

# Romeo Montague's Trial and Probation for the Young Defendant

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## **Abstract**

The chapter illustrates the modern-day relevance of juvenile justice principles and the potential of probation to achieve both accountability and reintegration by analysing the case of Romeo from Shakespeare's *Romeo and Juliet* within this framework.

**Keywords:** Juvenile Criminal Proceedings; probation; *Romeo and Juliet*; trial.

## **The Juvenile Criminal Proceedings**

The juvenile criminal proceedings, regulated by the Presidential Decree n. 448 of September 22, 1988, protects minors who commit a crime, by fostering a process of individualisation and prompting them to take responsibility. Education, more than re-education, is what inspired the reform and the main purpose of every criminal proceeding, regarding a minor. This legislation attempted to combine the punitive function of a trial with a series of interventions and measures which seek to bring about social rehabilitation. With this aim, the juvenile criminal system is centred on the person, and not only the crime committed.<sup>1</sup>

The importance of investigating the young offender's personality was also stressed by the European Directive n. 800 of 2016 on procedural

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1 Article 3 of the legislation n. 81 of 1987 contains guidelines regarding a trial of a young offender. It establishes that the minor's psychological state, their maturity and educational needs must be considered during the trial.

safeguards for children who are suspects or accused persons in criminal proceedings.<sup>2</sup> In particular, Article 7 regulates the minor's right to an «individual assessment,» in order to identify the specific needs relating to their protection, education, training and social rehabilitation, as was previously affirmed at an international level.<sup>3</sup>

The need for a judicial response tailored to the individual characteristics and educational needs of a person is catered for by the presence of a specialised judge together with lay judges,<sup>4</sup> and it originates from the need to carry out a psycho-social inquiry into the personality of the underage suspect or person on remand.

The evaluation of their personality,<sup>5</sup> considering the complexity and sensitivity of the task in question, requires a multi-disciplinary and composite approach. The aim is to gather information on the personal, family, social and environmental history of the minor, which will aid the prosecuting authority to consider the right measures for the case. Every decision made during the trial happens after the acquisition of background information on the minor offender. This, along with the evaluation of the crime committed, is fundamental to be able to decide on the most appropriate legal solution.

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2 See the Directive n. 800 of May 11, 2016, of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings, in *The Official Journal of the European Union*, May 21, 2016, L 132. See also L. Camaldo, “Garanzie europee per i minori autori di reato nel procedimento penale: la direttiva 2016/800/UE in relazione alla normativa nazionale”, in *Cassazione penale*, 2016, n. 12, p. 4572 ss.

3 At an international level, see the «Standard Minimum Rules for the Administration of Juvenile Justice», approved by the 6th Congress of the United Nations in 1985.

4 According to Article 2 of the Royal Legislation n. 1404 of July 20, 1934 («Institution and functioning of Juvenile Courts»), as amended by Article 4 of the legislation n. 1441 of December 27, 1956, the Juvenile Court «consists of a professional judge of the Court of Appeal, who presides over it, a judge from the tribunal and two social experts, a man and a woman, chosen amongst biologists, psychiatrists, criminal anthropologists, pedagogists, psychologists, who have reached the age of thirty».

5 The evaluation of the offender's personality is regulated by Article 9 of the Presidential Decree n. 448 of 1988. See L. Camaldo, “Gli accertamenti sull'età e sulla personalità: aspetti processuali, in D. Vigoni (ed.), *Il difetto d'imputabilità del minorenni*, Torino, Giappichelli, 2016; C. De Luca, “Gli accertamenti sulla personalità dell'autore di reato minorenni e il divieto di perizia psicologica nel rito ordinario: riflessioni e nuove prospettive”, in *Cassazione penale*, 2018, n. 6, p. 2140 ss.

