Between Norms and Practice. Cultural Diversity in Italian Family Courts

Tra norme e prassi. La diversità culturale nel diritto di famiglia italiano

Claudia Cavallari[1]

Abstract

This article examines how judges in Italy deal with sociocultural diversity in family law cases. The aim is to investigate how understandings about culture are shaped and constructed in legal reasoning and what institutional dynamics influence this process. Based on qualitative research – semi-structured interviews with judges and critical discourse analysis of judicial decisions – the study explores the tension between individually held understandings of culture and the institutional conditions under which legal decisions are produced. Some judges show awareness of the dynamic nature of culture, but such perspectives rarely translate into the rulings. On the contrary, culture is often treated as a fixed attribute, made legible through essentialist classifications shaped by procedural, bureaucratic constraints and reliance on external assessments. Combining Practice-Based Theory and Critical Discourse Analysis, the article shows how judicial reasoning is constructed in routines that reinforce dominant cultural assumptions, suggesting the need for structural change to support more context-sensitive, pluralistic forms of legal interpretation.

Keywords: Judicial Practices; Legal Discourse and Stereotypes; Qualitative Approaches to Judicial; Family Law

Sommario

Questo articolo analizza come i giudici in Italia affrontano la diversità socioculturale nei procedimenti di diritto di famiglia. L'obiettivo è indagare in che modo le rappresentazioni della cultura vengono costruite nel ragionamento giuridico e quali dinamiche istituzionali influenzano tale processo. Basato su una ricerca qualitativa – attraverso interviste semi-strutturate con

1 Department of Sociology and Social Research, University of Milano-Bicocca. claudia.cavallari@unimib.it

Data invio: 8 maggio 2025. Data accettazione: 30 settembre 2025.
DOI: https://doi.org/10.54103/1972-5760/30764

giudici e analisi critica del discorso delle decisioni giudiziarie – lo studio esplora la tensione tra le concezioni individuali della cultura e le condizioni istituzionali entro cui vengono prodotte le decisioni. Alcuni giudici dimostrano una maggiore consapevolezza della natura dinamica e relazionale della cultura, ma tali prospettive difficilmente si traducono poi nei vari provvedimenti. Al contrario, la cultura viene spesso trattata come qualcosa di fisso, resa leggibile attraverso classificazioni essenzialiste, influenzate da vincoli procedurali e burocratici e dal ricorso ad accertamenti esterni. Combinando la Practice-Based Theory e la Critical Discourse Analysis, l'articolo mostra come il ragionamento giudiziario si sviluppi all'interno di routine che tendono a rafforzare assunzioni culturali dominanti, suggerendo quindi la necessità di un cambiamento strutturale a favore di interpretazioni giuridiche più sensibili al contesto e pluraliste.

Parole chiave: Pratiche Giudiziarie; Discorso Giuridico e Stereotipi; Approcci Qualitativi alla Giustizia; Diritto di Famiglia

1. Introduction

In Italy, as in many other multicultural societies, courts are frequently required to adjudicate cases where cultural issues and religious beliefs intersect with national legal frameworks (Grillo et al. 2009; Renteln, Foblets 2009). Since the 1990s, there has been a steady rise in cases where the "cultural" variable has played a decisive role in shaping judicial outcomes, reflecting a broader global trend in which courts negotiate cultural diversity within legal decision-making (Ruggiu 2017). Despite the general perception that the legal system applies universal principles of justice, judges actually have to balance the conflicting legal traditions and fundamental rights, which raises important issues regarding how the law is interpreted and applied in culturally diverse contexts (Cotterrell 2018; Grillo et al. 2009; Renteln, Foblets 2009; Ruggiu 2017).

Family law is a key domain where cultural diversity is at stake, especially in disputes concerning parental rights, religious upbringing, and child custody (Ronfani 2020), where courts must determine the extent to which cultural and religious norms should be recognized (Renteln, Foblets 2009; Shah et al. 2014; Cavallari 2024). Family issues fall within the regulatory framework of Italian family law, historically based on Articles 29, 30, and 31 of the Constitution and progressively redefined by legislative measures that have expanded the protection of the interests of minors and family relationships. The recent reform of civil procedure (Legislative Decree No. 149/2022) introduced a single procedure for disputes concerning individ-

SOCIOLOGIA DEL DIRITTO, Vol. 52, Numero 2, 2025
ISSN 0390-0851 – ISSNe 1972-5760

uals, minors, and families, thus redefining the organizational structure of judicial jurisdiction in family matters, aimed to ensure efficiency, specialization, and uniformity of interpretation within the justice system[2] (Cecchella 2023).

The extent to which legal systems should adapt to cultural diversity remains a subject of scholarly discussion (Phillips 2010; Renteln 2004; Ruggiu 2017). The notion of *reasonable accommodation*, first developed within North American jurisprudence, has significantly shaped European debates regarding the judicial treatment of cultural and religious exemptions (Mondino 2017). Although European courts have increasingly recognized the pluralism inherent in contemporary societies, their rulings frequently reaffirm prevailing institutional frameworks, thereby reproducing hierarchical understandings of cultural legitimacy.

To examine how judges engage with sociocultural diversity in legal practice, this article draws on Practice-Based Theory (PBT) and Critical Discourse Analysis (CDA). PBT offers a framework for understanding judicial reasoning as a cognitive process and as a practice shaped by institutional norms, professional routines, and courtroom interactions (Verzelloni 2012; Gherardi 2006). On the other hand, CDA highlights the role of legal discourse in constructing and legitimizing cultural hierarchies, thus showing how courts shape cultural legitimacy through the use of language (Peroni 2014; Gunnarsson et al. 2007). Therefore, judges do apply legal norms, but they reinterpret the law in their daily practice.

Against this backdrop, this article aims to answer the following research question: how can the integration of qualitative approaches (semi-structured interviews and Critical Discourse Analysis) enhance our understanding of how judges construct their legal interpretations of sociocultural diversity in family law cases?

This research is based on a qualitative analysis combining semi-structured interviews with judges and an examination of judicial decisions in cases involving cultural diversity. Interviews offer useful insight into the ways judges understand cultural diversity and articulate the reasoning behind their decisions, while judicial rulings are used to show how such interpretations are shaped within the broader framework of legal discourse.

