

The Death Penalty and Narrative Strategies in *Porte aperte* by Leonardo Sciascia

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Abstract

This paper analyzes narrative strategies used by Leonardo Sciascia in *Porte aperte* to create, among readers, sympathy for and identification with his (nameless) protagonist, a judge and an opponent of capital punishment. The judge has been called on to preside over a murder trial in 1937, a decade after Fascism had re-instated the death penalty, considered by the Regime a deterrent that would allow Italians to sleep with “open doors.” To that end, I consider the historical context in which the novel was written—given that Italian Constitution, in force since 1 January 1948, had abolished the death penalty—and the impact Sciascia sought to have on his readers. That is, Sciascia’s long-time opposition to the death penalty is to some extent pretext for ‘re-litigating’ in 1987, a decade after the fact, two polemics of the late 1970s. The first public controversy had been sparked by his declaration (issued during the trial of *colonna torinese* of the Red Brigades) of personal neutrality in the struggle of the Italian State to suppress terrorist subversion, the other by Sciascia’s contention that the political parties who refused to negotiate with the terrorists for the release of Aldo Moro had indirectly re-introduced the death penalty in Italy.

Keywords

Leonardo Sciascia, death penalty, narratology, Red Brigades, Aldo Moro, *Porte aperte*, empathy studies, historic compromise, Gianni Amelio

Porte aperte is a novel written by Leonardo Sciascia (b. 1921) in 1987, two years before he died. On the surface, the text, whose action takes place in 1937,¹ is a denunciation of the death penalty and the story of one man’s struggle, against overwhelming odds, to oppose it. In the book’s opening chapter, the main character,

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an assistant trial judge in a civil court (the “little judge,” as the narrating voice calls him), is reminded—during a private conversation with the State prosecutor charged with conducting a murder trial to be held in the judge’s court—that the Fascist Regime expects an “exemplary” sentence: a deterrent. Italians, according to the prosecutor, had come to expect a level of security that allowed them to sleep behind “open doors.” Sciascia’s tale describes an extreme case (there is little doubt the defendant committed a brutal, premeditated, triple homicide), that forces the judge and the jury—and, of course, the reader—to contemplate “the difficult, ideal balance between crime and punishment,” while dealing with the “rigidity” of legally mandated sentencing (Baccarini, 2008: 140–141).

To quickly summarize the plot of the novel, Tommaso Scalia—an employee at Palermo’s *Palazzo di Giustizia*, a building which itself symbolizes the ‘eternity’ of state power since it housed the Inquisition centuries prior (III: 339)²—kills three people in cold blood. He uses a bayonet bought and sharpened down to dagger length for this specific purpose. His victims are his wife, his supervisor (who had just fired him), and the co-worker who replaced Scalia after the sacking. Scalia does not deny his guilt, and is depicted as unrepentant and grossly unsympathetic. He makes only a minimal effort to contest the charges brought against him (he does not allow his attorneys to request the trial be moved from Palermo, where he could legitimately fear a biased jury, and refuses to plead insanity). Thus, his fate is sealed: the legislation in place at that time, the so-called Rocco Code, mandates the death penalty for homicides.

Even though the trial appears to be a peremptory formality, and the execution of Scalia a foregone conclusion, the judge, who had seen unspeakable carnage serving in the trenches of World War I, is against all forms of killing. Therefore, he conducts the trial in a way that raises the possibility that all three murders were part of “un unico disegno criminale” (III: 399) that is, the murders were catalyzed by an illicit affair between the defendant’s wife and boss. As a result, Scalia’s is given a life sentence (one that, predictably, is overturned on appeal and he is sent to face a firing squad).

Thus, Sciascia’s text is the story of one man’s heroic stand against the capital punishment. But Scalia and the murders are secondary. As Kern reminds:

we do not know what crime the defendant has committed until a third of the book has transpired, and even then the comment is cursory: “un uomo che aveva ucciso tre persone in un breve giro di ore.” Not until Chapter 6, almost exactly halfway through the novel, does the narration of the crimes take place. (Kern, 2000: 145)

This is why I contend that *Porte aperte* is a valedictory into which Sciascia, while reiterating his opposition to the death penalty, also weaves into the narrative, in order to re-litigate, controversial stances he assumed in the late 1970s. During the 1977 trial of a group of Red Brigades [Br] terrorists Sciascia argued that the Italian State was an “empty shell” not worth defending against subversion (see *Coraggio e viltà*, 1977: *passim*).³ Then, after the 1979 assassination of former Prime Minister Aldo

Moro, Sciascia, in *L’Affaire Moro*, contended that the State—in the form of Italy’s two largest political parties at that time, the Party of Christian Democracy [Dc] and the Italian Communist Party [Pci], not Moro’s material assassins (the terrorist Red Brigades—was responsible for Moro’s death and had *ipso facto* re-instated State-sponsored killing: it was an “*assassinio legale*” committed for reasons of State (II: 499, emphasis in original).⁴

In what follows, while acknowledging Sciascia’s long-standing opposition to the death penalty, I argue that in *Porte aperte* the death penalty serves, in great measure, as pretext for other, more immediate and pressing—for Sciascia—polemical and political goals.⁵ In referring to those goals I will write of Sciascia’s hegemonizing project: that of subtracting intellectual predominance over Italy’s progressive movement from the Italian Communist Party, and leading Italy’s intelligentsia toward a less ‘ideological’ and more ‘issues-based’ posture, grounded more in the ideals of liberty and justice for the individual, and less in social ideals of brotherhood and equality. To that end, rather than examining content, I will offer a close reading of form, of narrative strategies—such as free indirect discourse and the (ab)use of readerly identification with the protagonist—whose goal is to lead his readers to see themselves in the place of the protagonist in order to advance his ideological agenda.

The death penalty is part of a subtle rhetorical strategy, one that aims elsewhere, in *Porte aperte* because capital punishment did not exist in Italy in 1987. It had been eliminated by the 1948 Constitution (Costa, 2010: 21; Cantarella, 2010: 101).⁶ Indeed, the first place on earth to abolish the death penalty, to my knowledge, was the Grand Duchy of Tuscany, in 1786 by Grand Duke Leopoldo II, who had been influenced by the thought of Cesare Beccaria. Although Leopoldo re-instated capital punishment several years later, it was banished—after the Unification of Italy, in 1890—by the Zanardelli Code. However, in 1926, in order to “defend the State” the death penalty was re-instituted by the Rocco Code. This provision—which was given a definitive version and made into law in late 1930—instituted a Special Tribunal, the *Tribunale speciale per la difesa dello Stato*, charged with prosecuting crimes considered to undermine the security of the State or the Fascist Regime (the executive branch of government which had identified itself with the State). Between 1926 and 1943 the *Tribunale speciale* sentenced forty-two persons to death.

I stress these details because the primary argument of *Porte aperte* concerns the “eternity” and “universality” of abuses of power. Elsewhere Sciascia wrote that because “il passato, il suo errore, il suo male, non è mai passato” we must “continuamente viverlo e giudicarlo nel presente.” He argued, in effect, that “historicism,” properly defined, means evaluating events from a perspective outside history (II: 1073–1074).

To that end, the narrating voice explicitly reminds readers, at the outset, of the similarities between what magistrates faced in 1937 under Fascism and the situation in 1987, when Italy was a democracy governed by the rule of law. He does so—after making reference to the victims of the Inquisition, burnt alive for crimes of opinion—by presenting readers with two timeless truths: that everything is opinion (with one exception: individuals cannot be burnt at the stake because of their opinions);

and that “qui, oggi, anno 1937 (anno 1987), che l’umanità, il diritto, la legge [...] rispondere con l’assassinio all’assassinio non debbano” (III: 340). This is consistent with the rest of Sciascia’s *oeuvre*, in which power is always and everywhere oppressive and overwhelming, abusive and liberticidal. In other words, the author of *Porte aperte* makes no discernible attempt to create a Brechtian “alienation effect” that might enable readers to achieve a detached outlook. Rather, Sciascia’s readers are led to identify with the protagonist (at first by presenting them with truths with which it is well nigh impossible to disagree); they “feel themselves” to be the judge, and so they submit uncritically to the text’s depiction of his heroism (Brecht, 1964: 27, 71).

