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ITALIAN CRIMINAL HISTORY BETWEEN JUDGEMENT AND NARRATIVE

On 27 May 2025 *Roma Tre Law Review* had the pleasure of presenting *Per questi motivi: Autobiografia criminale di un paese* (SEM, 2024) by the judge and well-known author, Giancarlo De Cataldo. Both in its conception and execution, this book unites a variety of perspectives from which its author has engaged with the history of criminal violence in Italy. Its readers encounter – often altogether, sometimes separately – Giancarlo De Cataldo as the Judge of the Court of Appeal of the Assizes in Rome, as novelist and screenwriter, as public intellectual and social commentator, and as a private individual profoundly shocked by the acts of criminal violence that make up this account.

In its organization and selection of materials, the influence of Giancarlo De Cataldo as public intellectual and social commentator is strong. This is because there are two particularly striking themes that hold the argument of the book together. One of these is concerned with the question of why certain crimes not only provoke public interest and attention but also remain engraved on our collective psyche. The other theme that weaves its way through this book is the relationship between power – institutional, legitimate or otherwise – and violent criminal acts. Uniting these two themes is a concern with the role played by the press in constituting the popular perception of criminal behaviour and conditioning responses to the legal proceedings surrounding them. These issues are foregrounded in the opening chapter of the book, which deals with the unsolved murder in 1963 of Christa Wanninger, a young German woman living not far from Rome’s famously elegant Via Veneto. Here we have a blistering account of the role of the press in constructing the “facts” of the case and, at the same time, obscuring the relationship between political and industrial power that rests in its shadows.

One of the features of the book’s social commentary is the way in which it moves from events that have been almost forgotten to those that are part of the often re-visited

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history of the late twentieth century. Stories like that of Christa Wanninger sit side by side with major international media events such as the terrorist attack in Milan's Piazza Fontana in 1969, the murder of Pier Paolo Pasolini in 1975, the assassination of Aldo Moro in 1978, the bombing of the Bologna railway station in 1980 and the terrorist attack on the Rome Synagogue in 1982. The book's concern with the way in which crime as press spectacle distracts us from its relationship to the exercise of power is an important theme holding together De Cataldo's account of these famous events.

Whether he is writing of the manipulations and manoeuvres of the powerful, incidents of international fame or stories that have slipped from the collective conscious (and conscience), De Cataldo never loses sight of the human cost of the acts of violence with which the book is concerned. Here human cost is not only measured in the lost lives of the direct victims, but also in the effect of violence as it ripples outwards to the indirect victims – the witnesses, those involved in the investigations and criminal proceedings – and on to society at large. While the organization of the book owes much to Giancarlo De Cataldo as public intellectual and social commentator, the skills of the judge and novelist hold together all the stories he tells. The book's main title "Per questi motivi" ("For these reasons"), the phrase that begins the written judgement of the criminal court, reminds the reader from the outset that, as we read it, we are looking through the eyes of a criminal court judge of long experience. Evidence that is relied upon in legal proceedings is subjected to forensic enquiry. De Cataldo's judicial instincts throw light upon problematic procedural moments, unconvincing evidence and the likelihood that among the victims of the crimes detailed in this book we should also include those wrongly accused, tried and even convicted.

Of course, the novelist is freer than the judge. Time runs differently outside the courtroom and the stories that time tells often change as the years pass. The strict rules of evidence in criminal proceedings do not constrain, in the same way, the work of the novelist. But, in this book, the instincts of the novelist on questions of motive and probability dovetail with the judge's forensic perspective to raise a range of questions about accepted accounts of the crimes and their perpetrators. At the same time, the social and legal context is probed in a way that is not open to a judge. The novelist in Giancarlo De Cataldo frees the judge from the restrictions of the courtroom. The difference between the judge and novelist, however, is not just a question of the rules of criminal procedure and evidence. The style in which this book is written also reflects the multiple professional identity of its author, producing a potent and productive text. As a result, the book's careful and well-researched accounts of criminal violence are enhanced by the novelist's capacity to reflect on the human condition and to engage

the full attention of the reader while doing so.

Both judges and novelists use words carefully. Nothing is left to chance, even when much is open to speculation. In the light of this observation, it is difficult not to be intrigued by this book's sub-title, "Autobiografia criminale di un paese" ("Criminal autobiography of a country"). Why is this an autobiography? The words seem to suggest that it is Italy's autobiography, but how could that be? Perhaps De Cataldo wants to tell us that what he is writing about is a narrative that Italy as a social, legal and political entity has constructed about itself. Or perhaps the autobiography is that of Giancarlo De Cataldo himself. The events retold in this book are not only held together by grand concerns over interlocking sites of power, they are also linked by the personal participation of the author as judge, social commentator, novelist, screenwriter or witness. In this way, what would otherwise be a criminal biography of Italy is combined with an autobiographical account of the impact of the events depicted.

Especially striking in this respect are the moments when the intellectual, emotional and chronological distance of the social commentator, public intellectual, novelist or judge are replaced by the direct personal experience of the witness. This is the key in which the story of the assassination of Professor Vittorio Bachelet at the University of Roma "La Sapienza" in 1980 is told. The impact on De Cataldo as a law student – the impact of being present, of being right there a few steps away from Vittorio Bachelet's office – is recounted in raw terms. In this way the social and political significance of this event takes on an extra dimension. There are many moments in this book where the distanced and practiced eye of the judge and writer is conditioned by direct involvement or emotional engagement. De Cataldo describes the experience of being sent, during his period of military service, to represent his Regiment at the first annual commemoration of the Bologna Station bombing. He reflects on his response when, in 2022, he is asked to produce a podcast on the death of two year Stefano Gaj Taché and the injury of thirty seven other people when terrorists opened fire on worshippers at the Rome Synagogue in 1982. All this produces a personal context that serves to convey to the reader what it means to say that we are all, in some sense, not only the witnesses but also the indirect victims of a society in which violence becomes endemic. But it also reminds us that the direct victims of violence, to many of whom this book gives much needed faces and names, are people just like us.

As Giancarlo De Cataldo writes in this book, the questions of which violent events imprint themselves on our collective psyche – which are remembered and which are consigned to relative oblivion – tells us much about the spirit of our times. The retelling of the stories of these events in their social, political and legal contexts tell us

important things about ourselves and the society in which we live. It also gives us the opportunity to reflect with the benefit of distance – intellectual, emotional and chronological – on the type of society in which we want to live. This, however, is more than just an opportunity, it is an obligation. This is especially so for lawmakers, judges, lawyers, legal scholars and law students who collaborate – whether consciously or not – in forming and enforcing the rules that hold together the fabric of society. *Per questi motivi: Autobiografia criminale di un paese* gives us the opportunity and the material to reflect on how the obligation to construct a just and peaceful society might be better realised.