

ARTICLES / SAGGI

THE LONELINESS OF THE JUDGE

ANGELO CASTAGNINO
(University of Denver)

Sommario

La tendenza a caratterizzare il giudice come un personaggio solo nasce nel romanzo contemporaneo da ragioni sia storiche sia narratologiche. L'indipendenza del giudice è spesso minacciata dalle pressioni politiche, cui si sommano i roveli e le crisi interiori tipici di chi ha la responsabilità di giudicare gli altri. Lo studio della solitudine e dell'isolamento del giudice permette un paragone tra scelta narrativa e necessità storico-sociale: il fine di questo saggio è discutere il rapporto tra la caratterizzazione letteraria del personaggio e le implicazioni socio-politiche del ruolo.

Key Words: Law – Forensic Novel – Legal Thriller

Only one year before the assassination of Giovanni Falcone, French journalist Marcelle Padovani collected a series of interviews with the judge in the book *Cose di cosa nostra* (1991). In it, Falcone lamented the loneliness of those who fight organized crime in Italy, prophetically establishing a connection between isolation and death: “Si muore generalmente perché si è soli o perché si è entrati in un gioco troppo grande. Si muore spesso perché non si dispone delle necessarie alleanze, perché si è privi di sostegno” (Falcone & Padovani, 1991:171). These words invited greater participation from Italian institutions in the struggle against the mafia, as Falcone and

other investigators have often been left alone in their attempts to reestablish the authority of the State in those areas where the influence of the mob predominates. In addition to this form of institutional isolation, contemporary Italian literature has also addressed the uneasiness inherent in the role of the judge and the enormous responsibilities that accompany it. From the standpoint of the narrative construction of the loneliness of the judge, contemporary novelists have been strongly influenced by Dante Troisi's *Diario di un giudice* (1955), a book that highlights both the existential crisis of its protagonist and his helplessness in the face of a problematic judicial system.

This article examines the construction of the judge as a character in the contemporary Italian novel; Italian writers have made the condition of isolation a cornerstone of their characterization of judges. The works discussed, selected for their representation of judges as isolated outsiders, misfits in the Italian judicial system, will establish, I argue, a connection between the narrative aspect of characterization and the socio-historical implications of the figure of the solitary hero who fights for justice. After highlighting the legacy of Troisi's diary on the construction of the judge character in contemporary novels, the article will focus on the works of Leonardo Sciascia, Andrea Camilleri, Giancarlo De Cataldo, Carlo Lucarelli, Giorgio Fontana, and Mimmo Gangemi. The topic here discussed will also foster reflections on the *romanzo giudiziario* as a genre, its function in today's Italian literary landscape, and its relation with the detective novel.

A certain degree of skepticism toward the administration of justice traditionally distinguishes Italy, a country where, for example, the judicial system has delivered disputable results on the so-called *misteri d'Italia*, a series of investigations in which the authorities have covered up their ambiguous involvement in illegal activities. This historical background has contributed to the diffusion, among Italian citizens, of a sense of distrust towards political and judicial institutions. When Italians analyze the events at the center of a trial, they often disregard the official judgment and construct their own truth, arguably as a form of defense from powerful people and their ability to mislead the public. As Gundle and Rinaldi observe, the typical trial of an alleged murderer usually "is accompanied by press

speculation and interpretation that leads to the adoption of positions as to the innocence or guilt of the identified assassin. These attitudes, once fixed, will outlast any verdict of the courts. The case will be then kept alive in the public mind by those who do not accept the official outcome” (Gundle & Rinaldi, 2007:3). This separation between common citizens and the institutions of justice is not a recent phenomenon. The unpopularity of the current judicial system dates back several decades: already in 1964, Giuseppe Maranini remarked that “Sopra un punto almeno credo che tutti gli italiani ragionevoli siano d’accordo: la giustizia del nostro paese versa in condizioni deprecabili. Nessuno, solo che possa farne a meno, si rivolge al giudice per difendere il suo diritto; e troviamo, al contrario, un’avversione istintiva e vivissima nel cittadino comune, comunque chiamato ad avvicinarsi agli uffici giudiziari” (Maranini, 1964:13). More recently, twenty years of *berlusconismo* have increased public mistrust of the *magistrati* who, according to right-wing leader Silvio Berlusconi, are politically biased and, with their investigations and verdicts, try to impose a political agenda that conflicts with the popular will as expressed through elections. Recurring attacks on the judicial system have been a cornerstone of Berlusconi’s electoral campaigns, and they can be summarized in the following statement, which is indicative of the climate established during Italy’s *Seconda Repubblica*: “Questi giudici sono doppiamente matti! Per prima cosa, perché lo sono politicamente, e secondo sono matti comunque. Per fare quel lavoro devi essere mentalmente disturbato, devi avere delle turbe psichiche. Se fanno quel lavoro è perché sono antropologicamente diversi dal resto della razza umana”¹. As a consequence of this political climate, it should come as no surprise that Italian novelists have characterized judges as isolated and lonely, a distinguishing feature that will emerge from the analysis of the authors discussed below.