Behind the reference in the novel to metahistorical power lies the fact that the founding principles of the republican Constitution in place in 1987—with its exaltation of society and of society’s duty to protect and defend its weakest members—were quite different from what was in force in 1937. To advance what I am calling Sciascia’s hegemonizing project, the writer makes use of ‘common sense’ in Italy in 1987, that Italians are basically ‘*brava gente*,’ hence absolved from the evils of Fascism, in order to elicit an empathetic response to a call for individuals to stand up to power in all its forms, which, in his opinion, included the Communists’ sway over progressive intellectuals.

Parenthetically, *italiani brava gente* is a euphemism for a commonly-held belief that Fascism did not enjoy mass popularity; that almost all Italians endured it while feeling estranged from it. They participated, but under duress: they were not true fascists. As for the Regime itself, there is the illusion that its excesses were caused by a desire to please its German ally, and so Italian Fascism can be remembered as somehow more humane than Nazism. This is a convenient distortion of the historical past, which has allowed Italians to repress memory of the fact that Fascism was indeed a mass movement; and to forget that Italy was the country that invented it, then exported it to a significant portion of Western Europe. The voice perpetuates this image in his description of the members of the jury (III: 374–75) and underwrites it soon thereafter when he claims that “appartenevano quasi tutti gli italiani” “ad una di queste tre categorie:” “i tiepidi, i mugugnanti e, categoria al regime particolarmente invisa, gli indifferenti” (III: 379, 378).

I must state before proceeding, and to close the parentheses, that in my view Sciascia is a grand raconteur, a master rhetorician and orator, but not a great writer. His protagonists, including the judge of *Porte aperte*, lack the psychological depth that resonates in the work of many modern Italian novelists of the twentieth century. Sciascia’s characters do not mature and develop through dialectic interaction with their social environment. Instead they remain little more than rhetorical devices who exist to provide a vehicle for the writer’s views. Sciascia novels, it has been written, are fictionalized op-ed pieces, *romans à thèse*. The judge of *Porte aperte* is precisely the same person at the end of the work that he was at the beginning. He, like so many of Sciascia’s protagonists, is one-dimensional, incapable of doubt or introspection; “solo contro tutti, con il suo mondo ideale di ragione, di giustizia uguale per tutti e di verità univoca” (Ben Ahmed, 1994: 239). The judge’s only interlocutors, the prosecutor and an *agricoltore* [owner of an estate], are mere

tools for casting into relief the rectitude of the judge's stance and the courage that lies behind it.

At the core of *Porte aperte* is the struggle of an uncompromising individual: isolated within society by his battle against overwhelming power, he sacrifices his career for a principle. As Marini writes, the judge is “portavoce di un’istanza morale [...] personaggio squisitamente intellettuale.” (Marini, 2012: 26) The judge's highly individualistic investment in his own sense of honor gives rise to an almost instinctual a-Fascism (“rifiutava di considerarsi antifascista, al fascismo soltanto opponendo la sua dignità nel pensare e nell’agire” [III: 363]). Ironically, if we step outside the novel, the judge's stand against the death penalty, which costs him his career, not only does nothing to change the penal code, but, since it cost him his job, would have served as a deterrent for others who otherwise might have followed his lead.⁷

In many ways, this novel represents a *summa* of Sciascia's activity. Sciascia spent the bulk of his career exploring ways to subtract hegemony over the Italian left from the Italian Communist Party in favor of an a-communist and/or anti-communist progressive movement, a goal set forth in his 1956 essay “La sesta giornata”⁸ (and carried forth with particular intensity after his resignation in early 1977 from Palermo's City Council, to which he had been elected as an independent within the list of the Pci). Indeed, recently Sciascia's friend and fellow Sicilian writer Andrea Camilleri described Sciascia's posture as “un anticomunismo viscerale” (Cazzullo, 2016). According to Padovani, who conducted a lengthy interview with Sciascia after the Moro assassination, in the 1980s “tutti gli interrogativi [di Sciascia] su ciò che doveva o non doveva fare lo Stato serviranno, almeno in parte ad attaccare il Partito comunista, perché è stato, appunto, il principale difensore della fermezza e del rifiuto di negoziare” (Padovani, 1979: XII).

Stracuzzi has stressed the “effettivo gioco di slittamenti associativi” (2013: 263) in Sciascia's fictions, a discourse that grounds itself on the writer's well-known public self-image of an intellectual endowed with an uncommon political and ideological autonomy. He finds Sciascia's work “extraordinarily consolatory” (Stracuzzi, 2013: 263) because it confirms what the reader already knows and believes. He also argues that Sciascia's skillful use of language merits close, formal scrutiny; one that sets aside the analysis of content that characterizes much of the critical bibliography (Stracuzzi, 2013: 263–64). So, without losing sight of the novel's content, I will attempt to give impetus to the sort of formal analysis Stracuzzi envisions.

Porte aperte opens with an epigraph from the eminent jurist Salvatore Satta who contends that responsibility for the death penalty resides with the judge who imposes it, and not with the legislator who mandated it. The second of its two sentences justifies the proposition set forth in the first, and is written in an Italian worthy of a specialist in jurisprudence, but somewhat out of the reach of the non-specialist, endowing the pronouncement with added ponderance. It reads:

[I]lla realtà è chi uccide non è il legislatore ma il giudice, non è il provvedimento giurisdizionale. Onde il processo si pone con una sua totale autonomia di fronte alla legge e al comando, un'autonomia nella quale e per la quale il comando, come atto arbitrario di

imperio, si dissolve, e imponendosi tanto al comandato quanto a colui che ha formulato il comando trova, al di fuori di ogni contenuto rivoluzionario, il suo ‘momento eterno’ (III: 327).

According to Genette, epigraphs set forth a set of instructions on how a text should be read. He writes, “in an epigraph, very often the main thing is not what it says but who its author is” (Genette, 1987: 159). The epigraph in this way conditions reading of the text (Genette, 1987: 157). Genette also suggests that the epigraph is “a signal (intended as a *sign*) of culture, a password of intellectuality” (Genette, 1987: 160). In other words, not only do epigraphs heighten the reader’s feelings and emotions, they are also a means by which authors “consecrate” themselves, and choose their peers and thus their “place in the pantheon” (Genette, 1987: 158, 160).⁹ By quoting an authority, Sciascia gains in *gravitas* while responsibility for the affirmation remains with the authority (Genette, 1987: 9). Equally, if not more importantly, when confronted by an epigraph, readers are engaged, and flattered, by initiation into an exclusive club whose *maître à penser* is Leonardo Sciascia.

By telling the judge’s story as an extended interior monologue Sciascia loosens temporal moorings. As Kern writes: “[i]mpressively few scenes are actually narrated by Sciascia, and he ignores or obscures most of the courtroom drama; rather he ‘imagines’ what the *piccolo giudice* sitting on the bench might have been thinking” (Kern, 2000: 145). And the use of free, indirect discourse, as Pasolini points out in a well-known essay, is a grammatical form “che serve a parlare attraverso il parlante” (Pasolini, 1965: 1345). It is “in fondo l’azione di un mimo,” a means for authors to speak through their characters, a “meccanism[o] per esprimere, in linguaggio sostanzialmente paritetico, le tesi dell’autore” (Pasolini, 1965: 1360–62).¹⁰ In other words, Sciascia utilizes free indirect discourse very deftly, in a way that advances his perspectives while presenting them as those of the narrating voice and the protagonist.