2 Although aimed at streamlining the judicial system and reducing trial times, the reform has been criticized by practitioners and scholars, who have questioned its ability to adequately respond to the complexity of contemporary family situations. It was highlighted the risk of a weakening of the multidisciplinary approach traditionally guaranteed by the juvenile court and the lack of operational tools to address issues related to cultural diversity and new family forms (Spada, Cartasegna, Costella, 2023). At the time of the interviews, however, the reform had not yet come fully into force, which is why the issue has not been addressed systematically either in the decisions analyzed or in the judicial discourse that emerged from the interviews.

The objective of this study is to deepen the understanding of how cultural diversity is managed in judicial practice, questioning conventional notions of judicial impartiality and promoting a more contextually grounded approach to legal reasoning. By emphasizing the interpretive and institutional aspects of judicial decision-making, the research advocates for stronger interdisciplinary collaboration, the systematic inclusion of cultural mediation within court procedures, and a critical reconsideration of how legal language shapes mechanisms of inclusion and exclusion in the judicial sphere.

2. The Cultural Variable

In Italy, the number of court cases where the "cultural" variable has been used to determine the case's outcome has increased since the 1990s. This phenomenon is worldwide and occurs in "all systems that regulate multicultural societies" (Ruggiu 2017), forcing judges to consider the broad category of "culture" on a case-by-case basis. Though their interpenetration is extremely difficult, the theory of fundamental rights and the theory of plurality of legal systems are currently the two dogmatic constructions within which multicultural conflicts are framed (Ruggiu 2012, 2017). This puts judges in an antinomian situation where, on the one hand, culture is conceived as a right, or at least a principle of constitutional importance, on the other hand, it is a harbinger of external norms that may conflict with its obligation to be subject to the law. At least in the Italian context, the contentious discussion surrounding the endeavour to develop useful diversity doctrines in the legal system is relatively new. It coincides with the steadily rising number of so-called multicultural disputes that judges are asked to settle (Ruggiu 2017).

For what concerns civil matters, the question of how much protection should be given to potential norms and values that come from a different legal culture, and thus how much our legal system should adapt to a multicultural society, first arose about religious differences. Particularly in the US and Canada, the first focus was on modifying legal requirements to conform to the requirements set by employees' religious convictions. As a result, the mechanism of reasonable accommodation – which can take many different forms –was implemented as a remedy. The idea of reasonable accommodation, which first appeared in American civil rights courts in the 1970s, required public or private employers to make "reasonable accommodations" to protect their workers' religious practices and beliefs, unless doing so would place an excessive burden on the employer (Mondino 2017).

In November 2000, Council Directive 2000/78/EC established the word in Europe, taking influence from the US and Canadian contexts. This directive focuses on fighting social discrimination and working to promote sub-

SOCIOLOGIA DEL DIRITTO, Vol. 52, Numero 2, 2025
ISSN 0390-0851 – ISSNe 1972-5760

stantive equality under the law, even while it does not directly address cultural or religious distinctions. In the current socio-legal debate in Europe, "accommodation" refers to actions in which the law or social actors, acting in a relatively covert manner, show consideration, sensitivity, and a readiness to accept values and meanings that are different from their own (Ballard et al. 2009; Shah, Foblets 2014). This discussion is particularly relevant in the context of family law and religious diversity, as explored by Shah et al. (2014), who analyze how European legal systems engage with religiously diverse family structures. Some other studies have focused on legal pluralism and the intersection of secular and religious legal orders (Menski 2014; Rohe 2014), as well as the role of religious institutions in family matters, including unregistered marriages and religious divorce (Jänterä-Jareborg 2014).

3. Italian Judiciary and the Interpretative Space

Judicial offices have long been recognized, in both political science and organizational studies, as complex organizations (Catino 2009; Zan 2011; Dallara, Verzelloni 2022; Garapon et al. 2014). In this sense, judges operate within these structures as highly qualified professionals who enjoy substantial discretion and autonomy, supported by administrative staff working under bureaucratic constraints (Guarnieri, Pederzoli 2002; Verzelloni 2019). Within this context, interpreting the law is both applying cognitive skills and involving practical and situated activities shaped by the organizational and cultural environments in which judges work (Verzelloni 2012; Nicolini et al. 2003).

The Italian judiciary, in particular, reflects a hybrid identity, blending the professional autonomy typical of liberal professions with bureaucratic elements such as hierarchical careers and standardized procedures (Dallara, Verzelloni 2022). Over time, there has been a gradual departure from the positivist notion of the judge as the mere "mouthpiece of the law" (Bobbio, 1989). Interpreting the law has increasingly been understood as a dialectical, problem-solving process that demands active reasoning, negotiation, and argumentative engagement (Marinelli 2008; Greenebaum 2003).

The gap that separates factual adjudication from abstract legal norms indicates the interpretive discretion granted to magistrates (Verzelloni 2009): indeed, judges actively create the meaning of the law by routine procedures ingrained in particular institutional, technological, and social settings rather than merely "applying" it. Therefore, practices must be viewed as systems of activity where doing and knowing are interwoven, in accordance with Gherardi (2019). In this sense, learning is a process that is embodied, col-

laborative, and continuous, creating and reproducing social reality, rather than a cognitive accumulation of knowledge.

The theoretical framework of practice-based studies provides an interesting lens to understand such dynamics. Emerging in the early 1990s with scholars like Brown and Duguid (1991) and later developed by Orlikowski (2002) and Gherardi (2019), PBS challenged traditional notions of knowledge as static and individual. In this sense, knowledge is seen as situated, dynamic, and socially produced through real-world practices (Corradi et al. 2010), and from this perspective, judicial interpretation is best understood as a continuous process of situated learning, negotiation, and knowledge-in-practice.

Judges, through their interpretations, participate in the ongoing construction of what has been called the "living law" (Verzelloni 2012), constantly translating written norms into concrete decisions. Legal norms do not exist in a vacuum; they are enacted, modified, and stabilized through the day-to-day work of courts. As Gherardi (2006, p. 34) suggests, practice is a "relatively stable, socially recognized way of ordering heterogeneous elements into a coherent whole."

Seen from a practice-based viewpoint, judicial rulings are not isolated logical outputs but the products of complex social processes. They emerge from the interplay of professional routines, technological infrastructures, material artefacts, and interactions among legal actors. Judges exercise considerable *margins of manoeuvre* (Dallara, Verzelloni 2022), yet their discretion remains embedded within wider institutional frameworks and collective professional understandings. Within this dynamic, documents assume a crucial role. Drawing on Ferraris' theory of social ontology (2007, 2009), documents are not merely repositories of information; rather, they are constitutive components of institutional reality. In this perspective, legal decisions are indeed performative acts that describe the law but also actively participate in its formation (Silvi 2020). The written judgment thus functions as a document that stabilizes legal meanings, delineates rights and obligations, and reaffirms the authority of the legal order. Accordingly, judicial decision-making should be viewed as a situated practice, namely a negotiated outcome shaped by social, material, and discursive processes. So, in this sense, judgments operate as performative utterances: they both declare and produce law, generating new legal meanings through institutionalized routines (Febbrajo 1995; Barra 2015).

