

Femicide as an extreme crime: Judicial framing narratives

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Abstract

This interdisciplinary study examines how Italian courts construct legal meaning around femicide/feminicide by analyzing three emblematic rulings: Castaldo-Matei, Gozzini-Maioli, and Turetta-Cecchettin. Using a legal framework and a sociological qualitative framing approach grounded in Goffman (1974) and Entman (1993), the research maps the narrative devices through which judges select facts, invoke psychiatric expertise, and apply – or deny – aggravating/mitigating circumstances. Two dominant frames emerge. First, jealousy is presented as a punitive emotional surge or – from a pathological perspective – as a clinical syndrome of “delusional jealousy”: the perpetrator of femicide/feminicide is either to be condemned to life imprisonment as a “monster” deserving hard punishment or acquitted as a “madman”. Second, restrictive judicial interpretations of Article 612-bis (persecutory acts) and Article 61(1)(4) (cruelty) narrow the preventive reach of sentinel offences. Cyber-surveillance, digital records of the victim's words, and protracted suffering are downplayed, while selective citation of expert testimony can justify mitigation or full exculpation. These interpretive choices affect judicial outcomes, public perception, and victims' willingness to report harassment. Framing analysis does not aim to evaluate judgments: it can merely contribute to understanding the implicit social arrangements in which even legal actors run, although within specific limits. Despite recognizing the inherent limitations of a three-case study analysis, our article seeks to highlight the significance of interdisciplinary approaches, offering insights into how prevailing interpretive frames often individualize the crime of femicide/feminicide and conceal underlying structural gender asymmetry.

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Introduction

Gender related lethal violence against women – commonly termed femi(ni)cide¹ – has become a socio-legal phenomenon that warrants systematic analysis. Italian statistics confirm that intimate partners commit most female homicides, and a persistent subset is explicitly driven by control, possessiveness, or retaliation for perceived abandonment (see annual data from Istat²; Lalli, 2020; Commissione Femminicidio, 2021). An Italian study of 370 judgments, sentenced between 2010-2016, mirrors global trends and identifies jealousy as a recurrent explanatory trope within judicial reasoning (Dino *et. al.*, 2020).

Sociological examinations of narrative framing show that references to jealousy serve two ideological functions. First, they individualize the crime, obscuring structural gender asymmetries by portraying the act as an emotional aberrant reaction. Second, they allow implicit victim blaming by casting female autonomy in a morally ambivalent light. Jealousy also interacts with cultural myths of honor or passion that attenuate perceived offender culpability.

A parallel line of research could investigate the judicial importation of psychiatric *expertise*. Courts routinely engage forensic psychiatrists to determine whether the offender's mental disorder impaired intent and volition. A recent appellate judgment illustrates a tendency to classify extreme jealous violence under diagnostic labels such as delusional jealousy, thereby shifting explanatory weight from moral agency to psychopathology. This medicalization can justify full acquittal, diminished responsibility, or compulsory treatment (where "social dangerousness" is found).

The present study analyses three high-profile cases³ centered on jealousy and fear of abandonment. By tracing how trial courts construct narratives, attribute agency, and invoke psychiatric categories, the study elucidates the discursive pathways through which femi(ni)cide is

¹ Throughout the text, this paper adopts the English term femi(ni)cide – following the double usage "femicide/feminicide" in contexts such as UNODC (2022). This reflects an awareness of the ongoing debate surrounding the various translations and interpretations – especially those stemming from Latin languages – of "femicide", the English word originally introduced by Diana Russell (1976).

² <https://www.istat.it/statistiche-per-temi/focus/violenza-sulle-donne/il-fenomeno/omicidi-di-donne/> (last accessed on 20 May 2025).

³ The definition of high-profile considers their large coverage in the media. The three rulings have been retrieved from (last accessed on 30 April 2025):

- Castaldo- Matei case: <https://www.giurisprudenzapenale.com/wp-content/uploads/2019/03/corte-app-bologna-castaldo.pdf>
- Gozzini-Maioli case: <https://archiviopenale.it/capacita-di-intendere-e-volere-assoluzione--corte-d-assise-di-brescia-sez-i-9-dicembre-2020-gozzini/contenuti/12248archiviopenale.it>
- Turetta-Cecchettin case: <https://www.giurisprudenzapenale.com/wp-content/uploads/2025/04/turetta-omiss.pdf>.

legally interpreted and socially communicated, centered on jealousy and fear of abandonment. By tracing how trial courts construct narratives, attribute agency, and invoke psychiatric categories, the study elucidates the discursive pathways through which femi(ni)cide is legally interpreted and socially communicated.

Why a framing analysis of judicial rulings

Framing theory originates in sociology and communication. The concept (Goffman, 1974; Entman, 1993) explains how certain aspects of perceived reality are selected and made salient, thereby promoting a particular definition of problems, causal interpretations, moral evaluations, and policy remedies. Empirical studies demonstrate that framing effects influence professional adjudicators. Prospect theoretic loss aversion, for example, can be observed in judicial decision-making (Gilliland & Dunn, 2008; Rachlinski & Wistrich, 2019). These findings justify treating judicial reasoning not as purely deductive but as susceptible to cognitive framing. Media coverage further mediates public understanding of court decisions; frame selection shapes perceived legitimacy and policy impact (Clawson et al., 2003; Sachdeva, 2018; Barlia, 2024). Legal professionals strategically deploy frames within institutions when consulting experts and drafting opinions (Windsor, 2022). Consequently, we could consider that interpretive frames operate internally and externally, affecting doctrine and reception.

Within jurisprudence, interpreting legal norms through concrete events is an ordinary practice. Of course, framing analysis does not aim to evaluate judgments: it can merely contribute to understanding the implicit social arrangements in which even legal actors run within specific limits (Viganò, 2025). Every hermeneutic act entails a selective reading of the facts: the adjudicator foregrounds certain elements and downplays others to sustain the decision reached. Because actions and events are intrinsically complex, the meaning attributed to them determines the frame in which the law functions and, consequently, molds the normative architecture.