This idea of focusing on the minor's needs and rights, however, does not prevent the State from using criminal penalties. It rather allows a diversification of punishment, thus granting offenders a rapid and non-traumatic experience, while avoiding any impact on their education. Therefore, the traditional legal proceedings used for adults are not unreservedly applied to minors. Such proceedings need to be carefully considered, as they might not be adequate.<sup>6</sup>

The establishment of a legal system geared to minors' special needs and characteristics, as of the 1988 legislation, led, on the one hand, to the creation of procedures which allow minors to quickly exit the penal system,<sup>7</sup> when their offence is of little consequence and, on the other, to educational practices which foster a positive change in the minor, like the suspension of criminal proceedings in favour of probation.

## **Probation of Juvenile Offenders: The Centrality of the Educational Programme**

Among the alternatives to punishment, probation is particularly relevant.<sup>8</sup> This procedure, which originated in the UK, allows the judicial authorities to interrupt a trial. After hearing the parties, the judge temporarily suspends the criminal proceeding if the minor willingly accepts to undergo a period of observation, rehabilitation, and support.

This procedure can only be granted if the judge expresses a positive assessment of the minor's ability to critically evaluate their unlawful action, and to embark on a constructive path of growth and social rehabilitation.<sup>9</sup> Similarly, the offence must be judged as being the manifestation of a temporary difficulty, which the minor can overcome through a socially integrated

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6 See art. 1, c. 1 of the Presidential Decree n. 448 of 1988.

7 Such as "perdono giudiziale" ("judicial pardon") (art. 169 of the Penal Code and art. 19 of the Royal Legislation n. 1404 of 1934); dismissal due to the lack of imputability (art. 26 of the Presidential Decree n. 448 of 1988); dismissal due to the irrelevance of the fact (art. 27 of the Presidential Decree n. 448 of 1988).

8 See artt. 28 e 29 of the Presidential Decree n. 448 of 1988 e art. 27 of the Legislation n. 272 of 1989 (which will be hereafter referred to as disp. att. min.).

9 See Criminal Supreme Court., Sec. V, October 12, 2016, n. 48288.

programme, rather than the result of a deviant choice rooted in the person's mind.<sup>10</sup>

The minor is asked to willingly consent to the rehabilitative programme, which is crucial for the entire duration of the probationary period. At the outset, this programme is devised by Juvenile Social Services<sup>11</sup> but it must be approved by the judge that can suggest changing, reducing or adding other activities. Still, it is important to stress that only the judicial authority can order the suspension and evaluate the outcome of the probationary period, while Juvenile Social Services play an advisory role. In particular, the intervention consists of a series of separate prescriptions, whose content may differ. These address the minor, their family, and the environment they grew up in.

The said programme must adhere to some essential minimum requirements,<sup>12</sup> and it must be specific, suitable, viable and flexible. It must not set unrealistic goals, as this could be detrimental to the minor. Moreover, the possibility of changing the programme as it goes along ensures it is constantly adjusted to their personality, which is still not fully developed due to their young age. The project consists of detailed, composite prescriptions that often address the minor's school life, working environment, and leisure time. Volunteering is also appropriate and, whenever possible, a programme of restorative justice can be established between the offender and the victim. Restorative justice might persuade the minor to acknowledge the social harm his or her action has caused.<sup>13</sup> Furthermore, it is important that the prescriptions respect the young offender's interests and proclivities, so as to create a suitable, customised programme.<sup>14</sup>

The characteristics, which we have mentioned, show how the aim of this procedure is not just one of easing the judiciary load, or of avoiding

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10 See Criminal Supreme Court, Sec. V, December 7, 2012, n. 14035.

11 See Criminal Supreme Court, Sec. III, September 8, 2016, n. 6019.

12 See art. 27, c. 2, disp. att. min., "The probation programme must include: a) procedures to engage the minor, his or her family and environment; b) the minor's specific obligations; c) the procedures regulating the way legal practitioners and local authorities can be involved in the project; d) the procedures to compensate for the crime committed and to promote the reconciliation between the minor and the victim."