Indeed, in doing so, courts resolve individual cases but also participate in the continual reproduction – and, at times, transformation – of the legal field. PBT and CDA, in summary, provide distinct and useful perspectives for examining judges' interactions with sociocultural variety: PBT emphasizes the routine and contextual nature of legal work and how knowledge is implemented through practice. On the other hand, CDA stresses more

SOCIOLOGIA DEL DIRITTO, Vol. 52, Numero 2, 2025
ISSN 0390-0851 – ISSNe 1972-5760

how institutional discourse and language create social meaning and legitimize power dynamics. Together, these methods help provide insight into how professional habits and organisational routines shape cultural interpretations and how legal language either reinforces, reproduces, or challenges such readings.

4. Research Design and Method

This article draws on data originally collected during my Ph.D. research, conducted between 2022 and 2023. Gaining access to the judiciary as a field of empirical inquiry presented significant challenges. Initial attempts to recruit participants were often met with skepticism, especially given the perceived sensitivity of the topic. As one colleague remarked, "You want to interview judges? Good luck." Indeed, only those magistrates with a marked interest in the research themes agreed to participate, resulting in a non-random sample and a potential selection bias[3].

Therefore, the study adopted a qualitative methodology (Cardano 2011; Della Porta, Keating 2008; Silverman 2008), combining two main methods: the analysis of judicial decisions and semi-structured interviews. This strategy enabled methodological triangulation and helped reduce the limits of relying on a single data source. The interviews explored judges' experiences and reasoning in handling culturally sensitive family law cases, while the document analysis sought to uncover how such issues are represented within written judicial decisions. Eight semi-structured interviews were conducted with judges from the IX Civil Section of the Court of Milan, with jurisdiction over family law, separation, and divorce matters. Milan was selected as the research site due to the size and complexity of its family court, the diversity of its caseload, and the city's broader multicultural composition[4].

3 Participation bias is particularly problematic if the response is low since the research participants are less likely to be representative of the source population investigated. In general, selection bias is the systematic mistake that happens when the sample of participants or cases analyzed is not representative of the population of interest. Instead of choosing a random sample that is typical of the population, this might happen when researchers purposefully or inadvertently choose individuals or instances that are more likely to yield specific results or support their assumptions.

Social desirability bias refers to the trend of presenting oneself and presenting one's answers in a way perceived as socially acceptable, but not always wholly reflective of reality. It usually tends to emerge on issues that participants find controversial or sensitive (Grimm 2010).

4 The northern Italian city of Milan now has a population of more than 1.3 million. Non-communitarian citizens make up about 14% of its population; if we additionally include undocumented and registered regular inhabitants who are not formally listed as residents, this number rises by an additional 3.5% (Ministero del Lavoro e Delle Politiche Sociali 2023; Menonna and Blangiardo 2014). Notably, one in every five individuals is a

Each interview lasted approximately one hour and was audio-recorded, transcribed in full, and then systematically coded and analyzed using NVivo software. In order to minimize social desirability bias, interviews took place in a neutral, non-evaluative environment, and participants were encouraged to discuss real cases they had adjudicated. At the same time, the research incorporated an analysis of 37 judicial decisions. This sample included 18 adoption cases (primarily from the Court of Cassation), five rulings on religious education (from both the Court of Cassation and lower courts in Milan and Novara), seven decisions regarding separation and divorce (from various judicial levels), five cases concerning kafalah (all from the Court of Cassation), and two judgments on child recognition. All decisions from the Court of Cassation were issued by the First Civil Section, which oversees matters involving personal status, family, and minors. Cases were selected through targeted searches in major legal databases – such as CED Cassazione and DeJure – and were further supplemented by relevant decisions published in legal periodicals. Instead of adopting a predetermined theoretical notion of "culture," it was decided to study cases where judges made explicit references to cultural factors. This methodological approach enabled the research to investigate how cultural diversity is understood, interpreted, and operationalized in judicial practice, while avoiding reductionist or abstract conceptualizations.

The interviews provided insight into judges' personal reasoning and professional self-understanding, while judicial decisions – texts written for formal legal purposes – offered a different perspective: they enabled analysis of how legal categories such as family, childhood, and parental authority are constructed and applied in a multicultural context. Taken together, the two data sources reveal both the normative framings and the discretionary practices through which Italian judges engage with cultural complexity in family law.

5. Judicial Narratives and the Interpretation of Sociocultural Diversity

Judicial reasoning in cases involving sociocultural diversity reflects both the mechanical application of legal norms and is shaped by judges' interpretive practices, institutional constraints, and discursive strategies. The following sections explore three interconnected dimensions that emerge across the data collected: (1) Judicial Categorization of Culture in Legal Reasoning,

minor, with over 60% of them born in Italy. Migration-related diversity is becoming increasingly obscured in these statistics due to the rising rate of naturalization. In just the past two years, approximately 13,000 foreigners acquired Italian citizenship in Milan.

SOCIOLOGIA DEL DIRITTO, Vol. 52, Numero 2, 2025
ISSN 0390-0851 – ISSNe 1972-5760

(2) Implicit Bias and the Essentialization of Cultural Identity, and (3) Institutional Constraints and the Limits of Judicial Interpretation.

5.1 Categorization of Culture in Legal Reasoning

Judges' engagement with sociocultural diversity occurs within the constraints of legal reasoning, which demands the categorization of facts into recognizable legal frameworks. This process often necessitates translating complex cultural identities into legally legible terms, typically leading to reductive representations of culture. In the absence of clear statutory definitions, judges develop working concepts of culture that vary across cases but generally reflect dominant legal and institutional logics (Decarli 2018; Ruggiu 2019).

