

## A para-religious setting for financial exploitation of the mentally incapacitated: when the habit doesn't make a monk

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### Abstract

Exploitation and circumvention of the mentally incapacitated is a criminal offence listed in the Italian penal code (Penal Code Art. 643). It involves the exploitation and circumvention of people who are fragile and vulnerable owing to their health conditions and/or mental status, and fits into the grey area between such subjects' freedom to make decisions about their physical conditions and economic assets, and the abuse of their trust perpetrated by third parties for personal gain. The authors describe a case of financial exploitation and circumvention of a married couple that is remarkable in view of both the huge sums extorted from the victims and the duration of the peculiar illicit activities (that lasted more than 10 years). These were perpetrated by a charismatic figure leading a "para-religious" group. He claimed to be a prophet, but his private life was highly questionable. The method of ascertainment used to verify the victims' mentally incapacitated state is described, analyzed and commented; the diagnosis could not be deferred in view of the characteristics of the prolonged penal offences committed. *Clin Ter 2021; 172 (6):e511-516. doi: 10.7417/CT.2021.2367*

**Key words:** violence, suggestibility, exploitation, mentally incapacitated, para-religious setting

### Introduction

The Italian Penal Code envisages the criminal offence of exploitation of the mentally incapacitated in article 643, a crime that involves the abuse of conditions of inferiority (incapacity) of such victims for the purposes of accomplishing acts contrary to their own economic interests (signing away assets in the form of a sale, donation, will, cheque, power of attorney or position in a company) (12); (11-26).

The Italian penal dispositions are aimed at safeguarding the patrimony of particularly vulnerable people as judged from the standpoint of their mental capacity such as minors,

the infirm or mentally incapacitated. In cases of such exploitation, the state of infirmity or mental incapacity of the victims lies at the root of the criminal offence, while abuse of the victims' suggestibility by the author of the criminal offence is the constitutive element (11-12). In such cases, therefore, it is necessary to confirm the victims' state of infirmity and prove that their state of diminished responsibility effectively influenced the accomplishment of the criminal offence.

The definition of infirmity applied for this type of criminal offence is detailed in articles 88 and 89 of the Italian Penal Code; it includes psychiatric and generic diseases that affect mental capacity (26). The concept of psychiatric incapacity (ex art. 643 C.P.) is even more complex, in view of the legal more than clinical implications. It is stated as "any mental disorder, even transitory, that alters the passive subject's capacity to make responsible decisions, impairing their complete autonomy" (Penal Supreme Court, Section V, 14/12/77; 27/10/78; 20/3/79). Therefore, according to Italian penal jurisprudence, the condition of psychiatric infirmity includes all disorders, even of a transitory nature, not deriving from a physical disease, that cause weakening of the will or affective functions, or diminished intellectual functions, critical powers and self-defence mechanisms that to enable others to exploit their suggestibility.

In cases of judicial concern it is necessary to distinguish between the physically and the mentally infirm, the former being subjects affected by a well-defined disease and the latter those affected by generic disorders (sometimes only temporary) of the intellectual and affective-relational spheres (5-12). In this perspective, the victims of circumvention are not necessarily affected by manifest mental disease but are simply unable to take care of their own interests, or to withstand pressures, influences and suggestions applied by third parties intending to misappropriate these interests. Thus, during a penal trial, when the hypothesis of mental incapacity of the victims is advanced, this must be ascertained by forensic psychiatry specialists to confirm the commission of the criminal offence envisaged in art. 643 cp.

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## The case

Mr. B, husband of Mrs. C, a childless couple despite their attempts to conceive, was convinced by a mutual friend to meet a certain Mr. P. The latter, meanwhile, had been phoning them daily; he claimed to be *the voice of God*, and was known as the “mystic”.

When they met, Mr. B was informed that he was one of the “chosen” and that the “mystic” had prophetic and supernatural powers, just as his friend had assured him. The first meeting was described by Mr. B as suggestive due to the smell of flowers that permeated the environment, the emaciated, suffering appearance of the “mystic”, and his capacity to correctly interpret the problems in their personal sexual sphere. All these elements were interpreted as clear signs that the “mystic” had a direct connection to the divine.

