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## The crime of honor: an Italian story

ABSTRACT: The crime of honor belongs to the earliest phase of the Western legal tradition, the era of Roman law, as an expression of a, tribal but socially shared, mode of constructing private justice and defense of decorum and respectability of the family by the father or by the husband of the illegally “violated” woman. It runs through the medieval and modern history and lands in the Italian criminal legislation of nineteenth - twentieth century: first in the Zanardelli Code of 1889, then in the Rocco Code of 1930. It appears worthy of interest that even the fascist State, that tends to attract, in a totalitarian way, every single aspect of political and social life of the nation in its orbit of regulation and control, allows the persistence of a perimeter of relationships that can be entrusted to the private dimension of reprisal and revenge. In fact, contrary to what happens in general for other crimes against the person, the penalties that the penal Code provides for the murder (or for the infanticide) for reasons of honor remain very mild, and this circumstance constitutes an objective encouragement for everyone to take the law by himself. After protract and farraginous journalistic, scientific and parliamentary discussions, the murder for reason of honor was abolished in Italy in 1981 (with the same legal measure which abolishes the “shotgun wedding”). This eloquent chronological fact testifies the tough nature of prejudices on family roles of men and women that the passage of time has barely scratched.

KEY WORDS: Criminal law, honor, family

L'onore dell'uomo non è una sua virtù e nemmeno risiede nel suo corpo. Alloggia nel corpo di una donna, consorte, consanguinea, discendente o ascendente [...] il costume della nostra vita sociale impone questa feroce e grottesca localizzazione dell'onore umano<sup>1</sup>.

G. Fava, *L'ombra terribile di un costume sbagliato*, “Espresso Sera”,  
23 dicembre 1965

The crime of passion does not only belong to the Italian chronicles but, because of the emphasis on private sphere, on family ties and on feelings, which is typical of Mediterranean cultures, it has acquired in Italian history a level of importance which is witnessed by masterpieces of art, eventually become during the years part of the world cultural heritage. If we think about the melodrama of the late nineteenth century, at least two works show the centrality of these issues: *Cavalleria rusticana* (1890) by Pietro Mascagni and *Pagliacci* by Ruggero Leoncavallo (1892). Both of these works have a passionate crime as the basis of their plot. We're dealing with very famous works, often represented together

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<sup>1</sup> Man's honor is not his virtue, nor it resides in his body. It dwells in the body of a woman, consort, consanguine, descendant or ascendant [...] The custom of our social life imposes this fierce and grotesque location of human honor.

because of their common content and interpreted by the greatest musicians and singers (such as Arturo Toscanini, Enrico Caruso, Luciano Pavarotti, Placido Domingo, and many others). The number of citations of these two masterpieces is so high that it can be only hinted. For instance, in the film *The untouchables* by Brian De Palma released in 1987 - which tells the story of Al Capone's arrest by federal agent Eliott Ness - there's a citation of the *aria* "Vesti la giubba" from *Pagliacci*; as well, in the song *Bohemian rhapsody* - released in the Queen LP of 1975 *A night at the Opera* - a verse resumes the *aria* "Mamma quel vino è generoso" from *Cavalleria rusticana*.

It may be of some interest to add that the real fact that inspired Ruggero Leoncavallo in writing the plot of *Pagliacci* took place in a little town in Calabria, Montalto Uffugo, in 1865. He lived there and saw with his own eyes a murder caused by jealousy and subsequently this crime was judged by his father who was a magistrate. Either *Pagliacci* or *Cavalleria rusticana* tragically refer to the existence of a perimeter of relationships in which individuals - betrayed husbands, fathers dishonored by the seduction of their unmarried daughters - use an archaic code of damage compensation. According to this code, the victim of the offense may, and in some sense must, do himself justice and wash the outrage with the blood of those who have committed it.

The relevant aspect, from a legal point of view, is that this idea has had a formal coverage in the system of criminal rules for many centuries. Starting with Roman law, crossing medieval commentaries to the *Corpus Iuris* and the laws of Frederick II of Swabia, we come to 1810 and to the first modern Penal Code which recognizes the rule of "honor killing". It is classified as that particular crime of passion which makes almost lawful the private revenge in some cases. The Napoleonic Penal Code states that

In the case of adultery [...] the murder committed upon the wife as well upon her accomplice, at the moment when the husband shall have caught them in the fact, in the house where the husband and wife dwell, is excusable. Under such circumstances, the death penalty shall be reduced to an imprisonment from one year to five years (articles 324 and 326)<sup>2</sup>.