Principal legal narratives in three Italian cases

Key terms recur across the selected rulings: femi(ni)cide, jealousy, mental illness, life imprisonment, and criminal irresponsibility. We can name the parties without breaching anonymity due to extensive media coverage.

The Castaldo-Matei matter: “the overwhelming emotional passionate storm” (Rimini/Bologna)

On 5 October 2016, in Riccione, Michele Castaldo, a worker aged fifty-four, strangled Olga Matei in her apartment, a forty-six-year-old woman with whom he had been involved for little more than a month. She was a sales assistant of Moldovan origin. In a confession, he said: “*I lost my head because she no longer wished to remain with me. I told her that she had to be mine and nobody else. I seized her by the neck and strangled her*”. After the murder, he returned home, ingested wine mixed with an analgesic, and announced a suicide attempt.

In 2017 the judge for preliminary investigations imposed a sentence of thirty years’ imprisonment, finding him guilty of murder aggravated by base or futile motives, in particular jealousy. At that time this was the maximum penalty available to a defendant who opted for the so-called abbreviated procedure; that option is no longer permitted. On appeal, in December 2017, the Court altered the decision, reducing the sentence to sixteen years’ imprisonment. At first instance the defense had requested a psychiatric assessment to establish incapacity of intent and will at the time of the offence. The court-appointed psychiatrist excluded non-imputability but remarked incidentally that the defendant may have acted in an “*overwhelming emotional and passionate storm*”. This observation was irrelevant to the first-instance judgment but proved consequential on appeal. The Bologna Court of Assizes of Appeal confirmed the conviction and the aggravating circumstance but granted generic mitigating factors. The Court deemed these factors equivalent to the aggravation, thus cancelling both and reverting to the basic homicide range (maximum twenty-four years), further reduced by one-third for the abbreviated procedure, yielding sixteen years. Public protest followed: the case generated demonstrations and scholarly debates at local and national levels. The Prosecution filed an appeal, and the Supreme Court annulled the mitigation; therefore, the appellate Court, upon remand, reinstated the thirty-year term of imprisonment.

The first judgment of the Bologna Court of Assizes framed jealousy as a punitive impulse toward a woman regarded as personal property. However, selective citation of expert language can influence the legal narrative. Here, the preeminent role often attributed by judges to a single quotation of the expert psychiatric evaluations and assessments comes into play. Indeed, upon closer examination, the judges could have recognized the general mitigating circumstances even without reference to the psychiatric report and the “storm” (referring to the “*overwhelming emotional and passionate storm*” from an earlier passage). In the judgment, they cited the convicted individual’s attempt at compensation and his awareness of the enormity of the act. These elements, being of a legal nature, may have been sufficient. However, the judges preferred to rely on an excerpt from the expert evaluation, deferring to psychiatric knowledge and thus basing their decision on unspecified feelings and emotions, traceable to the cultural stereotype of a man jealous

of "his" woman, thereby culturally validating and legitimizing this commonplace. The Judge of Rimini, conversely, had taken the opposite approach, deeming the justification of jealousy to be futile and, indeed, an aggravating factor.

The Gozzini-Maioli matter: "The Othello syndrome" (Brescia)

On 3 October 2019, in Brescia, Antonio Gozzini, aged seventy-nine, a retired teacher, killed in their apartment his sixty-two-year-old second wife, Cristina Maioli, after twenty years of marriage. She was a literature teacher. He struck her with a rolling pin and subsequently stabbed her in the throat and legs. Following the act, the man stayed by the body for more than 24 hours before notifying the housekeeper, stating, "*Cristina is dead. And I will die soon, too*". He subsequently reported that he had intended to take his own life but could not.

In 2020, the Court of Assizes of Brescia acquitted him on grounds of total mental defect-delusional jealousy symptomatic of a psychiatric disorder and, finding him socially dangerous, ordered confinement in a REMS (Residence for the Execution of Security Measures)⁴. The Prosecution's appeal was dismissed by both the appellate Court and, in 2023, the Supreme Court.

Psychiatric expertise played a predominant role in the proceedings. Three expert reports were submitted: one instructed by the Public Prosecutor, one instructed by the defense, and one instructed by the victim's family as civil parties. Additional opinions were provided by the private psychiatrist of the defendant, the private psychiatrist who had treated the couple, and the psychiatrist attached to the correctional facility. Two experts appointed by the court concurred that, at the material time, the defendant lacked the capacity either to appreciate the nature and wrongfulness of the act or to control his conduct. The expert appointed by the civil parties delivered a more nuanced expertise that partly diverged from the other opinions. Relying selectively on that report and departing from the conclusion of her own consultant, the Prosecutor maintained that the defendant was fully imputable and criminally responsible and accordingly sought a sentence of life imprisonment. The brothers of the victim initially participated in the proceedings as civil parties but later withdrew.

The sequence that followed the media uproar was unusual. It was reported that the Minister of Justice had ordered an official inspection (a report later formally denied), thereby heightening the sensationalism of the case, which, conversely, fundamentally pertains to judicial interpretation and discretionary evaluative autonomy. The Court released a "*provisional information note*" to the press, describing it as a clarification intended "*to prevent misleading interpretations*":

⁴ In Italy the REMS replaced the former judicial psychiatric hospital, which was under the authority of the Ministry of the Interior. While the Rems is a health facility for offenders suffering from mental disorders and socially dangerous. Internal management is the exclusive health care responsibility, as it pertains to the mental health departments of the local health authorities of competence.

Pending the release of the written reasons, it is necessary to distinguish carefully the motivational profile of jealousy from the delirium of jealousy, which constitutes a pathological condition producing a radical disconnection from reality and giving rise to a state of infirmity that, as a matter of legal civility, excludes criminal responsibility.