In the subsequent meetings, actions were committed to progressively tighten the net drawn around the victim, isolating him from all other contacts, external (acquaintances and relatives) but even internal to the couple (B and C). In this way, their critical capacities were deliberately weakened and their ability to share mutual experiences limited, in order to “allow” the so-called secret divine design to be accomplished.

Prayer meetings with a series of appearances of the Madonna, proclaimed divine manifestations and ‘safeguarding’ projects induced Mr. B to make an economic commitment. Both members of the couple actually entered into an individual relationship with the «mystic», became a member of the sect, and shared moments of leisure (holidays) and intimacy with other sect members and relatives of the “mystic”. Since the said mystic had gained the confidence and trust of both, he periodically coordinated their actions, proclaiming these as expressions of the divine will.

The creation of “artificial” bonds of affection compensated the isolation he imposed to fulfil the much desired “divine plans”. The extraordinary manipulation exerted by the “mystic” succeeded in convincing Mr. B that his wish for paternity could be achieved through the imminent pregnancy of the “mystic” himself. By manipulating the Trinity dogma and attributing to himself the role of the Holy Spirit, able to incarnate himself, he claimed that despite being a man, he would carry the pregnancy to term. In fact, after having had sexual relations with Mr. B, he declared that he was pregnant by virtue of the Holy Spirit and was expecting a child by Mr. B. He then claimed that he had given birth to a little girl, E, a fantasy minor said to be housed in an orphanage, and promised Mrs. C that he would intercede in order to arrange for them to adopt the minor.

The suggestibility of the couple continued for years, to such an extent that the “mystic” went so far as to claim that he had also given birth to twin boys. Because he was “persecuted by the Church”, they had been hidden abroad while awaiting the time for their Messianic destiny to save the world to come to fruition.

Meanwhile, through the “mystic”, Mr. B was supporting the financial needs of the twins, and Mrs. C those of little E, both of them spending large sums of money.

The donations were claimed to be functional to the divine plans and purported grandiose, suggestive purposes. One of these, “the crosses project” was prophesied to bring about

world salvation by placing wooden crosses in multiple points across the world, as well as their own desire for maternity and paternity through personal intercession with God.

After about 3 years, Mr. B was told to embark on an extra-marital relationship with another adept (Mrs. A) and bought her a house intended to be used for their meetings at weekends, despite his regular cohabitation with his wife (Mrs. C) in another house. After 2 years, he was told by the “mystic” that he would become a father, having made the adept pregnant. A few months later he was informed that the pregnancy had been interrupted because the child would have been a demon. The adept had voluntarily interrupted the pregnancy because the mystic had foreseen that the child would be severely disabled but would have powers inspired by a devil. Later, following artificial insemination, the adept gave birth to a little girl, that Mr. B was induced to recognize as his daughter, unaware that she was the result of medically assisted procreation.

During the many years of relations with the “mystic, the couple B and C progressively lost all control of their own lives. The continual launching of new “divine plans”, the claims of physical suffering and reported needs for surgery and costly ‘cures’ to complete his Messianic role involved the “mystic” undergoing an MtoF surgical sex change. Then, in the new role as a woman, the “mystic” undertook to become a cinema actress, playing in two movies whose production was partly financed by Mr. B, who had been persuaded that in this way s/he would reveal to the world the secret birth of the twins and their Messianic role. Then the “mystic” married Mr. F, long an adept of the sect, in an exclusive, luxury ceremony reported in magazines in the marriage sector, and opened an *atelier* of wedding dresses, again with the financial support of Mr. B.

When s/he moved to the USA to become a film director, the “mystic” demanded more money from Mr. B. His suspicions having at last been raised by the circumstances, Mr. B went to see Mrs. A, with whom he had previously had the extra-marital relationship under the mystic’s orders. She told him he had been a victim, together with his wife (Mrs. C), of manipulation and extortion by the *mystic*. Moreover, they had been dosed daily for ten years with a so-said miraculous homeopathic drug that was actually discovered to be a benzodiazepine.

At this stage, after years of silence and isolation, the couple B and C began to talk together about the events, and became aware that they had been defrauded with promises of prophecies and non-existent “divine plans”. In short, they had been the victims of a most unusual, peculiar crime.