A similar conception inhabits the "Zanardelli Code", which operates in Italy from 1889 to 1930. The cause of honor is a special mitigating circumstance. According to the article 377, the penalty for the crime of murder may be reduced to one sixth. But, with the help of other mitigating circumstances - such as the state of anger caused by unjust provocation - the result can be a complete acquittal. In the case in which the penalty would be life sentence, it would be lowered from one to five years<sup>3</sup>. The fascist State operates a twist of criminal

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<sup>2</sup> U. Frevert, *Honour and/or as passion: historical trajectories of legal defenses*, "Rechtsgeschichte", 22, 2014, pp. 245-255.

<sup>3</sup> T. Padovani, *I delitti nelle relazioni private*, in *Storia d'Italia*, Annali 12, *La criminalità*, a cura di L. Violante, Torino, 1997, pp. 237-240.

legislation in a highly repressive sense. Death penalty is reintroduced, new offenses are introduced, and the penalties already provided in the “Zanardelli Code” are considerably increased on average. The crime of murder or injuries for reasons of honor becomes an autonomous case of indictment, the article 587 (that substitutes the article 377 of previous Code), and the legislator regulates it in this manner

Whoever discovers unlawful sexual relations [i. e. sexual relations outside marriage] on the part of their spouse, daughter or sister and in the fit of fury occasioned by the offence to their or their family's honor causes their death, shall be punished with a prison term from three to seven years. Whoever, under the same circumstances, causes the death of the paramour of their spouse, daughter or sister shall be subjected to the same punishment.

The punishment usually applied in the case of simple injuries (from three months to three years) shall be reduced to one third. If death occurs as a consequence of injuries, the penalty is a prison term from two to five years<sup>4</sup>.

There are two important aspects in the rules introduced by fascism: the fact that the penalties, ranging from three to seven years, are linked to an autonomous case of indictment and the fact that, unlike the Zanardelli Code, the discovery of the victims in blazing offence (or *in flagrante delicto* or *in ipsis rebus venereis*) is not required. In fact, the norm indicates a generic “fit of fury” which can also be determined by the indirect discovery – founded letters, a confession - of an extra-marital relationship. During the debate on the new rule among parliamentarians, it comes out the need to show that the fascist regime could not tolerate the impunity of a betrayed husband (father, brother) that takes his revenge without involving the police or the judiciary system. A kind of situation which was very common situation during the term of “Zanardelli Code” and can no longer be allowed<sup>5</sup>. Anyway, it is the Minister Alfredo Rocco himself that, in his report on the Code draft, stresses the fact that, regulating this case, the Italian legislator moves in the wake of a “consolidated legal tradition”. Nobody wants a return to barbaric forms of compensation and revenge, but the intent is to recognize the importance of the psychic disturbance linked to the discovery of betrayal and to the shame for the trampling of one's reputation<sup>6</sup>. Rocco also underlines the fact that, in the new formulation of the norm, the injury of honor does not require direct discovery of the relationship

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<sup>4</sup> M. G. Bettiga-Boukerbout, “Crimes of honour” in the Italian penal code: an analysis of history and reform, in *Honour: crimes, paradigms and violence against women*, edited by S. Hossain and L. Welchman, London, 2005, pp. 231-244.

<sup>5</sup> *Lavori preparatori del Codice Penale e del Codice di Procedura Penale*, vol. VI, *Atti della Commissione Parlamentare chiamata a dare il proprio parere sul progetto di un nuovo Codice penale*, Roma, 1930, p. 340.

<sup>6</sup> *Lavori preparatori del Codice Penale e del Codice di Procedura Penale*, vol. V, *Progetto definitivo di un nuovo Codice penale con la Relazione del Guardasigilli on. Alfredo Rocco*, parte II, *Relazione sui libri II e III del Progetto*, Roma, 1929, p. 386.

The cynical and brutal confession of the illegitimate relationship or the discovery of it through love correspondences, where the embraces are often recalled, can determine in the spouse, outraged in his dignity, or in the father or brother, offended in their most vivid feelings of familiar honor, an intense emotion, a state of anguish and pain, an impetus of anger that, if it leads to the consummation of violent acts, cannot but attenuate the seriousness of the fact and reveal in the guilty an unfortunate rather than a dangerous man<sup>7</sup>.

