



3. Judgement versus Prejudice. *A Best-Practice Case Study in the Legal and Social Representation of Gender Based Violence*

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Abstract

The representation of male violence against women in public discourse can contribute to various forms of gender-based social injustice and lead to secondary victimisation. Journalistic and legal language plays a key role in this process: it can reinforce distorted narratives or, conversely, help promote a culture that actively challenges and prevents gender discrimination and violence. This paper draws on the analysis of a corpus of judicial rulings issued between 2020 and 2022 by the Court of Tivoli, a nationally recognised example of good practice in the legal handling of gender-based violence. Based on this analysis, the article aims to identify effective strategies and formulate guidelines for the accurate and responsible representation of gender-based violence in both legal and journalistic language.

Key words

Gender-Based Violence, Gender Bias, Legal Language, Press Language

3.1. Introduction¹

Gender-based violence (GBV) is a pervasive social issue that transcends cultural, economic, and geographic boundaries. It is rooted in patriarchal structures that historically subordinate women, leading to a persistent imbalance of power between genders (Connell, 2009; Connell &

¹ The analysis and editing of this paper is the result of shared work. Paragraphs 4, 5 and 7 are attributed to Luca Massidda. Fabrizia Pasciuto was involved in the drafting of paragraphs 1, 2, 3 and 6.

Messerschmidt, 2005). Gender, in this context, is understood as a social construct that evolves over time and varies across cultures, reflecting changing norms and values (Butler, 1990; De Blasio 2012). Despite this fluidity, gender is often stereotypically linked to prescriptive norms about how individuals should behave, appear, and fulfil roles deemed appropriate according to their gender identity. These rigid expectations perpetuate power imbalances and contribute to the social legitimisation of violence against women.

The term GBV encompasses a wide range of harmful acts directed at individuals based on their gender, including physical, sexual, psychological, and economic violence (Doyle 2020), and disproportionately affects women and girls, reflecting deep-seated social inequalities and discrimination that persist despite progress in gender rights. Moreover, GBV is often perpetuated by societal norms that reinforce male dominance and undermine the autonomy of women. These norms, embedded in both public and private spheres, contribute to the normalization of violence and to the perpetuation of harmful stereotypes. In this context, women are frequently depicted as passive victims, while men are framed as naturally aggressive or dominant (Pinto et al. 2010). Such narratives not only trivialise the severity of male violence against women but also hinder social change by reinforcing harmful gender roles.

In Italy, GBV remains a significant social problem that continues to affect a substantial portion of the female population. Recent ISTAT (2024) data indicate that 31.5% of women aged 16 to 70 – equivalent to approximately 6.8 million individuals – have experienced some form of physical or sexual violence at least once in their lifetime. This alarming figure highlights the pervasive nature of gender-based violence, cutting across different social and demographic groups. Breaking down these numbers, it emerges that 20.2% of women (around 4.4 million) have been subjected to physical violence, while 21% (approximately 4.5 million) have faced sexual violence. Particularly concerning are the cases of severe sexual violence, which include rape and attempted rape. Data show that 5.4% of women (equivalent to about 1.2 million individuals) have endured the most extreme forms of sexual abuse. Specifically, 652,000 women have been victims of rape, while 746,000 have survived attempted rape (ISTAT 2024). The most severe forms of violence are typically perpetrated by partners, relatives, or known persons, with the majority of rapes and physical assaults committed

by partners or ex-partners. In contrast, unknown persons are more frequently responsible for sexual harassment rather than acts of physical violence. This distinction underlines the fact that violence against women often occurs within personal and familiar contexts, challenging the common perception that danger predominantly comes from unknown persons.

The persistence of such high rates of violence against women points to the deep-rooted cultural and structural factors that continue to perpetuate gender inequality in Italy. Despite legislative advancements aimed at protecting women and criminalising gender-based violence (Di Nicola Travaglini & Menditto 2024), the challenge lies in effectively translating these laws into practice. Social norms that trivialise or normalise male violence, coupled with media narratives that often sensationalise or misrepresent the phenomenon, further complicate efforts to address the issue comprehensively.

The interplay between legal and press representations of GBV plays a crucial role in shaping the public perception of male violence against women (Saccà 2021). While both legal discourse and press narratives are tasked with upholding justice and protecting victims, they can also be influenced by gender biases, potentially reinforcing societal stereotypes instead of challenging them (Massidda 2021).

In this article, we focus on the legal representation of gender-based violence, with the aim of identifying judicial good practices that can serve as a model for reshaping not only institutional responses but also the broader social and media narratives surrounding male violence against women. This paper is based on research conducted as part of the Prin 2020² and Prin 2022 PNRR³ projects. Using the Public Prosecutor's Office and the Court of Tivoli as a reference, the paper aims to identify good practices in the legal representation of male violence against women. In this way, the analysis aims to contribute to the wider promotion of a correct representation of gender-based violence and to the construction of a public discourse that recognises and thus avoids the misuse of sexist stereotypes and prejudices.

² «Stereotypes and prejudices: the social representation of gender-based violence and contrast strategies ten years after the Istanbul Convention», Principal Investigator: prof. Flaminia Saccà, Sapienza University of Rome.

³ «STEPSISTER – STereotypes and PrejudiceS In preSs representation of gEndeR-violence», Principal Investigator: dr. Rosalba Belmonte, University of Tuscia.

The analysis is based on a corpus of judicial decisions from the Court of Tivoli, covering the period from 2020 to 2022. This judicial institution is widely recognised as a model of good practice within the Italian legal system, particularly in its approach to addressing violence against women. The Tivoli Prosecutor's Office has implemented a series of innovative measures to challenge and dismantle existing biases, focusing on clear attribution of responsibility and rejecting narratives that might implicitly blame the victim. By systematically counteracting stereotypical representations and prioritizing victim-centred language, the office exemplifies how legal discourse can play a proactive role in countering gender-based social injustice. This study thus seeks to understand how such practices can serve as a benchmark for improving the representation of GBV in both legal and journalistic contexts.

3.2. Theoretical Framework: How Discourse Shapes Gender-Based Violence

Understanding how discourse shapes gender-based violence is essential for tackling the social injustices that underpin it. Analysing the discursive practices that influence public perceptions and institutional responses reveals how the portrayal of GBV can shape societal attitudes.