13 See G. Albanese, "La mediazione nel procedimento penale minorile tra normativa e prassi", in *Cassazione penale*, 2019, n. 1, p. 370 ss.

14 Regarding this, see Milan's Juvenile Court, June 6, 2006, in *Foro ambrosiano*, 2006, n. 3, p. 337.

punishing the offender for his or her actions. On the contrary, the success of probation depends on the close supervision of a subject's real and authentic efforts.<sup>15</sup>

## Salient Features and Conditions of Probation

Until a recent legislation came into being, probation could always be granted no matter what the crime was: it wasn't restricted, in fact, by the severity of the offence, so it has been granted even in the event of a very serious crime, like murder.<sup>16</sup> After the legislation n. 159 of 2023, which converted the previous Decree Law n. 123 of 2023 (known as "Decreto Caivano"), it is no longer possible to apply probation if the young defendant has committed the following crimes: aggravated homicide, aggravated sexual violence, aggravated robbery.

The severity of the minor's misconduct has an impact on the duration of the probationary period. It can last up to three years, for those minors who have committed crimes punishable by life imprisonment,<sup>17</sup> or by a sentence of at least twelve years. In all other cases, probation cannot exceed one year.<sup>18</sup>

As said, the judge must defer their decision until after the end of probation, so as to be able to properly evaluate the minor's personality.<sup>19</sup> This norm shows, once again, how significant the individuality of the offender really is, and how important it is to make an individual assessment of the minor. This will be the guiding principle behind the judge's verdict. In other words, data collected at the end of the psycho-social inquiry allows the judge to recognise the positive outcome of the probationary period.

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15 See art. 27, c. 2 lett. b), disp. att. min., where it is stressed that probation must also stipulate the "commitments that the minor abides by".

16 See L. Camaldo, "Sospensione del processo e messa alla prova del minore imputato di omicidio: una recente decisione del Tribunale per i minorenni di Milano", in *Cassazione penale*, 2006, n. 4, p. 1589 ss.

17 Minors cannot be sentenced to life imprisonment, as established by the Constitutional Court, with the sentence n. 167 of April 28, 1994.

18 See art. 28, c. 2 of the Presidential Decree n. 448 of 1988. The lack of any legal instruction on the minimum duration of probation means that the choice is entirely in the judge's hands.

19 See art. 28, c. 1 of the Presidential Decree n. 448 of 1988.

A further imperative condition is that the young offenders must willingly and spontaneously submit to probation. Not only do they have to agree with the judge's decision in general, but they must also consent to the specific contents of the programme prepared for them. This is necessary to ensure that the offender's decision is not the result of a coercion or of a defensive strategy. Because of this, it is important to carefully monitor the environment where the decision is made, to be sure that the minors are not under somebody else's influence and that they are fully aware of the consequences. In order for probation to be granted it must be freely and willingly accepted by the offender. This kind of consent requires the subject to be capable of understanding and exercising free will, i.e. they have imputability. Imputability is, in fact, crucial and indefectible to criminal prosecution regarding a minor.

Another premise before granting probation is that the judge, albeit implicitly, assesses the defendant's criminal liability. It would, in fact, be unwarranted, and unfair, to make an innocent young person undergo a social-rehabilitation programme. However, it must be said that this evaluation is only temporary, as it originates from a preliminary evaluation.

To that end, a confession, while revealing the guilt of the offender, cannot be a necessary requirement to grant this benefit.<sup>20</sup> A different solution would be at odds with the presumption of innocence, as regulated by the Constitution. According to this principle, in fact, the defendant must be considered innocent until the irrevocable sentence is pronounced.<sup>21</sup>

## The Procedural Steps of Probation

Article 28 of the Presidential Decree n. 448 of 1988, which regulates probation, addresses only defendants and not suspects. It, then, becomes clear how this legislation can be implemented only at the end of the preliminary investigation. Probation therefore can be granted in the following stages of the proceedings: during the preliminary hearing or the trial, throughout the special procedures allowed by Article 25 of the Presidential

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20 See the Criminal Supreme Court, Sec. I, May 9, 2017 (dep. September 6, 2017), n. 40512.