A significant example of free, indirect discourse may be found at a critical juncture in the narration: when memories of the Matteotti assassination are awakened in the judge by a photograph of the slain parliamentarian found by the police among the murder’s possessions. It reads:

[o]rmai da anni non pensava al delitto Matteotti, in certi momenti e di fronte a certi fatti, che con parole che sarebbero state della storia futura, del giudizio storico: ma quel cartoncino rosso lo aveva precipitato in ricordi visuali che non sapeva di avere così nitidi, così precisi: e vi si intridevano quelle parole, quel giudizio. (III: 332)

The conditional perfect, “sarebbero state,” expresses a temporal articulation: the judge’s personal and subjective memory—in 1937, of the 1924 assassination—while anticipating our historical (objective, 1987) judgment of the event. That is, the use in this quotation of free, indirect discourse—marked by the conditional perfect and the imperfect (“pensava,” “aveva precipitato,” “sapeva,” “intridevano”)—gives, in hindsight, an aura of atemporal super-human ‘rightness’ to the judge’s instinctive 1924 reaction. The overlapping of the judge’s thoughts and the narrator’s voice

creates a desired, unresolvable ambiguity: the reader cannot determine to whom the remarks should be attributed. Thus, the utilization of free, indirect discourse creates the impression of a tale told by from an omniscient third-person vantage, an impression re-enforced when readers are made privy to the thoughts not only of the judge, but those of the prosecutor (III: 329). In sum, this blending of voices creates a state of affairs that creates in the reader the feeling of gaining access to a timeless truth.

Reader identification with the main character is facilitated by the judge's status as underdog. The judge is figuratively, not objectively, "little." He is not a short man, but is a David when compared to the immense Goliath of Fascism. Within this context, the physical size of the judge, as the narrating voice notes, is of no consequence. He simply seems "piccolo" by contrast, when standing among a group of physically larger acquaintances. What matters is his out-sized intellect, which dwarfs that of both the prosecutor and of the presiding judge of the trial. In fact, specification of the judge's size enhances the contrast drawn in in the novel's first paragraph between the "piccolo giudice" (III: 329) and the physically imposing State prosecutor, who does not sit, but "seats himself" [*assidersi*] in a position of dominance, in his high-backed chair [*scranna*], symbol of his office, when conversing with the judge. The prosecutor positions himself thusly to remind the judge of the power and reach of the prosecutor's office, which includes the ability to investigate private citizens, including the judge, when they seek to advance professionally (III: 329).

The judge is metaphorically "piccolo" because he is an underdog who embodies, to use Sciascia's term, "*il tenace concetto*" [the tenacious concept], a trait shared by many of Sciascia's protagonists, men who live an absolute and unbending faithfulness to themselves, their principles, their individual dignity, and their ego integrity, particularly within power relationships. These men, the writer's "ego ideal,"¹¹ tend to see a "*cosca*" [mafia clan], to use another of Sciascia's favored terms, in all forms of human consortium (II: 223). They are driven by their consequent unwavering loyalty to themselves, their conscience and principles.

This tendency to identify with all those squeezed and crushed by dominant and arbitrary power (III: 364) leads the judge to project his own mental reality onto the defendant (III: 362-63). Indeed, at trial, the judge states unequivocally that he believes he can think for the condemned man: "*ab uno disce omnes*" [from one learn to know all]. The judge believes he knows himself, and presumably, how he would await death. So, he believes he can speak with authority of how the killer will spend his time, during the appeals process and then awaiting execution (III: 399).

What some might consider the judge's heroism is in large measure self-serving. In the concluding chapter he makes a surprising admission: "in me la difesa del principio ha contato più della vita di quell'uomo" (III: 400). In other words, the defense of human life in the abstract means more to the judge than the defense of a human life. And this is neither a problem for him, nor an alibi. As he tells the prosecutor, "[i]o ho salvato la mia anima, i giurati hanno salvato la loro" (III: 400). Since he "knows himself," he continues, "sono quasi certo" that the condemned man (who knows that he can hope, at best, for a life sentence) "nel tempo che correrà tra i ricorsi, il nuovo processo, la condanna a morte e la domanda di grazia, riuscirà a crearsi un filo

di speranza, per quanto tenue.” Until Scalia finds himself in front of a firing squad he will not take a roller-coaster ride over Kübler-Ross’s five stages of grief; rather, “non farà che dipanare questo filo; e meglio ci riuscirà se la follia continuerà a soccorrerlo” (III: 400). By contrast, the protagonist of *L’Affaire Moro*, who also had a similar “filo di speranza” dangled in front of him, is said to have been given “il tempo di torturarsi” (II: 498–99).

As a result, and to close the parentheses, the judge’s own “aversion to Fascism” becomes the killer’s, even though there is no proof that the judge’s image of the killer is accurate. The same is true of the judge’s ability to ‘channel’ the thoughts of the landowner, in whom the judge finds a kindred spirit, even prior to their interacting (III: 360). Thus, the voice can find in the three main characters—beginning with the judge, whose “dignity” (III: 363) as an individual (*not* as a member of a socio-economic class, hence his spiritual and ideological estrangement from clandestine political opposition to the dictatorship)—an aversion to the Regime that is neither political nor ideological, but an affront to their sensibilities. With the exception of the Socialist martyr to the cause of anti-Fascism Giacomo Matteotti, the judge ignores the fate of the many men and women executed, jailed, and forced into exile by the Regime.¹²

Fascism’s “power” is incarnated by one of the victims: Scalia’s supervisor, “massimo rappresentante” of the “*cosca*”—the association of Palermo’s lawyers—embodiment of the Regime’s control of the city’s courtrooms, the group that had mustered all its power to squash the defendant and make an example of him (III: 363). By means of these associations the judge transforms the defendant into an incarnation of *il tenace concetto*. More importantly, the murderer, seen through the filter of an interior monologue, becomes an underdog whose fate readers can share when it is suggested that Scalia too was a victim of that power, arousing our basic sense of decency, fairness and justice.

The judge (assuming a posture resembling that taken by Sciascia during the trial of the Red Brigades¹³) admits to himself that he needed to set aside “la sua avversione al fascismo” while adjudicating the trial and “fare i conti soltanto con la propria coscienza, con la propria ‘degnità’” (II: 364). He begins to imagine himself shunned, and, whether or not that is the case, to suffer an isolation that prevents him from discussing the trial. He does not confide in his wife, nor ask her what she thought of the matter. He spends much of his free time alone in his study and so her “improvvisa domanda: lo condannerete?” (III: 364) catches him by surprise.

To speak briefly of the judge’s personal life, it is permeated and dominated by his extreme rationality. As Marini underscores, the character’s “family background” is virtually absent (2012: 26). His wedding band is not a *fede*, which would connote an irrational faith in mutual love and fidelity, but an “anello matrimoniale” (III: 349), symbol of a legal contract. The reader’s limited view of the judge’s life outside the courtroom makes clear the fact that the solitude of Sciascia’s judge is existential. In fact, readers do not witness directly the conjugal scene just quoted, as a dialogue between spouses. It is represented as part of another extended interior monologue.¹⁴

The structure of Sciascia's plots, as Dotti indicates, are based on a series of binary oppositions: good vs. evil; reason and tolerance vs. irrationality and prejudice; legality vs. illegality, dignity vs. oppression; liberty and justice vs. slavery and injustice. To this we can add the "amici degli amici" (protégés such as Scalia before his undoing) vs. outsiders (what Scalia became). Underpinning that "structure" is what Ben Ahmed calls a "processo 'argomentativo' tipico dell'esposizione dimostrativo-deduttiva" (Ben Ahmed, 1994: 240). *Porte aperte* is no exception. Sciascia was master of the detective formula (of which *Porte aperte* is a variation), a narrative technique that not only "impedisce al lettore di lasciare a metà il libro" (Ben Ahmed, 1994: 238) but allows Sciascia to laden his tales with the ethical and political messages, his primary concern.¹⁵ Ben Ahmed argues that the detective story "è per definizione coinvolgente, perché l'autore nel districare l'enigma si appella ad una logica 'metafisica' ritenuta comune a tutti" (Ben Ahmed, 1994: 242): Good versus Evil. Thus, in Sciascia's fictions and non-fictions

la scoperta per gradi dei fatti mettono in moto un sottile meccanismo di convincimento. Tale meccanismo porta il lettore, 'costringendolo', a condividere [...] la presa di posizione dell'autore. (Ben Ahmed, 1994: 242)