The text of the law uses the term “spouse”, allowing the possibility that even the wife might kill her husband for the offense against her honor. But the leveling of the sexes ends here. You can rely on the defense of honor for killing the daughter or the sister but not the son or the brother. On the other side, in merely statistical terms, the fact of the wife who kills her husband is very uncommon. A research I personally attended to into the archives of Catania Court of Appeal, shows that in the period 1952 to 1970, on sixteen cases of murder for reasons of honor, only once the accused is the wife. This practical irrelevance of female honor defense is caught with large capacity of anticipation in 1935 by the criminal law scholar Ottorino Vannini (professor in Siena and in Florence) who writes

[...] when it comes to infidelity of the husband, the judge will see whether in the single case the illegitimate relationship may constitute an offense to the honor as well to the dignity and feelings of affection<sup>8</sup>.

The lawyer Luigi Filippo Paletti, during a trial, expresses himself with these words to distinguish the guilt of the husbands and those of the wives

The guilt of a man may be disturbing of peace and the order of the family; and sooner or later the ashes of oblivion come to bury even their memory. But the wife’s adultery opens the gates of hell and makes the pain desperate and opens the abyss of all damnation

adding that Napoleon broke the arguments of the jurists - while elaborating the Civil code- on the greater gravity of female adultery by spelling it out with the simple phrase: because men do not make children<sup>9</sup>. In other words, a woman has a reputation to uphold weighing less than that of her husband and, therefore, if she kills him in revenge for a betrayal she could be prosecuted for ordinary murder. In no event a woman of easy virtue may invoke an offense to the honor but even, according to legal doctrine, the one who was known for “immodest and provocative ways” is subject to the same treatment. Finally, in no case there can be an offense to family honor if the wife has had a very unscrupulous and libertine behavior and the husband has somehow tolerated

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<sup>7</sup> Ivi, p. 387.

<sup>8</sup> O. Vannini, *Il delitto di omicidio. Commento agli articoli 575, 576, 577, 579, 580, 584, 585, 586, 587, 588, 589 del Codice penale*, Milano, 1935, p. 105.

<sup>9</sup> L. F. Paletti, *Arringhe in processi celebri*, con presentazione di S. E. Silvio Longhi, Napoli, 1932, p.340.

it<sup>10</sup>.

The anthropological researches of Jane and Peter Schneider on southern Italy showed that the concept of honor is a substitute for other forms of social respectability determined, for example, by professional position or balance. The prestige of a family unit can be connected to the *pater familias* ability to control the behavior of family members. Women, in particular, considered incapable of self-control, must be supervised to ensure that they will not disperse their virginity or undermine their conjugal fidelity. These goods have a symbolic value equal to that of the land or houses and must be protected. Ultimately, the prediction of honor killing oversees the traditional constraints of subjugation of women to men: potestative constraints in the case of the daughter; marital constraints in the case of the wife. These constraints can be defended by the *extrema ratio* of a violent behavior against the offender even when the unlawful relationship has an episodic and violent – and not stable and consensual – configuration<sup>11</sup>. Even in this case, according to legal doctrine and jurisprudence, sexual abuse carried out on the wife or daughter determines a strong emotional turmoil and exposes to the pressure of a negative social judgment on the “good name” (*buon nome*) of the family. Just in a couple of cases the law grants to the woman a decision-making and primary role: when she acts towards the newborn (infanticide, article 578) or towards the unborn (abortion, article 551) eliminating him. However, because of its well-known demographic policy<sup>12</sup>, the fascism punishes very severely abortion and all the anti-fertility practices (or whatever may tend to birth control), in these cases there is a balance of interests, for which some behaviors, otherwise highly stigmatized, should be assessed with more indulgence. The woman, who defends her (and her family’s) honor by suppressing a child originated from an affair, seeks to prevent the contempt, isolation, poverty and abandonment that would hit her if she kept the child<sup>13</sup>.