21 The presumption of innocence principle is mentioned in Article 27 of the Italian Constitution.

Decree n. 448 of 1988, and during the appeal judgement.<sup>22</sup> As far as the latter is concerned, considering how much time has elapsed since the crime was committed, it is still debatable how useful it would be to grant probation at this stage. To be honest, nothing in the wording of this provision suggests it cannot be done. Yet, the final goal of this procedure, which allows minors to quickly exit the penal system, would not be achieved were probation to be granted at this stage.

Notwithstanding the lack of restrictions on this subject, it is during the preliminary hearing that probation is most likely to be granted, as this is the focus of the juvenile trial.<sup>23</sup> This stage comes after the prosecutor has issued an indictment, provided that the evidence gathered during the preliminary investigation is enough to move forward. The trial plays, therefore, a residual role, as it is only implemented for more severe, complex cases. The conclusion of the criminal proceedings during the preliminary hearing, however, is only possible if the defendant gives their consent, in accordance with art. 32, c. 1 of the Presidential Decree n. 448 of 1988.

Article 28 of the Presidential Decree n. 448 of 1988 states that, after deciding to grant probation, the judge suspends the criminal proceedings with an ordinance that can be appealed to the Italian Criminal Supreme Court.<sup>24</sup>

The judge's decision contains the regulations, constituting the project, previously arranged by Juvenile Social Services, who take care of the minor from the very beginning of the criminal proceeding.<sup>25</sup>

Social Services play a leading role in the development of the programme, as well supporting the minor for the duration of the probationary period.

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22 See Milan's Appeal Court, May 20, 1999.

23 Artt. 31 and 32 of the Presidential Decree n. 448 of 1988 regulated the juvenile preliminary hearing. To learn more about this topic, see L. Camaldo, *L'udienza preliminare nel processo penale minorile*, Torino, Giappichelli, 2023.

24 Art. 28, c. 3 of the Presidential Decree n. 448 of 1988 states that only the ordinance which grants such benefit can be appealed to the Supreme Court (See Criminal Supreme Court, Sec. I, July 8, 1999, n. 10962). The ordinance of the Juvenile Court, which rejects probation, cannot be challenged on its own, but only together with the sentence which closes the proceeding (See Criminal Supreme Court, Sec. IV, June 18, 2003, n. 34169).

25 Juvenile Social Services are governed by artt. 6, 12 and 28 of the Presidential Decree n. 448 of 1988. They are an equipe of trained operators, usually made up of social experts, educators, psychologists and consultants of the office for the administration of justice. They work very closely with social experts appointed by local authorities. See Camaldo, *Gli accertamenti sull'età e sulla personalità*, cit., p. 93.

They keep in constant touch with the judicial authority, through periodical social reports. Moreover, they are obliged to provide psychological support, and to supervise the progress of the probationary period. In light of this, they may also recommend some amendments to the judge, if the educational programme proves inadequate. This may lead to a shortening of probation, or, in the event of repeated and serious transgressions, to the withdrawal of the benefit. The decision to revoke probation is left to the judge's discretion (art. 28, c. 5, of the Presidential Decree n. 448 of 1988). It is worth noting that occasional, minor misdemeanours are not enough to revoke probation; in fact, there have to be relevant, systematic violations, which prove the minor's rejection of the probationary period, making it futile to continue.

## The Outcomes of Probation

At the end of the probationary period, there may be different outcomes, based on the evaluation of the overall performance after its conclusion.