Interviews with judges revealed a recurring difficulty in articulating a clear definition of culture. Many participants tended to avoid direct conceptualizations, indicating the perceived complexity and sensitivity of the topic. Nonetheless, when asked, some judges offered nuanced perspectives that framed culture as a multifaceted phenomenon extending beyond ethnic or national identities. As one judge observed: "When I talk about cultural factors, I mean the background of education, upbringing, social conventions within which a specific individual grows (Interview no. 2, female judge)." Another judge emphasized the layered nature of cultural influence in family dynamics:

> They are challenging thematic areas, such as approaches to parenthood. It seems to me that they always turn out more complex, because there are different family conceptions, or religious contexts, or the interests of the minor (Interview no. 6, female judge).

These reflections suggest that judges are aware of the complexity of cultural identity. However, their conceptualizations remain largely intuitive and case-specific rather than theoretically grounded. The judges' difficulty in articulating a clear, stable definition of "culture" is not a deficit of knowledge but a reflection of the way legal meaning is constructed through contextualized and ongoing practices. When explicitly asked to define culture, some judges articulated layered perspectives. However, this more complex understanding emerged only under direct prompting. As one judge candidly admitted:

> We do not have a standardized use of the term culture. In fact, I think there really is no shared code. It's not a factor, I'm afraid, that is considered in an institutional way, so I can tell you what my perception is. (Interview no. 1, male judge)

This quotation highlights the lack of a common and institutionally defined framework for addressing cultural diversity. In this way, judges are left to rely on personal interpretations shaped by individual experience and perception. In spontaneous references to cultural issues – particularly when discussing casework – judges tended to invoke geographically anchored, fixed conceptions of culture, linking identity to national origin and ethnicity.

This discrepancy might be partially explained by social desirability bias. By contrast, in routine judicial practice, where decisions must be made within established institutional frameworks, simplified and essentialized understandings of culture often reassert themselves, illustrating the gap between reflective knowledge—what actors articulate when asked to reflect – and knowledge-in-practice – the habitual, situated production of meaning embedded in everyday work.

Even though in interviews (some) judges tend to present a narrative of what is culture – one that encompasses different levels of analysis and is influenced by social, legal, and individual dynamics – the analysis of court rulings reveals a less complex and more schematic representation in practice, more in line with what emerged when discussing real cases in the interviews.

Considering the understanding and application of the idea of culture in relation to family lives, some situations stood out.

For instance, in *Cassazione civile* n. 3947 (29/02/2016), the court-appointed expert report linked the mother's cultural background to an alleged inability to provide an adequate environment for the child's development:

> The personality characterized in a referential and irritable sense within a problem of acculturation, where difficulties related to ethnic data were mistaken for racist elements and where the spirituality of the woman led to further integration difficulties. The court-appointed expert had noted that "this set of data partly limits the parental capacity, presumably not so much for the child's material care, but concerning the actual possibility of adequately developing the minor in this cultural environment" [...] "the path of awareness where responsibilities are at least shared is therefore very long and hardly compatible with the evolving needs of the child in this social environment of belonging" [...] As for the reports of the National Institute for the Promotion of the Health of Migrant Populations […] produced by the appellant, they emphasized the difficulties faced by Z., despite many years in Italy, in understanding the values of the cultural context in which she was placed, highlighting that our legal system, as noted by the court-appointed expert, placed a decidedly different emphasis on the rights and protection of the child, not conceived as an undifferentiated expression of the maternal.

In this context, culture is portrayed as a fixed "condition", used to evaluate parental competence, and not as something dynamic or possibly changing. Although in interviews judges acknowledge that cultural background can-

SOCIOLOGIA DEL DIRITTO, Vol. 52, Numero 2, 2025
ISSN 0390-0851 – ISSNe 1972-5760

not be neatly contained within a single legal framework, the rulings often delineate strict boundaries around what is deemed an 'acceptable' cultural environment for a child. The language used in expert assessments and judicial discourse portrays the mother as struggling with acculturation, emphasising her supposed inability to adapt to Italian cultural and legal norms. The claim is that she has failed to grasp 'the values of the cultural context', positioning her as an outsider and reinforcing a binary opposition between the dominant Italian legal order and a supposed deficient 'other' cultural heritage. This framing illustrates how institutional discourse constructs cultural adaptation as a legal imperative, therefore suggesting that non-Western cultural backgrounds are problematic or inadequate for responsible parenting. Furthermore, the sentence 'personality characterised in a referential and irritable sense within a problem of acculturation' shows us the pathologisation of cultural differences. In this case, the judge translates cultural identity into a psychological or behavioural matter, implying that Z.'s difficulties in navigating the legal system stem from individual or emotional lacks rather than systemic or structural constraints. Within this framework, cultural differences are presented as problems to be solved and not as conditions to be recognised, while legal discourse consolidates institutional authority by presenting Western legal norms as the standard for child protection.

The expert's assertion that "our legal system places a decidedly different emphasis on the rights and protection of the child" suggests that Z.'s cultural background affords lesser value to child welfare, thereby reproducing an ethnocentric hierarchy that elevates the Western model of family law as inherently superior. Moreover, the expert's claim that cultural differences "limit parental capacity" and are "hardly compatible with the evolving needs of the child in this social environment" effectively constructs integration as a legal prerequisite for parental legitimacy. This framing generates a power imbalance in which parents from non-Western origins must demonstrate their capacity to adapt to prevailing cultural norms in order to be considered fit carers, with the National Institute for the Promotion of the Health of Migrant Populations report used as evidence of failure to integrate and to fully acquire Italian cultural norms. Such an institutional discourse thus has a performative purpose, supporting a legal narrative that justifies judicial decisions based on cultural factors. By framing the problem as an integration failure, the discourse shifts blame away from the legal system and onto the individual, hiding the role of structural and systemic hurdles in the integration process. Such word choices help to normalize court outcomes, making them look objective, neutral, and unavoidable, rather than reflecting subjective institutional interpretations of cultural difference. This linguistic framing is not neutral; it reflects an institutional discourse that systematically constructs non-Western family models as deficient, reinforcing a hierarchical understanding of parental legitimacy.

A similar categorization process can be seen in rulings concerning religious upbringing. In *Cassazione civile* n. 21916 (30/08/2019), a conflict arose between the religious beliefs of the child›s parents – one practicing Catholicism, the other following Jehovah's Witnesses – and the court criticized the observations made in the previous judgment.

