

2.2 Mistreatment

The phenomenon of family violence is complex because it integrates different types of mistreatment, physical, psychological, sexual or economical violence, but although there are many forms that violent and abusive behavior can assume, almost always by the adult male, on women or children, they all contribute to producing damage.

The latter is all more irreversible because in this case the longer the violence lasts, the more there is consanguinity and proximity between aggressor and victim and the more the victim is isolated from a relational network, the possibility of detection and consequent help is delayed (Cavallo, 1998, p. 10).

2.2.1 Psychological violence

Psychological violence is one of the forms into which the phenomenon of mistreatment in the family translates, so serious and difficult to recognize compared to physical, economical or sexual violence, which are just as dangerous and widespread and so intertwined with each other that they cannot be distinguished so clearly. Psychological violence aims at depriving the other of his or her identity and individuality (Bernardini De Pace, 2004, p. 12) and feeds on intimidating, threatening, vexatious and denigrating attitudes, as well as on isolation tactics implemented by the partner (Bruno, 1998, p. 15). This type of violence accompanies physical abuse, although it does not always degenerate into physical abuse and is often carried out without any particular resistance because it comes from a family member.

It is the victim herself who is not able to realize that she is in a subtle grip and, if she becomes aware of it, it is difficult for her to demonstrate the link between the abuser's behavior and the complex psychological discomforts and/or blocks from which she suffers.

“It is a cold, verbal violence, made of denigration, hostile subtexts, expressions of condescension and insults. The destructive effect

derives from the repetition of apparently insignificant but continuous aggression, which one knows will never end. It is a lifelong aggression [...] On the surface, nothing, or almost nothing, can be seen. It is a cataclysm that implodes families, institutions or individuals. Rarely it is physical violence and, in that case, it is the consequence of an overly lively reaction from the part of the victim. From this point of view it is a perfect crime ... Signs of hostility do not appear in moments of irritation and crisis. They are constantly present in the form of little hits, every day or several times a week, for months, even years. They are not expressed in an angry tone, but in a cold tone, stating a truth or evidence [...] Violence is distilled in small doses when there are witnesses. If the victim reacts and falls into the trap of provocation by raising her voice, she looks violent and the aggressor acts like a victim” (Hirigoyen, 2001, p. 125-126).

In general, there are penetrating and subtle attitudes, such as intimidation, threats, harassment, denigration, a state of continuous and persecutory reproach, so much so that they are not perceived and therefore underestimated by the victim herself and also go unnoticed by friends and acquaintances. There are many manifestations of this violence, all of which can be traced back to a distortion and stiffening of the communication process within the family or couple system, which prevents the conflict from evolving towards the next stage of the life cycle.

"The question often arises: why do certain relationships exist? That is to say, why do these relationships continue, despite being pathological and distressing, and why do those who participate in them not only not leave the field - a fact that has now been firmly established - but adapt themselves to continuing the relationship? Answers to such a question point to social and cultural factors, the satisfaction of need or other determinant causes [...] (Watzlawick, Beavin, Jackson, 1971, p. 125). Many of the “individual qualities” of the members, especially the symptomatic behavior, are in fact peculiar to the system [...] but the

most interesting aspect is the interdependence of the spouses which pervaded in very subtle ways the behavior of each couple" (Watzlawick, Beavin, Jackson, 1971, p. 130).

Specifically, these are the distorting mechanisms that cause suffering and pathology:

1) intimidation, which consists in scaring with gestures, looks and words, threatening the partner with physical violence or death, foretelling to do or doing violence to other family members, children, or pets, damaging personal objects of emotional value, implementing telephone or written persecution, as well as threatening to commit suicide (Bruno, 1998, p. 14);

2) devaluation, on the other hand, includes humiliation, insults and denigration also in public, criticism for the woman's external appearance and for the way she looks after the house and the children, contempt and disqualification, mortification, oppression and even disconfirmation.

"In other words, while rejection is the message "you are wrong", disconfirmation communicates "you do not exist" [...] The final act of this process is accomplished [...] when - completely disregarding how the woman is to be treated as a woman - the woman's own selfishness is ignored. When - completely disregarding how the individual acts, what he feels, what meaning he gives to the situation - his feelings are stripped of all value, his actions are stripped of their motivations, intentions and consequences, the situation is stripped of the meaning it has for him - and so he is totally mystified and alienated" (Watzlawick, Beavin, Jackson, 1971, p. 78-79).