In this context, the role of the media becomes particularly significant. By shaping specific narratives, highlighting particular aspects of events, or using certain language and imagery, the media can influence how GBV is understood and responded to in society. (De Blasio 2012; Giomi & Magaraggia 2017; Sorice 2020; Belmonte & Selva 2021). The influence of the media extends beyond mere representation, affecting the broader cultural conversation around gender, power, and justice.

The Istanbul Convention (2011), adopted by the Council of Europe, explicitly acknowledges the importance of media in the prevention of violence against women. Article 17 of the Convention highlights the need to engage media and information technology in promoting a culture of respect and gender equality, and to prevent the dissemination of harmful stereotypes and prejudices. It encourages states to develop strategies that involve media professionals in fostering a respectful and non-stereotyped portrayal of victims, thereby contributing to a more supportive public discourse.

However, legal discourse, much like media representations, has the potential to perpetuate symbolic violence when it fails to adequately recognise the experiences of the victims or when it subtly downplays the severity of the acts committed. Legal texts and judicial decisions that minimise the perpetrator's responsibility or implicitly blame the victim can have a profound impact, not only on the specific case but also on broader public attitudes toward GBV (Burman 2010; Anagnostou & Millns 2013; Belknap 2020).

Within this paradigm, women who have fallen victim to violence may encounter victimisation across three interconnected domains: primary, secondary, and the less commonly acknowledged tertiary (Sacà 2021; 2024). Primary victimisation occurs when women are directly subjected to violence. Secondary victimisation arises when, after experiencing violence, victims are further harmed by societal reactions, such as blame, disbelief, or negative judgements from institutions or the media. Tertiary victimisation, on the other hand, occurs when the victim is not properly recognised as such, often due to a minimization of the perpetrator's actions or a failure to fully acknowledge the violence experienced. This can happen, for instance, when legal or media narratives downplay the severity of the abuse, normalise violent behaviour or portray the perpetrator sympathetically. This form of victimisation can further marginalize victims, as it implicitly denies their suffering and can prevent them from accessing justice or social support.

This phenomenon reflects a broader pattern of symbolic violence, a form of subtle oppression where language and representation work to legitimise the perpetrator's actions while undermining the credibility or agency of the victim (Lumsden & Morgan 2017).

Compounding this issue is the phenomenon known as *himpaty* – a social tendency to show empathy and understanding toward male perpetrators rather than their female victims (Manne 2017). In the context of the legal system, this dynamic often results in lenient sentences or narratives that implicitly justify the violent actions, framing them as impulsive or driven by personal hardship. Such representations not only minimise the violence itself but also undermine the victim's experience, perpetuating a culture in which male aggression is normalised or even excused.

In this regard, the work carried out by the Tivoli Prosecutors Office represents a model of good practices. Through its commitment to clear, unequivocal language and its rejection of such narratives, the office actively challenges existing biases within legal discourse. In

contrast to context where empathy may influence judicial decisions, this Prosecutor's Office consistently prioritises the perspective of the victim, ensuring that the responsibility of the perpetrator is unequivocally acknowledged. This approach significantly reduces the risk of revictimisation by fostering a respectful and empathetic legal environment that validates the experience of the women, demonstrating how the legal system can play a proactive role in countering gender-based social injustice.

3.3. Research Context: Institutional Voices and Media Echoes

The Tivoli Prosecutor's Office has emerged as a prominent example of good practice in addressing GBV within the Italian legal system. Renowned for its rigorous approach to prosecuting violence against women, this institution has gained recognition for its commitment to fair and unbiased representation of victims. Unlike other judicial contexts where implicit biases may influence legal discourse, Tivoli Prosecutor's Office stands out for its consistent efforts to clearly identify perpetrators' responsibility while avoiding any form of victim-blaming. This approach not only aligns with principles of justice but also serves as a benchmark for legal practices aiming to counteract symbolic violence within judicial narratives.

The Tivoli Prosecutor's Office oversees a large jurisdiction, spanning around 185,000 square kilometers and covering 75 municipalities, with a combined population of approximately 600,000 residents. Before 2016, the management of gender-based violence cases within this jurisdiction was marked by fragmentation and inefficiency. Despite the increasing number of cases, the lack of a structured approach resulted in a reactive and disjointed system, where efforts often appeared unfocused and uncoordinated. One critical issue was the absence of effective case management, which led to delays in investigations and trials, undermining the effectiveness of precautionary measures that often expired during legal proceedings. Additionally, the lack of coordination between judicial offices and external actors weakened the overall response to violence against women. A turning point occurred in 2016 with the appointment of new leadership, initiating a strategic reorganisation aimed at transforming the office's approach to managing GBV

cases. The new model prioritised specialisation and standardisation, moving away from sporadic coordination towards a comprehensive case management system (Amato 2024a; Amato 2024b).

This shift not only improved the office's internal efficiency but also enhanced the consistency of judicial responses. An essential aspect of this reorganisation was strengthening the relationship between the Prosecutor's Office and the judicial police. Previously, fragmented communication had often hindered the progression of investigations, resulting in procedural delays. By fostering a more structured collaboration, the new model – introduced as part of Directive 1/2024 issued by the Public Prosecutor's Office at the Court of Tivoli – facilitated the rapid exchange of information, enabling a more streamlined investigation process. This improvement proved crucial in maintaining the validity and effectiveness of precautionary measures, which are often critical in cases of violence against women.

Moreover, the reorganisation aimed to bridge the gap between the prosecution and the judiciary, fostering a more collaborative environment. The Tivoli Prosecutor's Office actively promoted dialogue and cooperation, ensuring that both prosecutorial and judicial decisions were informed by a comprehensive understanding of the case dynamics. This synergy not only streamlined legal procedures but also contributed to a more coherent and fair representation of the facts, particularly in cases where the perpetrator's responsibility might otherwise be mitigated by ambiguous language.

Another innovative aspect of the Tivoli model was its focus on building networks with the local community collaborating with local organisations, support services, and advocacy groups to create a more holistic approach to victim support. Through this community-oriented strategy, they helped break the isolation that victims often experience, fostering a sense of solidarity and collective responsibility.