The initiative appears modelled on the recent practice of the Constitutional Court and the Supreme Court, which occasionally publish advance summaries of landmark decisions that establish principles of law⁵. Nevertheless, such advanced communication is unprecedented, and incongruous, for case-specific substantive justice. Thus, the President of the Court of Assizes was asked to compose, to curb media exposure, a “judgment of the judgment”, with substantive anticipations that even went so far as to exclude the case from being classified as femi(ni)cide. In essence, the focus was already shifted from the application of the law in the specific case to something entirely different, since the debate shifted from the legal merits of the judgment to issues of public perception and terminology.

The Turetta-Cecchettin matter (Venice)

On 11 November 2023, near the Municipality of Vigonovo (province of Venice), Filippo Turetta murdered his ex-girlfriend, Giulia Cecchettin, inside his vehicle, inflicting 75 stab wounds. This act followed her abduction, a pursuit, and physical assault during her unsuccessful attempts to flee. They were two university students, twenty-two years old. After the murder, he carried the body into the woods and fled to a foreign country until, a week later, he was arrested in Germany and extradited to Italy for trial. Meanwhile, Giulia's father had reported his daughter's disappearance. Her body was found in the woods in Friuli Venezia Giulia on November 18.

On 23 September 2024, the trial began in the Court of Assizes of Venice. Unlike the two previous cases, no psychiatric evaluations are present in the case files, as the defense of the accused never requested expert opinions regarding his capacity to understand and to will at the time of the act.

In December, the judgment sentenced Turetta to life imprisonment, having deemed the aggravating circumstances of premeditation and the affective bond to be substantiated. However, the judgment denied general mitigating circumstances and two other, more debated⁶, aggravating

⁵ By resolution of 11 July 2018, the Italian High Council of the Judiciary (CSM, Consiglio Superiore della Magistratura) adopted specific Guidelines on institutional communication for judicial offices: *Linee-guida per l'organizzazione degli uffici giudiziari ai fini di una corretta comunicazione istituzionale*. Retrieved from: https://stamparomana.it/wp-content/uploads/2018/07/linee_guida.pdf (last accessed on 30 April 2025).

⁶ Among the numerous contributions, we highlight the analyses by Amendola (2025) and Verdolini (2025), together with our own commentary (Lalli, 2025; Virgilio, 2025b).

circumstances: that of having committed the crime of persecutory acts (stalking) and that of having acted with cruelty towards persons.

The stalking aggravation, introduced by Decree-Law 11/2009 (converted into Law 38/2009), applies when homicide is committed “*by the perpetrator of persecutory acts*”. Therefore, to apply the aggravating circumstance – which the Public Prosecutor had contested in the indictment – it was necessary to ascertain that Turetta had committed persecutory acts, specifically the offense provided for by Article 612-bis of the Italian Penal Code (which has been repeatedly amended by legislators, towards progressively harsher and more stringent penalties).

The judgment acknowledges as undisputed that the behaviors attributed to Turetta were of a persecutory nature and thus fulfilled the material elements of the offense. However, it found a lack of “*concrete and specific*” proof for at least one of the three “events” required by criminal law, namely that the threatening and harassing conduct towards someone (the legal norm is gender-neutral) was carried out in a manner: (i) “*to cause a persistent and severe state of anxiety or fear*”; (ii) “*to engender a well-founded fear for one's own safety or that of a close relative [...]*”; (iii) “*to compel the person to alter their habits of life*”.

Nonetheless, as we will see below (see paragraph 4.3), many digital records, correctly reported in the judgment, show a challenging situation for Giulia: cyber-surveillance, a series of endless blaming messages, *et similia*. Failure to apply the stalking aggravation in a case that is so clear revives critiques that were first raised in 2009 about the ambiguous drafting of Article 612-bis. These ambiguities became more visible after Italy ratified the Istanbul Convention in 2013. The conflation of threat and harassment within a single provision continues to obstruct consistent recognition of persecutory conduct, including sexual harassment in the workplace.

The Court also declined to apply the aggravation of “*acting with cruelty*” under Article 61(1)(4) in conjunction with Article 577. These denials were publicly condemned by Giulia's sister, Elena Cecchettin, particularly on social media and later covered by mainstream media.

All parties to the trial – the Court, Prosecution, and the victim's family – had previously expressed a shared desire to avoid “*spectacularity*” and therefore rejected participation by third-party associations as civil parties. All excluded, even the Municipality of Viganovo, residence of the two. Only relatives had been formal parties in the process. As stated in Court: “*This is not a trial about femi(ni)cide in the abstract but a trial of a single individual*”.

Comparative legal questions on the three cases

The three judicial proceedings, with their different trajectories and outcomes, effectively encapsulate the criminal-law mechanisms established by the Italian legal system. These mechanisms are predicated on the imputability of the perpetrator: an individual can only be

criminally sanctioned if deemed criminally responsible (Castaldo and Turetta). Where responsibility is affirmed, various aggravating and mitigating circumstances, and their intricate balancing, calibrate the penalty (resulting in a favorable outcome for Castaldo on appeal and the maximum penalty of life imprisonment for Turetta). Conversely, if the perpetrator is deemed (by the judge, based on or even against the assessments of technical consultants) to be suffering from a mental illness, they must be acquitted and, if deemed socially dangerous, subjected to a security measure (Gozzini).

This framework presents a stark dichotomy: the perpetrator of femicide is either to be condemned to life imprisonment as a "monster" deserving hard punishment or acquitted as a madman, a "guilty insane" individual. This approach stems from the "dual-track" sanctioning model established by the 1930 Rocco Penal Code, which differentiates custodial penalties for offenders found criminally responsible from security measures for individuals not imputable and deemed socially dangerous. When criminal responsibility is affirmed, the sentencing judge fixes the term of imprisonment within the statutory range between minimums and maximums, guided by any aggravating or mitigating circumstances and other ancillary factors. For example, Turetta – found mentally competent – was sentenced to life imprisonment despite the Court's refusal to apply the aggravating circumstances of stalking and cruelty. By contrast, Castaldo's term was cut from thirty to sixteen years on appeal after the court held that the recognized mitigating factors outweighed the aggravation.