The problems deriving from the interference of politicians with the administration of justice intertwine with the uneasiness that typically affects those who undertake the profession of judging their fellow

¹ The interview, initially published in the British newspaper *The Spectator*, was later reprinted by the Italian press with much clamour, and is cited here as it appeared in *Corriere della sera*, 4 September 2003.

citizens. Conscientious judgment implies the meticulous analysis of details and decisions, and fictional judges obsessively revise their own actions to see if they deserve the position of moral privilege that they hold. The characterization of judges often indicates the contradictory coexistence of two opposite elements: an idealistic enthusiasm for a career dedicated to the pursuit of truth and justice is counterbalanced by the practical aspects that regulate the law and demand rigid adherence to formalities. Thus, the construction of the judge character is often based on the inner crisis of a protagonist who is caught between professional disillusion and the difficult balance of professional and private life.

The discomfort described in Troisi's *Diario di un giudice* derives from the controversial combination of the responsibilities resting in the hands of a judge and the recognition of the limits of an individual, elements that have become central to the characterization of judges in the strictly contemporary Italian novel. The power conferred to the representatives of the law is enormous, as "condannare è come uccidere" (Troisi, 2012:34); at the same time, the narrator realizes how the judicial system dominates judges, and Troisi describes himself as a mere instrument, the medium through which society seeks revenge against those who break the rules set by the community. Along with concerns about his function as a simple instrument of the system, Troisi established two other cornerstones of the fictional characterization of judges: the impossibility of maintaining close relationships in the private sphere, and an obsession with death. The incompatibility of the judicial profession with a conventional family life is connected to the idea of sacrifice that accompanies the individual in the struggle against crime. In order to construct the figure of a solitary hero, it is necessary to highlight his abandonment of a regular domestic routine, and this sacrifice is even more amplified by its contrast with the predominant lifestyle of the 1950s, which saw the widespread acceptance of a standardized idea of family life. In Troisi's diary, the narrator fears a violent death, and his subconscious projects this fear in the form of a nightmare. For some of the authors that will be examined, death is not simply the end of a character's existence, but the interruption of his ongoing investigations and, in the most extreme case of self-criticism, the end of a review of all the trials that the judge has brought to a conclusion in his lifetime.

Many of the distinguishing elements of *Diario di un giudice* have influenced the representation of judges in the Italian novel of more recent years, particularly in regard to the judges' isolation from the world that surrounds them. This isolation is central to the characterization of the *piccolo giudice*, the protagonist of Leonardo Sciascia's *Porte aperte* (1987). In this historical novel, set in the fascist period, the judge is expected to issue a sentence of death to the murderer of three people. Although the death penalty would satisfy the regime and the public, it conflicts with the judge's moral compass. His rejection of external pressures results in a moral victory and a practical defeat, as the price to pay for standing by his principles is the loss of career advancement. The isolation of the *piccolo giudice* is twofold, connected both to the specific trial that he presides over and to the perception people have of his function in society. The first form of isolation emerges from the incompatibility of his role as an impartial judge with the interests of his family. His relationship with his wife is negatively affected by the judge's intention to choose a life sentence over the death penalty. Aware of the repercussions that this act of rebellion against the regime might cause, his wife supports the expectations of the *vox populi* and advocates for the maximum punishment for the defendant. As she asks "lo condannerete?" (Sciascia, 2004:364) to see if the demands of the public will be satisfied, she reinforces the feeling of isolation affecting the judge, and from which the familial setting no longer shields him: "sentiva, ogni giorno di più, come una indefinibile (definibilissima) minaccia, un senso di isolamento, un crescere della sua solitudine. E una domanda della moglie gliene aveva dato un senso doloroso e quasi ossessivo" (Sciascia, 2004:364).

This feeling of isolation suffered by the *piccolo giudice* intertwines with the public interpretation of his role in the southern regions of Italy: according to Sciascia, the only way for a judge to be integrated with society is to let money or friendship corrupt his impartiality. Any resistance to this expectation is interpreted as an attempt to live in a parallel world made of legal codes, where only the law exists, disconnected from the practical aspects of social intercourse. According to the *piccolo giudice*, a certain degree of isolation, expressed through a disregard of compassion toward personal acquaintances, is necessary to perform his duties correctly. This

attitude generates a disconnect from the specific Sicilian setting, that in this case is representative of how the relationship between common citizens and the law is interpreted in the South: “Il giudice, l’uomo che sceglie il mestiere di giudicare i propri simili, è per le popolazioni meridionali, di ogni meridione, figura comprensibile se corrotto; di inattuabili sentimenti e intendimenti, come disgiunto dall’umano e comune sentire, e insomma incomprensibile, se né dai beni né dall’amicizia né dalla compassione si lascia corrompere” (Sciascia, 2004:376). Sciascia depicts the isolation of the judge as sad but professionally desirable, because only a character who does not associate with others is able to act impartially and reject external interference. The loneliness of the *piccolo giudice* is the inevitable effect of his decision to defend his moral principles, a choice that is typical of many of Sciascia’s characters – idealists who sacrifice everything for a cause that nevertheless results in failure. In this case, the life sentence will be appealed, and a different judge will eventually impose the death penalty, so that the moral victory of the *piccolo giudice* cannot be enjoyed from a practical point of view: the protagonist follows his conscience but loses both his career and the possibility of saving the defendant’s life. In the clash between ideals and reality, the *piccolo giudice* reflects the condition of those characters that Peter and Jane Schneider describe as “almost asking to be made the victims they became” (Schneider & Schneider, 1998:253). In his brave refusal to meet society’s expectations and obey the regime, the judge also embodies the enormous difference between exceptional model characters and average citizens, an opposition that Sciascia has often represented in his novels.