This structure allows him to make his case in a way that subordinates the outcome of his tale (Evil always triumphs) to those messages. He uses a 'soft' ideological sale: his strategies are subtle, not hieratical. This formula allows Sciascia to link his protagonist and the positive poles of the binaries just mentioned while binding the author's polemical targets with all that is negative. In this way, he avoids facile moralizing while placing readers on a conduit that carries them straight to Sciascia's foregone conclusions. Readers cannot help but agree with the author when they see their disenchantment confirmed by Sciascia's irrefutable logic and "illuminating grace" in novels in which the collusion between obscure criminal forces and an oppressive State do not permit that the guilty be brought to justice. According to Sciascia, the reader of works such as *Porte aperte*—texts in which the author unravels a mystery—is "costituzionalmente disattento." Readers know that "l'investigatore, portatore di una specie di grazia illuminante, è in grado di sciogliere il mistero," and so they do not read critically, but let reading be guided by the author (Sciascia, 1975: 234). In many of Sciascia's 'whodunnits' death forces readers to choose between his moral order (with its 'metaphysical' Truth that all enlightened persons must embrace) and the abyss.

Just as the crime story does not challenge—but instead confirms—readers' views of Right and Wrong, and therefore is better equipped to influence their view of the historical reality, the representation of time in *Porte aperte* generally follows a chronological order in a realistic model of movement through space (Kern, 2000: 146). The novel, despite the meanderings of its interior monologue, is invested in what for Deleuze (1983) is the movement-image of classic cinema. Time is a becoming in space; it is quantitative and rendered as physical action and spatial succession. The rational progression of its plot projects a model of Truth in relation to a totality

constituted by the possibility of action and the stability of Truth. In it relations are determined and predictable (see Rodowick, 1997). This is why, like many of Sciascia's works, *Porte aperte*, another 'page-turner,' is eminently suitable for cinematic transformation: its brief and engaging chapters, make it an 'easy read.'

Sciascia was not unaware of the commercial value of crime stories (see Chu, 1992: 68). His detective novels aim at a middle market; they are characterized by an accessible and linear diegesis. Sciascia often seizes on an event, found either in history or in the local news section of a daily, and transforms it into his "essay material" (Sciascia cit. Mauro, 1970: 1–2). Sciascia admitted he was more interested in topical arguments than in honing his skills as a writer. He claimed to give much greater importance to the "esigenza di ordinare razionalmente il conosciuto [...] e di documentare e raccontare con [una] buona tecnica" than "l'evoluzione [...] delle teorie estetiche" (I, 4). Well aware of the artistic limits of his fictions, he admitted he did not possess "una grande fantasia creatrice" (Sciascia, 1979: 63). He considered himself a "scrittore libellista" who was happy if his books lasted "quei tre mesi che è la media di durata di un libro di oggi" (cit. Collura, 2007: 181). He was not interested in writing "grandi libri." He admitted he wanted to be read, but said he was not interested at all in posterity (Dauphiné, 1991: 44). In fact, he considered esthetic results "assolutamente secondari" to the ideas debated in his prose (Ambroise, 1987: VII).

Porte aperte brings to mind the chats Sciascia would conduct evenings in his hometown in rural Sicily. The novel is an eminently oral tale that lacks a consistent narrative point of view or focal point (I shall return to this topic, labeled "slippage," further down). In this, Sciascia is much more the lawyer, whose oratorical skills make a case for a jury, than a philosopher (indeed, many of his works have been labeled *contes philosophiques*, and this can apply to *Porte aperte*), or a judge, the latter two individuals who know their writings will be subjected to scrutiny.

As a result, it is often the case that Sciascia presents historical events in such a way as to transmit a mental reality more verisimilar than 'real:' the historical background they represent does not necessarily correspond to what 'really happened' and can be proven; rather, it is subjugated to the needs of the fiction. In works such as *Porte aperte*, Sciascia relies on extra-textual 'corroboration' in which facts, memory, and conjectures regarding what ails Italian society to come together to convince readers of the moral truth behind his version of events. By adopting this technique, Sciascia succeeds in rewriting history and, more importantly, reshaping common sense and "structures of feeling" "*a futura memoria*."¹⁶

Raymond Williams defines "structures of feeling" as "meanings and values as they are actively lived and felt [...] characteristic elements of impulse, restraint, and tone; specifically, affective elements of consciousness and relationships" (Williams, 1977: 132). They are "not feelings against thought, but thought as felt and feeling as thought: practical consciousness of a present kind, in a living and interrelating continuity" (Williams, 1977: 132). Thusly defined, they are at the intersection

of the subjective and the socio-historic. When we consume art, we complete the process that inheres within these structures, making them present (Williams, 1977: 129); when these structures “are actively lived and felt” they become part of social experience and then “exert palpable pressures and set effective limits on experience and on action” (Williams, 1977: 132).

Sciascia very ably taps into his readers’ “structures of feelings” by reconfirming what they already know. Progressive Italians, through the 1970s and 1980s, grew increasingly disenchanted with the inability of the country’s stodgy, often corrupt governing class to reform itself and to co-opt fresh faces, energies, and ideas. In the late 1970s Sciascia was a vocal opponent of the “historical compromise,” a governing alliance of the party that had led Italy since the end of World War II, the Dc, and the peninsula’s second largest party, the Pci. At the time, together the two groups garnered over 70% of the popular vote. Sciascia contended that such an alliance was not a novelty that would finally make Italy governable, but a formula for suppressing civil liberties, as it left Italy without a viable opposition grouping in Parliament. He argued that this alliance, not the Br, was ultimately to blame for the death of Aldo Moro because the government’s public posture (which was in keeping with the Italian Constitution) had ruled out any dialogue with terrorists. With *Porte aperte*, written a decade after the Moro affair, Sciascia comes forth with a text that, while ostensibly a denunciation of the death penalty, contains a subtext that re-litigates the heated discussion surrounding the Moro case during the late 1970s.

To understand how Sciascia moves toward this hegemonic goal, recourse to recent “empathy studies” that examine the relationship between narrative and emotions may be useful. The basic questions this development of reader-response theory asks deal with the possibility that “a reader be ‘transfigured’ by self-recognition,” that is, how affect and emotion operate in texts, readers, and authors (Keen, 2011: 5, 10). As Keen summarizes, “[h]ow does the engagement of the feelings in encounters with artworks contribute to their understanding?” (Keen, 2011: 27).

Thus, the questions of how literary texts are consumed, and how and why readers identify with characters, are central to understanding how Sciascia makes his case against the death penalty. Equally critical is how his ability to make readers sympathize with his protagonist could be a call to action (keeping in mind that, in the absence of capital punishment in Italy, the question of what sort of action Sciascia is calling for becomes paramount).

If vicarious emotion—readers’ participatory responses—cause narratives to affect beliefs and conduct, then it is clear how *Porte aperte* re-enforces aversion to the death penalty within Sciascia’s target demographic, progressive intellectuals. Readers of *Porte aperte* experience cognitive empathy for the judge because it is written in a way that enables us to “discern [his] thoughts” (Roszak, 2014: 150). Once readers are ‘hooked’ by the judge’s heroic opposition to the death penalty, they become fair game for Sciascia’s hegemonizing project, which aims elsewhere.