A critical element underpinning the success of the Tivoli model is the ongoing commitment to training and professional development. Recognising that implicit biases can persist even within a well-organised system, the office places significant emphasis on equipping its staff with the knowledge and skills needed to address GBV with sensitivity and accuracy. Regular training sessions focus on avoiding stereotypical interpretations and ensuring that judicial language accurately reflects the severity of the crimes committed, without shifting blame onto the victims.

Finally, one of the most innovative measures introduced was the establishment of a dedicated *Victims' Assistance Desk* within the Prosecutor's Office, becoming the first office in Italy to set up a space specifically designed to listen to victims and providing them with direct support and guidance throughout the legal process. To further enhance this initiative, the office also created a clear and accessible informative document outlining the rights of victims, ensuring they are well-informed and empowered during their interactions with the justice system⁴.

This commitment to victim-centred practices not only challenges harmful cultural norms but also sets a standard for how judicial institutions can actively contribute to dismantling gender stereotypes and promoting accountability. In this way, the model by the Tivoli Prosecutor's Office serves as an example of how the system can be leveraged to foster a culture of responsibility rather than perpetuating symbolic violence. This approach does not merely aim to improve procedural efficiency or reduce case backlogs. Instead, it embodies a cultural transformation within the judicial system, fostering a legal environment where violent actions are unequivocally condemned. By setting this precedent, the Tivoli Prosecutor's Office not only provides a model for other judicial institutions but also reaffirms the fundamental principle that justice should serve as a force for social change, particularly in the fight against GBV.

3.4. Research Design and Methodology

The analysis was conducted on a database comprising 348 judgements distributed over three years: 2020 (103), 2021 (117), 2022 (128). A total of 264 trial judgements were recorded, while 84 texts refer to rulings by the Preliminary Hearing Judge (GUP) or the Preliminary Investigations Judge (GIP). The judgements were made available to the research team of the National Research Project (PRIN2020) *Stereotypes and prejudices: the social representation of gender-based violence and contrast strategies ten years after the Istanbul Convention*, led by principal investigator Prof. Flaminia Saccà. The terms and conditions for the use of shared documents were regulated in a collaboration agreement signed in March 2023 with the then President of the Court of Tivoli, Dr. Stefano

⁴ The explanatory document on victims' rights, prepared by the Public Prosecutor's Office of Tivoli, is available at the following link: https://www.procura.tivoli.giustizia.it/altrifile/avviso_alle_vittime_di_reato_donne.pdf

Carmine De Michele. The analysis of the judgements was conducted by authorised members of the research team. In order to ensure the total anonymity of all references, sensitive and personal information was preliminarily removed from the judgements. A mixed qualitative and quantitative methodology was employed, combining human and machine-based content and textual analysis techniques⁵. The quantitative scenario analysis examined the entire body of judgements made available by the Court of Tivoli. Conversely, the in-depth quali-quantitative analysis was conducted exclusively on the trial judgments⁶.

Following the acknowledgement that the work of the Public Prosecutor's Office and the Court of Tivoli is widely recognised in the literature as a national benchmark in the legal field for the handling of cases of gender-based violence, we have defined our initial research hypothesis: can good practices in the textual and symbolic representation of gender-based violence be identified in the judgements handed down by Tivoli's judges? In order to identify and define any best practices in terms of legal and social representation present in the corpus of Tivoli judgements, reference was made to previous work on legal language carried out as part of the STEP research project (Saccà 2021; 2024).

Our research confirmed our initial hypothesis. Following the establishment of a framework for understanding the nature of correct representation of GBV as articulated by the rulings of the Court of Tivoli, an initial comparison was initiated between the (virtuous) legal representation of violence against women and journalistic reporting. The hypothesis to be tested here is whether expert models of narration drawn from the field of legal language can be utilised to influence public discourse on GBV, with a particular focus on its journalistic reporting. Using the corpus of press articles on GBV collected as part of the Prin PNRR 2022 Project *STEPSISTER – STereotypes and PrejudiceS In preSs repreSentation of gEndeR-viOlence*, a first comparison between press and legal representation has been initiated, and a hypothesis regarding the potential for the “transfer” of good legal practices to the journalistic discourse has been formulated. The press database under consideration consists of 3,956 articles that have been published in 25

⁵ The automated component of the text analysis was facilitated by the open-source, web-based application, Voyant Tools (<https://voyant-tools.org/>).

⁶ Their argumentative structure allowed for an in-depth analysis of the narrative and semantic constructs employed by the judges in Tivoli in their legal representation of gender-based violence.

daily newspapers during the year 2024. The headlines and texts of the articles were analysed using mainly automated content analysis techniques and with the support of a specially trained artificial intelligence model. This work of synergistic comparison between the two linguistic domains considered, which is only briefly mentioned here, will be the subject of further, necessary, in-depth studies in the near future.

3.5. Findings & Discussion

The following section presents the main findings emerging from the analysis of the corpus of 348 judicial decisions issued by the Tivoli Prosecutor's Office between 2020 and 2022. The goal is not only to identify recurrent legal patterns in the treatment of gender-based violence, but also to explore how judicial language and reasoning contribute to the broader discursive construction of the phenomenon. Court rulings are not merely procedural outcomes – they are also powerful texts that reflect, and at times challenge, the dominant cultural narratives surrounding violence against women.

In this sense, the examined decisions provide valuable insight into how the Tivoli Prosecutor's Office is emerging as a site of resistance against entrenched biases.

The findings are organised into two main sections that reflect both the quantitative and qualitative dimensions of the analysis to understand the discursive mechanisms through which violence is named and interpreted.

The first section offers a general overview of the types of offences most frequently addressed in the corpus, as well as the relational dynamics between victims and perpetrators. Particular attention is paid to the distribution of cases involving intimate partners, family members, known or unknown persons, in order to trace the social geography of gender-based violence as it emerges from court data. The analysis also includes a focus on the nationality of the perpetrators, aiming to understand the distribution of GBV-related crimes among Italian and foreign nationals. Finally, this section provides an overview of the average length of sentences imposed, offering insights into the responses associated with different types of GBV and shedding light on the consistency – and at times the leniency – of sentencing practices.

The second section moves from the level of statistical description to a critical reflection on the discursive construction of gender-based

violence within judicial texts. While the Tivoli Prosecutor's Office is recognised as a national example of good practice, the analysis also aims to examine the interpretative frameworks through which GBV is represented and legally narrated. Specifically, it investigates how certain gendered biases – often subtle and embedded in language – may still shape the representation of victims and perpetrators, even within contexts committed to justice.