Consequently, Gozzini was acquitted with mandatory hospitalization in a REMS (see note 4), while Turetta received the maximum penalty of life imprisonment, and initially Castaldo was sentenced to 30 years' imprisonment (owing to the then-available abbreviated procedure, no more applicable today)⁷.

The common element across these three femicide cases is their revolving around "jealousy": Castaldo murdered his partner out of jealousy, in the throes of an "overwhelming emotional and passionate storm"; for Gozzini, jealousy was framed as a pathological delusional jealousy syndrome, thus a mental illness. In these two cases, forensic psychiatric consultants were instrumental in framing the issue, with judges following their assessments (except for the prosecutor).

⁷ It should be noted that, subsequently, the Italian Parliament unanimously approved Law No. 181 of 2 December 2025, introducing a new criminal offence expressly designated as "feminicide", which carries a mandatory sentence of life imprisonment, whereas life imprisonment for murder is imposed only when aggravating circumstances are present (for a commentary see Virgilio 2025a). This is the definition approved by the Parliament: "*Life imprisonment shall be imposed on anyone [a neutral subject; authors' note] who causes the death of a woman where the act is perpetrated as an expression of hatred, discrimination, or oppression, or as a means of control, possession, or domination over her as a woman, or when it relates to her refusal to initiate or continue an intimate relationship, or as a consequence of restricting her individual liberties*" (art. 1, "Introduzione del delitto di femminicidio e altri interventi normativi per il contrasto alla violenza nei confronti delle donne e per la tutela delle vittime"; <https://www.gazzettaufficiale.it/eli/gu/2025/12/02/280/sg/pdf>; last accessed on 23 December 2025).

In contrast, Turetta's jealousy does not originate from forensic psychiatric expertise. It emerged otherwise and with strong evidence from the transcriptions of digital messages (which the judgment – in our opinion, commendably and correctly – transcribes and offers for the scrutiny of anyone wishing to read the public judgment and reflect upon it) and from the testimonies of friends and relatives (see below paragraph 4.3).

Attempts to recast violence – from an act of domination into an emotional state such as jealousy, frustration, anger, resentment, or a sudden *raptus* – are, regrettably, frequent. Several legal devices can give weight to such a narrative. Jealousy may increase the sentence when it is classified as the aggravating circumstance of abject or futile motives. A converse legal strategy is to invoke jealousy in support of generic mitigating circumstances.

Therefore, jealousy paradoxically oscillates between an aggravation and a mitigation. Moreover, an aggravating factor may be offset by recognized mitigations, including the so-called generic mitigations, which, in the sentencing balance, may be deemed equal or superior to the charged aggravation, thereby nullifying its effect.

In practice, the motive is sometimes characterized as a sudden, inexplicable *raptus*, with no reference to the offender's prior violence. This omission of any connection to prior violence facilitates a reconstruction of the femi(ni)cide as the outcome of an uncontrollable surge of jealousy. Yet Article 90 of the Penal Code provides that emotional or passionate states – jealousy, anger, fear, surprise, and similar – neither exclude nor diminish criminal responsibility.

Two of these cases also raise a broader question: does the current doctrine of full or partial lack of capacity due to mental illness still serve a coherent purpose⁸? Empirical data remains fragmentary. The study of Dino et al. (2020) on 370 femi(ni)cide judgments from 2006 to 2016 found that psychiatric evaluations were requested in nearly half of the cases; mental disorders were certified in approximately one quarter, and severe disorders in 29 instances. Significant data were also produced the Report of the Commission on Femi(ni)cide of the Senate (2021), chaired by Valeria Valente in the Italian Eighteenth Legislature. Particular attention was devoted to mental infirmity as a defense strategy. For detailed analysis, the Commission selected 118 cases that had reached final judgment. In 70 proceedings - 59% of the sample - the defendant's capacity to form intent and to will the act was contested, usually at the initiative of the defense. Nevertheless, only 21 defendants (30% of those challenges) obtained an acquittal on grounds of total mental incapacity. In 15 cases the conviction was mitigated by a finding of partial mental incapacity. Notably, only one quarter of those defendants had documented psychiatric disorders before the

⁸ We suggest a reference to the critical debate initiated by the *Società della Ragione* on the legal treatment of mentally ill offenders ("folli rei"); on the Gozzini-Maioli matter they organized a webinar on 27 January 2020; the recording is available: <https://www.societadellaragione.it/campagne/salute-mentale/imputabilita/pazzo-di-gelosia-colpevole-e-non-imputabile/> (last accessed on 11 April 2025). For a comment about the general issues connected to the incapacity, see Virgilio (2020).

homicide. Then, defense strategies frequently seek psychiatric mitigation, but the desired outcome is not consistently achieved. However, comprehensive institutional statistics on this point remain unavailable.

Analysis of the dominant social frames in the judicial narrative

Framing and different uses of forensic experts

First, we can compare the different frames employed in the judgments of the Court of Assizes concerning the Castaldo and Gozzini cases about the discursive argument of jealousy (and fear of abandonment or deception). As we know, in both cases, the judges refer to some forensic psychiatric experts.

The Castaldo-Matei matter

As described above, on 5 October 2016, Castaldo murdered Olga Matei at her home, strangling her. After the murder, going back to his home, he had taken wine with the Aulin drug inside to kill himself. Then he was hospitalized and treated, since he had informed a fortune-teller friend of his intent, as the judge of the Court of Assizes in Bologna recalls, thus defining it as a “*theatrical suicide attempt*”. The Court must pronounce on the defense’s appeal against the decision of the preliminary judge, who had committed the penalty of life imprisonment, reduced to 30 years, because of the choice for the abbreviated procedure. The defense lawyer asked for the exclusion of aggravating circumstances or the recognition of generic mitigating circumstances, with redetermination of the sentence to the minimum. He argued both that Castaldo committed the murder quickly without making the victim suffer too much, and that:

[...] considering the defendant’s psychic background, the impulse that had led him to commit a crime could not be considered so trivial as to integrate the futile motive; the tragedies of his life had enormously limited his psychic resources in the face of a situation of frustration; Castaldo’s jealousy must therefore have been considered pathological, as his life experiences had led him to develop hyper-vigilance and an abnormal distrust and concern for possible betrayals or abandonment. Moreover, jealousy was not even such a repulsive motive as to qualify as abject.