What makes Sciascia’s appeal to emotion noteworthy, is a rhetorical strategy that does not allow readers “the experience of actually, personally feeling” the judge’s emotions. Readers do not empathize with the judge as much as they feel sympathy

(sorrow or concern) for his fate, and for the destiny of the Italian society, a destiny that is their own. Confrontation with these transforms them into stakeholders (Landsberg, 2015: 33). Sameness (the “universality” of metahistorical oppression) forestalls the gaining of the critical distance necessary for what Landsberg, following Collingwood, posits as the premise for historical knowledge (Landsberg, 2015: 148). Historical events—which, as Brecht reminds us, are unique and transitory—are represented as characteristic of all times and places; thus, a situation that is historical and therefore capable of improvement comes forth instead as metahistorical and universal (Landsberg, 2015: 140, 277). Moreover, because readers respond to “the deleterious influence of social strictures that limit” the judge’s self-actualization, cognitive empathy becomes a tool in the author’s hands for social and emotional manipulation (Roszak, 2014: 150–52), particularly in a socio-economic environment characterized by governmental stasis and corruption, and high youth unemployment. Thus, *Porte aperte* is an interesting hybrid: it is both an appeal to logic and a narrative designed to provoke a powerful emotional response.

“[F]ictional narrative,” as Oatley reminds us, “is that mode of thinking about, and understanding, people who are somewhat like ourselves, who act purposefully, meet vicissitudes, and as a result experience emotions so that we readers also experience emotions by identification with them, in sympathy with them, or in other ways.” “Fiction,” he adds, “although it is not necessarily empirically untrue, places the emphasis on two other kinds of truth: coherence of interactions among the many elements of a story, and personal truths that relate to concerns of specific readers, and that may also be universal” (40). Thus, reading is a form of enactment, or performance: readers tend to identify with characters and (re)enact their world and its emotions (Oatley, 2002: 50). In this way, as Benjamin (1968) writes in his classic essay “The Storyteller,” narrations enter into the realm of the reader’s experience.

For Strange, “a process of subjective recentering” causes readers to accept or reject invitations “to adopt perspectives and commitments they would not entertain in their actual worlds.” A perspective, such as that of the heroic judge, once “adopted in narrative experience,” can be internalized. It may or may not serve a guide to future action (Strange, 2002: 281), but it can certainly be experienced vicariously, as a fantasy, enhancing the *jouissance du texte*. Identification obfuscates the manipulation of the reader (‘if I were in that situation, I would behave the same way’). We immerse ourselves and, to use Keen’s term, are “transported” (2014: 25): through the “piccolo giudice” we too, without ever leaving our studies, are capable of grand acts of heroism.

In other words, readers of *Porte aperte* are able to “immedesimarsi ‘in the protagonist’ e quindi a condividere la ‘filosofia’ e le conclusioni dell’autore, *proprio perché non sono più ritenute estranee alle proprie*” (Ben Ahmed, 1994: 242, emphasis added). In recompense, readers are comforted by the author’s reassurance that they are in the right, a perspective corroborated by telling of the story as a sort of flashback, written with the benefit of 1987 hindsight (a technique that can create a sense of inevitability [Landy, 1996: 20–21]).¹⁷ A fundamental element of this strategy is the

judge's sealing of his own fate at the outset, when he rejects the prosecutor's suggestion that he find a gracious way to exempt himself from the trial. Then, the equation (1937 = 1987 = all times and all places [III: 340]) signifies the timeless truth, with which all (progressive readers) can agree, that the death penalty is Evil; it is premeditated, State-sanctioned murder.

Another strategy Sciascia uses—to augment the judge's heroism and to engage readers—is the adroit (mis)use of history. In *Porte aperte*, he appeals to a sort of basic, almost facile, 'common sense' knowledge of the Regime. But since his tale is, after all, a fiction, he can play loose with historical accuracy; he can bank on a general, but not specialist, knowledge of Italian history. For example, one of the sillier aspects of the Fascism was its campaign for linguistic "purism," cultural pendant to Mussolini's goal of economic autarchy. In Sciascia's opening chapter—which takes place prior to the first session of the trial, held on 2 October 1937¹⁸—the judge and the prosecutor address each other using the formal subject pronoun *lei*. As the judge takes his leave, they notice the prosecutor's usher, whom they suspect is a spy, standing by the door and quickly revert to the *voi*, with a Roman salute thrown in for good measure.

However, the "anti-*lei*" campaign was given initial impetus by an article that appeared several months later, on 15 gennaio 1938 to be precise (Cicognani),¹⁹ after Scalia's trial had ended.²⁰ Then it was not until early February that the National Fascist Party [Pnf] Secretary Achille Starace circulated the "foglio d'ordine"—or, more precisely, the "*disposizione*"—to which the narrating voice refers (III: 338). Word of Starace's *disposizione* soon spread, but individual adherence to the locutionary pronoun "*voi*" was not immediate. Indeed, on 22 April 1938 the Ministry to which the "piccolo giudice" reported, Grazia e Giustizia, sent to Mussolini's chief of staff "una puntigliosa esposizione di 'dubbi' [...] sul corretto uso del *voi* e del *tu* fra gente di legge" (Raffaelli, 1993: 2072). In sum, this initial representation of the resistance to Fascism on the part of both the judge and the prosecutor is something of an historical anachronism, blurred by the filter of memory.

An important element in the travail of the "little judge" is he knows from the outset that any sentence other than death by firing squad will derail his "brillante carriera" (III: 335 and 389). Since the judge served in the first World War, it is safe to assume he is in at least his late 30s. Readers know that in 1917 he was an "imberbe soldato" (III: 352); in 1924 a "pretore in un piccolo paese siciliano" [III: 331]; and in 1927 a judge in Palermo [III: 334–35]. So, his career trajectory was conditioned by the 1923 "Riforma Oviglio," which "iniziò a porre le basi per l'irreggimentazione del potere giudiziario" (Meniconi, 2012: 145–146) by reversing the liberalizations enacted in response to the labor violence associated with the post-War "biennio rosso." Nonetheless, it would seem that Oviglio did not go far enough: because of his "difesa dell'autonomia della magistratura" he was removed in disgrace as Minister of Justice in 1925 and stripped of membership in the Pnf (Meniconi, 2012: 146). His successor, Pietro De Francisci, served until 1935 and furthered, within the judiciary, what Oviglio had begun: the "*fascistizzazione dello Stato*"

(Meniconi, 2012: 145–146). Sciascia's judge could not have existed in a vacuum: he would have had to adapt to what came down from above.

At the same time, magistrates such as the “little judge” and the prosecutor could turn a blind eye to the excesses of the Regime and go on with their careers (III: 330), thanks to the creation of the *Tribunale speciale*. The judge and the prosecutor would not have been required to formally swear loyalty to the Fascism (as were university professors in 1931). And even though in 1932, to mark the tenth anniversary of the March on Rome, the Ministry required all new magistrates to be members of the Pnf, those already in service, such as the judge and prosecutor, were “warmly invited” to join (Meniconi, 2015: 86). In addition (this is not mentioned in the novel), they would have been expected to wear a lapel pin and attend rallies (Berlinguer, 1944: 38).

Since the “little judge” had expressed publically his opposition to the death penalty in the presence of the *procuratore* and other magistrates soon after his promotion to his post in Palermo (III: 334–35), absent such compromises on his part one can only wonder what sort of “*carriera brillante*” was awaiting him in 1937. Moreover, the narrating voice, in order to create a clear contrast between the courage of the judge and the cowardice of the prosecutor, ignores the plight of the investigating magistrates, whose autonomy, more than that of trial judges, had been “deeply harmed” both in theory and in practice by Fascism. In 1937 while the autonomy of all magistrates was limited, the constraints on prosecuting magistrates were even stricter. Prosecutors had been absorbed into the executive branch of government (Berlinguer, 1944: 71, 72). And since the Regime had identified itself with the State, prosecutors worked for the State. So, as far as prosecutors were concerned, the State, not the law, reigned sovereign (Berlinguer, 1944: 73). I stress this only to cast into relief how in *Porte aperte* fiction subsumes history: while the tale may not be historiographically accurate, it meets fiction's standard for verisimilitude: it is, in large measure, plausible.