> The court therefore deemed that given the conflict between the parents, the decision […] falls to the judge and thus affirmed that, "while refraining from any intent of discrimination based on religious grounds, it must be considered that the father's choice predominantly corresponds to the child's interest, allowing for easier integration into the *social and cultural fabric of the belonging context*, which, although notably secularized, still retains a Catholic matrix (consider, for instance, the Italian artistic heritage inspired by the Catholic religious dimension, the youth gatherings fostered at the parish level with initiatives for children and adolescents linked to catechism, youth centers, summer camps, etc.); while respecting the beliefs of the mother, it cannot be overlooked the *sectarian nature of the religious community to which she adheres, closed in on itself and hostile to dialogue with any other interlocutor, being tied to a formalistic and biased interpretation of certain Old Testament texts, which has not inspired (at least in Italy) any literary or artistic work of cultural significance.*
> […]
> With the first ground of appeal, it is alleged a violation of the paramount interest of the child in maintaining a significant relationship with both parents and in receiving their *cultural and religious heritage*, in the absence of harm to the child and legal grounds to prohibit G.'s mother from involving him in her Jehovah's Witness religious activities.

This reasoning shows how courts might construct a sort of hierarchy of religious and cultural belonging, considering some identities as more socially and legally recognizable than others. Here, the Catholic identity of the father is seen as "predominantly corresponding to the child's interest," with the justification based on its inclusion in the Italian social and cultural context. On the other hand, Jehovah's Witnesses are seen as a "sectarian" and "closed" community, lacking cultural contributions in literature and art, showing that legal decisions incorporate social assumptions and historical narratives about which traditions align with the dominant culture.

This decision reflects how judicial actors work within institutional expectations that shape their understanding of what constitutes an "appropriate" upbringing. Judges may not consciously intend to discriminate, but their reasoning follows an established approach that prioritizes the continuity of dominant cultural-legal norms over pluralistic interpretations of religious identity.

This reveals a crucial tension between judges' reflective awareness of cultural complexity and the institutionalized practices through which legal

SOCIOLOGIA DEL DIRITTO, Vol. 52, Numero 2, 2025
ISSN 0390-0851 – ISSNe 1972-5760

reasoning about culture is managed. While judges can and did articulate understandings of cultural identity and complexity when prompted, their routine judicial practices tend to produce simplified, geographically fixed, and normatively ranked conceptions of culture.

Therefore, law participates in the performative construction of social and cultural hierarchies, stabilizing contingent realities into legally actionable categories.

Judges must often face these complexities without systematic institutional support such as intercultural mediation mechanisms or interdisciplinary expertise, further limiting their capacity to engage with cultural diversity in a reasoned way, which is going to be explored in the last section of this article.

5.2 Implicit Bias and Cultural Identity

As emerged in the previous section, despite efforts to present legal reasoning as neutral and objective, judicial decisions often rely on implicit biases that essentialize cultural identity, transforming it into a stable, unchangeable characteristic rather than a dynamic and socially negotiated practice. Legal discourse, by structuring and stabilizing meanings, reflects and sustains the courts' perceived legitimacy and normative authority.

After highlighting the differences in how culture is represented in interviews and judicial decisions – and, consequently, how judges construct legal interpretations in cases involving sociocultural diversity – this section examines how courts represent and engage with cultural diversity in legal decision-making through a critical discourse analysis. It explores how legal discourse actively contributes to the social construction of culturally relevant concepts and categories, thereby deepening the broader analysis of cultural diversity's impact on legal outcomes in Italy.

Courts often engage in two distinct processes of exclusion: they elevate a cultural or religious practice to the status of a group's defining identity, establishing it as the essence of group membership. Furthermore, they identify a particular trait or experience as representative of the entire group and, crucially, link this trait to negative assumptions. This results in the creation of exclusions and hierarchies within and between groups, with specific features being privileged as representative and practices associated with minorities being positioned as inferior.

A preliminary review of judicial language reveals a widespread tendency to objectify and generalise the attributes of applicants. Terms such as 'culture', 'Muslim religion', 'way of life', and 'cultural context' frequently appear as objectified, homogeneous labels. These generalisations are often presented as neutral, necessary features of legal reasoning (Peroni 2014), and the ostensibly objective tone of legal documents obscures the rhetorical and

argumentative work they perform. Therefore, understanding judicial texts requires attention to what is omitted or taken for granted, thereby revealing the construction of norms and hierarchies.

Portraying applicants through collective representations and generalised attributes produces two problematic outcomes. Firstly, it facilitates negative stereotyping, whereby the applicant is reduced to an essentialised feature that associates the group with preconceived notions of inferiority. Secondly, it creates a binary division between 'us' and 'them', reinforcing the perception of cultural difference as deviant or problematic.

This essentialisation is particularly evident in rulings that assess parenting capacity through cultural markers. In *Cassazione civile* n. 31057, the Court of Cassation evaluated a father's parenting skills by referencing his alleged cognitive and cultural inadequacies:

> The father, still bound to his original culture and to a representation of the family that does not correspond to ours, is not aware of his parental role, imagining he can delegate the upbringing of the child to others, according to a vision of the family and family relationships different from that applicable in Italy.

Through this statement, a normative contrast between an acceptable "ours" and an inferior "other" is constructed, reinforcing a hierarchical framework of cultural legitimacy. The applicant's cultural background is presented not as diversity but as a deficit in parental competence.

A similar process of othering appears in religious upbringing cases, here disputes between Catholic and Jehovah's Witnesses parents. In *Cassazione civile* n. 12954 (24/05/2018), one of the grounds raised in the appeal is that the Court of Appeal had uncritically accepted the court-appointed expert's conclusions and demonstrated prejudice against the Jehovah's Witness faith. It was ruled that the child must continue to participate in "the manifestations of the Catholic tradition which have been part of her experience since birth", without taking into account that the father had introduced his daughter to his new faith when she was three years old and that the mother was not a practising Catholic. On the other hand, in *Cassazione civile* n. 21916 (30/08/2019), the Court reasoned:

> Given the disagreement between the parents, the decision falls to the judge […] and thus affirmed that, while refraining from any intention of discrimination for religious reasons, it must be considered that the father's choice is more in line with the child's interests, allowing him to more easily integrate into the social and cultural fabric of the context to which he belongs. This context, although notably secularized, still has a Catholic background.

SOCIOLOGIA DEL DIRITTO, Vol. 52, Numero 2, 2025
ISSN 0390-0851 – ISSNe 1972-5760

While claiming neutrality, the Court constructed a contrast between the Catholic Church, presented as integrated within Italy's cultural fabric, and the Jehovah's Witnesses, depicted as "sectarian," "closed," and disconnected from national culture. By invoking Italy's Catholic heritage – artistic traditions, parish activities, and communal life – the Court framed Catholicism as the normative religious background, thereby marginalizing alternative affiliations.