For the final evaluation, the judge considers the report drawn up by Juvenile Social Services concerning the minor's behaviour and the development of their personality and, if everything is in order, a direct hearing of the defendant takes place.<sup>26</sup>

As said, whatever the outcome of probation, this procedure is valuable to assess the minor's growth and development. Even if all the prescriptions have been respected, the probation is unsuccessful if the minor is not deemed reformed and changed. Likewise, provided the general evaluation of the minor's personality is positive, their infringement of some specific prescriptions may not lead to a failure of probation.<sup>27</sup> As far as the procedural consequences are concerned, the positive outcome of a probationary period will lead to extinction of the crime. On the contrary, if probation is not successful, proceedings resume from the point they left off (Article 29 of the Presidential Decree n. 448 of 1988).

In the case of a negative outcome, the probationary period does not count as time served to reduce the sentence. This disposition was recently

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<sup>26</sup> See art. 27 c. 5, disp. att. min.

<sup>27</sup> See Milan's Juvenile Court, June 6, 2006, cit., p. 337.

evaluated by the Constitutional Court<sup>28</sup> which has, nonetheless, reasserted the constitutionality of such a norm.

## Probation in *Romeo and Juliet*: What are the Alternatives for Romeo?

As is well-known, “there is a parallelism between theatre and a criminal trial.” As a matter of fact, “everything concurs to make a trial a performance: the judge’s bench, the shape of the courtroom, the dock, the robes worn by judges, prosecutors and lawyers, the tone of the debate which often seeks to stir emotions, more than inciting a critical analysis, the suspense leading up to the final sentence.”<sup>29</sup>

Trials, after all, figure in many literary works and stage plays. In many of his tragedies, William Shakespeare includes criminal proceedings. And even when this does not happen, he often makes his characters accountable for the illegal actions they committed. This is true of *Hamlet*, *the Merchant of Venice* and *Othello*.<sup>30</sup>

In the tragedy *Romeo and Juliet*,<sup>31</sup> the third act is particularly relevant, as here Romeo is depicted not just as Juliet’s lover, but rather as Tybalt’s wrathful murderer.

Because of this murder, the Prince of Verona hears several young witnesses and decides to send Romeo into exile, instead of having him executed (3.1.186-97). If we read this passage from a contemporary perspective, it is possible to speculate on the legal consequences of the murder Romeo commits.

First of all, we should highlight that when the crime happened, young Montague was a minor. Article 98 of the penal code states that it is up to the judge to verify whether an offender aged fourteen to eighteen may be

28 See the sentence of the Constitutional Court of February 20, 2019 (dep. 29 March 2019), n. 68, available online at [www.giurcost.it](http://www.giurcost.it).

29 M. Cartabia, L. Violante, *Giustizia e mito*, Bologna, Il Mulino, 2018, p. 145.

30 See G. Forti, C. Mazzucato, A. Visconti, *Giustizia e letteratura*, vol. I, Vita e pensiero, Milano, 2012, p. 4 ss. (in particular, I - “Legge, giudizi e pregiudizi in William Shakespeare”, pp. 4-41); the article “Perché gli avvocati amano Shakespeare”, in *The Economist*, January, 25 2016, in the translation published in the magazine *Internazionale*.

31 W. Shakespeare, *Romeo e Giulietta*, edited by A. L. Zazo, trans. by S. Quasimodo, introd. by P. Bertinetti, Milan, Oscar Mondadori, 2001. Quotations are taken from this edition.

exempted from the proceedings. The principle of criminal liability may be divided into two fundamental components, both of which are necessary. On the one hand, the ability to recognise the moral and social harm their criminal behaviour has caused, as well as the ensuing consequences. On the other, the ability to control and resist their impulses.

In order to verify Romeo's criminal liability, it is important to consider the life he was leading. He was enmeshed in adult feuding, and he was familiar with two factions, the Montagues and the Capulets, who had divided the city. Moreover, Romeo is not just a Montague, but he is also fuelled by the rivalry between the two families when he falls in love with Juliet Capulet and is well aware of the dire issues their relationship might cause. Given all this, it is clear that Romeo was conscious of the consequences his actions might have and still decided to act.