Along with such pseudo-historiographical rigor *Porte aperte* Sciascia also employs a sort of pseudo-philological exactitude designed to flatter readers and encourage their acceptance of his point of view.²¹ To this end, in *Porte aperte* Sciascia involves readers by inviting them into a sort of teacher-student relationship. For example, in describing the trial the narrating voice addresses the reader directly—to stress that it was all a sham: “un'impostura” [*imposture*], not a “falsità [*falsity*] or una bugia” [*lie*]; and he underscores the source of his lexicographic precision: another (along with Satta) authority, Niccolò Tommaseo, endows Sciascia's narration with erudite loftiness (III: 344).

This passage is followed by a series of direct quotations from the local newspapers, which the reader assumes, were consulted by the narrator in the course of his research. They appear in a passage laden with the “*disincanto*” [disenchantment] for which Sciascia was well known. It is garnished for good measure with a dose of Sciascian “*aperto riscrivere*,” to use Giudice's term (see *intra* note 9), which serves to enhance reader participation: a quote from Leopardi known to Italian middle-schoolers, and concludes with more ‘common sense’: a cutting remark for the professional heirs of those who reported on the trial (cogs in the machine of Fascist

hegemony), journalists at work in 1987, the time of the narration. Those who reported on the trial, declares the voice, “crediamo possa[no] servir da modello, nelle magnifiche sorti e progressive che certo giornalismo non mancherà di raggiungere, se già non le ha raggiunte. . .” (III: 345). Contemporary (1987) journalism, he continues, given the timeless servility of certain practitioners, is a “voluntary servant” for their duped readership: an “involuntary servant” (III: 348) of those in power, an ‘out-group’ of patsies implicitly contrasted to Sciascia’s ‘in-group’ of worthy readers who filter the news through his lens of healthy skepticism.

Sciascia also convinces through an appeal to fear. In the opening chapter the judge and the prosecutor take a scary look backward: whatever became, the judge asks himself, of Matteotti’s brother-in-law, the socialist and baritone Titta Ruffo, whose photograph as a pallbearer for the slain member of the Italian Parliament entered many Italian homes, including the judge’s, through a popular illustrated news magazine: “c’erano state per lui, poi, amare vicende a conseguenza di quella parentela, di quella devozione?” (III: 332).²² This opening episode parallels the concluding chapter, in which the judge and prosecutor look into the dark tunnel of the future (immediately behind whose entrance, as readers in 1987 know, lurk the horror, death, and destruction of the War) with trepidation (III: 401).

Recent research in political rhetoric demonstrates that most “effective”—that is, most persuasive—appeals are “emotionally laden” and “visceral” because “citizens routinely rely on their feelings when evaluating political stimuli.” Indeed, “the impact of emotional memories—especially those relating to fear—can be long lasting” (Jerit, 2004: 565, 566). More importantly to my discussion is the fact that “emotional appeals” are an effective way of “capitaliz[ing] on the time-honored strategy of emphasizing widely shared, or consensual, values and goals” (Jerit, 2004: 566): in this case, a readership pre-disposed against the death penalty. Neuman and Levi contend that it is possible to “reconstruct the identities” of one’s audience by “carefully manipulating fear” (Neuman and Levi, 2003: 44). But for fear appeal to be effective, it must be utilized in a way that does not offend those who do not want to consider themselves the object of manipulation. Therefore, those who would use fear as a rhetorical tool must carefully avoid threats to the audience’s self-image (Neuman and Levi, 2003: 44). To that end Sciascia reconstructs reader self-image by casting his discourse in terms of self and non-self, evoking “the frightening consequences of certain negative behavior conducted by the out-group”—conformists and lackeys—while suggesting a way in which readers may change their behavior. As a result, readers’ self-identity is re-confirmed as “positive” if they, like the judge, move to preventing “the negative consequences of the behavior of the out-group” (Neuman and Levi, 2004: 36): passive acceptance of the mandates of those in power.

Very early on, readers are separated into those for whom the murder of Matteotti (whose rhetoric had moved “anche le casalinghe” [III: 332]) was “come inchiodato nella memoria degli italiani che avevano memoria, nel sentimento degli italiani che avevano sentimento” (III: 331), and all others. In addition, those who support the death penalty are “lacché” subdivided into opportunists (“per funzione”) and those who truly believe in the efficacy of State-sponsored killing (quelli che lo sono

nell'anima [III: 341].) The prosecutor is not a “lacché, but “[u]n brav'uomo.” However, we are reminded, “di brav'uomini è la base di ogni piramide d'iniquità” (III: 341).

Of course, in 1987 Sciascia's Italian readers did not need to fear the death penalty, nor the *compromesso storico*, for that matter. By the late 1980s the death penalty had been banned for forty years and the *compromesso storico* was no longer on the table: the Pci, after reaching its electoral acme in 1984 was in irreversible decline. Furthermore, by the 1980s the Br had been dismantled. What was left to Sciascia was the historical revision of the history of the Resistance, which Sciascia had proposed in “La sesta giornata.”²³ Following Stracuzzi's suggestion, to utilize Benveniste's distinction between *histoire* (objective, third-person speech) and *discours* (subjective, first-person speech) in analyzing Sciascia's prose, I suggest that at first glance *Porte aperte* seems to be an *histoire*. The story is told by a quasi-omniscient narrator, who appears to have done some archival research, and thus can report on the public and private behavior of all characters from what initially seems to be a traditional omniscient perspective. The voice includes events from the judge's and prosecutor's childhoods but does not have access to, or at least does not represent on the page, the deep psychological motivations of the characters.

This initial impression—that *Porte aperte* is conceived as an *histoire*—is undermined by the presence of verbs that indicate “disposition”—descriptions of oneself (such as ‘I believe’)—which in Italian call for the subjunctive, thereby introducing “verbs of operation” that imply the taking of a posture, such as “suppose,” “presume,” and “deduce” (Benveniste, 1966: 317). The narrating voice does not have access to the characters' unconscious, but he does speculate on their deeper motivations. For example, the judge trusts the police “perhaps” [*forse*] because he remembers playing cops and robbers as a child, and preferred not to play a robber but side with law enforcement officials (III: 355).

Mallier, in an important gloss on Benveniste, proposes that “the crux of Benveniste's distinction between historical narration and discourse is [...] a question of time, regardless of the issue of person” (Benveniste, 1966: 247). She convincingly makes the case for distinguishing between two definitions of subjectivity lest we ignore the complexity of first-person narration: we cannot assume that speech is either related to all the coordinates of the situation of enunciation at once [person, place, time] or to none (Mallier, 2014: 246–47). “Concerning first-person narration,” she writes, “the relevant question is whether the temporal locator in speech is the moment of enunciation (DISCOURSE), or the moment of the events (NARRATION).” Awareness of the temporal locator of the narrating voice helps clarify “the difference between the points of view of the narrating I and the experiencing I, which is important for a critical appraisal of most first-person narratives.” “It is critical,” she explains, “because these perspectives frequently alternate and overlap, creating a subtle interplay between different voices belonging to the same individual at different stages in his/her life” (Mallier, 2014: 247). In *Porte aperte* “narration” and discourse” blur, and the effect of such “blurring of boundaries

between past and present” is that of “creat[ing] an exemplary plane in which the events narrated become parabolic and the thoughts expressed attain the status of universality” (Kern, 200: 152).