The uneasiness that troubles the *piccolo giudice* has always been at the center of Sciascia’s literary production; he often expressed his difficulty relating to the responsibility of judging others. The topics of justice and its administration were present throughout his entire career and were, along with constant reflection on the mafia, the cornerstones of his work as a novelist, non-fiction writer, and polemist. Sciascia analyzed the figure of the judge from outside the judicial system, from the standpoint of an individual who does not want to share the dangerous responsibility of deciding the destiny of others. For this reason, the isolation of the protagonist is so evident in *Porte aperte*: just as he had observed among judges in real life, Sciascia separated

the *piccolo giudice* from the rest of society, drawing a line between those who deliver judgment and those who receive it. Ten years before the publication of *Porte aperte*, the author already had proposed a binary opposition between judges and the rest of society, from the point of view of an observer who does not dare to work inside the system of the law. Sciascia remarked how the possibility of an individual error in the administration of justice can never be ruled out, an assumption that motivates his opposition to such an extreme punishment as the death penalty: “Ci sono persone che hanno scelto e scelgono la professione di giudicare i loro simili secondo le leggi dello Stato e che hanno acquisito la capacità tecnica per farlo: io posso soltanto, da fuori, controllare che la «forma» non uccida il «merito» e che insomma non si commettano, in nome della giustizia, ingiustizie” (*Corriere della sera*, 12 May 1977). As happens with many of Sciascia’s characters, the *piccolo giudice* supports a vision of justice superior to what is merely written in legal codes, and he is caught between the interpretation of justice as a principle and its practical implications. From a more strictly historical point of view, *Porte aperte* depicts the moment in which Fascism transforms the judicial system and makes it serve the purposes of the regime. With the introduction of the death penalty and the *codice* Rocco, Fascism meant to impose the authority of a ‘strong’ State, in opposition to the leniency of the previous *codice* Zanardelli². The symbolic aspect is central to the historical interpretation of the novel: with his merciful verdict, the ‘little judge’ is identified as an obstacle for the implementation of the dream of a crime-free society. The death penalty is a key factor in the construction of such image because, in the intentions of the regime, Italian citizens should be grateful for its reintroduction, and they should despise a judge who expresses concern for the life of a violent criminal. The historical interlocutor of the judge is the character of the *procuratore*, who embodies the ideals of

² The symbolic value of the Fascist interpretation of the law even influenced the internal organization of the text that introduced the Rocco code. The first chapters of the text address crimes against the State, and are ideally presented as more important than crimes against the individual, which are discussed in the second half of the code. Stephen Skinner has recently edited *Fascism and Criminal Law* (2015), a volume including articles on the *codice* Rocco and its legacy on today’s Italian judicial system.

Alfredo and Arturo Rocco with intertextual references to the 1926 article *Sul ripristino della pena di morte in Italia*.

The internal struggle of the character becomes obsession in the figure of Leonardo Attard, the judge at the center of Andrea Camilleri's short story *La revisione*, contained in the collection *Gli arancini di Montalbano* (1999). The protagonist lives in voluntary isolation, focusing solely on an overwhelming attempt to review all the trials that he has presided over in his career. The construction of this grotesque character is the prelude to a tragic ending, and the story is constructed around the crisis of an individual whose conscience is tormented by the possibility of having wrongly convicted innocents. Conditions of both physical and emotional isolation distinguish Attard throughout the entire story. As soon as Attard moves to Vigàta, the narrator describes the judge in his first encounters with Montalbano as "sempre vestito di nivuro, sempre solo" (Camilleri, 1999:246). The voluntary separation of the character from the surrounding community is the element that emerges above any other in the narrative construction of Attard: "«Si è fatto amicizie in paìsi?» «Ma quando mai! Non lo conosce nessuno! Esce solo di prima mattina, si fa la passiatà e poi non si vede più. Tutto quello che gli serve, dai giornali al mangiare, glielo accatta la cammarèra che di nome fa Prudenza [...]»" (Camilleri, 1999:249).

The irresistible need Attard feels to review all his cases does not allow for any distraction, and the judge has to limit his interaction with the world outside his new house, now transformed into a gigantic warehouse containing thousands of folders and files. The understandable desire to review his own actions becomes, for Attard, a psychological disease, a fixation that is focused more on his qualities as a human being than as a judge. He is thereby comparable to many characters in the narrative production of Pirandello, because he takes an initially comprehensible desire to unreasonable ends. Attard is the victim of an obsession that takes the form of madness, and Montalbano promptly recognizes the signs of mental illness in the judge: "Montalbano si era di subito fatto pirsuaso che quell'omo aveva una malatia. Non una malatia del corpo, naturalmente, si trattava di qualcosa che lo maceriava dintra, che gli faceva la pupilla troppo ferma e fissa, come persa darrè a un pinsèro ritornante" (Camilleri, 1999:252). Attard is affected by a specific form of

obsessive-compulsive disorder: his obsession, the fear of having misjudged one of his trials, generates the compulsion, the need to review several thousand documents. The nagging thought that keeps digging into his conscience can only be satisfied when Attard eventually finds evidence of a mistake that convicted an innocent.

The difficulty implied in the responsibilities of a person who judges others emerges in all its tragic aspects, and the condition of isolation becomes even more extreme: “Dice che in quel villino ci vuole restare da solo, che non vuole fastidi” (Camilleri, 1999:257-58). Shortly afterwards, Attard commits suicide and puts an end to his own existence but, more importantly, to the review, a task that was always unreasonable and that, taken so seriously, could only lead to tragedy. Among the enormity of the files that Attard analyzes, his single mistake becomes more important than entire trials presided flawlessly. Montalbano destroys the evidence of Attard’s error in a verdict delivered fifteen years before; those files demonstrate the flaws inherent in a justice system that can convict an innocent person, and the *commissario* knows that such a disturbing fact must be repressed, because it could influence future investigations and his own conscience.