This part of the analysis is organized into three interconnected areas, each corresponding to a distinct form of discursive framing that can influence judicial reasoning. The first draws on Kate Manne's (2017) concept of *himpathy* to explore the recurrent tendency to extend empathy toward male defendants. The second refers to Michael Johnson's distinction between *situational couple violence* and *patriarchal terrorism*, highlighting the importance of recognising patterns of systematic abuse rather than framing violence as isolated or reciprocal. The third engages with the notion of an *incidental framework*, as theorized by Hearn (1998) and later developed by Kelly and Westmorland (2016), which describes the tendency to treat gender-based violence as a contextless, episodic event driven by circumstantial triggers.

Together, these levels of analysis reveal how judicial discourse does not merely adjudicate facts but actively participates in shaping the cultural and symbolic meanings attributed to violence, accountability, and victimhood.

What emerges, then, is a legal practice that not only responds to GBV with competence but also performs a cultural function: that of countering the hegemonic narratives which too often infiltrate both legal and media discourses. In this regard, Tivoli's judicial texts function as sites of cultural resistance, where dominant framings of violence – as episodic, provoked, mutual, or understandable – are methodically dismantled. The result is a body of jurisprudence that contributes to the re-symbolisation of GBV as structural, unacceptable, and fully attributable to the perpetrator's choices.

3.5.1. Violence against women in the judgements of the Court of Tivoli (2020-2022): the overall picture

The most prevalent offence addressed by the Tivoli Public Prosecutor's Office during the three-year period under scrutiny was domestic abuse (Article 572 of the Penal Code). This encompasses the most prevalent form of violence against women: domestic violence or intimate partner

violence (IPV). A total of 213 judgements were handed down by the Court of Tivoli, with 61.2% of these pertaining to charges of domestic abuse. In 112 cases, the charge included the offence of stalking (Article 612 bis of the Penal Code). Consequently, 32.2% of the cases were classified as cases of stalking. The crime of sexual violence was involved in a total of 47 judgements, constituting 13.5% of the total. In the three-year period under scrutiny, the Court of Tivoli did not deliver any judgements in cases pertaining to femicide. In 81.3% of cases (283 judgements), male violence was perpetrated against a partner/ex-partner or wife/ex-wife. When considering the general relational context in which the male subject perpetrated the act of violence, it becomes evident that a significant proportion of the offences (92.0%) processed by the Tivoli Public Prosecutor's Office during the specified period were committed within the framework of a romantic, parental, or friendly relationship. In 16 cases (4.6%), the violence occurred in the context of a non-intimate relationship, such as at work, in the neighbourhood or during leisure activities. On the other hand, only 7 (2.0%) of the sentences were handed down in cases where the defendant had no prior relationship with the victim. This data unequivocally confirms the structurally family-based nature of gender-based violence. In terms of social narratives, it is therefore essential to insist on the need not to hide this data – which is disturbing because of the image it conveys of our society – by over-representing the “anomaly” of the unknown offender.

A contentious issue in the study of gender-based violence (GBV) pertains to the nationality of male perpetrators of violence. The judgements in our corpus record 88 cases in which the defendant or defendants are foreigners (25.3%), compared to 260 judgements that concerned the violent actions of an Italian offender (74.7%). The Ministry of the Interior has recorded a total foreign population residing in Italy of 5,030,716 people in 2022, the year in which the present survey concluded, representing approximately 8.5% of the total population (Ministry of the Interior-Eurispes 2023). In the same year, reports against foreign nationals for alleged criminal activities accounted for 34.1% of the total number of people reported and arrested. The national data thus indicates that, in general, the incidence of foreign perpetrators is four times higher than the percentage of the resident population consisting of non-Italian nationals. An analysis of the structural causes and the many variables that come into play in determining this trend, starting with conditions of structural socio-economic marginalisation, is beyond the scope of this

paper. A close examination of the data collected from the Tivoli court rulings reveals that while there is indeed an over-representation of foreign perpetrators, the introduction of the “gender” variable does not appear to exacerbate this general trend. The phenomenon of gender-based violence is deeply entrenched in the very fabric of our society. It cannot be instrumentally attributed to the alleged “invasion” of other cultures⁷.

3.5.2. The legal representation of violence against women in the judgements of the Court of Tivoli (2020-2022): good practices

The STEP research identified some recurring critical issues in the representation of male violence against women in Italian court rulings. In particular, Massidda (2021) identified two forms of bias that were particularly problematic: role bias and frame bias.

Role biases have been shown to intervene by distorting the legal language’s representation of the two main “actors” on the social “stage”: the woman who has suffered violence (*the victim*) and the man who perpetrated it (*the offender*). The impact they can repeatedly have is twofold: on the one hand, they can revictimise the woman who has suffered violence and, on the other, contribute to the partial exoneration of the perpetrator.

Conversely, framework biases intervene by imposing a particular definition – and therefore interpretation – of the scene in which gender-based violence took place. The distorting effect they can trigger consists in the potential normalisation of violence and the definition of a frame that, on the one hand, distances the representation of the violence suffered from the victim’s lived experience and, on the other, aligns it with the perspective taken by the offender. In analysing the good practices found in the ‘narrative’ of the Court of Tivoli, we will

⁷ While the presence of foreign nationals among perpetrators can be statistically relevant, the intersection with gender-based violence does not support the politicised narrative that frames such violence as an imported phenomenon. The introduction of the gender variable reveals that male violence against women follows patterns that cut across nationalities and cultural backgrounds. This confirms that gender-based violence is not an exogenous threat linked to migration, but rather a structural and endemic feature of our own society. Public and political discourses that evoke the concept of “invasion” are not only misleading: they also divert attention from the systemic, relational, and deeply cultural dimensions of the problem. Such framings risk legitimising racialised stereotypes, while obscuring the fact that the vast majority of GBV takes place within familiar and domestic settings and is perpetrated by men regardless of their origin.

focus here on frame biases and the Lazio pool's ability to identify and defuse the gendered rhetoric that underlies them.