This contrast helps us to stress the sociological prevalence of Catholicism and introduces a structured preference, where some religious identities are seen as naturally compatible with civic life and others as alien or problematic. The Court's language exemplifies what Van Leeuwen (2008) calls moral evaluation: legitimizing dominant traditions by appealing to authority, custom, and national identity.

The Courts' objectification of minority religious practices has unsettling implications. By delegitimizing religious practices outside the Catholic tradition, judicial discourse participates in a process of authorization (Van Leeuwen 2008), reinforcing majoritarian norms as the standard for cultural legitimacy. Religious affiliations that diverge from dominant traditions are subtly framed as incompatible with core civic values such as tolerance, equality, and respect for difference.

Judges, in interviews, often resist explicitly acknowledging these dynamics. However, a critical discourse analysis of rulings reveals that judicial discourse, in describing cultural reality, is performative in the sense that it actively shapes cultural understandings, producing and reinforcing social hierarchies within the legal system.

5.3 Institutional Constraints and Limits of Judicial Interpretation

Judicial engagement with sociocultural diversity is not merely the product of individual reasoning, but is deeply shaped by systemic and organizational constraints that influence how cases are processed, interpreted, and resolved. From a Practice-Based Theory perspective, legal interpretation emerges not only through cognitive decision-making but through situated practices shaped by institutional routines, material limitations, and professional expectations. This section identifies three key constraints – linguistic barriers, delegated cultural assessments, and the absence of cultural mediation – that limit judges' ability to engage contextually with diversity.

The lack of linguistic accessibility is a recurring structural problem in proceedings involving foreign litigants. An interesting example is the case *Cassazione Civile* n. 21110 (10/2024), in which the appellants argued for the nullification of a declaration of adoptability due to the absence of translation into the language of the parents. The Court upheld the appeal, citing

multiple procedural failures: the court-appointed expert mistakenly identified the parents as Sinhalese instead of Bengali, relied on a cultural mediator unable to communicate with them, and did not consider the parents' sociocultural background or educational context, therefore restricting parental access and violating core principles:

> With the first ground of appeal, it is argued that the judgment under appeal and the entire proceeding […] are null and void due to the *lack of translation* into a language known to the parents. Furthermore, the appellants complain that the court-appointed expert did not take into account the observation of the parental couple and the child lasting over a year and carried out by Dr. [...] from the Child Neuropsychiatry service, as well as the evaluations she expressed. The same court-appointed expert did not consider the *socio-cultural aspect*, the *environment of origin* of the parental couple, and the influences of *different cultural and educational models*, to the extent of even confusing the area of origin of the present appellants, defined by the court-appointed expert as Sinhalese instead of Bengali.

This case illustrates how institutional limitations can compromise the fairness of proceedings and contribute to cultural misrecognition. Here, the issue reflects deeper assumptions about whose knowledge and communication styles are prioritized in the legal process, therefore going beyond mere technical issues.

In these cases judges frequently rely on external experts, like social workers, psychologists, court-appointed consultants, for assessments of parental capacity and family dynamics. While this delegation is necessary, it also creates distance between the judiciary and the lived experiences of those appearing in court. One judge openly reflected on this detachment:

> I am afraid that we tend to do a package delegation. You tell me and you use the tools you think you should use. […] In fact, we don't even know who they are done by. By a guy who signs them, but who he is, what qualifications he has, and what skills he has, we don't know (Interview n.1, male judge).

From a PBT lens, this form of delegation is not simply a pragmatic choice but a routinized practice: a standard way of "doing" justice under institutional constraints. Over time, such routines become normalized and difficult to contest, reinforcing hierarchical knowledge flows that treat cultural interpretation as external rather than integral to legal reasoning.

Despite the relevance of cultural mediation in complex cases, it remains largely absent from institutional practice. Judges themselves are aware of this absence but also point to the structural and financial obstacles that prevent its implementation. One judge remarked:

SOCIOLOGIA DEL DIRITTO, Vol. 52, Numero 2, 2025
ISSN 0390-0851 – ISSNe 1972-5760

> As feedback, I tell you that I have never seen a report from the services where a cultural mediator also intervenes. We have never had that requirement. […] If I told the services to use a mediator, they could quietly say: mind your own business, I don't have the money for the mediator anyway, so you're on your own!" (Interview n.1, male judge).

Another judge echoed this concern:

> [...] since there is no money of any kind going around, I might even think that I would be well assisted by the expert, but I can't even foresee it because when we paid a few consultants [...] we already have people who cry when they have to pay the lawyer and this would be a figure of extra-luxury don't know how to put it (Interview n.4, female judge).

These reflections that emerged from the interviews indicate that cultural mediation is not institutionally rejected, in theory. However, such a figure is quite often excluded due to systemic underinvestment and administrative inertia. As a result, judges are left to navigate cultural complexity without adequate tools, relying instead on pre-existing professional networks that may lack cultural expertise.

One judge summarized this systemic gap clearly:

> For what is my little slice of experience, the feeling is that it is an issue in general that perhaps is talked about, in the sense that both in the acts of the parties, and perhaps in an implicit sensitivity on the part of the judges, it emerges how much cultural factors have influenced certain choices. But I do not see this institutionalized attention in a specific channel, that is... we have a South American or Sri Lankan couple, to understand their dynamics we must have someone to explain what they are. I don't see that. Then it may be that in other sections it happens in a much more massive way (Interview n.1, male judge).

In conclusion, it is possible to argue that these structural constraints do not (always) result from individual indifference but rather from routinized judicial practices shaped by institutional inertia, resource scarcity, and procedural standardization. These testimonies reveal that judges are aware of the possible importance of cultural mediation, but their ability to act on this awareness is constrained by a lack of institutional support and structural pathways. The gap between perceived need and actual resources highlights a disconnect between individual sensitivity and systemic responsiveness. As a result, cultural complexity is often flattened or externalized, reinforcing dominant legal norms and contributing to the exclusion of minority cultural perspectives through the daily reproduction of practices that have become normalized within the judicial system.

6. Judicial Discourse and Practices

This article has examined how Italian judges engage with sociocultural diversity in family law, highlighting the tensions between personal awareness, institutional routines, and legal discourse. Through the interview and judicial decision analysis, a recurrent gap is revealed by the research: although some judges, when questioned directly, express views of culture as something complex, relational, and context-dependent, these kinds of perspectives rarely translate into legal decisions. As a process influenced by institutional customs, time constraints, and legal writing conventions, judicial reasoning is not a simple application of legal principles, and through the structure and language of the law itself, these forces reinforce cultural hierarchies in addition to structuring decisions.