Camilleri introduces a similarly unreasonable character in *Il giudice Surra*, contained in the anthology *Giudici* (2011), written with Giancarlo De Cataldo and Carlo Lucarelli. In this historical novella, set in post-unity Italy, the isolation of the judge character derives from his being an outsider, a newcomer to Sicily after relocating from Piedmont. Efisio Surra naively fails to recognize the risks of the *fratellanza*, the origin of today’s mafia, and his lack of understanding is mistaken for heroism in the town of Montelusa. As with many characters in the tradition of Sicilian literature, the construction of the protagonist relies heavily on the opinion that others build of the newcomer, rather than on his actions and thoughts. His outsider status is, at first, reason for mistrust, because Surra, “come uomo, era solitario e di scarsa parola” (Camilleri, 2011:5). As the story unfolds, the reputation of the character becomes increasingly respectable, allowing him to challenge a social system based on intimidation. Surra embodies an ideal form of law that can only be applied when the judge is neither influenced nor distracted by the socio-historical setting in which he operates. Unaware of the risks that he takes when

he investigates Don Nenè, Surra survives several assassination attempts and completely disregards other threats against his life. The element that allows for the existence of such an amusing character is the different language that Surra and the mob employ. Nenè and the *fratellanza* send a series of signs that the judge is unable to decipher, and the short story is entirely based on this miscommunication between the clan that runs illegal business in Montelusa and the judge who cannot conceive of its intention to fill the gap left by the weakness of the State³. This tragicomic misunderstanding helps Surra build a reputation as a hero and, as the public acclaims him as the judge who stands firm in the face of intimidation, several citizens overcome their fears and begin to collaborate with the law. Surra's grotesque isolation becomes his strongest weapon in the fight against the *status quo* of Montelusa and its *omertà*. The message implied in Camilleri's amusing characterization of Surra is that, in the struggle against organized crime, it is necessary to support the values of the law *per se*, disregarding the elements that do not pertain directly to the application of the codes, such as the social and cultural settings surrounding the case. Surra introduces himself as the representative of a body of law that cannot be interpreted differently depending on the setting, and he believes that "se non coincide con quella del codice, mi viene difficile chiamarla giustizia" (Camilleri, 2011:30). The judge succeeds because he does not try to adjust to the town of Montelusa: he embodies the law in its purest and most impersonal form, and he cannot perceive the mob's threats because he lives in an ideal space in which literal respect of the law makes transgressions and exceptions inconceivable. Surra's lack of knowledge about this Sicilian microcosm becomes his strongest asset: even though he has an intention to read it, he remains ignorant of the contents of the 1838 report written by Pietro Ulloa, the first study to address the genesis of the mafia.

The historical context of this novella set in post-unity Italy is particularly significant. It is remindful of the complex debate on which judicial system would best serve the interests of the new State,

³ The citizens of Montelusa credit the *fratellanza* for filling the void of authority left by central institutions. The establishment of a set of rules, albeit unwritten and based on abuse and violence, is considered necessary to avoid the chaos deriving from political instability.

as well as the difficulties in the administration of Sicily. The rejection of external interferences that characterized the island was exemplified, exactly in the same historical moment, by the *prefetto* of Girgenti, Enrico Falconcini, who was forced to resign because he was perceived as too strict in his literal interpretation of his mandate⁴. A northerner who tried to impose the law of the State on the South, Falconcini recollected his controversial experience in *Cinque mesi di prefettura in Sicilia* (1863). In his memoirs, the *prefetto* denounced the regrettable conditions of the province, pointing out how they interfered with its proper administration. He also established a relation between the lack of infrastructures and low quality of life: “E difetto fanno pure le strade alla squisitezza del vivere, alla franchezza del pensare [...] La difficoltà del viaggiare confina entro le mura domestiche la stima della civiltà, l’amore della scienza, la fede in sé medesimi” (Falconcini, 1863:20). While the genesis of the mafia and the *brigantaggio* precedes the process of national unification, it is in this period that a sense of disillusionment in the population fosters the growth of both phenomena. It also creates the premises for the perception of Sicily as ‘other’, following the tendency to represent the South as “associated monolithically with social and economic backwardness, political corruption, violence and criminality, in a way which has tended to disregard or minimize the differences in the multiple realities pertaining to the area” (Chu, 2011:59). Surra is unaware of the existence of the *fratellanza* and its repercussions on Sicilian society; his naive behavior contributes to the construction of an amusing character but, in the case of the Ulloa report, it also provides the crucial element that allows the judge to remain a (successful) outsider in the Sicilian setting.