Therefore, the victims turned to the legal authorities and, in view of the hypothesized crime of exploitation of the mentally incapacitated, underwent psychiatric examination and psychodiagnostic tests (personality test – Rorschach Test and M.M.P.I. 2). The mental state of the subjects examined was judged on the basis of a psychopathologic-clinical rather than nosographic diagnosis, since the preliminary approach to any psychiatric-forensic assessment must necessarily be of comprehensive rather than of classification type (7-16-17).

These demonstrated aspects of individual vulnerability (in Mr. B, theatrical behavior, a mystic-grandiloquent interpretation of the events, belief in magic, poor insight

and critical ability; in Mrs. C a feeling of guilt, inadequacy, low self-esteem and need of support), that had made them highly suggestible. The results of the psychodiagnostic tests administered to Mr. B revealed a narcissistic personality with continual self-referencing and little or no ability to identify with others or feel empathy with their needs. A hypertrophic ego and grandiose self-image with a sense of omnipotence, and evident egocentrism had allowed him to feel he was a chosen being, an elect. His self-centered affective sphere conditioned his view of reality, predisposing him to victimization since his need for personal gratification undermined his capacity to make critical judgements. The puerile means of satisfaction typical of a subject with narcissistic personality traits became interwoven with the manipulative, histrionic capacities of the perpetrator. While Mr. B was recounting the events, the theatrical narrative and considerable complacency with the way he was telling them, as well as his tendency to downplay events resulting excessively incongruous, were clearly evident. He also demonstrated an evident inability to make associations on the plane of formal analysis of thought.

There was a good psychodiagnostic agreement between the two psychodiagnostic tools employed (the Rorschach test and MMPI 2). In the MMPI test, signs of a seriously disordered view of reality emerged, despite the lack of a clearly psychotic profile or responses. All the indices related to relational and cognitive ideas of reality were abnormally low. His thought processes appeared to be remarkably fragmented, resulting in confused and contradictory associations. For example, in the same table he described human beings kissing, but also the presence of a devil and of devilish or abominable other beings, or else the presence of real people or animals together with imaginary ones. His psychosocial adaptation was deficient and limited, especially as regards relational aspects. The field indices for dependency, strong suggestibility, dependence on others' judgment and opinions and poor coping capacities were all high. Affectivity was flat and poorly modulated, and there were marked anxiety/depression components.

Mrs. C's attitude to the "para-religious" contents was more infantile and ill-defined. She resulted very fragile, due to her failure to conceive and her dependent character, but these findings could only partially explain how she could have accepted the bizarre claims and explanations, and been willing to comply with the mystic's orders and demands, even in the affective-sexual sphere. The psychodiagnostic tests findings were again in agreement, depicting a person with fragile defences, trying to obtain more than her inner potential allowed, thus continually exposing herself to the risk of failure and consequent depression.

The tests were not administered to the presumed perpetrator of the criminal offences, although the trial is still ongoing.

## Discussion

The Postmodern Age seems to be characterized by the following paradox: the more rational society becomes, the more man feels the need to turn to the sacred and a Transcendental universe (1-2-5). To respond to these needs

(21), religions are proposed as communication systems (14-19), built around a narrative with social implications and actions. In particular, by offering shared beliefs, stories and meanings, religions contribute a clearer order to social reality, by proposing various forms of "communicative contract". How and to what extent these are accepted opens an ample scenario of different possibilities and positions (24). In fact, not only can the great issues of our Age, but also more minute personal affairs, have implications of forensic psychiatry concern against a religious background. In such cases religious phenomena have strong overtones of magic; they are not attributable to a particular social class but are a resource employed by all social groups at times when people find it difficult or impossible to face negative events (4-8-9-10-13-15-20). People in conditions of fragility can find in religion the support of compensation, comfort and reassurance that helps to give order to a complex reality that is difficult to decipher. At one extreme lie the atheists, who refuse this support, and at the other, the magical-idolatrous attitude that accepts the Transcendental only if it can actually be seen and touched. In the middle areas of the continuum, the relationship between human and divine is "mediated" by vicarious figures that belong to three different groups: the few privileged who claim to hear the divine word itself; those who carry out ritual functions assigned by a religious institute; those who claim to possess specific capacities to introduce a believer into a dimension 'beyond' ordinary, everyday reality. In different ways, religious figures offer believers the chance to build a relationship based on faith, albeit asymmetrical and founded on an attitude of more or less reverential type adopted by the said believer. But there is an insidious potential hidden amid the asymmetry and the deference. In particular situations, religious figures can take advantage of their position, and the words and rituals that should bring meaning, values, comfort and hope can be used as harmful communicative tools and weapons against believers who have built up the relation "in good faith", leading to actions of borderline or outright criminal type. When people are in fragile conditions they offer individuals with particular criminal characteristics a chance to take advantage of their weakness to gain advantages of various kinds.