This is real psychological terrorism, an annihilation, a "psychological murder", carried out also through non-verbal aggression, the so-called analogical communication, which is practically all non-verbal communication, but not only body movement:

“[...] instead the term must include body postures, gestures, facial expressions, voice inflections, the sequence the rhythm and cadence of the words themselves, and any other non-verbal expression of which the organism is capable, as well as the signs of communication invariably present in every context in which an interaction takes place” (Watzlawick, Beavin, Jackson, 1971, p. 55).

Among the behaviors most frequently detected are, for example, cheating, lying, deception, stalking and chasing, and restriction of personal freedom. Among the acts that “inflict” real moral suffering, one must also include the conduct of the husband who forces his wife to put up with the presence of the “concubine” in the conjugal home (Court of Cassation 17th June 1996, “Cassazione Penale”, p. 1123), or the conduct of the husband who not only commits acts of infidelity but boasts about them in order to mortify his wife even more (Court of Cassation 21st January 1987, “Rivista Penale”, p. 537);

3) in order to increase the effectiveness of psychological violence, the aggressor tends to isolate the victim physically and emotionally, forcing him/her into the house without telephone or means of locomotion (physical isolation); he/she controls his/her individual choices and social relations, takes away his/her identity document, opens his/her mail, controls his/her telephone calls (psychological isolation).

The aggressor’s control strategy can be said to be successfully concluded when the victim becomes psychologically dependent, in a context in which the abuser himself represents the main source of satisfaction of the fundamental need for relationships (Piagione, 2005).

Although, there is a discrepancy that makes the phenomenon of intra-family violence even more complex.

According to the acquisitions of the sciences of human behavior (Watzlawick, Beavin, Jackson 1971), the link that exists between cause and effect in relation to human behavior and communication is not linear, but complex and circular, or rather characterized by reciprocal influences and interdependencies; on the other hand, the

legal reasoning of causal attribution of responsibility for the event, in the theories elaborated by jurisprudence, is instead of a strictly linear nature. The consequence of this is that it is extremely difficult to reach a conclusion at trial. In fact, it is not uncommon for the aggressor to justify his abuse by blaming the family member who is the object of the violence for serious and unfounded shortcomings, for example for not being able to fulfil her duties as a mother and wife, or for the victim to alternate moments of self-guilt during which she doubts her own judgement, she tends to belittle herself and to feel confused about who the aggressor is and who the victim is (Piagione, 2005), and expresses accusatory self-defense reactions, for example, she says that she does not take care of the house because she feels neglected, not understood and not loved. It seems therefore that the husband's behavior is a direct consequence of the wife's behavior.

“At the root of countless relationship conflicts lies a disagreement over how to punctuate the sequence of events [...] When explaining their frustrations, the man claims that withdrawing into himself is his only defense against his wife's nagging, while she labels this explanation as a gross and deliberate distortion of what really happened in their marriage: that is, she criticizes her husband because of his passivity [...] (Watzlawick, Beavin, Jackson 1971, p. 49). [...] This interaction is a yes-no-yes-no-yes oscillatory type, theoretically it can go on indefinitely, and is almost always accompanied by bouts of malice and madness” (Watzlawick, Beavin, Jackson 1971, p. 51).

In general, one of the major consequences for the victim is the continuous devaluation of self, loss of self-esteem, feeling of inadequacy, insecurity and shame with respect to whatever she does, thinks, feels; apparently unmotivated tiredness, abdominal pain, hyper vigilance, chronic anxiety are only examples of those long-term consequences that the victim of mistreatment feels even when she has begun to distance herself from the aggressor (Piagione, 2005).

In the most severe cases victims may present post-traumatic stress disorder which consists of “reduced responsiveness to the outside world [...] psychic paralysis or emotional anesthesia [...] the individual may complain of a marked reduction in interest or participation in previously enjoyable activities, or of feeling detached or estranged from other people, or of having a marked reduction in feeling emotions [...] may have a sense of diminished future prospects [...] The following constellation of symptoms may occur [...] impairment of affective modulation, self-injurious and impulsive behavior, dissociative symptoms, somatic complaints, feelings of ineffectiveness and shame, desperation or hopelessness, feeling irreparably damaged, loss of previously held beliefs, social withdrawal, feeling of constant threat, impairment of relationships with others” (DSM-IV, 1996, p. 469).

Mental cruelty is devious and insidious and often drives victims to accept the caresses of the enemy under the illusion of being “loved” (Bernardini De Pace, 2004, p. 12).

In the Official Gazette of 25th July 2019, Law no. 69 of 19th July 2019 (setting out “Amendments to the Criminal Code, the Code of Criminal Procedure and other provisions on the protection of victims of domestic and gender-based violence”) called “Code Red” was published. The text includes incisive provisions of substantive criminal law, as well as further provisions of a procedural nature.