In *La bambina*, Carlo Lucarelli symbolizes the isolation of the magistrate by keying on a specific trait of her physical appearance. A similar narrative device was used, for example, by Sciascia with the *piccolo giudice*, whose physical features are described as oddly young and small; these types of description increase the distinctions between

⁴ Along with the town of Vigata, the fictional district of Montelusa provides the setting for Camilleri’s narrative production. These locations are based on the town of Porto Empedocle and the city of Agrigento, the same area that was under the control of Falconcini. Camilleri authored the introduction to Falconcini’s memoirs in the edition that Sellerio published in 2002.

judges and the rest of society, at the same time reinforcing the difficulties they must overcome in order to influence society⁵. *La bambina*, judge Valentina Lorenzini, faces her investigations with a naive attitude that is similar to Surra's, but lacks the amusing aspects that distinguish Camilleri's character. While she is in charge of a case of bankruptcy, Lorenzini accidentally investigates a company that is illegally funded by the secret service, finding herself in what Falcone described as a *gioco troppo grande*. As in many stories by Lucarelli, the plot intertwines with the socio-historical background (in this case the early 1980s); the mysteries behind the *strage di Ustica* and the bombing of the Bologna Central Station justify the description of Italy as a nation in which the line between legal and illegal deeds is easily crossed. Among the stories discussed so far, *La bambina* is the first one to be structured quintessentially as a noir, the sub-genre that has narrated the contradictions of contemporary Italy in the last twenty years. As does Surra, the character of judge Lorenzini embodies a sad but meaningful message: only one who comes from outside the corrupted sociopolitical system can fight illegal practices. 1861 Sicily cannot produce a judge who does not accommodate the requests of the *fratellanza*, and 1980 Italy is likewise unable to support independent investigators in their attempt to uncover the relationship between institutions and the final part of the *anni di piombo*. Both Camilleri and Lucarelli introduce characters that use their status as naive outsiders to deliver, almost unintentionally, unexpected results. Although she is not as grotesquely naive as Surra, Valentina Lorenzini is introduced as inexperienced, and she suddenly discovers the existence of forces internal to the State (such as the infamous 'deviated secret service') that she, from the restricted perspective of her financial investigation, never suspected.

The isolation of Lorenzini becomes even worse because it implies a dichotomy that recurs in contemporary Italian crime fiction: the legitimate representative of the authorities is transformed, in the attempt to fight crime, into a force that attacks the State from the

⁵ In *Porte aperte*, the narrator remarks the opposition between the physical size of the judge and the overwhelming forces he fought: "Ogni volta che l'ho poi 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" (Sciascia, 2004:389). A reference to the judge's age is evidently present in Alessandro Di Robilant's film *Il giudice ragazzino* (1994).

outside, and thus becomes a victim of the same authority she tries initially to impose. As the secret service chases Lorenzini down to silence her investigation, a moral dilemma over whether to defend a corrupted State at the potential cost of her life emerges, and the solitary heroine is once again left alone in her struggle to survive and make justice prevail. The nickname that people use to address Valentina, *la bambina*, summarizes all the difficulties she must face to be accepted. First, it indicates that she is a woman, and the administration of the law in Italy has traditionally been a male preserve⁶. The nickname is also indicative of the mockery with which colleagues address Lorenzini: having barely turned 30, there is a sense of distrust toward a person who has reached the respectable position of *giudice istruttore* so young, and the disapproval she endures is described in the feelings of her bodyguard:

Avrebbe potuto essere sua figlia, anche perché Ferro ce l'aveva davvero una figlia di trent'anni, ed era la secondogenita dei tre. E infatti gli scocciava starsene seduto davanti nella Ritmo in borghese della questura con quella ragazzina seduta dietro che leggeva il giornale. Sembrava un autista che porta la figlia del padrone all'università. (Lucarelli, 2011:46)

As it fosters an accusatory reflection on the hidden connections between the State and violence during the Years of Lead, *La bambina* is part of the recent wave of fictional productions that aim to create an alternative narrative of the *misteri d'Italia*. If historical truth is faulty or corrupted, the common ground between *romanzo giudiziario* and *noir* becomes a space in which to re-discuss the Italian past and shared memory, which is one of the qualities that have allowed the extraordinary popularity of crime fiction today.

In Giancarlo De Cataldo's *Il triplo sogno del procuratore*, a nagging thought ruins the life of judge Ottavio Mandati. His obsession, the arrest of Pierfiliberto Berazzi-Perdicò, the mayor of

⁶ Mario Mignone has remarked that the number of female judges increased in the years that followed the historical setting of *La bambina*: for example, prosecutors doubled between 1985 and 1992 (Mignone, 2008:333).

Novere and Mandati's lifelong rival, takes the form of a series of nightmares in which the antagonist is always able to escape conviction. The dream becomes the space where all the negative expectations of the judge, including his isolation from the rest of society, come true. In his dreams, Ottavio is the only person who realizes the illegal activities in which Pierfiliberto is involved and, as a consequence, the judge is left alone, heavily criticized by the public and his own family. The loneliness of the judge is so evident that Ottavio, aware of the impossibility of the State supporting him with another honest judge, prefers to fight alone: "Ma sì, chi se ne frega, benedetto sia il sogno, anzi, l'incubo, che mi ha fatto capire quanto sono solo. Ma meglio soli che male accompagnati" (De Cataldo, 2011:139). In Ottavio's dreamscapes, the several investigations he leads against Pierfiliberto do not ruin the accused's reputation, but rather the defendant is able to turn these accusations against the judge, an aspect that draws parallels between Pierfiliberto and several real-life politicians. In *Diario di un giudice*, Dante Troisi dreamed of his own death, while in De Cataldo's novella the alternative realm of the dream is the setting for the allegorical death of justice and the defeat of the judge. In the nightmares, the collaboration between the State and the criminal element, founded on mutual interest, takes shape in the form of a society that is willing to forgive powerful people in the hope that they can help distribute wealth among the population, even when such wealth is the result of illegal activity. The overwhelming powers acting against the judge make the fight unfair: the representative of the law has to respect every minor formal detail (for example, in the official request to obtain phone records for the investigation), whereas criminals can easily resort to corruption, receiving permission to erect buildings and profiting from the illegal disposal of toxic waste. The frustration deriving from such unfair competition emerges as a form of mental instability. While Camilleri's judge Attard projected his obsession on himself, Ottavio expresses all his rage against his antagonist, and the realm of the nightmare allows him to act in a way that would be unacceptable in court: "Dal profondo delle viscere gli partì un urlo terrificante, da bestia ferita. Si avventò sul dossier, quello vero, e prese a sventolarlo, in preda a un'ossessione malata. – Eh, no! Non mi fregghi! Non mi fregate! Nessuno mi frega! Qua dentro ci sono le prove! Qua c'è la verità!"