As we have already pointed out, frame distortions can take three 'ideal' forms (Massidda 2021). In the first instance, the distortion originates in the narrator's adoption of a point of view that is unconsciously situated, with respect to gender asymmetries, in the dominant identity of the male subject. The perspective adopted in the judgement is not neutral. It essentially coincides with that of the man. In the second type, the framing bias is determined by the *a priori* use of an incorrect definition of male violence against women (and, in particular, its most widespread form, intimate partner violence). Violence is placed within an interpretative paradigm that prevents its representation from recognising its true nature. In the third and final case, the framing bias is linked to the limited scope of the perspective adopted. The judge's interpretation is thus constrained by a narrow perspective, focusing exclusively on the singular dimension of the episode. This compromises a correct representation of the phenomenon of GBV and, once again, in particular of IPV in its complex articulation.

The first type of frame bias can be traced back to the concept of himpathy proposed by Kate Manne (2017). The second type is characterised by a contrast between «situational couple violence» and «patriarchal terrorism», as described by Michael Johnson (1995; 2006; 2011). Finally, the third type draws on the concept of the framework of incidentalism, as introduced by Hearn (1998) and later developed by Kelly and Westmorland (2016).

3.5.2.1. Denying Himpathy, Deconstructing the Exonerating Narrative of Family Disputes

The mechanism of himpathy is enacted through the activation by legal institutions of what Manne defines as «exonerating narratives» (2017). As the STEP research has shown, three gender biases that are deeply rooted in society recur in the legal representation of violence against women: family disputes, jealousy and *raptus* (Saccà 2021; 2024). Through these three toxic scripts, gender biases intervene in the construction of the framework in which male violence against women is placed. The effect is to activate a gendered framing that prevents a correct description/interpretation of violent behaviour. Indeed, violence is

minimised (reduced to a “normal” state of mutual conflict within the couple) or at least partially justified by identifying a cause that distances the act from its perpetrator (an altered emotional state, an excess of passion, a momentary lapse of control).

Within the corpus of judgements from the Court of Tivoli, we identified recurring argumentative structures specifically aimed at deconstructing the exonerating narrative of family disputes⁸. The judgements explicitly refer to the defendant’s defence strategy, which repeatedly attempts to frame the case as a domestic dispute in order to mitigate his position and diminish his responsibility. However, the judge consistently maintains her/his distance from this biased narrative and dismisses it. Let us consider some examples.

The defendant attempts to characterise the relationship between the couple as “normal”. Fights are dismissed as mere discussions («My wife and I never fought; we discussed things. That’s the key phrase: never fought, in forty years, just discussed»). Or, in the account of the abused man himself, they become signs of genuine, romantic, passionate love: «Love isn’t beautiful if it isn’t a little quarrelsome... It’s easy to understand... We fought to make love. Then we made up, we hugged... It’s our thing...». However, in her/his legal reasoning the judge denies any legal legitimacy to a narrative that would coincide with the violent man’s point of view. By directly stigmatising his exonerating narrative, he/she prevents the mechanism of *himpathy* from being triggered. The judge, and thus the reader, distance themselves, even on an emotional level, from those who have tried to «downplay the seriousness of the acts attributed to him, almost ridiculing them and essentially attributing them to inventions of the [injured party] ». The sentence imposed on the defendant is two years and six months for the offence of mistreatment, without granting any mitigating circumstances.

We find the same “dialectic” between the accused and the judge in several sentences in our corpus. The pattern is recurrent: in the abusive man’s version, violence is reduced to conflict («frequent fights»), for which the woman is blamed («always because provoked by the

⁸ In the document entitled «Direttiva 1/2024, già direttiva 2/2019, alla polizia giudiziaria con allegati», the Tivoli Public Prosecutor’s Office places great emphasis on the crucial need to acknowledge «the fundamental distinction between violence and conflict (or domestic dispute)». The directive explicitly states that law enforcement officers who intervene on the scene of violent incidents are prohibited from «referencing family disputes in police reports or notes» (Procura della Repubblica presso il Tribunale di Tivoli 2024, p. 20).

wife»). The judgement reports the party's narrative, but immediately distances itself from it, considering it untenable that «the affair can be traced back to an ordinary conflict between spouses». It then re-establishes order in the attribution of responsibility by stating that the defendant «went far beyond that, adopting a violent and intimidating attitude». The risk of fuelling the exonerating short-circuit of *himpathy* is averted by an expert narration that with two simple moves deconstructs the “partisan” theses that would like to normalise violence (through the distortion of conflict symmetry) and exonerate its perpetrator (through renewed blaming of the aggrieved party). Exactly the same dynamic is found in this sentence, in which the defendant tries to reduce the violence to a “normal couple dialectic” caused, *ça va sans dire*, by the woman's «immature behaviour» and deficiencies («she did not contribute in any way to the household chores»). However, the judge distanced herself/himself from «such a self-exonerating and revictimising minimisation»: «contradicted by objective findings», the defendant's version was in no way suitable to «refute the accusatory assumption».

3.5.2.2. Recognising the coercive and controlling nature of violence

In other instances, the defendant's version attempts to link the exonerating narratives of jealousy and quarrelsomeness in a mutually reinforcing way. In these cases, we consider the judge's training and ability to recognise the complex morphology that characterises gender-based violence, and in particular intimate partner violence, to be crucial. In this judgements, we observe how the defendant's defence strategy attempts to establish an exonerating narrative, whereby violence is obscured in a conflict that is attributed to the character and behaviour of the aggrieved party:

The alternative version of the facts presented by the defendant during the interrogation and underlying the exculpatory evidence gathered at the trial, in fact, evokes an alternative scenario according to which the [victim], for her part, was motivated by obsessive and unjustified jealousy in a relationship characterised by a «conflictual symbiosis», with a reciprocal exchange of insults and aggressions.

It is her jealousy, *obsessive and unjustified*, that triggers a dynamic of *conflictual symbiosis*, characterised by a reciprocal exchange of insults and aggressions. This narrative, which normalises violence, absolves the perpetrator of responsibility and blames the victim. It constructs a framework which, if accepted by the judge, would represent violence as symmetrical. In this way, by failing to recognise a condition of power asymmetry within the couple's relationship, the "incident" can only be framed as «situational couple violence». From this perspective, there would be no room for recognising the coercive and controlling nature with which intimate violence within couples "normally" manifests itself. The legal consequence could be to prevent the judge from convicting the defendant of the offence of domestic abuse. However, the ruling rejects the defendant's account («This is an argument that has not been corroborated by the evidence») and clearly reiterates the distinction between episodic reciprocity and structural symmetry of violence:

It is also worth noting that the reciprocity of the conduct would not in any case preclude the offence from being committed: as is well known, reciprocity of conduct is only sufficient to exclude the existence of the offence if «the violence, insults and humiliation are reciprocal, with an equivalent degree of seriousness and intensity» (Court of Cassation, Section 6, judgement No. 4935 of 23/01/2019), a circumstance which, it should be noted, is in no way applicable in the present case.