The end of fascism, the birth of a democratic Republic – where, for the first time in history, women take part to political elections - point the way towards the transformation of some social and cultural conditions. The Constitution sets out some principles: the article 3 states the principle of equality and prohibits any discrimination based on sex, on race, on political opinions or on religious beliefs; the article 29 recognizes the family as a natural society based on marriage and prescribes, even with possible law limitations to grant family unity, the

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<sup>10</sup> A. Casalnuovo, *La causa d'onore nella struttura del reato*, Napoli, 1939, pp. 22-23; E. Sandrelli, *Il delitto di omicidio a causa d'onore*, “Rassegna di studi penitenziari”, 1966, pp. 363-364.

<sup>11</sup> P. Schneider, *Honor and conflict in a Sicilian town*, “Anthropological quarterly”, vol. 42, n. 3, 1969, pp. 143-148; J. Schneider, *Of vigilance and virgins: honor, shame and access to resources in mediterranean societies*, “Ethnology” vol. 10, n. 1, 1971, pp. 16-18; J. Davis, *Antropologia delle società mediterranee. Un'analisi comparata*, Torino, 1980, pp. 101-114; A. Cottino, *Honor as property*, “The journal of legal pluralism and unofficial law”, n. 33, 1993, pp. 33 – 52; P. Robert, *Hésitations et recompositions de l'économie pénale*, in *Il diritto e la differenza. Scritti in onore di Alessandro Baratta*, a cura di R. De Giorgi, Lecce, 2003, p. 484.

<sup>12</sup> C. Ipsen, *Dictating demography. The problem of population in fascist Italy*, Cambridge (MA), 1996.

<sup>13</sup> M. G. Bettiga-Boukerbout, “Crimes of honour”, pp. 238-239.

moral and legal equality of spouses. For a few decades, this egalitarian wind on relationships between men and women (husbands and wives) blows very weakly. The articles 559 and 560 of the Penal Code, stating that wives adultery is always punishable while husband concubinage is punishable only if the paramour lives in the family house or notoriously somewhere else, are suppressed by two judgments of the Constitutional Court at the end of the sixties; the article 144 of the Civil Code, stating that the husband is the head of family and he can secure the residence of the family wherever he would find appropriate and the wife must follow him, is cancelled by the reform of the laws on family in 1975. The political and constitutional change stops on the threshold of the crimes for reasons of honor, as well. On this issue, elaborate legal analysis and legal judgments continue to be produced. In some of them, there's even an attempt to extend the practical applicability of the rule about murder. For example, some lawyers and some Courts consider that a short interval of time between the discovery of the relationship and the violent reaction doesn't always appear a necessary requirement if, taking into account case by case of the murderer's temperament, it can be proved that the "fit of fury" has lasted for days, and sometimes for weeks, under the ashes before exploding. This chronological aspect has to be seen elastically<sup>14</sup>.

As it regards the perception of the conduct by the public, interesting examples are some defensive speeches in which honor killing suggests the possibility of role reversals between perpetrator and victim. In a trial in Foggia in 1953, the famous lawyer Bruno Cassinelli states that his assisted, who had killed by nineteen stab wounds his wife's lover, during the previous nine years had had many suspects but refused to believe to the possibility of a betrayal because the other man was an old friend of his. So he had been "killed" a number of times and his trust, his honesty, his familiar feelings, his innocence, his goodness had been killed likewise. The defendant is described as the victim of a prolonged moral murder and the motive of his action is not anger but the social and ethical causes that feed the anger. What disturbs the murderer and that, ultimately, justifies his behavior, is not the discovery of betrayal but the awareness of his exposure to social contempt. The legal analysis of the rule on the crime of honor still moves from the premise of the existence of a broad consensus on the values that it should protect<sup>15</sup>.

The leaden atmosphere of clerical-fascist family morality that is the background to article 587 is also evoked in the novel by Giovanni Arpino *Un delitto d'onore*, published in 1961. The protagonist, Gaetano Castiglia - a physician from Avellino - after the marriage finds out that his wife Sabrina was not virgin. So he kills her and subsequently he kills also the sister of the man who had

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<sup>14</sup> A. Casalnuovo, *Il rapporto temporale di immediatezza nel delitto di omicidio e lesione personale a causa d'onore*, "La Calabria giudiziaria", gennaio-aprile 1956, pp. 225-239; *Omicidio a causa d'onore - Immediatezza della reazione - Nozione*, "Rivista penale", LXXXIX, 1964, pp. 1138-1142.