(De Cataldo, 2011:137-38). In the *Giudici* anthology, *Il triplo sogno del procuratore* is the only story that resolves the question of the isolation of the judge in an optimistic way. As he wakes from his dream on the day of the trial, Ottavio is not alone: his family stands by him, and he is ready to fight.

The figure of the solitary judge is at the center of Giorgio Fontana's *Morte di un uomo felice* (2014), a novel that was awarded the 2014 Premio Campiello. The socio-historical setting of the early 1980s, in the aftermath of the *strategia della tensione*, allows Fontana to draw extremely interesting connections between individual conscience and the social function of the judge. The uneasiness of Giacomo Colnaghi derives, above all, from his attempt to combine Catholic identity and his position as *sostituto procuratore* in the city of Milan. Colnaghi is introduced as unpopular in the workplace, where his superiors consider his ability to lead independent investigations a dangerous skill:

Il procuratore capo era in vena di discorsi e raccomandazioni velate di rimproveri: non apprezzava Colnaghi perché era un cattolico devoto, e perché troppo ironico per i suoi gusti; la sua indipendenza era mal vista, in un momento dove tutti erano occupati a definire meglio le proprie simpatie; e soprattutto, non amava il gruppo che aveva creato con la Franz e Micillo (che pure appoggiava per motivi diversi). Con il tempo, Colnaghi aveva imparato a ignorarlo. (Fontana, 2014:35)

Colnaghi differs from his colleagues in his interpretation of the role of the judge, because he refuses to be the passive medium between crime and punishment that Troisi described in *Diario di un giudice*, a book Colnaghi receives as a present from a friend. Rather than merely convicting left-wing terrorists, he feels the need to understand the reasons behind their attacks. The isolation of the character derives from his merits in the fight against terrorism and his being a model representative of the law. From the point of view of *Formazione proletaria combattente*, Giacomo is not simply a valuable antagonist, but his moral and behavioral qualities confer legitimacy to the institutions he defends. For this reason, and not merely because he

arrests several terrorists, he has to die: Colnaghi is an obstacle to their attempt to gain a popular consensus against a corrupt and unfair State that, thanks to honest people like him, can claim the moral right to impose its authority.

The crisis of identity within the judge originates in the contrasts between faith and law: as a Catholic, Colnaghi has been instructed to 'turn the other cheek', but there is no space for a similar attitude in his profession and in the specific historical setting of the early 1980s. The people who have lost their relatives due to terrorist acts expect the judge to become the instrument of their revenge, but Colnaghi cannot let emotions interfere with his job. Rather than exploiting the popular demand for extreme punishments, he believes that such measures can only result from the supreme judgment of God, and this aspect separates Colnaghi from the other characters in the book⁷. The judge explains his approach to the administration of the law with a statement that resembles a declaration of faith, in which the expression *credo* is used to appease a crowd that demands justice: "So che il mio compito finisce con una pena giusta per i colpevoli. Ma so anche che non basta. [...] Credo fermamente che un giorno Dio rimetterà ogni cosa, ogni ferita come ogni colpa, ma al momento mi rendo conto che non posso dire altro" (Fontana, 2014:7).

Family institutions, too, participate in the construction of Giacomo's isolation. The novel introduces an interesting intersection between past and present: the time in which Giacomo's story takes place is presented as the product of the actions of Ernesto, his father, who died in 1944 after joining a partisan group. Faced with the decision of whether to put their lives in jeopardy, father and son follow the same instinct: they both give priority to the ideals in which they believe, and the result is the abandonment of their families. Both Ernesto and Giacomo are eventually murdered, fully aware that their families will not understand their 'betrayal', an aspect that is amplified by their Catholic background.

Colnaghi's moral dilemma is inherited by his friend, Roberto Doni, the protagonist of Fontana's *Per legge superiore* (2011), a novel set in

⁷ Fabrizio De Andrè represented the opposition between divine and earthly justice in his song *Un giudice* (1971), the story of a frustrated man who becomes "arbitro in terra del bene e del male".