It is significant what the judge writes about the jealousy's argument, to support the decision to confirm the aggravating circumstances:

The mere manifestation, however extreme and unjustifiable, of jealousy may not integrate the futile motive when it is a mighty thrust of the human soul linked to a desire for life in common: it constitutes, on the contrary, an abject or futile motive when it is an expression of a punitive spirit towards the victim, considered as own belonging and whose insubordination must be punished (Cass. sec. I no. 18779 of 27/3/2013; section V no. 3536812006).

Moreover, the judgment on the futility of the reason cannot be referred to conduct, given the difficulty of defining the contours of such an abstract model of action. However, it must be the elements of the specific case, considering personal and environmental factors, and the spatial and temporal context in which the event occurred.

Well, having applied these agreeable principles to the case at hand, it can be observed that the relationship between the defendant and the victim had arisen just over a month before the murder, when they met in a public place and had started dating, but each continued to live at home.

Then, the first framing of jealousy refers to the fact that the relationship was just at the beginning. It is striking the definition of this “mighty thrust of the human soul” that may not be a futile motive when it is “linked to a desire for life in common”. In contrast, it may be a futile motive when it is an expression of control and personal belongings when the couple is long-standing. Furthermore, we could find an implicit unintentional reference to the possibility of the so-called victim blaming (we recall that the murdered victim cannot take the floor), although not applicable in this case:

[...] it is noted that Matei had not provided Castaldo with any concrete reason to be jealous, since she received messages of harmless content the night between 4 and 5 October.

[...] it should be emphasized that only in the defendant's head had it taken hold, moreover suddenly and only during that discussion, the idea that (also) she would have left, since Matei did not refer to it, limiting herself to showing some (understandable) intolerance in the face of that irrational and unjustifiable jealousy of the accused. Therefore, even supposing that a movement of jealousy caused the homicidal action, it was a sudden and fleeting state of mind, without any foundation and, above all, not decided by a feeling of deep attachment to a woman with whom there were serious life projects.

It was the expression of a merely punitive intent toward a woman who showed minor sensitivity to his frailties and who, with such an attitude, let him imagine that she could get tired of the relationship and decide to leave him.

In other words, when there is a "*concrete reason*" and, effectively, a victim is "*faithless*" (a word we read in the ruling about Gozzini), can we not consider jealousy a futile motive? Therefore, is the victim tried in turn, although she can no longer speak? We would ask if the issue of jealousy and its frame are, in some respects, still rooted in the ancient honor crime, and anyway in the commonsense idea of femi(ni)cide as a passionnal crime which deserves attention to emotions, differently, for example, from the homicide of a jeweler murdered during a robbery. Yet, also the thief killing a reticent jeweler could be animated by emotions aroused by the glitter of the diamonds cleverly displayed in the window to attract customers. However, this usually does not authorize them to be considered human passions or "*mighty thrust of the human soul*". It's notable that while the desire to illicitly acquire material possessions, such as jewels, is widely regarded as a socially reprehensible motive, the absolute desire to possess a woman is not consistently considered such, particularly when - as one ruling's argument suggest - a shared life has been established.

Later, the judge recognizes generic mitigating circumstances, equivalent to aggravating circumstances, and therefore capable of reducing the sentence to 16 years, instead of the 30 imposed in the preliminary hearing. The "*factual elements*" referred concern Castaldo's confession who immediately evoked: (i) jealousy, however considered futile and abject motive; (ii) his attempt to compensate the victim's daughter; and (iii) an aspect of particular interest, the use of an excerpt from the psychiatric report rendered by the forensic expert. The expert had long clarified the capacity of the defendant to understand and to will, and the absence of psychopathology that invalidates the perception of reality. However, at a certain point, to reiterate his conclusion about the awareness of the fatal gesture, he had recalled his previous disappointments and his angry reaction in the face of the closed attitude of Olga, thus evoking the expression "*overwhelming emotional and passionate storm*". Here is how the judge argues for the granting of the mitigating circumstance equivalent to the aggravating circumstances:

*[...] although that feeling [jealousy; authors' note] was certainly unmotivated and unsuitable to affect the defendant's capacity for self-determination, nevertheless it determined in him, due to his unhappy life experiences, what the expert effectively described as "*an overwhelming emotional and passionate storm*", which manifested itself immediately afterward even with the theatrical suicide attempt. It is a condition that appears suitable for influencing the measure of criminal liability.*

This expression raised a great echo in the media, and there were many criticisms from exponents of women's movements, because in some way, what had been excluded from the door was brought back into the window: jealousy. Of course, we could say that it would have been sufficient to consider the attenuating circumstances not equivalent to the aggravating circumstances and the

consequences would have been different. Yet, from the perspective of framing, often unintentional and implicit, the unspoken hypothesis returns here: jealousy, although unmotivated (the victim was not “guilty”: as if this were a reason for justification) had been perceived as overclaimed, causing a storm that mitigated the responsibility of the homicidal act. The initial frame previously identified proves dominant, particularly in the deliberate selection of a single sentence that, in another interpretive context, would have been only an incidental remark within the forensic psychiatrist’s extensive report. As noted above, the Public Prosecutor, maybe prompted in part by intense media coverage, appealed. The Supreme Court set aside the judgment solely on the question of mitigating circumstances, and on remand the Court of Assizes of Bologna ultimately removed those mitigations.