One of the most striking patterns to emerge is how cultural identity is made legible and manageable within the legal system through categorization. In the texts of the judgments, culture is often reduced to a static, essential trait attached to individuals or groups, rather than approached as something fluid and complex, in lived experience. As Practice-Based Theory reminds us, judges work within what Gherardi (2019) calls "knowing-in-practice": institutionalized routines that rely on recognizable categories to process legal claims efficiently. Categorization, however, is never neutral. Rather, it shapes how people are seen and what claims are seen as legitimate (Fairclough 2003; Silva Niño de Zepeda 2022). Against this backdrop, legal discourse tends to frame certain cultural practices as problematic or even deficient. Such a tendency is particularly clear in cases involving parenting, religion, or family norms. Despite some judges acknowledging, in the interviews, that these issues are influenced by social and cultural factors, judicial decisions often reflect a more rigid and schematic view of culture that aligns with dominant legal and institutional logics. As Decarli (2018) notes, legal reasoning has a tendency to abstract and objectify group identities, stripping them of the complexity that exists in everyday life. By turning culture into a technical variable, courts frequently sideline important intersecting factors like socioeconomic status, migration background, or educational experience.

Judicial discourse further reinforces this simplification through subtle, but powerful, forms of implicit bias. Even when judges avoid overtly discriminatory language, their decisions often rely on generalizations, namely assumptions about certain communities that are treated as common sense. From a CDA perspective, this functions as a form of moral evaluation or "authorization" (Van Leeuwen 2008), where mainstream cultural norms are presented as neutral, while the minority ones are presented as exceptional or even deviant. For instance, in a case presented in this article, Catholic traditions are described as aligning with the child's best interests, while Jehovah's

SOCIOLOGIA DEL DIRITTO, Vol. 52, Numero 2, 2025
ISSN 0390-0851 – ISSNe 1972-5760

Witnesses are portrayed as incompatible with societal integration. These framings do not just reflect societal biases but rather shape them, reinforcing a sense of who "fits" and who does not within the boundaries of legal legitimacy (Peroni 2014).

Importantly, these biases are rarely conscious. Rather, as Practice-Based Theory shows, they are embedded in the everyday routines and expectations that guide judicial work. Interviewees pointed to a lack of tools to manage cultural complexity meaningfully, including the absence of institutionalized cultural mediation, the reliance on external experts and social services. These are core to understanding why the translation of cultural understanding into legal practice so often fails. As one judge put it, reflecting on budget limitations and bureaucratic constraints: "If I told the services to use a mediator, they could quietly say: mind your own business, I don't have the money for the mediator anyway, so you're on your own!" (Interview n.1, male judge).

This kind of exclusion is, first of all, structural. It is built into the way legal institutions reproduce themselves. As Gherardi (2019) notes, institutions solidify around practices that are repeated so often they become invisible, determining what gets done and even imagined. Against this backdrop, the absence of cultural mediation does not signal a rejection of pluralism but a deeper failure to see cultural difference as legally relevant. As a judge noted, "We don't have a specific channel. That is... we have a South American or Sri Lankan couple, and to understand their dynamics we should have someone to explain what they are. I don't see that" (Interview n.1, male judge). This is not the failure of intention—it is a consequence of how the system is organized.

The effects of this institutional design are evident not just in decisions but in the language of law itself. Legal discourse, with its technical vocabulary and formal structure, creates a symbolic boundary between those who can navigate it and those who cannot. As Gunnarsson, Svensson, and Davies (2007) point out, this kind of language can act as a mechanism of exclusion, reinforcing the authority of legal professionals while making it harder for outsiders to be heard. As Conley and O'Barr (1998) wrote, "law is talk," and that talk shapes which voices count, which stories are taken seriously, and which identities are recognized.

7. Conclusion

This article explored how judges in the Italian family law system construct legal interpretations of sociocultural diversity, using qualitative methods to examine both their discursive practices and institutional con-

straints. Through the integration of semi-structured interviews and Critical Discourse Analysis, guided by Practice-Based Theory, the research reveals a clear dissonance between how judges describe culture in conversation and how cultural diversity is represented in legal decisions. While judges often articulate an awareness of cultural complexity in interviews, rulings tend to simplify and essentialize culture, framing it as a fixed trait or even a deficit that threatens legal compatibility.

What emerges from this study is that the gap between how judges talk about culture and how they rule on it is not just about personal blind spots or implicit bias – it is deeply rooted in the way the judicial system is built. Judges are expected to translate messy, layered, real-world cultural experiences into neat legal categories, all within an institutional framework that gives them few tools to handle that complexity. There is little room for cultural mediation, interdisciplinary input, or sustained engagement with the lived realities of the people before them. Instead, they rely on standardized templates, external assessments, and assumptions that often reflect dominant cultural norms – norms that can end up marginalizing anything that does not fit.

By treating legal reasoning as something that happens within real, situated practices, this research shows that judicial decisions are not just the logical application of law. Instead, they are shaped by routine, by institutional habits, and by the kinds of language the system allows. If we want courts to engage more meaningfully with diversity, the system itself has to change. That means making space for cultural mediation but also rethinking how legal discourse frames certain identities as "neutral" and others as "problems," finally dealing with diversity not as an exception but as part of the everyday reality of judging.

References

Barra, F., (2015), *Diritto, Decisione, Caso*, Roma, Università degli Studi di Roma Tre.

Bobbio, N., (1989), *Il positivismo giuridico*, Torino, Italia, Giappichelli.

Brown, J. S., Duguid, P., (1991), Organizational Learning and Communities of Practice: Toward a Unified View of Working, *Learning, and Innovation, Organization Science*, 2, pp. 40–57.

Cardano, M., (2011), *La ricerca qualitativa*, Bologna, Il Mulino.

Cecchella, A., (2023). La riforma del processo in materia di persone, minorenni e famiglie dopo il D.lgs. n. 149/2022, *Questione Giustizia, 1/2023*, pp. 169–199.

Conley, J., O'Barr, W., (1998). *Just words. Law, Language, and Power*, The University of Chicago Press.

Corradi, G., Gherardi, S., and Verzelloni, L., (2010), Through the practice lens: Where is the bandwagon of practice-based studies heading?, *Management Learning*, 41(3), pp. 265–283.

Cotterrell, R., (2018), *Sociological jurisprudence: Juristic thought and social inquiry*, London, Routledge.