According to the latest data reported by the Cesap, the Italian center for Psychological Abuse opened in 2015, in Italy there are about 500 "spiritual communities" operating on the national territory (<https://codacons.it/l-esercito-degli-indovini/>). The search for points of reference to which to defer, abdicating their responsibilities and decisions, is dangerously insidious in times of crisis. In 2017, 399 reports to the authorities were made by relatives of people they believed had been manipulated or defrauded by people belonging to religious movements.

The ISTAT databank, which includes cases that have been archived due to lack of evidence, time lapse beyond the statutory limits or other reasons, as well as those in the course of trial (subpoena, abbreviated legal rite, preliminary hearing, indictment) shows that in the years 2011-2017, there was a progressive increase in the number of cases of exploitation of the mentally incapacitated (from 1439 in 2011 to 2061 in 2017 - (<http://dati.istat/Index.aspx?QueryId25255>)). To these numbers must be added those published by professional associations that, just in the 3-year period

2010-2013, denounced an increase by approximately three million (from 10 to 13 million) in the number of Italians who resorted to wizards, fortune tellers, self-proclaimed seers, that account for about 160,000 “professionals in the occult sector” bringing in a revenue of about 8.3 billion euros (+18.5% compared to the previous year) (<https://codacons.it/l-esercito-degli-indovini/>).

In Lombardy, according to data collected by the Osservatorio Antiplagio 2014 (Anti-plagiary Observatory), there were 2800 operators in fields of the ‘occult’, esoterics and various other non official spiritual forms, 2000 of which were based in the city of Milan alone. One in five Italians has consulted, at least once in their life, a wizard, fortune teller, seer or medium, for a fee (<https://codacons.it/l-esercito-degli-indovini/>).

As far as attempts made to ‘sedate’ the fear of the unknown, the future, and worries induced by economic uncertainties by making an extreme ‘act of faith’ are concerned, the Italian nation seems to be dangerously united in these attempts, searches and hopes for a simple, reassuring and predestined fate.

In the case described, the perpetrator exploited the couple’s hopes for biological parenthood, as well as instrumentalizing the Christian message, conveyed by means of an extremely powerful, ancestral symbolism. By these means, he gained complete power over the minds of these vulnerable subjects, succeeding in bringing about this case, that can be described as unique not only in financial terms but also as regards its duration for more than a decade.

The couple gave the ‘mystic’ and his group approximately two million euros, in the form of donations and bequests. These lasted over such a long period that it was difficult to individuate and ascertain the criminal offences. Such acts are normally closer together in time, and the manipulation and levers applied to the victims’ suggestibility make it easier to determine the intent on the part of the authors to abuse and exploit the mentally incapacitated.

The charismatic subject and his followers denounced by the victims had employed suggestive persuasion elements enveloped in a mystic para-religious context (presumed prophetic abilities, self-proclaimed stigmata exuding blood). They had done this for the purposes of entrapping new, fragile followers, discovering their most vulnerable areas and then proposing a “divine plan” that could be brought to fruition only if the subjects surrendered their will, and frequently contributed large sums of money.

Identifying psychologically fragile subjects with evident personal vulnerability as well as important economic resources was the core activity of this criminal group, structured as a sect. The victims and their affiliations were identified by other members of the group, or through the para-religious meetings in which the charismatic subject carried out suggestive operations, with the aid of accomplices. In addition, there was the tacit support, for a certain period, of some local religious figures, that led to his gaining some fame as a “mystic”.

The background to this crime is the immense, unfathomable realm of religious phenomena. The infinite depths of needs to take refuge therein, from time immemorial through myths to symbols, from rites to the Eucharist, offer some people a resource but to others a criminal opportunity,

revealing the dangers of interpretations not mediated by the Institutions.