Cannon has called the shifting perspective of the narration of *Porte aperte*, “slippage,” a phenomenon that, in her view underscores the “continuity” or indeed “symbiosis” of the narrating voice and the judge (Cannon, 1989: 24), which, we have seen, comes forth through the narrating voice’s use of free, indirect discourse. Cannon is referring to the abrupt entrance, in the next-to-last chapter, of the narrating voice into the action, in a passage where the voice sets aside the use of the *pluralis majestatis* utilized in previous asides and directly addresses the reader:

[e] ancora mi è avvenuto di chiamarlo il piccolo giudice non perché fosse notevolmente piccolo di statura, ma per una impressione che di lui mi è rimasta da quando per la prima volta l’ho visto. Era insieme ad altri; e, indicatomi tra gli altri come il più piccolo, qualcuno mi disse: “Aveva una brillante carriera da fare, se l’è rovinata rifiutando di condannare uno a morte”; e mi raccontò *sommariamente e con qualche imprecisione* la storia di quel processo. Da quel momento, ogni volta che poi l’ho visto, e *nelle poche volte in cui gli ho parlato*, il dirlo piccolo mi è parso ne misurasse la grandezza: per le cose tanto più forti di lui che aveva serenamente affrontato. (III: 389, emphases added)

I stress “sommariamente e con qualche imprecisione” and the “poche volte in cui gli ho parlato” because it is never made clear to the reader *precisely* how a subjective narrator is able to reach an accurate and all-encompassing knowledge of ‘what really happened.’

The introduction of the narrating voice into the narrative as first-person testimony at such a late stage of the tale takes the close reader by surprise. What had appeared to be an extra-diegetic narrator—one with albeit limited omniscience, who ‘becomes’ and ‘speaks through’ his characters using free, indirect discourse—is suddenly and unexpectedly transformed into an intra-diegetic narrator, with all the limitations this implies.²⁴ As Landsberg points out, these “different forms of narration” have diverse ramifications for the position of the reader “in relation to the unfolding narrative” and their “sense of connection to or intimacy with the past” (Landsberg, 2015: 12). In the case of *Porte aperte* what is neither ‘real’ nor historiographically accurate almost takes on the semblance of a divine truth: what had seemed to be quasi-omniscient yet mediated, a “translation” (to use Landsberg’s term [2015: 153]), becomes “testimony.” Eye-witness testimony ‘to the second power’ when “slippage” transforms the voice into an intra-diegetic narrator and the reader into “a part of both the story and its telling” (Landsberg, 2015: 12). Sciascia’s philological and historiographic ‘rigor’—which serve to tautologically corroborate and objectify the subjectivity of a narrator who identifies with and speaks through the main character—is the icing on the cake.

It is precisely here that Sciascia’s talent as raconteur-rhetorician shines forth. Sciascia is a true master at spinning yarns and enchanting readers, enlisting them to take his side in debates of current intellectual interest. To that end, he creates

a Benjaminian storyteller whose colloquial, oral style enables him to share his experiences in a way that transforms the conscience of the reader, by providing information readers can integrate into the realm of their own experience. Much of this tale is presented as empirically observed (and therefore cannot be challenged or disproven) by the voice. The unconscious is assiduously avoided, as knowledge of deep motivations would entail adoption of a supernaturally omniscient third-person perspective. Rather, Sciascia's first-person narrator stands outside time—because he advocates universal values and truths—while occupying a recognizable, human space, Sicily, “metaphor,” according to Sciascia, of vast, if not universal, human behavioral traits.²⁵

Conclusion

Porte aperte is a fictionalized editorial, a *roman à thèse*, that emphasizes the struggle of an unarmed prophet against Power. The narrative strategies analyzed above reinforce readers' empathy for and identification with the novel's protagonist, a judge whose character undergoes no transformation during the course of the novel. It might even be said that *Porte aperte*—while, of course, a novel—can be read as political theater. The only character who undergoes any change whatsoever is a secondary character, the prosecutor, a foil who disappears after the opening chapter, only to resurface at the very end. Readers are not made privy to the molecular process within him that led to the change of heart that causes him, in the concluding chapter, to question his initial stance, that the death penalty was the law of the land and he had no choice but to follow the law (III: 335).

Following indications regarding political literature made by Harold Pinter in his Nobel valedictory, it is legitimate to say that although Sciascia avoids sermonizing, his characters are not “allowed to breathe their own air.” Instead, they are constricted in a way that satisfies only their author's tastes and disposition. They are not approached “from a variety of angles, from a full and uninhibited range of perspectives,” nor are they given “the freedom to go which way they will” (Pinter, 2006: 812). In sum, the judge's one-dimensionality deprives the text of the power to transform readers that defines great literature. At the same time, in *Porte aperte* those who agree that the death penalty is fundamentally—morally and ethically—wrong, take comfort in a discourse suited to a world that, in the 1980s, was evermore dominated by neo-liberalism. They find reassurance in a discourse that facilitated the entrance of ‘rugged’ individualists into a ‘post-ideological’ political and cultural milieu in which the needs of the collectivity count less and less, and position themselves in the polis on an issue-by-issue basis. It allows them to refashion their politics to fit an ‘ownership society’ in terms of identities (re)constructed in terms of self and non-self.

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Notes

1. The trial that is at the center of *Porte aperte* takes place in 1937, a noteworthy year in Italian history. The conquest of Ethiopia in 1936 had marked the acme of Mussolini’s popularity. Approval diminished—but only within a restricted, politicized *intelligenza*—by Italian involvement in the Spanish Civil War (1936–1939); then, and somewhat more generally, by the “Racial Campaign” of discrimination against the country’s Jews (1938–1943).
2. Sciascia’s collected *Opere* [Works] were chronologically ordered and published in three volumes, edited by Claude Ambroise. Volume I, *Opere 1956–1971*, came forth in 1984; Volume II, *Opere 1971–1983*, in 1989; Volume III, *Opere 1984–1989*, in 1991. The collection was republished in 2000. References to this collection will be made with a Roman numeral, indicating the volume, followed by the page number.
3. Pischedda (2011) argues that in *L’Affaire Moro* Sciascia disputes again the debate on the “nikodemismo” of intellectuals that took place during the 1977 trial of the *colonna torinese* of the Red Brigades. Crainz—after quoting Giorgio Bocca’s commentary on the trial: “[a] Torino le Brigate rosse hanno vinto e la giustizia dello Stato democratico si è arresa, vergognosamente: avvocati divisi, giudici popolari piangenti, magistrati sbiancati dalla paura”—avers: “[è] difficile rileggere oggi il commento di Leonardo Sciascia” who, at the time, said that he would have refused to serve (Crainz, 2016: 208).
4. In *L’Affaire Moro* Sciascia tells of a letter written by Moro in which the prisoner argues “che il ‘rispetto cieco della ragion di Stato’ nel non voler riscattare la sua vita reintroduca di fatto la pena di morte nell’ordinamento costituzionale italiano,” a thesis, in Sciascia’s opinion, “abbastanza lucida e sufficientemente condividibile” (II: 525). That thesis is that “la libertà” has been placed “in pericolo” (II: 499–500) by the confluence of Dc and Pci.
5. I would tend to agree, if we may set hyperbole aside, with Farrell, for whom “[u]na passione per la giustizia emerge come elemento dominante di ogni attività di Sciascia” (Farrell, 1997: 22). I would also agree with him when he writes that what torments Sciascia and many of the writer’s protagonists is the question of whether or not to judge. For Farrell, the dilemma is at least partially resolved by the figure of the “*giustiziere*,” an extra-legal *portatore di giustizia*: the judge, who should be “agente e portatore di giustizia” in Sciascia’s work often is instead “elemento negativo, quasi pedina del potere costituito” (Farrell, 1997: 23). Sciascia’s refusal to participate in any association larger than himself (all are “*cosche*,” in his parlance) coincides with a need for justice administered outside state institutions. “[Q]uando denuncio la mafia,” he stated, “nello stesso tempo soffro poiché in me, come in qualsiasi siciliano, continuano a essere presenti e vitali i residui del sentire mafioso. Così, lottando contro la mafia, io lotto anche contro me stesso, è come una scissione, una lacerazione (cit. Collura, 2007: 174). This posture is, of course, highly reminiscent of his conduct as a politician and public intellectual, characterized by a passivity that, to use Gramsci’s phrasing, presents itself as a sort of ethical maximalism that “consiste nel manifestare fermissimi propositi che poi non trovano mai l’‘ottimo’ in cui realizzarsi” (Gramsci and Schucht, 1997: 555).