As far as the offender's personality is considered, Romeo does not seem prone to violence. On the contrary, he is described as an intelligent and sensitive young man, who is keen on reading and writing poetry as well as searching for an ideal love match. Romeo's innocence, mistaken for cowardice by his friend Mercutio, is exhibited in the scene of the above-mentioned duel (3.1.61-71). As for the circumstances surrounding the murder, it is significant that the event leading up to it, was Tybalt murdering Mercutio. These circumstances prove that Romeo did not carefully premeditate Tybalt's killing, as Benvolio tells the Prince:

BENVOLIO: Tybalt, here slain, whom Romeo's hand did slay;  
 Romeo, that spoke him fair, bid him bethink  
 How nice the quarrel was, and urged withal  
 Your high displeasure: all this uttered  
 With gentle breath, calm look, knees humbly bowed,  
 Could not take truce with the unruly spleen  
 Of Tybalt deaf to peace, but that he tilts  
 With piercing steel at bold Mercutio's breast,  
 Who, all as hot, turns deadly point to point,  
 And, with a martial scorn, with one hand beats  
 Cold death aside and with the other sends  
 It back to Tybalt, whose dexterity,  
 Retorts it. Romeo he cries aloud,  
 'Hold, friends! friends, part!' and swifter than  
 his tongue  
 His agile arm beats down their fatal points,

And 'twixt them rushes; underneath whose arm  
 An envious thrust from Tybalt hit the life  
 Of stout Mercutio, and then Tybalt fled;  
 But by and by comes back to Romeo,  
 Who had but newly entertained revenge,  
 And to 't they go like lightning, for ere I  
 Could draw to part them, was stout Tybalt slain.  
 And, as he fell, did Romeo turn and fly.  
 This is the truth, or let Benvolio die.  
 (3.1.152-81)

It would rather appear that Romeo behaved impulsively, like a young man who tries to refrain from violence, but ultimately gives in when faced by the injustice of his friend's murder. And so, he succumbs to the instinct of revenge to give his friend justice.

Considering this, Romeo may be granted probation, instead of exile, which he suffers in Shakespeare's play. Ostracising him from where he lives would actually be counterproductive, as he would not learn to take responsibility for his actions and could not be socially rehabilitated. Therefore, exile would be totally inadequate and useless since it would make the offender angrier and more frustrated. Considering Romeo's educational needs, it would, instead, be more productive to put him on a probationary period, based on his personal characteristics.

As for the premises and limits of these proceedings, as previously mentioned, probation can be granted even in the event of a murder, for it is not tied to the severity or type of crime committed.<sup>32</sup> If Romeo's personal and socio-familiar profiles are considered, it is possible to predict a successful outcome of the probationary period. Moreover, the boy's personality suggests he would willingly and spontaneously agree to probation. This will also take account of his emotional confusion and of the intensity of the gruesome action he engaged in.

If a probationary period were granted in Romeo's case, this could not exceed three years, as required by the norm.

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32 After the "Caivano Decree" of 2023, as already considered above, probation is not possible in the case where the minor has committed an aggravated homicide (for example, when the homicide is premeditated or is committed against the ascendant or descendant or is committed for abject and futile reasons).

As to the content of the programme, it is necessary to identify a series of prescriptions that would fit the proclivities and interests of the minor. Still, it is likewise important to bear in mind that the aim of the procedure is to help the offender process the criminal episode. A distinction can be made between those prescriptions which require the minor's active commitment, as well as their personal involvement, and those which simply dictate their behavioural obligations, also called negative prescriptions.

Considering Romeo's interests, taking a poetry or literary class may be perfect for him, as long as a certificate is issued at the end. Furthermore, to improve his interpersonal relationships with his peers, he could attend a theatre workshop.

Some acting training can help us to get to know ourselves better, and it also allows us to explore and challenge our impulses, faults, weaknesses, and shyness.