The Gozzini-Maioli matter

Jealousy likewise serves as a central explanatory construct in this case, although it did not surface during the defendant’s interrogation but emerged later, in psychiatric evaluations carried out while he was in custody. Two experts diagnosed delusional jealousy, known as Othello syndrome, while a third expert, a woman, suggested possible malingering and proposed that the refusal of psychiatric admission for major depression (suggested by his wife) could have constituted the genuine motive. All tiers of adjudication concurred that the accused lacked criminal responsibility owing to total mental incapacity at the time of the homicide. As we know, for the protection of himself and public safety, the panels ordered placement in a REMS (see note 4).

Judicial position on expert evidence

The judgment of the Court of Assizes of Brescia supplies a first narrative frame. After summarizing the facts and outlining the divergent expert opinions, the Court explicitly decides to reaffirm its decisional autonomy:

The decision must rest upon jurisdictional principles and rules. Expert contributions, however valuable, serve only as cognitive support and cannot replace judicial prerogatives through improper medicalization of the proceeding. The bench, unable to penetrate the arcana of the human mind, must organize the available elements through a logical-symptomatic-deductive path, selecting reliable evidence within a rational and plausible scheme that considers the defendant’s social milieu and interactions with the victim.

Following this declaration, the Court cited testimonial evidence, writing that, until the homicide, the accused appeared “*an apparently normal person*”. His wife displayed concern for his depressive state but felt no fear. However, the Court then shifted toward the psychiatric frame proposed by the two experts:

The homicidal impulse infiltrated the mind of the accused silently yet obsessively, eventually exploding as an unstoppable drive, consistent with delusional jealousy, a disorder that ordinarily does not disturb everyday functioning. [...]

The accused reinterpreted trivial events in an uncritical manner, convinced that he had ‘understood everything’ without evidence, because the belief in his wife’s betrayal lacked any anchorage in reality. [...]

Overwhelmed by disappointment in the marriage and seeking relief from unbearable suffering, he perceived no alternative but to kill: “An impulse... as if an abstract force operated... I moved like an automaton, driven to annihilate that person”.

In contrast with the Castaldo-Matei matter, the overwhelming impulse is framed as a psychopathological phenomenon rather than an emotional “*storm*” that merely constitutes a mitigating circumstance. Furthermore, it could be observed in this case – if we align with the rationale of the judgment about Castaldo-Matei – that the relationship was not nascent but had been consolidated over time. Anyway, these interpretations of jealousy as a passion are significant, particularly given that, as we will discuss, one expert contends it conceals the “*seed of delusion*”. It is likewise deemed “normal” to ascertain whether such jealousy is grounded in concrete instances of “*betrayal*” or if it stems from an inherent orientation. In the Castaldo-Matei case, given the relationship’s nascent stage, the jealousy itself would not typically have arisen from a deep emotional attachment indicative of a shared life project. Consequently, it remained a futile motive, although the defendant’s prior disappointments and psychological conditions were subsequently invoked as mitigating circumstances. And the unfounded nature of the jealousy was reiterated. In the Gozzini-Maioli case, after the unfoundedness of the jealousy within a long-term relationship was repeatedly emphasized, this very lack of foundation served to justify the defendant’s diminished capacity to understand and to will and the diagnosis of Othello Syndrome. Again, this raises similar critical questions: Can we observe a possible secondary victimization of the murdered woman’s conduct, implicitly invoking notions akin to an honor crime? Is this frame implicitly shifting blame to the victim, excusing the perpetrator’s actions based on the (silenced) victim’s conduct? Had the jealousy been deemed founded, what would have changed in the judgments? Had for Castaldo the jealousy been deemed founded, the “*culpability for betrayal*” has potentially led to a sentence reduction? Had for Gozzini jealousy been deemed founded, the “*culpability for betrayal*” could potentially lead to a different judgment? Anyway, in the ruling about

Gozzini, it is perhaps no coincidence that the Court deems it necessary to specify that the defining characteristic of delusional pathology does not pertain to the veracity or falsehood of alleged betrayal, but rather to a lack of logical coherence in the examination of the events:

The decisive feature of delusional jealousy is not the truth or falsity of betrayal, but the pathological modality through which events are interpreted. Logical progression is absent when past facts are recalled.

Narrative tone and medicalization

Several passages adopt a literary register:

The cathartic effect felt by the accused after the homicide laid bare the motive: once the person who generated his torment was gone, the delusion lost its force. At that instant the ideational siege ended; Othello vanished, the lake no longer pressed upon him, and “the green-eyed monster which doth mock. The meat it feeds on” dissolved. The drama that had produced his suffering and humiliation disappeared abruptly, and the defendant reverted to being an ordinary man.

He is not a professional murderer; he is an eighty-year-old man engaged in a series of disorganized and in some respects bizarre acts. He is a lost man suddenly deprived of the only true point of reference in his life [...]. However, if, because of the murder, delirium has lost its object, it has not lost the content, that is, pathological dynamics. The accused matured the conviction of his wife's infidelity in a way completely disconnected from reality; he stayed anchored to it even after the killing, to the point of showing reluctance to talk to the consultants of the (alleged) faithless woman, so do not besmirch her memory. Furthermore, he was certainly saddened by the fate that had been reserved for him, but there were no other solutions for him.

The judgment thus contrasts the accused with “*professional murderer*”, implicitly distinguishing crimes of organized violence from intimate partner killing saturated with emotions. It is striking the evocation of “*bizarre behavior*”, if we remember that he murdered his wife. In fact, this “*lost man*” was deprived by his own murdering act of “*the only true point of reference in his life*”.

Although the Court initially disavowed medicalization, the final narrative rests on a comprehensive pathological definition of the offender, who is absolved yet deemed socially dangerous and committed to compulsory psychiatric custody. Judge and two consultants share the dominant frame: (i) the wife was not a “*faithless woman*” (and if she had been, would define his feelings as delusion or not?); (ii) the jealousy was silently penetrated him; (iii) jealousy has blurred boundaries with delirium - indeed, one consultant argues, it contains in itself “*the seed of delusion*” (!) - but in this case it becomes pathological because “*the defendant loses critical thinking*”.