This is a legally fundamental step, because it prevents the occasional occurrence of mutual conflictual behaviour from being used to conceal the systematic and daily conditions of harassment and subjugation that characterise intimate or patriarchal terrorism, coercive and controlling violence. It is therefore evident that the provisions of the judgement and its reasoning demonstrate the importance of judges having specific expertise and training to enable them to recognise the complex forms that gender-based violence can take. This is exemplified by the case of the Court of Tivoli.

This other ruling also exhibits the same pattern. In this instance, the defendant's version seeks to establish a connection between exonerating narratives of jealousy and quarrelsomeness, thereby reinforcing each other. The judge's ruling states:

[*The defendant*] described his relationship with [*the victim*] as 'beautiful' and stated that everything had deteriorated due to her behaviour, which was characterised by deep jealousy and possessiveness. He denied that he had ever been aggressive towards her and that, in fact, offensive words had sometimes been spoken to her, but only during heated arguments and discussions in which both parties raised their voices and exchanged insults. There had also been times when they had pushed each other during arguments, but always in a reciprocal way.

Once again, we see the script that leads the perpetrator first to normalise or idealise their relationship (*beautiful*) and then to blame the victim's behaviour and character, her (alleged) deep jealousy and possessiveness for the "crisis" (*revictimisation*). Her guilt is counterbalanced by his "innocence" (he has «never been aggressive»). The defendant's account is thus ready to introduce the frame of marital discord into his representation of the facts. He admits that offensive words were «actually said», but «during heated arguments and discussions, with both parties raising their voices and hurling insults at each other». Even when the verbal violence turned physical, the man says, and the arguments escalated into shoving, everything was «reciprocal». Mutuality is the semantic marker of the defendant's self-exonerating narrative. However, the judge distances herself/himself from this perspective and deconstructs the interpretive framework that underlies it. The «climate of hostility» reported by the victim – described by the judge as «absolutely consistent and credible» – was «created» by the defendant. While the abusive man tried to distance himself from any agency, the judge's words were rigorous and precise in placing responsibility for the actions on the defendant. It was he – the judge wrote – who «created a family environment of psychological and even physical abuse against his partner for most of their relationship, in a growing progression of aggression». The ruling effectively rules out the legitimacy of a symmetrical representation of violence. The judge correctly identifies physical and psychological violence as elements of a *continuum* and traces all instances back to an integrated pattern of daily harassment. The insults, threats and physical assaults carried out systematically by the perpetrator thus form part of a pattern – the judge writes – of «obsessive control» exercised by the man «with a persecutory attitude» towards the victim. The judge's reasoning seems to be based precisely on the

distinction proposed by Michael Johnson between *situational couple violence*⁹ and *intimate or patriarchal terrorism*¹⁰.

3.5.2.3. Avoid an incidentalist framework, emphasising the systemic and serial nature of violence

The third and final framing bias that the Tivoli Court decisions seek to “defuse” can be traced to the concept of incidentalism, or «the reduction of domestic violence to discrete “incidents”» (Kelly & Westmorland 2016, p. 112). The texts produced by the judges of the Court of Tivoli systematically oppose the reductionism of the incidentalist framework by adopting a holistic perspective in their interpretation of gender-based violence and, in particular, intimate partner violence. Once again, a gap emerges between the defendant’s self-serving account – which attempts to reduce the violent acts to isolated, disconnected episodes (thus separating them from their “structure” and from his own identity/subjectivity) and the expert representation of the judge, who is committed to bringing out, within their textual system, the complex integral structure of domestic violence with its intricate patterns of coercion and control. The language used by the judges of the Tivoli Court is therefore systematically committed to countering the adoption of a narrow perspective in the observation – and representation – of domestic violence. This effort to broaden perspectives involves the constant use of semantic constructs in the representation of intimate partner violence that emphasise the structural, integrated and holistic dimension of this particular form of gender-based violence.

We examined 164 court judgements relating to the crime of domestic abuse. The judges systematically used a contextual description that immediately revealed the structural environmental conditions within which domestic violence was committed. The relational environment

⁹ «This is violence that is not part of a general pattern of coercive control, but rather occurs when couple conflicts become arguments that turn to aggression that becomes violent. [...] In contrast to intimate terrorism, situational couple violence does not involve an attempt on the part of one partner to gain general control over the other, and unlike intimate terrorism and violent resistance it is roughly gender-symmetric in terms of perpetration.» (Johnson 2011, p. 290).

¹⁰ «Patriarchal terrorism, a product of patriarchal traditions of men’s right to control “their” women, is a form of terroristic control of wives by their husbands that involves the systematic use of not only violence, but economic subordination, threats, isolation, and other control tactics» (Johnson 1995, p. 284).

is systematically described as a persecutory, oppressive «regime» that imposes harassing, humiliating, mortifying and unbearable living conditions on women. Through adjectives, adverbs and recurring semantic expressions, the abusive man's behaviour is characterised by its serial nature. The offender's attitude is «*habitually* threatening, violent, aggressive and abusive», «*habitually* characterised by oppression and humiliation». His «persecutory behaviour is all-encompassing», his aggressive behaviour is *serial*, his criminal progression is systematic and his «drip-feed of abuse» is *habitual*. The temporality of violence described in court rulings is therefore not the fragmented temporality of an accident, a single episode or a moment, but the *continuous* temporality of everyday life. However, this is not a static temporality; rather, it is a dynamic one, often characterised by a progression of abusive actions and an «escalation of violence and threats». This progression has been accurately described in a ruling that uses the recurring image in scientific literature of the “spiral”, the «cycle of violence» (Walker 2016). In 158 of the 164 IPV judgements analysed, the judge explicitly uses adjectives and semantic constructs that directly emphasise the seriality, systematicity, habituality and repetition of the violent conduct perpetrated by the abusive man within the couple's relationship. 96.3% of judgements therefore construct a holistic framework for interpreting IPV, systematically denying any legitimacy to the narrow perspective of incidentalism. In total, there are more than 1,100 lexical occurrences attributable to the ‘seriality’ semantic family of violent conduct (averaging over seven times per sentence). The serial nature with which IPV manifests itself in everyday life is therefore reflected in the language used by judges, with the semantic redundancy of its designation as a crime whose essence lies solely and exclusively in its microphysical dimension of habitual conduct. In this way, the judge defuses the doubly diabolical effect (Massidda 2021) that the framework of incidentalism risks producing: allowing the perpetrator to separate the violence from his *personality*, and disconnecting the social, in this case institutional, representation of violence from the lived experience of the victim.