<sup>15</sup> B. Cassinelli, *Un omicidio d'onore. In difesa di Umberto Trotta*, "L'eloquenza", a. XLV, 1955, pp. 79-97.

seduced his wife. The lawyer from Naples Gioacchino Russo, prepares his defense on the theme of honor rescue and during a talk in prison with Gaetano, tells him that by this strategy he'll be free very soon. The plot is located between 1920 and 1922, the Penal Code elaborated by Alfredo Rocco doesn't exist yet but the law is generous with those accused of crimes of honor. Arpino talks of his own time through a story of the past, showing how the mentality and the hierarchy of values were similar in the two epochs. The murder of honor was and had remained a type of criminal conduct tolerated in the name of patriarchal power and machismo. However, as often happened in Italian history, it is the record of farce and comedy that presses the popular consciousness in the strongest way, causing it to deal with rules and practices that convey a discriminatory look on the freedom of women compared to the freedom of men. A painful and tragic topic, such as death inflicted to defend the honor, becomes the pretext for comic reconstructions.

In December 1961 the film *Divorzio all'italiana* (*Divorce Italian style*) by Pietro Germi comes out. It will become henceforth the archetype of the matter. The Baron of the little town of Agramonte Ferdinando Cefalù, Fefè, is sick of his wife and wants to get rid of her and marry his young cousin Angela, with whom he has a love affair. But his only possibility to get this aim is to kill his wife. The divorce will be introduced in Italy in 1970, so Fefè thinks of abusing the article 587 of the Penal Code. By catching his wife in adultery – an adultery that he has intensively made possible and “organized” – he could murder her, receive a short sentence and marry his beloved Angela. The article 587 gives a “license to kill” to the spouses. The focus of Germi's film was that in Italy the current moral allowed the killing of the wife but not the divorce. But, although the crime of honor is a disgrace, Germi finds an ironic way to treat the argument and shows that comedy is the best way to promote the change of mentality, the end of patriarchal values and the acknowledgement of women rights. The film received many prizes, in Italy and abroad. In 1962 it was awarded as “best comedy” in Cannes Film Festival and in April 1963 it won the American Academy award for “best writing, story and screenplay” (it had also been nominated for best actor in a leading role, Marcello Mastroianni, and for best director, Pietro Germi). The authors of the screenplay were Germi, Ennio De Concini, Alfredo Giannetti and Agenore Incrocci (the last not mentioned in the film final credits)<sup>16</sup>.

Other films, such as *Una questione d'onore* by Luigi Zampa in 1965 or *Mimi metallurgico ferito nell'onore* (*The seduction of Mimi*) by Lina Wertmüller in 1972 were devoted to the same theme – even though in a less straight way – and used the tones of comedy. In Zampa's film, Efisio Mulas is a mild laborer who lives by odd jobs. Involved in the feud between the Sanna and Porcu families, he will be forced to kill his wife, Domenicangela Piras, to dispel the suspicion that she had

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<sup>16</sup> T. Kezich, *Con «Divorzio all'italiana» Mastroianni diventò il nuovo Rodolfo Valentino*, “Il Corriere della Sera”, 20 aprile 2003, p.32.

betrayed him. Actually, Efisio was the father of the child she expected but all his fellow citizens believed he was not in town when his wife got pregnant. In Wertmüller's film, Carmelo Mardocheò, Mimì, is a Sicilian emigrant who moves to Torino to find a job. There, he has a love affair with a girl named Fiore and they have a son. While he's out of Sicily, his wife commits adultery and conceives a baby. As Mimì comes back to Catania, he discovers this infidelity and wants to kill his wife. Subsequently, he will find a less violent way to have his revenge by seducing the wife of his wife's lover. Lina Wertmüller shows that there is a double standard in sexual betrayal due to the archaic mentality which accepts an unfaithful husband but not an unfaithful wife. Giovanni Arpino had played a bitter critic to the crime of honor. The films by Pietro Germi, Luigi Zampa, Lina Wertmüller ridicule it and put Italy and its ancestral habits on the world stage. From now on, the lawyers who assist people accused of crimes of honor don't address their efforts just to demonstrate the state of anger or the contextuality of the reaction (when required), or the good moral qualities of the accused. Now the problem is to defend the legal rule itself against all the critics that emphasize its anachronism and its incongruence. In a trial for attempted femicide that took place in Bari, the lawyer of the betrayed husband who had stabbed his wife states

