She was performing indexical inoculation discourse, inviting me to use the required register to belong to her class of students, 'ideal' as the latter may have been (see Silverstein 2017).

Specific lexical choices and turns of phrase are aesthetic artefacts that defined—and to some extent still define—certain individuals from the Italian upper middle class by their refined taste. They are language connoisseurs who have learnt to discern and favour only some specific alternatives out of the possibilities available. My excitement about the knowledge I wanted to share in the incident reported above had prevailed over any attempt at subtlety, which made me appear reluctant to learn the rarefied uniqueness of upper-middle-class groupness. Hence the attempt to invite my sensorium to strive for subtle discernment, to learn to appreciate and enjoy the finer things in life. Usage has to do with 'breeding': it represents evaluative stances based on the speakers' intentionality and identity and is meant to mark distinction. My teacher was trying to train me in the finesse that my classmates obtained from good breeding, to 'eucharistically' induce me (as Silverstein puts it) to reproduce its traits (subtlety, balance, refinement), to perform the same type of

groupness. This I would obtain through the 'eucharistic' exercise of using the right words and turns of phrase, speaking in the required measured tone of voice that sounded to me at the time like a passionless monotone. My teacher knew these things constituted the paraphernalia of the upper-middle-class lifestyle and were therefore indexical of an elite identity (they were capable of constructing identity by audible consumption and production) (see Silverstein 2003a).

If we now look at legal language in this light, specific vocabulary choices and turns of phrase are, not too dissimilarly, objects which define, within legal discourse, the respectable individual by good, proper, or correct conduct: honest and trustworthy people who have learnt to discern and favour only certain alternatives from those offered by life. Legal language metonymically mirrors the order of the world that a specific country has managed to create for itself. Hence the strictness with which its fixity and formulaic quality is enforced during proceedings is a metaphorical invitation to strive for discernment, to appreciate and respect good, proper, or correct conduct in ourselves and others. The preservation of formulae and overall accuracy is a way of confirming during each proceeding that all of the components of that specific community agree on a shared image of the world; it is a call for correctness and fairness to be recognized as necessary values shared by the members of a society, and a tangible warning to anyone holding an alternative view of that society incompatible with the world created by the law and trying to recreate it as such, that they do so at their peril. So when an interpreter translates legal expressions for the accused, they can only do so within the range granted by the court: to make sure everybody is equal before the law, the interpretation must also be performed in a way that guarantees equality of application and fairness of treatment, namely in an almost mechanical, reproducible way. Thus, a compensatory translation meant to erase differences turns into a non-inclusive activity: the meaning conveyed is not semantic or pragmatic, one made more comprehensible, but a 'legal' meaning. Angermeyer cautions not to assume that translation or the availability of multiple languages automatically leads to inclusion and that they can actually contribute to inequality and discrimination instead, 'when interpreting is provided in ways that prioritize the needs of the institution over that of the speakers of other languages who are ostensibly served by it' (p. 839). In the light of my reflections on the indexical values of legal language, I wonder whether there can actually ever be a case where the needs of the speakers of languages who should be served by translation or the availability of multiple languages are prioritized over those of the institution. A case comes to mind of some Neapolitan defendants in Macerata declaring that they did not understand Italian a few years ago: the judge decided to appoint a lawyer from Naples to act as interpreter. The case caused a stir, but what appears clear is that the judge did not really ask the 'interpreter' to translate for the defendant but for herself and the court: the lawyer was consulted for the translation and transcription of phone calls, so what was extraordinary about the event was not really the appointment of an expert in dialectophony as a mediator in the case, but recourse to this kind of professional figure during the trial phase rather than during the preliminary investigations (Apicella 2017). Marazzini,

Chair of the *Accademia della Crusca*—the oldest linguistic academy in the world—was invited to comment on the issue. Not only did he criticize the ‘family procedure’ followed to appoint the interpreter (which he reports as: ‘from the “next hearing, the lawyer Andrea Di Buono, from Civitanova, originally from Naples, will, free of charge, be the first interpreter of the Neapolitan language in a trial held in an Italian court”’¹), but clearly insisted on the ‘self-serving and opportunistic nature of the request made by the accused’ (Marazzini 2017). Moreover, Marazzini took the opportunity to rebuke a journalist-lawyer for taking advantage of the piece of news to praise and make an apology for the Neapolitan language. The journalist had reminded readers that, with the end of the Kingdom of the Two Sicilies, the Savoy government imposed Italian as the official language of the kingdom on the southern populations after centuries during which Neapolitan had been the official language of the Kingdom (Senatore 2017), so Marazzini provokingly invited him to take a look at the Code for the Kingdom of the Two Sicilies and see that Neapolitan laws were written in Italian all along: ‘Yes, dear lawyer: Neapolitan laws were in Italian even before the Piedmontese’.

