

Cultural resistance to moral panics and the definition of the crime problem

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Kingston, 2010

Research and methodology

- Normative principles
- Empirical research
- Why Italy?

Why is comparative law important?

- Prison population explosion
- Policy makers
- The impact of populism, what can we learn?
- Comparative law and European law
- Globalization of the law

Italian prosecutors and moral panics

- Cool expert-dominated vision of criminal justice Vs. a more emotional and political criminal justice
- The analysis of the Italian case can possibly demonstrate that this transition may be slowed down
- The socio-legal conditions that make possible a certain response (or reaction) from legal actors to certain social and cultural dynamics

The political cultures: central state, media and the man in the street

- Central state: different approach between centre-right (more focused on repression) and centre-left (more focused on the social problems behind crime). They agree Italian citizens perceive insecurity.
- Media: also divided between centre-right and centre-left.
- Civil society: more involved with the definition of anti-crime policies (locally). Creation of committees of citizens.

Legislation

- Bossi-Fini Act 2002: a non Italian national who does not comply with a deportation order shall be arrested and immediately sent for trial.
 1. Purpose
 2. Impact

Prosecutors and immigration

- Prosecutors recognize that illegal immigration and crimes committed by immigrants (i. e. street crime) create many problems.
- Illegal immigration (and street crime) have medium-low (often low) priority.

Prison population

- Italy 100 per 100.000
- UK 150 per 100.000
- US 700 per 100.000

The socio-legal conditions

- The institutional context

- a) Prosecutors are part of the judiciary
- b) Full independence from the executive
- c) The legality principle

- Prosecutors' legal culture

➤ legal culture refers "to ideas, values, expectations and attitudes towards law and legal institutions, which some public or some parts of the public holds"
(Friedman, 1997)

- a) Judicial figures, not crime fighters
- b) Guardians of the law
- c) Legal filtering

Prosecutors' sense of moral panics

- Prosecutors admit that street crime and illegal immigration create moral panics.
- Prosecutors take into consideration moral panics as one of the criteria to determine priorities.

But...

- when moral panics reaches prosecutors it suddenly loses part of its impact. Italian prosecutors do not accept moral panics when this is fed by the media and/or by social reactions which are merely populist.

Conclusion

- Prosecutors are reactive to certain social and cultural developments, but they do not completely adapt to these
- A partial separation can sometimes be maintained between dominant political cultures and dominant legal cultures

Conclusion: the use of legal culture

- A new taxonomy?
- Law in the books and law in action
- Legal translations
- Heuristic device
- What can we learn from legal culture?