The same line of reasoning is followed in the equally systematic use of the term “prevaricazione” in the writings of the judges of the Court of Tivoli. Intimate partner violence is described in 157 judgements (95.7%), with explicit reference to the concepts of abuse of power/oppression/humiliation/harassment/prostration. In each of these sentences, this isotopy recurs on average more than six times (for a

total of 996 occurrences). It is particularly significant, from the point of view of the nouns employed to represent IPV, to consider the use of the term 'regime'. This term is used 73 times in 57 judgements. «Persecutory regime», «oppressive regime», «regime of terror», «regime of abuse and control» are recurring expressions in the text of the judgements, which immediately remove any possibility of legitimising an episodic and incidental framework.

3.6. Narrative Inequalities: Press Coverage and the Gendered Construction of Violence

The analysis of the judicial corpus from the Tivoli Prosecutor's Office reveals a model of legal discourse that actively resists the cultural and rhetorical mechanisms typically associated with the minimisation of gender-based violence.

This positioning of the judiciary as an agent of discursive counter-power raises an important question: what happens when similar cases are represented in the media? How do press narratives engage with or resist the same cultural frames that the Tivoli Court consciously dismantles?

The transition from legal texts to media coverage is not merely a shift in format; it is a shift in discursive logic. In contrast to judicial texts, press narratives are often shaped by the demands of immediacy, emotional engagement and public resonance — factors that can easily lead to sensationalism, stereotyping and victim-blaming (Saccà 2021).

In this section, we turn into the analysis of a corpus of press articles to examine how male violence against women is narrated in this sphere. By comparing this representation to that emerging from the legal sphere, we aim to highlight the tension, misalignments, and potential convergences between these two spheres in shaping public understanding of GBV. To achieve that, we collected a corpus of 3956 articles on gender-based violence published by major Italian newspapers¹¹ throughout 2024.

¹¹ The newspapers included in the analysis are: Il Messaggero, La Gazzetta del Mezzogiorno, Il Gazzettino, Corriere della Sera, Il Giornale, La Nuova Sardegna, Il Giorno, Libero, Il Tempo, Il Tirreno, La Nazione, La Repubblica, La Stampa, Avvenire, Corriere Adriatico, Il Mattino, La Verità, Il Fatto Quotidiano, La Sentinella del Canavese, Metro, Il Manifesto, Il Sole 24 Ore, Il Foglio, Secolo d'Italia, and Il Riformista.

A first level of analysis focused on the types of crimes most frequently reported. Although many articles refer simultaneously to more than one form of violence, femicide emerges as the most covered category (24%), followed by sexual violence (20%), bodily injury (18%), and domestic violence (18%). This distribution not only reflects editorial priorities but also suggests a media tendency to focus on the most extreme and emotionally charged forms of violence, possibly at the expense of more widespread, less spectacular types of abuse.

A second dimension of the analysis concerns the way in which the press reports on gender-based violence and how this public narrative aligns or diverges from the judicial perspective previously discussed. The press articles reveal a media landscape strongly oriented towards episodic and highly visible forms of violence, with femicide occupying a disproportionate amount of coverage. Despite being relatively rare, femicide is the most reported offence in the press corpus, accounting for 24% of the articles. This stands in contrast to its marginal presence in official data, and its complete absence in the judicial rulings issued by the Tivoli Prosecutor's Office between 2020 and 2022. This discrepancy highlights a key aspect of media representation: the tendency to prioritise exceptional, emotionally charged cases that attract public attention, despite them not reflecting the statistical or structural essence of the phenomenon.

Despite this divergence, the overall alignment between judicial data and media coverage is surprisingly robust. Both discursive arenas converge in identifying domestic and relational violence as the core of the GBV. In the collected sentences, 92% of offences occurred within personal relationships – partners, familiar or known persons. The press data mirrors this trend: in 74% of the articles, the aggressor was known to the victim, and in case of domestic violence, this proportion increased to 92%, with partners (44%) or ex-partners (56%) being the most frequently reported offenders.

Regarding the motivations attributed to the perpetrator, the media narratives tend to identify more than one motive per case. The most frequent is the desire for control or domination (47.2%), followed by jealousy and possessiveness (34.2%). Far less common, by now, is the explanation based on “sudden rage” or “*raptus*” (3.4%). Despite its low frequency, the *raptus* remains a powerful narrative device, often mobilised to explain violence in terms that shift attention away from systemic factors and onto an individualized, almost fated psychological state.

This relates to what we identified in the previous paragraphs as himpathy. Some headlines of the corpus of press articles illustrate the persistence of strategies that redirect empathy toward the perpetrator. In some cases, acts of violence are framed not as expressions of control or domination, but as the outcome of emotional suffering or even misguided affection. Headlines have described such events as acts of “compassionate release,” or attributed them to the despair of men portrayed as «a calm, sea-loving man, known for his kindness», subtly inviting readers to empathise with the offender rather than the victim. Even when not explicitly justifying the violence, these framings contribute to a symbolic redistribution of empathy that risks obscuring the perpetrator’s agency and the victim’s suffering.

In addition, the analysis also reveals cases of victim-blaming, especially in articles concerning younger women or cases involving digital abuse. One article on non-consensual image sharing, for instance, carries the headline: «She broke up with him and he posted her explicit photos online», implicitly suggesting a causal link between her action and the response of the perpetrator.

These examples show that, while some coverage adopts a structural lens that situates GBV within broader systems of power and inequality, many articles rely on familiar narratives that individualise the violence, obscure its gendered dynamics, or imply shared responsibility.