Furthermore, this line of reasoning produces a peculiar circumvention. The defendant is considered non-imputable at the time of the crime because of total mental incapacity, yet he is simultaneously deemed socially dangerous to himself and others. Compulsory confinement in a psychiatric security facility, therefore, follows. Nevertheless, after the murder – the ruling wrote – *"the defendant reverted to being an ordinary man"*. He is acquitted but is nonetheless subjected to an all-embracing pathological label that extends far beyond the temporal boundaries of the crime. Again, the medicalization that the Court had professed to avoid appears to be the dominant interpretive frame, anchored in the authority of the selected expert opinion, which the judgment describes as *"surgically precise"* – a telling metaphor, given that surgery occupies one of the most prestigious and authoritative domains within medical science.

Femicide versus uxoricide and delegitimizing of the prosecution

Responding to media debate and statements of the public prosecutor, the Court clarified why the event is not a femi(ni)cide:

It is essential to avoid conflating cognitive disorders with episodic lapses of self-control provoked by intense emotional pressure; the release of aggression during a transient twilight of consciousness with violence generated by genuine nosological derangement; a legally cognizable “motive” with a sudden raptus or with “hallucination”; femi(ni)cide with uxoricide.

[...] Uxoricide and femicide are not interchangeable. The former denotes the mere killing of a woman, the latter - a criminological category - refers to killing motivated by gender bias rooted in misogynistic or patriarchal ideology. The present homicide derives from a nosological disturbance, not from gender-based hostility.

In other words, the femi(ni)cide would be a result of socio-cultural “pathology” damaging relations, while the case treated in the judgment is the result of a “true” medical pathology, a *“violence induced by nosological derangement”*.

Furthermore, these clarifications and subsequent arguments reveal the judgment's emphasis on perceived weaknesses in the prosecutorial case. The text indicates that the defense's *"surgically precise"* expert evidence prevailed because the Prosecution's reliance on the civil parties' psychiatric report did not construct an equally robust alternative. This creates a delegitimizing frame: a rhetorical maneuver that entrenches the dominant medical narrative, justifying the ruling while shifting blame for the life sentence onto the prosecution's procedural strategy.

The Turetta-Cecchettin matter: framing of aggravating circumstances

As we already noted, the Court of Assizes of Venice excluded the aggravating circumstances of stalking and cruelty in the murder of Giulia Cecchettin by Filippo Turetta. No forensic experts contributed. The decision drew criticism from the victim's sister Instagram page⁹ and the wider public.

The ruling is noteworthy because it recognizes the ferocity of the homicide without reverting to the archaic "crime of passion" justification. Nevertheless, the judicial narrative that removes the circumstances of stalking and cruelty merits critical scrutiny. The reflection we propose concerns doctrinal and social meaning rather than the committed penalty, which was already life imprisonment.

We recall that the legal characterization of persecutory conduct is also a sentinel for preventing future femi(ni)cides, precisely the concern articulated by the critical commentary by the Giulia's sister, Elena Cecchettin. Legislators might clarify the provision, yet jurisprudence already shapes enforcement.

Stalking

We recall that under Italian law, the aggravation applies when homicide is committed by the same person who has previously engaged in persecutory acts. The Venice panel concluded that the dossier contained no proof that Giulia experienced anxiety or fear, citing selected witness statements. Her father, for example, stated that she "never showed fear, speaking of Filippo at most as a nuisance". The Court therefore classified her reaction as anger, not fear.

However, the ruling itself reproduces multiple excerpts in which anxiety and fear surface:

- A friend testified that "Filippo's insistence" weighed down Giulia.
- Another friend noted "the brusque manner and tone of voice used by Filippo".
- A classmate recalled: "*I saw Giulia run from the classroom, lock herself in the bathroom, and weep loudly, apparently in an anxiety crisis; she later confided that Filippo oppressed and suffocated her*".
- Two friends stated that Giulia appeared relieved and serene only after ending the relationship.

The judgment further records cyber-surveillance of Giulia's telephone through spyware and a VPN, plus an unrelenting cascade of messages. Giulia alternated silence, reassurance, persuasion, and pleas for peace. Chat logs reveal explicit admissions of anxiety, desperation, and the inability to live calmly, trapped between guilt induced by Turetta's threats of self-harm and her wish for

⁹ As noted above, many media had largely covered her words, arising a great debate among journalists, experts, and feminist representatives.

freedom. She described physical intimidation: a punch, a slap, an overturned table. She did not disclose these assaults to relatives, a silence consistent with shame and a belief that she could manage the situation.

Despite this corpus, the Court labelled each incident an “*isolated moment within the overall affair*”, insufficient to prove enduring anxiety or intimidation. The panel highlighted a narrow set of statements by the father and one friend, plus Giulia’s invitation (in chat) that Turetta accompany her to a shopping center on the fatal day. That invitation, however, occurred after weeks of accusatory messages; it may reflect exhaustion and a strategic attempt to placate him rather than the absence of fear.

Interpretation, therefore, dictates whether stalking aggravation attaches. We can suppose that the legislative drafter conceived stalking as an early warning offence. The Venice decision signals hesitation, potentially discouraging future reports. Consider a scenario in which a woman, formerly emotionally involved with the offender, receives hundreds of insistent messages that plead, insult, or apply emotional blackmail. In the wake of this judgment, would she confidently categorize the conduct as criminal? In what spirit are women encouraged to report? What utility is still in provisions devised to flag precursor offences and avert fatal violence if an ostensibly “neutral” legal rationalism makes their scope ambiguous?

The panel also discounted the element that the conduct forced the victim to alter her life habits. Evidence shows that Giulia changed study routines, social meetings, and telephone usage to avoid surveillance. The Court, however, reduced the harassment to mere insistence on physical presence, ignoring digital monitoring, unsolicited attendance, and unwanted touching in lecture halls.