Different vulnerabilities emerged in this case: those of a couple exhausted by sterile routine and failed medical attempts to have a child; individual vulnerabilities linked to different character traits like the peculiar tendency to believe in any contents and realities proposed by an ambiguous but officially para-religious group with a particular dogma. Their subsequent isolation, reinforced by forcing them to consort only with a selected group of persons, constituted the environmental vulnerability aspect. The purported phenomena relying on popular credulity, recounted by friends in common who had already been victims of exploitation and circumvention, led to their introduction into the “magic circle”. This consisted largely of the seer, his family members and some selected adepts, with whom a true criminal mafia-type bond had been forged. Their intent was, by means of proclaimed apparitions and mystic manifestations, to subtract huge sums of money and secondary other advantages (holidays and summer stays, tangible and intangible assets). All the group members took part in exploiting the great suggestibility of the victims, acting as direct witnesses of the mystic manifestations and “guarantors” of their authenticity, as well as accomplices in creating these. The religious beliefs and sacred theme invested each described event with significance: the religious resource, operated as a necessary choice by all the actors in these events, had been seen as the only alternative available to face the economic crisis.

## Conclusions

Religious phenomena pervade human society in a transverse manner, presented as different interpretations of events, sometimes simplified and reassuring when operated on subjects like those described here, presented in a dogmatic, fatalist manner as manifestations of the “Divine will”. When deprived of their significance, individual responsibilities and choices can easily transform humans into designated victims if they are unable to link their own emotions with the events that befall them. This leaves them at the mercy of “someone” or “something” that can help them to assign some order to a complex reality that they are unable to govern for themselves.

Religion, and those same structures that constitute a collective resource that can strengthen like-minded groups, may be distorted if wrongly interpreted and inserted in a highly dysfunctional communication context, or combined with a personality disorder.

In Italy, there is continual debate about the issue of sects and new religious movements, led by opposing parties. One front supports the freedom of worship and cult, promoting the spread of new religious movements and safeguarding people’s right to adhere to them, within the framework of civil cohabitation. The other front, worried about the frequent superimposition of minority cults and abuse, criminal and illicit phenomena, calls for the adoption of new legislative norms to control these phenomena. (22).

When the mentally incapacitated are circumvented, these victims become the tools of their agents and end up by taking part in illegal scenarios, sometimes committing actions with

a penal relevance (11-12). Therefore, ascertainment of the psychic conditions of these people at the times of commission of the illicit actions is essential to judge the penal liability of the third parties. Although ascertained mental incapacity (permanent or temporary legal interdiction) may already have been ruled by the competent Court before the crime of circumvention was committed, forensic psychiatrists are ethically obliged to verify whether in the specific circumstances, the known incapacity could have influenced the commission of illicit acts by the victim. Such persons are induced to act by trickery, through the creation of an illusory reality that the victim sees as real, due to the exploitation of his/her suggestibility (5-6-11). Therefore, forensic operators (psychiatrists, psychologists, judges, lawyers, health staff) that have to study and analyze new religious movements in the framework of possible abuse of their adherents must possess the necessary knowledge and skills to recognize those aspects that can affect the psychic equilibrium of the people involved. Study and analysis of the victims of such crimes can support these activities, especially considering that the victims often become even more isolated as a result of an experience like the one we describe. Such studies are also certainly useful in the training of new professionals to individuate and support potential victims of such circumvention, thus contributing to promote the emergence of a crime involving the exploitation of isolated, ignorant victims, that is generally committed in the shadows.

An important step is reinsertion of the victim in society, as well as punishment of the perpetrator of the crime. However, the institutions are often unable to respond with adequate tools to combat this type of crime and rehabilitate the victim. The existing bias between the relatively common nature of the abuse perpetrated and the rare denouncement of such acts is one reason why the phenomenon tends to be underestimated, while another is the very nature of the crime, that requires cooperation by the victim. A third reason is the reluctance of health staff to recognize such abuse (23-25), in the absence of specific operative protocols, for fear of possible legal repercussions. Finally, specific territorial procedures and services deputed to take care of the victims of this type of abuse are limited (18-23-25).

For these purposes, the *Adult Protective Services*, instituted in the USA to safeguard elderly victims against exploitation, especially of a financial nature, and including several different professional figures, can be seen as models combining health and legal safeguards (23-26) that could be particularly useful also if introduced into the Italian health care scenario.

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