Issues of inclusion involving translation that contribute to inequality and discrimination do not only have to do with such huge topics as those very rightly discussed in Angermeyer’s article but also encompass ‘minor’ aspects—in the sense that it would perhaps be a much easier task to rule them out. In this regard, I wish to cite another Italian author (simply to be able to offer first-hand references). In a paper on criminal justice, Canestrini (2019) singles out the identification of the vehicular language and quality of interpretation as the true Achilles’ heels in granting the accused alloglot the right to adequate linguistic assistance in the Italian legal system. Canestrini explains that the issue is governed by European Union/EU law (as an EU member, Italy has agreed to follow the rules of the Union), namely by Directives 2010/64/EU and 2012/13/EU, and by the Charter of Fundamental Rights. Directive 2010/64/EU establishes that:

the right to interpretation and translation for those who do not speak or understand the language of the proceedings is enshrined in Article 6 of the ECHR, as interpreted in the jurisprudence of the European Court of Human Rights. This Directive was transposed into Italian law by the legislator, who amended Article 143 of the Code of Criminal Procedure with Legislative Decree no 32 of 4 March 2014. The amended text provides that:

1. The accused who does not know the Italian language has the right to be assisted free of charge, regardless of the outcome of the proceedings, by an interpreter in order to be able to understand the accusation made against them and to follow the completion of the acts and the development of the hearings in which they participate. They are also entitled to the free assistance of an interpreter for communicating with their lawyer before an interrogation, or in order to present a request or a brief during the proceedings.

So far so good, but, as Canestrini contends, it should be noted that, according to the interpretation of the Court of Cassation, establishment of the language of the proceedings to be carried out by the judicial authority is actually left to the police authority. Furthermore, Canestrini reminds us, EU law emphasizes the issue of quality: both with regard to interpretation (Article 2, paragraph 8) and translation

(Article 3, paragraph 9), the directive clarifies that the reproduction of the text in a language other than the original 'must be of sufficient quality to protect the fairness of the proceedings, in particular by ensuring that defendants or suspects in criminal proceedings are aware of the charges against them and are able to exercise their rights of defence'. If there is no quality, we cannot even speak of linguistic assistance, Canestrini contends. According to Italian law, the officers and agents of the judicial police are not trained on the issue of language varieties, and identifying where the alloglot comes from does not guarantee identification of their mother tongue or second language. This means that even at this basic level, the interpreter's presence does not guarantee full respect of the right to linguistic assistance, and, at this basic level, it should be easier to rule these issues out before one is forced to reflect on the more significant ones Angermeyer raises. Indeed, law enforcement officers are also not expert in the use of linguistic compensation strategies to increase the degree of mutual understanding, as Angermeyer well argues in his article, but I will go back to this point in a moment. For the time being, I would reiterate with Canestrini that the assessment of the accused's understanding of the criminal proceedings, performed by police personnel not qualified for this purpose in Italy, is in blatant conflict with EU law. The European Court of Human Rights has repeatedly stigmatized the superficial 'make do and mend' approach, admonishing national judges to treat the interests of the accused with scrupulous attention, and reiterating that what is required is the protection of 'not theoretical or illusory, but concrete and effective' rights. Readers curious about other forms of mismanagement of court interpreting services in Italy may refer to Garwood (2012), which examines three cases of patent violation of defendants' right to a fair trial involving interpreting services.

Returning to the issues more directly referred to in Angermeyer's article and expanding on the reflection I shared above about the impracticability of conveying comprehensible rather than 'legal' meaning in such a formalized context as the legal proceeding, I refer to another Italian scholar, Falbo, who addressed the issue quite recently (2013) from a sociological perspective (and not anthropological like the one I took above), recalling that the cultural element—which in the juridical-judicial sphere also includes the law and the institutions that apply it—is problematic in interpreting and not just in translation, which may require an element of explanation. However, this way of working, within legal language, would put serious ethical principles such as neutrality and impartiality at risk: if the interpreter does not use 'one-to-one' transposition they appear to benefit the alloglot beyond the permitted legal extent. Indeed, recourse to the (necessary) translation strategies, namely the proper performance of the interpreter's role, moving away from a 'neutral' attitude to embrace an explanatory one, would place the interpreter in an unacceptably unequal spot between the institution and the alloglot, transforming them, in the eyes of legal practitioners, into 'defenders' of the accused (whom Falbo calls the 'weaker') party. Although apparently logical and rigorous, Falbo alerts us, this reasoning rests on a flawed assumption,