[...]in the subversion of all moral values overwhelmed by hedonism, the only dam to the ferment of malpractice is the right to kill with the maximum benefits of the law those who have destroyed everything: the family, the children, the joy of living [...].<sup>17</sup>

According to this perspective, such an institution does not tend to mitigate the responsibility of an individual, but to keep alive the fundamental cell of social communities: the family. The sharp criticism made by Germi, and bounced to the four corners of the world, is even more stinging in Sicily, where the film was located. In 1964, in Catania, the primary school teacher Gaetano Furnari kills Francesco Speranza, an academic professor of Geography who had seduced Furnari's daughter Maria Catena, aged nineteen. In 1965, during the trial, one of Furnari's lawyers, Giuseppe Alessi (an important member of the Democrazia Cristiana party, as well) states

There is an increasing vulgarity, an aging rhetoric against the crime of honor [...]. In other times the legal reforms were studied by the Parliament, by the legal seminars, by the University chairs. Now, it is the turn of film directors. The Code is not reformed by the Parliament but by Germi [...]. *The Divorce Italian style*. Finally, is the article 587 written by barbarians to satisfy a barbarous custom?<sup>18</sup>

During the trial of appeal for the same matter, in 1970, another lawyer talks

<sup>17</sup> A. D'Alesio, *Motivi d'onore. Il "fattaccio" di via Brigata Regina*, Bari, 1967, pp. 29-30.

<sup>18</sup> G. Alessi, *In difesa del Maestro Gaetano Furnari*, "L'Eloquenza", a. 56°, gennaio-febbraio 1966, pp. 82-83.



about the defendant using these words: “If the article 587 did not exist, it would have taken a special cause of non-punishment for Gaetano Furnari”<sup>19</sup>. Eventually, Furnari is sentenced to four years imprisonment, just above the minimum term. But meantime Italy is crossed by the polemics, coalitions of supporters and detractors of article 587 spread out and the debate keeps newspapers, university classrooms and Parliament busy. Some people defend the crime of honor as a protection of family stability and unity; other people consider it a heritage of past epochs and a symptom of the mentality which gives to women the only social roles of wife and mother and links them to an absolute duty of virginity if maidens and of fidelity if married<sup>20</sup>.

At the beginning of 1966, the deputy of Republican party (a small party inspired to the ideals of Mazzini and Garibaldi) Oronzo Reale, minister of Justice from July 1964 to June 1968, proposes the abolition of article 587. But the bill including this proposal will be registered in 1968. It will take almost fifteen years to get to the law. In 1976, the senator Tullia Caretoni promotes another bill to erase the article 587 because it collides with sex equality established by the Constitution but also because, restricting sexual liberty, it compresses individual liberty, which is another pillar of the Constitution. In 1980, the same issue is afforded by the senator Carla Ravaioli. In the text of the parliamentary speech of one of her bill supporters, one can read

The function of the law is also pedagogical [...] Even in those parts of Italy where the cause of honor is rooted in the popular consciousness, Parliament must attack custom with the force of law. The survival of this rule would keep faithless women oppressed by a sense of guilt and inferiority [...] The State comes to terms with the right to sexual barbaric revenge<sup>21</sup>.

According to a new ethical sensibility and a new political vision of family relationships, the woman can't be any longer considered as an object of the father or of the husband and honor can no longer be considered something concerning a wife's fidelity or a daughter's virginity. During parliamentary works, the deputy Maria Pia Garavaglia, rapporteur of the law repealing article 587, expresses herself as follows

The problem is essentially to eliminate a real privilege [...] to eliminate, therefore, in this area of associated life the privilege of man, within the community, towards the woman who has been up to now placed in a real condition of submission to man and to the system as a whole<sup>22</sup>.

<sup>19</sup> A. Casalnuovo, *In difesa dell'insegnante Gaetano Furnari*, “L'Eloquenza” a. 62°, maggio-giugno 1972, p. 162.

<sup>20</sup> A. Peluso, *L'art. 587 C. P. è condannato?*, “Rivista penale” a. XC, 1966; E. Ondeì, *Che fare dell'art.587 del Codice penale?*, ivi, pp. 276-280; F. Guarnieri, *L'art. 587 non è un assurdo*, ivi, pp. 281-285; S. Bottari, *Note sul così detto delitto d'onore*, ivi, pp. 286-294.