6. Article 27 of the Constitution of 1948 excludes the death penalty, “se non nei casi previsti dalle leggi militari di guerra.” In October 1994, the death penalty was stricken also from Italy’s *Codice penale militare di guerra* (Cantarella, 2010: 101-102) in favor of the maximum penalty foreseen by *Codice penale*.
7. The same can be said of a relative of the judge, a man who was sacked when his small monetary contribution toward the construction of a monument to Giacomo Matteotti—slain by Mussolini’s hooligans because of an impassioned speech against the use of violence by Fascists—came to light. The relative spent the rest of the *Ventennio* in penury (III: 372–73).
8. In this essay Sciascia advances “una spregiudicata e anticonformista meditazione sulla Resistenza da un punto di vista siciliano” whose goal was to “debunk” the role played by Communists in the Resistance (Sciascia, 1956: 195).
9. In this same vein, according to Giudice, Sciascia’s “aperto riscrivere,” the author’s frequent integrations of citations of noted authors in his prose fictions (e.g., the reference to Moravia’s *Gli indifferenti* found above), is a way of fixing his own style “a un traliccio di citazioni da testi che sono rassicuranti perché hanno ormai una loro assolutezza significa anche sfuggire all’insicurezza esistenziale, sostituire la *certezza* della letteratura e dei libri all’indeterminatezza di un disegno di affermazione e promozione. Si tratta di una promozione al Parnaso che si può per altro verso connettere con quella sociale (la società letteraria ha le sue interne caste). È una sorta di *status symbol*, il segno certo di una nuova identità. La citazione come segno di promozione letteraria è in qualche modo interna ai romanzi di Sciascia. [...] Chi cita occupa un posto privilegiato nella gerarchia di classe. La qualità della citazione corrisponde direttamente anche a una posizione, realisticamente configurabile, raggiunta nella società” (Giudice, 1991: 330–31).
10. I borrow here from Pasolini advisedly. As Segre notes: that the poet habitually “impiegava approssimativamente i tecnicismi,” in this case the term free, indirect discourse (Segre, 1999: XXXIV).
11. For “ego ideal,” see Ragland-Sullivan, 1986: 53.
12. In 1924, and, perhaps in 1937, it might have seemed, as the voice avers, that Matteotti had been Fascism’s most “implacable” (III: 333) opponent. The judge may well have not known of the many victims of Mussolini’s *squadristi*. But in 1987 such a statement is not only inaccurate; it is erroneous. Matteotti’s murder occurred before the institution of the *Tribunale speciale*. The *Tribunale speciale*—itself a violation of the Italy’s constitution, the *Statuto Albertino*—meted out sentences to equally, if not more “implacable,” that is to say long-term opponents of the Regime, imposing decades of prison in some cases, and, as stated, the death penalty to others.
13. At that time Sciascia stated that, if called to serve on a jury, for “ragioni di principio” he would refuse, even if the accused were a mafioso or a terrorist [*Coraggio e virtù*, 1977: 13]. Explicitly demanding his (highly idiosyncratic, for a public intellectual) right to contradict himself, he added that if he did choose to serve, it would only be due to what he owed himself: to demonstrate to himself that “he was not afraid,” that he was not a coward (Sciascia, 1979: 102; see also Francese, 2012: 13).
14. Regarding the wedding band, the judge, at various times during the trial, remembering fairy tales heard in his youth, would wish, consciously, that he possessed the “magico dono” of making the defendant invisible. And he would laugh at himself when he noticed himself twisting his ring—in this scenario a talisman—around his finger, indication of his desire that Scalia simply disappear. For some, this behavior gives the judge a modicum of

depth. Scalia's savagery does cause the judge to feel "disagio" because it brings to the fore the struggle between, on the one hand, the instincts and passions he feels he must suppress, and, on the other, the application of abstract reason and the law. The judge sees in Scalia "un eccesso di realismo," which—he fears, if he were not a bulwark against it—could open the door to a "fuga [. . .] da quel giudizio che la legge per quell'uomo gli imponeva:" a flight down a slippery slope beyond the *Codice Rocco* to a situation where even petty crimes are punishable by death. But this is precisely why I contend that the wish to make the defendant disappear is neither a vacillation nor a lapsus that makes manifest the judge's regret that he had not followed the prosecutor's advice and subtracted himself from the case (something along these lines might be said of Amelio's judge, not Sciascia's). Indeed, it demonstrates the judge's unbending will to push forward and adjudicate dispassionately. The one-dimensionality of Sciascia's judge is cast into high relief if we juxtapose to the *piccolo giudice*, to his counterpart in Gianni Amelio's film transformation, Amelio's judge not only has a name, Vito, and a family and an affective life; he also considers the effects of violence from many angles; for example, that of the victims and their families, when he factors Scalia's son into the equation.

15. According to Verdussen, for Sciascia the death penalty is not only an ethical issue, but a political one, because of the tendency of those in power to use it for political ends. "Concepita in tal modo," he writes, "la pena di morte si rivela in ciò che essa ha di più antidemocratico" (Verdussen, 1997: 124). Indeed, this is the danger Sciascia saw realized during the Moro kidnapping.
16. This term, taken from legal jargon, "refers to a witness' deposition, which is meant to become valuable if required by the circumstances of a penal proceeding" (Frosini, 1990: 13) and is the title of another of Sciascia's final works (III: 763–900).
17. Regarding the use flashbacks to create narrative omniscience, the voice can tell of a book the judge learned of but did not read "negli ultimi giorni della sua vita" (III: 351).
18. As noted by the headline of the newspaper read by the judge, which noted the first anniversary of Franco's nomination as Chief of the Spanish state (III: 351).
19. I must note that Cicognani's *elzeviro* may have been inspired by a debate on this same topic hosted by Giuseppe Bottai's journal, *Critica fascista*, in late 1934/early 1935.
20. According to the voice, three months pass between the conversation between judge and prosecutor in the initial chapter, and their second chat, in the closing chapter, which takes place soon after "le feste natalizie (III: 396), that is, prior to the publication of Cicognani's *elzeviro*.
21. This strategy is not uncommon in Sciascia's historical fictions. For example, Gotor has written on the "sottile pseudorigore filologico of Sciascia's *L'Affaire Moro* (Gotor, 2008: 193, 192).
22. The response to this query, left unanswered by Sciascia thus creating an air of suspense, is available in 1987 to the narrating voice and the reader. After the Matteotti assassination Titta Ruffo refused to sing in Italy and was declared a subversive by the Regime. He retired in 1931 and lived in self-imposed exile in Switzerland and France. In 1937 he returned to Italy for family reasons and was arrested. He was released soon thereafter, but his passport was taken from him (Titta Ruffo Jr., 1984). See also Farkas, 1983.
23. In 1979 Sciascia criticized himself for what he considered a "viltà personale anche se si tratta di una viltà sociologica e storica, [. . .] quella di non aver osato prendere le difese di certi fascisti quando mi è sembrato che fossero accusati ingiustamente" in the years following the War (Sciascia, 1979: 85).

24. In other words, how can a first-person narrator—absent an interview with the prosecutor, who had reached retirement age in early 1938 (III: 351)—know, in 1987, what the prosecutor did in the privacy of his office in 1937 (I: 338), or what had passed through his mind?
25. In a 1969 essay Sciascia writes: “spesso studiando e rappresentando la realtà siciliana” one arrives “all’intelligenza e al destino dell’umanità tutta” (I: 967).

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