In short, Giulia articulated fear explicitly: “*your behavior frightens me*”; and pursued a strategy of gradual disengagement: “*I must disappear gradually*”. The refusal to recognize stalking, despite abundant primary evidence, illustrates how judicial framing narrows the protective reach of the statute. The Court acknowledged that Turetta engaged in cyber-espionage yet declined to label the conduct as stalking, and privileged fragments of testimony from an uninformed father and a partially informed friend. As observed, although contemporary technologies preserved portions of Giulia’s speech, the judgment treated those contextually rich messages, where she voiced doubt and fear, as “*isolated moments*”. A different framing would recognize them as evidence of a persistent state of fear, typical of a young woman navigating conflicting emotions shaped by social gendered expectations, who scarcely dared to disclose her distress even to close friends. As previously noted, it is laudable that the judgment reproduces Giulia’s recorded messages together with Filippo’s relentless stream of texts; these transcripts partially restore the victim’s voice and provide a basis for an alternative interpretive frame. We quote two of them, recorded one month and a few days before the murder.

Voice messages of Giulia to her friends, 2 October 2023:

I do not quite know how I should behave. It appears that I ought to end the relationship once and for all, though I know he would suffer. He has not yet accepted it... I have reached the point where I can no longer keep up with Pippo; I think that I am having a nervous breakdown. I wish he would disappear, I wish to have no further contact with him, yet he tells me that he is extremely depressed, that he spends days staring at the ceiling, thinking only of killing himself. He may not intend these statements purely as blackmail, but they sound like blackmail, and then he says the only light in his life is going out with me. I would like to vanish from his life, but I do not know how, because I feel guilty, and I am too afraid that he might harm himself. I must disappear gradually; if I tell him directly, he becomes frightened, and the effect is the opposite.

Message of Giulia to Turetta, 9 November 2023

All these mechanisms of control you are using frighten me; they frighten me, and I must say that I no longer trust you, because your behavior scares me.

These statements, together with the extraordinary volume of messages sent by Turetta, indicate a sustained condition that meets the statutory threshold of “*serious and enduring anxiety or upset*”. The World Health Organization describes anxiety as a state of worry or mental tension triggered by a perceived threat, whether internal or external. Giulia confronted a concrete danger: obsessive surveillance, controlling behavior, and threats of self-harm. She therefore experienced fear for her autonomy and future, not merely “*isolated moments*” of generic anxiety. Estrangement from Turetta brought measurable relief, confirming the causal link between his conduct and her distress. The narrow interpretive frame of the judgment may thus highlight our inherent challenge in recognizing the gendered social arrangement that underlies the young woman’s behavior (see Goffman 1977).

The judgment also discounted the third statutory element – conduct that forces a victim to alter life habits – by reducing harassment to the mere “*imposition of attendance*”. A broader frame would recognize the full spectrum of manipulations: covert phone monitoring, unsolicited presence at social events, unwanted touching at university desks, and repeated physical intimidation. Turetta was jealous of Giulia’s female classmates and therefore inserted himself – uninvited and unexpectedly – into their meetings. He understood that remaining within the circle of course mates was the sole means of gaining continued access to Giulia. Her forthcoming graduation would dissolve the group and, for him, end any semblance of legitimacy for seeing her. Each episode compelled behavioral adjustments that Giulia would never have chosen in the absence of coercion. As observed in the third paragraph, the ruling illustrates how restrictive framing

narrows the preventive reach of Article 612-bis, potentially discouraging victims from reporting coercive control.

Cruelty

About cruelty, the panel held that seventy-five stab wounds delivered in three phases did not exceed the violence necessary to kill. A different frame would view the prolonged assault, use of multiple knives, and duct tape restraint as deliberate infliction of needless suffering.

When Giulia told Filippo that life would change after she graduated, Turetta grasped that his opportunity to control her was closing and methodically planned the homicide, using his computer to organize every detail. He armed himself, pursued Giulia, restrained her, and inflicted at least seventy-five stab wounds during three distinct phases: on a public street, within a car, and again for twenty minutes. He beat her, sealed her mouth, and continued stabbing while she attempted to escape and pleaded for him to stop. Only when a wound caused asphyxia did death occur.

The judgment nevertheless excluded cruelty, also accepting a murderer's self-serving claim that only by mistake a blow neared her eye because he "did not wish to disfigure her face". But the continued to hit and chase her. Framed differently, the sequence reveals intent to prolong suffering. The Court's portrayal of an "*inexperienced*" offender who merely failed to cause immediate death minimizes the deliberate infliction of additional pain. Such minimization contrasts with settled precedent that considers sustained violence and multiplicity of blows as emblematic of cruelty.

Giulia expressly wished to live, as her messages and her escape/defense attempts attest, yet she was tormented until fatal exhaustion. The judicial narrative again selects facts that temper the perception of aggravation, disregarding the qualitative excess of violence.

Conclusions

The three case studies demonstrate that jealousy, passion, and medicalization frames continue to dominate some Italian femi(ni)cide jurisprudence. These frames individualize violence and obscure gender power relations. Selective engagement with psychiatric expertise and narrow application of aggravating circumstances undercut the protective intent of sentinel offences. Narrow applications of Article 612-bis and Article 61(1)(4) undercut the legislature's protective intent, creating uncertainty for victims and law-enforcement agencies. The observed frames emerge

irrespective of evidence volume and often are reinforced through expert testimony, evidentiary selection, and rhetorical tone.

Reliance on jealousy as an “abject yet human” motive, and on delusional jealousy as a psychiatric category, risks normalizing violence against women by shifting blame from social gendered arrangements to individual emotions or pathology.

Our analysis acknowledges the inherent limitations of three case studies: all centered on jealousy. We have considered only the principal judicial narratives and social frames that emerge at key junctures within a single level of adjudication. Broader comparative and interdisciplinary research – supported by more extensive data – will be necessary to establish whether similar framing patterns recur in other jurisdictions, and to measure the prevalence of jealousy, passion, or medicalization-based narratives.

A gender-oriented jurisprudence might foreground structural power asymmetries and resist narratives that pathologize or sentimentalize male violence. Femi(ni)cide adjudication is never value-neutral; framing choices shape legal outcomes and public understanding.

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