<sup>21</sup> M. De Nigris Siniscalchi, *Ultime applicazioni di una norma abrogata, l'art 587 c.p. sull'omicidio e la lesione a causa di onore*, “Cassazione Penale”, a. XXI, 1981, p. 1232.

<sup>22</sup> *Camera dei Deputati*, VIII Legislatura, Quarta Commissione, Giustizia, Seduta di mercoledì 2 luglio

After a long gestation, on August 5<sup>th</sup> 1981 the law 442 is released. It is made by an only article that modifies the text of article 578 (infanticide for reasons of honor that becomes infanticide in conditions of moral and material dereliction) and erases the articles 587 (murder and personal injuries for reasons of honor), 592 (abandonment of minors for reasons of honor) and 544 (shotgun wedding, *matrimonio riparatore*)<sup>23</sup>.

In 1963, two years after *Divorzio all'italiana*, Pier Paolo Pasolini releases a documentary on family, sex, love, entitled *Comizi d'amore*. Intellectuals such as Oriana Fallaci, Giuseppe Ungaretti, Alberto Moravia give their opinions. But it is mainly the interviews with common men and women, young and old, educated and less educated which make a radiograph of Italy, of its ideas on family ties, on freedom, on virginity, on prostitution, on honor. In this regard, a Calabrian young man answers that a betrayed man who divorces his wife is still a cuckold (*cornuto*). So, it would be better to kill her and restore the honor. Referring on the image of the cuckold husband, Anton Blok wrote

The betrayed husband is in a disgraceful situation. His wife's adultery raises doubts not only on his sexual capacity but also on his capacity of protecting his wife from other men, i.e. on his ability to control and monopolize his wife, to ensure her chastity and thus guarantee the immunity of his domination<sup>24</sup>.

This image shows the obvious connection between the notions of physical integrity and moral integrity. And it is therefore exclusively through an act of violence that the husband, who has been discredited by his wife's adultery, can rehabilitate himself in front of the community. That is the only act that highlights his physical ability to defend his "territory" from competing males. At the same time, this compensatory mechanism operates not by chance in more rural contexts, where the use of physical force in any working activity is more relevant, and particularly in the southern regions of Italy which, to a large extent, have remained outside the rule according to which the State holds the monopoly of the legitimate exercise of force. In fact, in the absence of incisive public controls and adequate policing and administrative coordination centers, men remain open to the possibility of relying on their own forces to guarantee the protection of their material and symbolic assets. Again, quoting Anton Blok

When force is the law, women's virginity and chastity can become the dominant concern of men and the physical integrity of women the pivot of male reputation.

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1980, p. 188.

<sup>23</sup> I. Caraccioli, *L.5/8/1981 n. 442. Abrogazione della rilevanza penale della causa d'onore*, "La legislazione penale", a. II, 1982, pp. 21-28; V. Calabrò, *Storia di un contrastato tramonto: la legge abrogativa della causa d'onore e del matrimonio riparatore*, in *Violenza di genere, politica e istituzioni*, a cura di M. A. Cocchiara, Milano, 2014, pp. 275-327.

<sup>24</sup> A. Blok, *Montoni e becchi: un'opposizione chiave per il codice mediterraneo dell'onore*, "Quaderni di semantica", a. I, 2, 1980, p. 352.

Hence the intimate relationship between honor and physical strength expressed in body language and symbolized in terms of some particular animals<sup>25</sup>.

On the other hand, the code of honor that has governed, and still partly governs, some places of the Italian State, and which manifests itself in not waiting for the State to administer justice and sanctions but to take on this role, nourishes the culture of family relationships and the criminal mafia culture as well. Mafia culture is, as known, a culture strongly anchored to archaic and patriarchal familist models (and, by the way, the *famiglia* is the founding cell of the mafia)<sup>26</sup>.

The law that erases the crime of honor is probably one of the steps towards modernity, progress and homologation that even Pier Paolo Pasolini would have appreciated.

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<sup>25</sup> Ivi, p. 356.

<sup>26</sup> P. Pezzino, *Per una critica dell'onore mafioso. Mafia e codici culturali dal sicilianismo agli scienziati sociali*, in *Onore e storia nelle società mediterranee*, a cura di G. Fiume, Palermo, 1989, pp. 229-248.

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