Finally, to undermine the hegemonic compulsions originating in his powerful upper-class background, it could be beneficial for him to volunteer to help the needy.

As for the negative prescriptions, he may be compelled to hand in his weapons, and to stop bragging in public places.

In addition, it would be desirable to implement a programme of restorative justice, such as a mediation process with Tybalt's family, and with the Capulets in general, so as to facilitate Romeo's social rehabilitation.

Mediation can be defined as a "mostly formal process which allows a neutral third party to intercede in the rivalry between two factions, with the purpose of helping them share their opposite perspectives and sort out their conflict, through a series of controlled interactions."<sup>33</sup> This entails a number of meetings between the offender and the victim, assisted by an expert. The main goal of this rehabilitative and conciliatory activity, however, is not that of persuading the victim to forgive their offender. It rather aims to help both parties process the criminal experience they had and improve their relationship, as much as possible. If the outcome is positive, the mediation process ends in an agreement between the parties, who perform symbolic but concrete gestures, such as forgiving each other and reconciling publicly.

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33 See B. Schmitt, *La médiation une justice douce*, Paris, Syros Alternatives, 1992.

If it is correctly implemented and willingly accepted, a similar process may be beneficial in two ways: for the victim, it offers them an opportunity to be heard, and to express their feelings, while also trying to understand the offender's reasons. For the offender, instead, mediation is useful to critically process their behaviour, and to become aware of the harm they've caused.<sup>34</sup>

The potential of these procedures may be undermined by the victim's unwillingness to meet their offender, especially when the crime committed is particularly serious, like a murder. In the specific case of *Romeo and Juliet*, it is unlikely that Tybalt's parents, and the other Capulets, would agree to meet Romeo, seeing the conflictual relationship between the two families and their deep sorrow for the loss of their son.

At the end of the probationary period, it would be necessary to check whether the prescriptions given to Romeo were, in fact, followed. But it would also be crucial to attest the boy's efforts, and how he has changed throughout the entire process. Were the probationary period to be positive, the crime of murder would be considered extinct.

Otherwise, if probation failed, the trial would resume, and Romeo could be condemned for voluntary homicide. However, the sentence could be mitigated. When he committed the crime, Romeo was in fact a minor. Moreover, he acted out of rage for the injustice his friend Mercutio suffered when Tybalt murdered him.

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34 See Albanese, *La mediazione nel procedimento penale minorile*, cit., p. 370 ss.



## Logbooks

We all want to put ourselves out there and experience new things. We enjoy experimenting and using different methods to reach unique conclusions. We like bodies, and the way they move, touch, and brush each other, the way they look at each other, that shiver that runs down our spine and from our head reaches our feet, shaking us to the core. We like chatting, but we are too afraid of being exposed, and when we find someone who's willing to glue back together our broken pieces, we feel free of all constraints. We are flooding rivers, we are gurgling water. And we make so much noise that even when we flow into the sea we will not be at peace. We will turn into a tidal wave, an ebb, and few will be the banks able to hold us in. And even those that manage, are going to end up battered and weakened.

Giorgia Galizzi, 17 November

To get to the blue room, where we work with the boys of the Bekka, we had to walk through a courtyard with many green spots. I thought: "This is so nice. It looks like the courtyard of Milan university." Then, I looked around, and I saw the bars up at the windows. I must say, I was probably looking for them. I mean, it was the first time I had been in a prison, and I wanted to see all those things we expect in a place like that.

Lorena Siqueira Leuzzi, 28 November



Inside the blue room.

“Am I supposed to play Romeo?”

“I’ll sit next to her. Was I with you last time?” I reply with a simple “I believe so.”