Decarli, G., (2018), Reflections on the use of classifications in the juridical method: The case of Roma groups in Italy, *Nomadic Peoples*, 22(1), pp. 47–64.

Della Porta D., Keating M., eds., (2008), *Approaches and Methodologies in the Social Sciences. A Pluralist Perspective*, Cambridge, Cambridge University Press.

Fairclough, N., (2003), Analysing Discourse: Textual Analysis for Social Research, London and New York, Routledge.

Febbrajo A., a cura di, (1995), *Procedimenti giuridici e legittimazione sociale*, Milano, Giuffrè.

Ferraris, M., (2009), *Documentalità. Perché è necessario lasciar tracce*, Roma-Bari, Laterza.

Ferraris, M., (2007), Documentality – Or Why Nothing Social Exists Beyond the Text, In Kanzian, C., Runggaldier, E., Eds., *Cultures: Conflict–Analysis–Dialogue*, Berlin, De Gruyter, pp. 385–402.

Gherardi, S., (2006), *Organizational knowledge: The texture of workplace learning*, Oxford, UK, Blackwell.

Gherardi, S., (2019), *How to conduct a practice-based study: Problems and methods (2nd ed.)*, Cheltenham, Edward Elgar.

Grillo, R., Ballard, R., Ferrari, A., Hoekema, A. J., Maussen, M., and Shah, P., eds., (2009), *Legal practice and cultural diversity*, Ashgate Publishing.

Grimm, P., (2010), Social Desirability Bias, in Sheth, J., Malhotra N., eds., Wiley International Encyclopedia of Marketing. Hoboken, NJ, John Wiley & Sons.

Guarnieri, C., Pederzoli, P., (2003), The Power of *Judges: A Comparative Study of Courts and Democracy*, Oxford Socio-Legal Studies.

Gunnarsson, A., Svensson, E.-M., and Davies, M., (2007), Reflecting the Epistemology of Law: Exploiting Boundaries, In Gunnarsson, Å., Eva-Maria, E.-M., Davies, M., eds., *Exploiting the Limits of Law: Swedish Feminism and the Challenge to Pessimism*, Ashgate Publishing, pp. 1–15.

Marinelli, V., (2008), *Studi sul diritto vivente*, Napoli, Italia, Jovene Editore.

Menski, W., (2014), Plurality-conscious rebalancing of family law regulation in Europe, In Shah, P., Foblets, M.-C., eds., *Family, religion and law: Cultural encounters in Europe,* Farnham, UK, Ashgate, pp. 29–48.

Mondino, S., (2017), *Diversità culturale e "best interest of the child". I giudici italiani e i genitori marocchini tra enunciati di diritto e rappresentazioni*

normative, Ledizioni. Memorie del Dipartimento di Giurisprudenza dell'Università di Torino.
Nicolini, D., Gherardi, S., and Yanow, D., eds., (2003), *Knowing in organizations: A practice-based approach*, Armonk, NY, Sharpe.
Orlikowski, W. J., (2002), Knowing in practice: Enacting a collective capability in distributed organizing. *Organization Science, 13*(3), pp. 249–273.
Pascuzzi, G., (2008), *Giuristi si diventa*. Bologna, Il Mulino.
Peroni, L., (2014), Religion and culture in the discourse of the European Court of Human Rights: The risks of stereotyping and naturalizing, *International Journal of Law in Context, 10*(2), pp. 195–221.
Phillips, A., (2010), What's wrong with essentialism, Distinktion. *Scandinavian journal of social theory,* 11(1), pp. 47–60.
Renteln, A. D., Foblets, M.-C., eds., (2009), *Multicultural jurisprudence: Comparative perspectives on the cultural defense*, Oxford, Hart Publishing.
Renteln, A. D., (2004), The cultural defense, Oxford, Oxford University Press.
Rohe, M., (2014), Family and the law in Europe: Bringing together secular legal orders and religious norms and needs, In Shah, P., Foblets, M.-C. eds., *Family, religion and law: Cultural encounters in Europe*, Farnham, UK, Ashgate, pp- 49–78.
Ronfani, P., (2020), *I nuovi scenari della filiazione e della genitorialità*, *Sociologia del Diritto*, 2020/1, pp. 76-92.
Ruggiu, I., (2017), Il giudice antropologo e il test culturale. *Questione Giustizia, 1.*
Ruggiu, I., (2019), *Culture and the Judiciary: The Anthropologist Judge*, London, Routledge.
Silva Nino de Zepeda, R., (2022), Inter-American Children and their Rights: A Critical Discourse Analysis of Judicial Decisions of the Inter-American Court of Human Rights, *The International Journal of Children's Rights*, 30, pp. 552–576.
Silverman, D., Marvasti, A., (2008), *Doing qualitative research: A comprehensive guide,* Thousand Oaks, Sage Publications.
Silvi, A., (2020), La performatività delle decisioni giudiziarie: un'analisi socio-giuridica, *Rivista di Filosofia del Diritto*, 9(1), pp. 45–62.
Shah, P., (2014), Distorting minority laws? Religious diversity and European legal systems, In Shah, P., Foblets, M.-C., eds., *Family, religion and law: Cultural encounters in Europe*. Farnham, UK, Ashgate, pp. 1–28.
Spada, L., Cartasegna, C., and Costella, P., (2022), *Una riforma incompleta. Una giustizia dimezzata?* Minorigiustizia, 3/2021, pp. 106–115.
van Leeuwen, T., (2008), Discourse and Practice: New Tools for Critical Discourse Analysis, New York, NY, Oxford University Press.

Verzelloni, L., (2020), *Paradossi dell'innovazione. I sistemi giustizia del sud Europa,* Roma, Carocci.

Verzelloni, L., (2019), I percorsi di innovazione dei sistemi giudiziari del sud Europa, *Studi Organizzativi, 1*, pp. 97–122.

Verzelloni, L., (2012), Behind the judges' desk: An ethnographic study on the Italian courts of justice, *International Journal for Court Administration, 4*(2), pp. 75–82.

Verzelloni, L., (2009), *Dietro alla cattedra del giudice. Pratiche, prassi e occasioni di apprendimento, Bologna,* Pendragon.

Jänterä-Jareborg, M., (2014), On the cooperation between religious and state institutions in family matters: Nordic experiences, In Shah, P., Foblets, M.C., eds., *Family, religion and law: Cultural encounters in Europe*, Farnham, UK, Ashgate, pp. 143–164.