due to the surreptitious idea that the interpreter's job consists in translating literally and that language and culture are separate phenomena. In this flawed assumption, translating accurately what is said during the trial is seen as paramount to literal transposition of the utterances. At this point, Silverstein's notion of transduction, a fluid extension of translation that occurs 'beyond a translator's intended limits' (2003b:92–93) is helpful, as is his consideration that 'the critical and inevitable point about "translating cultures" is that at the beginning and end of these processes we are dealing with TEXTUAL OBJECTS experienceable and intelligible only within ... a culture' (2003b:94, emphasis in original). However, the equation between accuracy, fidelity, and literality is referred to more or less explicitly in the codes of conduct of several countries and often appears in debates among representatives of justice (Falbo quotes Lee 2009 on the issue): evidence that any explanatory intervention performed by the interpreter would certainly be seen as unacceptable interference. Recalling that interpretation can only occur within the communication process—interaction—Falbo also argues that the quality of the interpretation is, after all, a collective work and not the sole responsibility of the interpreter. Quoting Hale, Ozolins, & Stern (2009), she contends that quality is and can only be 'a shared responsibility'. This, I think, amounts to stating that:

- (i) There surely are no ready-made recipes for others to pick, mix, and re-use in other contexts;
- (ii) The only key to imagining a solution to this (crucial) issue can be to create networks and research partnerships between linguists and legal professionals to promote mutual understanding of each other's work, as well as communication and cross-pollination among the different actors of the legal interpretation process (see Di Martino 2019).

For now, any attempt to make legal meaning clearer for the defendant would inevitably end up being misunderstood and censured. There is only so much that someone outside a profession can understand of that job at a time. I hope the following discussion of a view of interpretation that emerges from a recent film will help me argue the final point of my response to Angermeyer's article convincingly.

On 4 September 2011, an interesting independent genre film, *The Arrival of Wang/L'arrivo di Wang*, premiered at the 68th Venice International Film Festival. Written, directed, and produced by brothers Antonio and Marco Manetti, it would appear relevant here because it revolves entirely around the role (and effects) of interpretation. One of the protagonists is a Chinese-to-Italian interpreter, urgently called in by Italian security forces for a well-paid job at a secret underground location. The interpreter, Gaia, is taken blindfolded to where the mysterious Mr. Wang, who is kept in complete darkness for security reasons, is being held for questioning. Overwhelmed by the tension, and highly suspicious, Gaia insists that she cannot do her job in the dark, and when she sees Mr. Wang, she realizes he is actually an alien. The polite tentacled visitor explains that he learned Mandarin with the aid of a conceptual synthesizer as it is the most widely spoken language on Earth and insists that he has come in peace to

encourage communication among different species. Shocked at the increasingly aggressive treatment of Mr. Wang, Gaia sets him free, becoming an involuntary accomplice in the invasion of extraterrestrials and the destruction of the earth.

The film is particularly interesting for those working in the field of interpreting because it reveals very careful attention to the fair treatment of both the languages involved in the plot: the dialogues between Gaia and the other Italian characters take place exclusively in Italian, and those between Gaia and the alien are exclusively in Chinese, with the Chinese part rarely being omitted. If Gaia does not have to translate for the agents, the dialogue with Mr. Wang is always subtitled, and the alien is dubbed in excellent Putonghua. The choice is so carefully played by the book that those who have the language skills to appreciate such respectful handling of Chinese find themselves suffering the limits that this causes in terms of rhythm and development (see Greselin 2015). Indeed, the equal treatment of the two languages results in excessive detail, with every utterance so carefully duplicated that the dialogue becomes overloaded. This attention to the interpreting process would seem to suggest appreciation for the work of the interpreter, which is certainly foregrounded in the film. However, the final twist in the plot ironizes the interpreter's empathy, which seems to place a naïveté flag on the profession (the alien even explicitly makes fun of Gaia in the end: *Sei proprio una cretina* 'You are such an idiot'): it certainly looks as though Gaia would have done better to stick to interpreting rather than trying to set herself up as a champion of universal rights. The Manetti brothers surely aimed, with this ending, to condemn dogooding rhetoric that does nothing to facilitate functional interaction with the other (Vannoni 2020). However, interpretation is so centre-stage in the film that those bent on underlining that Gaia is an interpreter (female to boot) and drawing ugly stereotyping generalizations certainly have an easy time of it.

NOTE

¹Here and elsewhere, translations from Italian are mine.

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Cline and punishment: A comment on Angermeyer

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I was pleased to read this article by Philipp Angermeyer, whose overall moral—that ‘translation practices’ deserve more attention from sociolinguistics—could be accepted almost without argument. Whether such practices ‘further social justice’