Then, he starts to read. He fumbles and apologises, fumbles again and apologises. He says he is sorry, as if we were all there to judge him. As if he always expected to be judged. After all, this is what has happened to him in the last five years... Wait, has it been five years? Was he really twelve when it all started? How can a twelve-year-old boy do something so bad to end up in prison? We are used to seeing twelve-year-old kids playing with their friends after school, messing around, laughing and lying to their parents that they’ve done their homework, playing football, swimming and teaming up because teamwork is important, etc. etc. But he didn’t do all this. He didn’t have all this. No games for him. No laughing. When he smiles, you can see some teeth are missing... who knows how many times he’s been beaten, I think...

After a while, he exchanges a knowing look with H. They laugh, as if they were really up to something...

Then, he grabs my red notebook and reads it.

“You’re nuts! How can you write so much?... nice writing.”

“Thank you.”

Then, he asks for a break. He calls H. and tells me to tag along, before going out. I don’t follow him, as I need to stay inside to speak to my teacher. Then he comes back. He has the smirk of a child who wants to tell you something but doesn’t know how to. As if he had to confess some shenanigans to his mother.

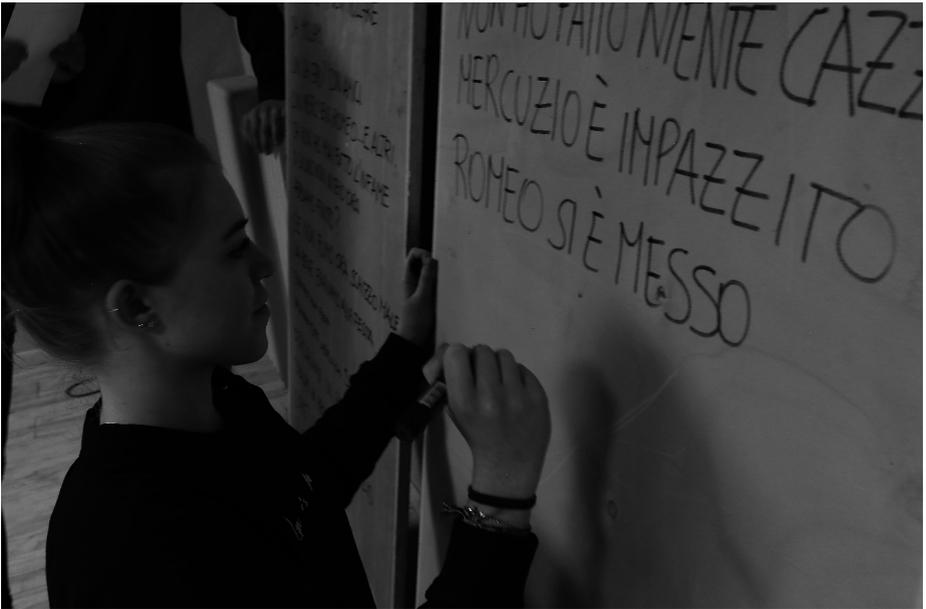
We sit together, since we have to write our depositions. He listens to me, but as soon as I get distracted, he slips a letter into my notebook.

“What did you put in my notebook?”

“You can look at it later...” he says with a satisfied smile. He winks at H., who also wrote a letter, to Emilia. They got that off their chest. They delivered the letters. They wrote them last Tuesday. They’ve been waiting for a week. And they’ll have to wait an entire week to receive an answer. A letter. Who writes letters these days?

“I’m a shy guy, but I couldn’t take my eyes off you from the very first moment I saw you. I’d like to get to know you better.” He says this three times. He asks me out for a coffee. No, for a drink.

Alessandra Romeo, November 21





## Logbook

These days have been amazing. Not only were we together, but we also got to do an incredible job with the photos we took. We are given instructions not to expose the boys' faces. So, I tried to use secondary forms of expression to showcase their emotions, without actually revealing their looks (secondary to the representation of faces, which are normally prevalent in our aesthetic imagery). Gestures, details and movements became the focus of this workshop. I've been observing and listening, in order to understand how to unearth what usually disappears into the background.

Francesca Carenzi, 1 December