contemporary Milan. Doni's crisis involves the interpretation of true justice as a utopia: truth only matters as long as it can be proven inside the mechanisms of law, and the impossibility of defending the people that society marginalizes obsesses Doni. The distance between common citizens and the bureaucracy of justice, so deeply felt in Italian society, is allegorically represented by the description of the setting, and the microcosm of the courthouse metaphorically suggests the condition of the judicial system in Italy. The building in which the law is administered is unsafe and unstable, its physical aspect meant to showcase a voluntary separation from the outside world. This decaying ivory tower participates in the construction of Doni as emotionally distant from the rest of society. The records office, a labyrinth in which files are not properly catalogued and chaos grows worse as years go by and folders pile up, is the symbolic representation of the Italian judicial system and the unsustainable bureaucracy that makes legal procedures unreasonably lengthy. Allegory is widely present in Fontana's *dittico sulla giustizia*, and usually describes places and characters who are rundown, to transmit a more general idea of the dilapidated state of justice in Italy. In *Per legge superiore*, the metonymy of the decaying courthouse establishes a direct connection with the judicial system as a whole, while in *Morte di un uomo felice* the physical appearances of the characters are used for a similar purpose, when judges are described as weak and tired: "I tre si misurarono ancora un poco con gli sguardi, e di colpo si videro per ciò che erano: corpi smagriti ed esausti" (Fontana, 2014:13). These factors transmit the idea of justice as an inaccessible goal for common citizens and, as Di Ciolla has observed in her study on justice in Italian crime fiction, "the perception of Law as a repressive institution – one which calls individuals to account in compliance to an order which was created despite themselves, which operates obscurely and perhaps not entirely fairly, in places far removed from those commonly accessible to all – still remains" (Di Ciolla, 2010:183).

Strictly contemporary novelists have explored a different characterization of the judge, resembling in many ways the private eye of noir fiction. Mimmo Gangemi has introduced the figure of a magistrate-investigator, Alberto Lenzi, who symbolizes the frustration of the judge when confronted by the many impediments (political,

administrative, and practical) that make the struggle against crime impossible to win. Inspired by the influence that criminal organizations exercise in Calabria, Lenzi's investigations become pretexts to foster a reflection on illegal toxic waste dumping and the exploitation of undocumented immigrants. Once again, the judge is introduced as an outsider, an individualist unable to establish a constructive professional relationship with his coworkers. The sarcastic register that pervades *Il giudice meschino* (2009) and *Il patto del giudice* (2013) allows Lenzi to make a series of polemic and politically incorrect statements that set him apart from the idealistic approach found in Fontana's novels. The impossibility of undermining the dominance of the 'Ndrangheta destroys the possibility of creating a utopia of justice. As several clans initiate a deadly war for control of the territory, Lenzi's frustration resembles a declaration of impotence in the face of an evil force that is too deeply rooted in the local social system: "Io aspetto. Sì, aspetto il piombo. Che si consumino tra di loro. Più se ne consumano e meglio è. Non provo scrupoli. Loro ne provano per tutte le nefandezze che commettono? No. E allora non meritano la mia pietà" (Gangemi, 2013:112). Lenzi embodies a typical element of noir fiction: the lack of a clear distinction between good and evil qualities in the hero. When a series of vendettas eliminates several mobsters, the judge does not hide a certain satisfaction, a belief that divine justice is delivering the results that the institutions of law cannot. Lenzi "Stava a mezzo tra gli scrupoli e l'idea, blasfema ma pazienza, che, dove non era riuscita la giustizia terrena, stava riuscendo la santa mano di Dio" (Gangemi, 2013:140), and the physical elimination of criminals suggests a sense of defeat for the ideal of real justice⁸.

The characters examined in this article are presented as individuals in crisis, fragile, isolated from the rest of the judicial system, and uncertain about the possibility of positively affecting society through the administration of the law. From this perspective, the Italian contemporary *romanzo giudiziario* goes against the tradition of some of the most critically acclaimed authors of the twentieth century who,

⁸ In Gianrico Carofiglio's *La regola dell'equilibrio* (2014), the characterisation of judge Pierluigi Larocca as disillusioned is even more extreme, and it leads to his involvement in a group of corrupted representatives of the law.

influenced by the writings of Kafka, represented judges as perfectly integrated within what appeared as a parallel world distinguished by an alienating lack of emotion among members of the legal bureaucracy⁹. The judges here share an obsessive desire to reaffirm their individual identities and escape the expectations of the surrounding environment; this approach allows the authors to re-examine historical periods and events that have never been completely clarified. For this reason, the characterization of the isolated judge fits so well the settings of post-unity Italy, fascism, the *anni di piombo*, and the more recent past, marked by the transformation of criminal organizations from rural phenomena into international businesses. For all these historical periods, Italy still waits for a *just* narration of the events, and expresses through fiction the desire to “‘fare giustizia’ di una storia che sembra fatta di misteri e omissioni, di deliberati oblii e problematiche dimenticanze” (Adamo, 2009:259). In order to rewrite national history, the Italian *romanzo giudiziario*, especially in its most recent form, leans toward the *noir* and its uncertain distinction between good and evil characters¹⁰. The stories of judge Lorenzini and Lenzi, for example, unveil the responsibilities of the State in acts of violence against its own institutions and citizens, and all the characters studied here must act as outsiders in a system that does not match their extraordinary ethical, moral, and professional standards.

The opposition between exceptionally brave and capable judges and the rest of the judicial system finds confirmation in recent journalistic inquiries. Gian Antonio Stella and Sergio Rizzo’s *La deriva* (2008) and, more extensively, Stefano Livadiotti’s *L’ultracasta* (2011), have portrayed the administration of the law as a sort of ivory tower that rejects any communication with society and considers criticism as a form of intolerable interference¹¹. The judges studied in

⁹ In the detective novel, two notable examples are Bernardo Gui, the inquisitor of Umberto Eco’s *Il nome della rosa* (1980), and the judge who acquits Titano Silva in Antonio Tabucchi’s *La testa perduta di Damasceno Monteiro* (1999).