In comparison with the legal discourses observed in Tivoli – where responsibility is clearly assigned and cultural scripts are often challenged – media representations appear less coherent and more ideologically ambivalent. This divergence underscores not only the need for more consistent and responsible editorial practices, but also the broader cultural stakes involved in how violence is narrated.

3.7. Conclusions: Learning from Tivoli

The analysis of the sentences confirmed that the work of the Tivoli Public Prosecutor’s Office and Court can be considered a benchmark practice to identify and promote, in the legal language, a correct treatment and representation of male violence against women. The insights we can gain from Tivoli’s public prosecutor’s office and judges’ decisions can – and must – extend beyond the courtroom to influence broader social representation. This process should start with the

world of journalism and information. Recognising a virtuous model of GBV representation in legal language can make a significant contribution to reclaiming public discourse, particularly journalistic discourse, from gender stereotypes and prejudices that still all too often act as symbolic devices of public re-victimisation for women who have experienced violence. The activation of this synergy between action and representation of GBV in the legal and journalistic spheres is one of the fundamental objectives emphasised by research projects within which this contribution is inscribed. In conclusion, we identify the key aspects of a virtuous model in the expert legal representation of GBV (as demonstrated by the Tivoli case study) that can be immediately systematised in the broader field of public discourse and, specifically, journalistic reporting.

The first factor to address is *organisation*. The Tivoli Public Prosecutor's Office and Court initially revised their methods of intervention in dealing with GBV cases. In this context, there are three fundamental organisational principles to which we should refer: 1) *training*; 2) *specialisation*; 3) *networking*.

1. Tivoli's experience highlights the importance of ongoing, specific *training* for professionals within organisations who are required to address complex issues such as GBV. While awaiting the incorporation of this dedicated training into university curricula and professional qualifications, it is essential for individual organisations to invest in offering and sharing this essential expertise. This applies to both courts and newsrooms.
2. We have seen that in order to correctly recognise, judge and sanction IPV (the most widespread form of GBV), specific expert knowledge is required. Without this *specialisation*, it is very easy to misunderstand the nature of violence, to reproduce gender bias and to misrepresent violence, even unwittingly. This holds true for both judges and journalists.
3. Expert knowledge and skills work when integrated according to a *networking* logic involving the different actors involved in dealing with GBV cases. Tivoli demonstrated the virtuous effect engendered by investing in intra-organisational networking actions (the systematic dialogue between the Public Prosecutor's Office and the Court through the sharing of procedures, practices, and languages) and inter-organisational networking (the activation of a dialogue with the other extra-judicial nodes that comprise the network engaged in

the territory in fight against GBV: the police, social services, anti-violence centres, and the media). This dual network dynamic is also applicable in the field of information. An internal dialogue within the editorial team (primarily between those responsible for the composition of the journalistic narrative: authors, title designers, image curators and editorial line developers) must be accompanied by the opening of an external dialogue (primarily with legal professionals, law enforcement officers and anti-violence centre workers, who too often play a marginal role in the journalistic narrative on GBV).

The second set of “suggestions” that good legal practice can offer to the world of information directly concerns the representation of GBV, the frame adopted, and the space given to its “protagonists”. We can summarise the Tivoli best practice in three key points that can contribute decisively to the accurate social, and particularly journalistic, representation of violence against women: 1. recognising and deconstructing narratives based on gender prejudices and stereotypes; 2. understanding the various forms that gender-based violence can take; 3. identifying and appreciating the complex serial structure that characterises the most prevalent forms of GBV.

1. We have seen how the judges of the Court of Tivoli, as experts in their field, were able to distance themselves effectively from certain toxic, gender-biased scripts that are prevalent in the social (and even legal) representation of gender-based violence. In particular, we concentrated on the “evasion” strategies that enabled sentences to distance themselves from recurring frame biases in their representation of violence. Indeed, the judges’ expertise has enabled them to systematically refute the exonerating narratives that the defendant and their defence have attempted to impose on their portrayal of violence. Just as it is a judge’s duty to report the defendant’s position, it is also their duty to publicly uncover any gender-biased distortions that it supports. There is a huge difference between representing a point of view and assuming it. The judgments of the Court of Tivoli demonstrate this clearly. The deconstruction of narratives that de-emphasise the offender and blame the victim, based on prejudices and gender stereotypes, should be a principle of professional ethics. This applies to both judges and journalists. Neither impartiality of judgement nor the rigour of the duty of reporting can be used as an excuse for not taking on this necessary responsibility.

2. Legal representation of gender-based violence (GBV) cannot afford to make errors when defining acts of violence. The ability to evaluate and potentially penalise is contingent upon the ability to comprehend. The Court of Tivoli has demonstrated a scientific approach to distinguishing between situational couple violence and coercive and controlling violence. This is a key competence. In courts as in newsrooms. The failure to recognise GBV in journalism may not compromise the application of the legal norm, but it certainly distorts the configuration of the social norm.
3. Finally, in the legal sphere, the Tivoli model has demonstrated the importance of a holistic interpretative scheme when representing GBV, particularly IPV. Without this pluralistic ability to see, from detail to “panorama”, it is not possible to judge domestic violence correctly. While the legal implications of this ‘short-sightedness’ (the inability to trace violence back to the appropriate crime) are the responsibility of the judge, the social consequences are shared with the journalist. An episodic portrayal of violence in public discourse may in fact contribute to de-emphasising the abuser, mortifying the victim’s experience and obscuring the true scale of intimate violence. In their sentencing, the judges at the Tivoli Court were careful to correct the risk of this perception deficit by emphasising the serial nature of the violent act and the regime of oppression it imposes on the victim. This is certainly a textual strategy that can be adopted by media narratives. However, it is true that the world of information is subject to particular pressures in this respect, which are extraneous to the legal representation of GBV. For journalism, which is engaged in the daily reporting of news stories, striking the right balance between episodic and thematic frames can be particularly challenging. However, we can also identify some good practices here that we can follow. Wherever possible, accompany the news with commentary, investigation and inquiries, turning the incident into an opportunity for in-depth journalistic analysis of the GBV. Identify expert sources, such as institutions, the judiciary, the police and anti-violence centres, and give them a privileged space in the journalistic reconstruction of GBV. Within the editorial staff, ensure that those assigned to report on GBV have the necessary training and skills to cover this type of news correctly. And so we are back to *training*, *specialisation* and *networking*.

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