¹⁰ Despite natural similarities, the Italian *romanzo giudiziario* differs from the Anglo-Saxon legal thriller, mostly because the two sub-genres express profoundly different judicial systems. Among others, Remo Ceserani has remarked the incompatibility of the two systems in “Davanti alla grande macchina della legge” (2012).

¹¹ The study of Italian judges as belonging to a privileged *casta* has met the resurgence in popularity of the journalistic inquiry as a genre in today’s Italian literary landscape. Already

the present analysis emerge as exceptional examples of virtue and reaffirm a 'noble' approach to their profession that even involves serious risks for their individual safety. The often successful endings of the investigations that isolated judges coordinate present an interesting message: because the surrounding environment is corrupt and inefficient, only outsiders are able to deliver results, as their standards have not been lowered by the setting. For this reason, the judges who succeed in fighting crime are characterized in opposition to the rest of the judicial system, even to the extent of presenting them as amusing or grotesque characters. Loneliness causes the emotional crises of the characters, but it is simultaneously the key to their professional success. Thus, the figure of the judge embodies a contradictory and controversial relation with the setting of the novel: the character longs for support from the system, but realizes that individual sacrifice is the only way to avoid negative interference in the pursuit of justice. In contemporary Italy, this absence of collaboration has generated a dangerous phenomenon: the figure of a solitary hero who carries the burden of the fight against criminality, but who is clearly insufficient if institutions and common citizens do not join the struggle¹². The powerful message arriving from those who have sacrificed their lives risks misinterpretation if the responsibilities of justice are not shared by society as a whole, and the lack of support that Falcone lamented still calls for a change in the way crime is fought and discussed in Italy today.

in 1998 Indro Montanelli remarked the different approaches to the profession of the judge when he wrote: "Nella giustizia c'è un dieci per cento di autentici eroi pronti a sacrificare carriera e vita: ma sono senza voce in un coro di gaglioffi che c'è da ringraziare Dio quando sono mossi soltanto da smania di protagonismo" (*Corriere della Sera*, 24 August 1998).

¹² Parallels between judges and intellectuals emerge, for example, if one considers such figures as Pier Paolo Pasolini and Roberto Saviano, who both have become symbols of the individual struggle against illegality and injustice. In *Dimenticare Pasolini* (2013), Pierpaolo Antonello warns about the consequences implied by delegating to a single individual the denunciation of illegality. The faith in an *intellettuale-vate* who puts his own life in jeopardy for the sake of society, as Pasolini and Saviano have done, should not be abused in order to avoid direct involvement in the struggle against crime.

References

- Adamo, S. 2009 "La giustizia del dimenticato." *Postmodern impegno*. Eds. Antonello, P. & Mussgnug, F. New York: Peter Lang.
- Antonello, P. 2013 *Dimenticare Pasolini*. Milano: Mimesis.
- Camilleri, A. 1999 *Gli arancini di Montalbano*. Milano: Mondadori.
- Camilleri, A.; De Cataldo, G. & Lucarelli, C. 2011 *Giudici*. Torino: Einaudi.
- Carofiglio, G. 2014 *La regola dell'equilibrio*. Torino: Einaudi. Epub.
- Ceserani, R. 2012 "Davanti alla grande macchina della legge." *Between* II.3, <http://ojs.unica.it/index.php/between>
- Chu, M. 2011 'Crime and the South.' *Italian Crime Fiction*. Ed. Giuliana Pieri. Cardiff: U of Wales P, pp. 89-114.
- Di Ciolla, N. 2010 *Uncertain Justice: Crime and Retribution in Contemporary Italian Crime Fiction*. Newcastle: Cambridge.
- Falconcini, E. 1863 *Cinque mesi di prefettura*. Firenze, Tipografia Galileiana.
- Falcone, G. & Marcelle, P. 1991 *Cose di cosa nostra*. Milano: Rizzoli.
- Fontana, G. 2011 *Per legge superiore*. Palermo: Sellerio. Epub.
- . 2014 *Morte di un uomo felice*. Palermo:

- Sellerio. Epub.
- Gangemi, M. 2009 *Il giudice meschino*. Torino: Einaudi. Epub.
- . 2014 *Il patto del giudice*. Torino: Einaudi. Epub.
- Gundle, S. & Rinaldi, L. (Eds.) 2007 *Assassinations and Murder in Modern Italy*. New York: Palgrave Macmillan.
- Maranini, G. 1964 *Giustizia in catene*. Milano: Edizioni di Comunità.
- Mignone, M. 2008 *Italy Today: Facing the Challenges of the New Millennium*. New York: Peter Lang.
- Schneider, P. & Schneider, J. 1998 “Il caso Sciascia: Dilemmas of the Antimafia Movement in Sicily.” *Italy’s Southern Question: orientalism in one country*. Ed. Jane Schneider. Oxford: Berg.
- Sciascia, L. 2004 *La scomparsa di Majorana*, in *Opere, vol 2, 1971-1983*. Milan: Bompiani.
- . 2004 *Porte aperte. Opere, vol. 3, 1984-1989*. Milano: Bompiani.
- Skinner, S. 2015 *Fascism and Criminal Law*. Oxford: Hart.
- Stella, G.A. & Rizzo, S. 2008 *La deriva. Perché l’Italia rischia il naufragio*. Milano: Rizzoli.
- Troisi, D. 2012 *Diario di un giudice*. Palermo: Sellerio.