

# Moral panic revisited—Part two

Claire Hamilton LL.B. (Ling. Franc.), B.L., M.Litt., DipEurCon on Human Rights. Assistant Lecturer in Criminology at DIT.

## Critiques of moral panic

In part one of this article (I.C.L.J. 2005(1)), the evolution of moral panic theory was traced from its coinage by Stanley Cohen<sup>1</sup> in 1972 until the present day. It was observed that since the 1990s, “moral panic” has strayed from its original sociological base to become a term regularly used by journalists to describe a variety of phenomena, sometimes pejoratively, sometimes not. In the light of this ambiguity, and the considerable body of criticism which has been encountered by proponents of the concept, it is timely to take stock of the strengths and weaknesses of the concept. It is proposed in this article to attempt to determine its current usefulness through a critical examination of the main challenges to moral panic theory.

These can be conveniently divided into three categories: (1) that moral panic fails to “take crime seriously”; (2) that it is a political value judgment; and lastly, (3) that it is an anachronism which has not kept pace with today’s society.

## Taking crime seriously and left realism

The first criticisms of moral panic are worthy of particular attention. Criminological theory, as would be hoped, has not remained fixed in aspic throughout the last three decades. Labelling theory and its brainchild, moral panic, underwent a process of reevaluation in the 1980s, most notably at the hands of those criminologists who describe themselves as “left realists”. Ironically, one of the first founding fathers of left realism has been Jock Young, who is credited with the first published use of the term “moral panic” in his 1971 essay on the amplificatory effect of policing on cannabis use in London’s Notting Hill.<sup>2</sup> This begs the question: has Young abandoned the concept because it is unworkable in a modern context or has he discovered some glaring theoretical inconsistency? In any event, his critique merits serious consideration.

In order to set Young’s criticisms in context, it is necessary to examine briefly the theory behind left realist criminology.<sup>3</sup> Its fundamental tenets are to take crime seriously and to be true to the reality of crime. It charts a course between establishment criminology and liberal or left-leaning theories of crime and seeks to resolve the aetiological crisis in criminology by embracing what Young calls the dyad of crime: the action and the reaction, the criminal act and its control. This dyad can be further broken down into victim, offender, informal control and formal control. By bringing all these elements together, realists contend that they have achieved at last a truly holistic view of crime while eschewing previous theories for their partiality of focus.

So what are the implications of left realism for the theory of moral panic? This question receives the fullest treatment in Young’s article on left realist criminology in the Oxford Handbook of Criminology.<sup>4</sup> Young claims that criminologists have been guilty in their application of the theory of a certain partiality of focus—focusing on the reaction to the crime within society and the criminal justice system at the expense of the actual crime itself, the significance of which is downplayed. Indeed, Young’s critique of left idealism is replete with similar aspersions: crime is sidelined, glossed over, marginalised; it is not the focus of attention. In an oblique reference to the work of, *inter alia*, Cohen, Young castigates what he sees as a minimisation of the effect of crime: “[Realism] emerged as a critique of a predominant tendency in left-wing and liberal commentaries which downplayed the problem of crime, talking about media-instigated moral panics and irrational fears of crime.”<sup>5</sup>

Young sees moral panic as forming an important part of the libertarian armoury in attempts to underplay the effects of crime and overstate the effects of the reaction against it. He outlines his objections in more detail, however, in his response to the arguments of two American authors, Nils Christie and William Chambliss, one of these being that concern about crime is a moral panic. Young ebulliently dismisses claims of a moral panic about crime in America:

“This is surely left idealism with a vengeance! To talk of moral panic about crime in the United States beggars the imagination and trivialises a concept which was introduced to contrast the panic about minor offences (e.g. cannabis or Mods fighting on Brighton beaches) with the real problem of crime (see Cohen, 1972; Young, 1971) ... [T]he general homicide rate is staggeringly high: the number of homicides, for example, in Los Angeles with a population of 3.5 million is greater than that of England and Wales with over fifty million inhabitants (Currie, 1996) Surely crime must be a major concern. Indeed, from a European perspective, how could such a level of violence be other than of great moral concern? And, indeed, the American public have consistently rated crime as a problem as have African Americans in particular. Yet, the public are lambasted by these writers as if they are cultural dupes whose attitudes and opinions are a product of watching too much TV”<sup>6</sup>

It would appear from the above passage that Young does not dismiss the moral panic concept *per se*. From a realist perspective, it seems to retain some usefulness and validity, yet apparently only in the context of relatively minor

offences. Furthermore, Young claims to eschew the concept of irrationality which he believes lies at the centre of the idea of moral panic. He claims that the idea that there is a rational level of fear is itself fundamentally flawed as general rates of crime often obscure the high risks of crime to which certain subgroups in society are exposed. If the “most vulnerable members of our society have the greatest risks of crime”, the impact of crime on them will be greater, due to the other social problems which they experience. Account should also be taken of “invisible” dangers: women, for example, may have a greater fear of crime because of sexual harassment or domestic violence. Low victimisation risks for certain categories of people may also be due in large part to the elaborate steps they take in order to minimise their risk of crime. In short, Young seeks to explode what he terms the “myth of the equal victim”. In the light of these different sub-cultural positions, Young argues, many of the apparent “irrationalities” appear increasingly rational.<sup>7</sup>

Young’s arguments cannot be dismissed lightly. Let us first address the contention that moral panic is a concept which focuses solely on the criminal justice system response, thus sidelining the real issue of crime and adopting a skewed approach to the problem. It should be pointed out that crime is very much the focus of moral panic theory. As discussed in part one of this article, an excessive, disproportionate response is a *sine qua non* when it comes to moral panic. For this reason, the empirical measure of the criminal acts complained of are at the very epicentre of any work on moral panic. Far from being sidelined or marginalised, it is the central problematic—is society’s reaction to the behaviour proportionate to the threat it is facing in objective terms? Proportionality can be ascertained by comparing the reaction to the problem with that elicited by a similarly harmful condition or by comparing statistics with other jurisdictions, as Young did above.<sup>8</sup> Further, it was certainly not the aim of Cohen, the progenitor of moral panic theory, to sideline crime. As Cottee notes in his recent critique of left realism, “as a criticism of Cohen’s approach, this is indefensible.”<sup>9</sup> Writing in 1971, Cohen stated that he was not “trying to deny an objective reality or even less trying to present the Mods and Rockers as innocent victims of conspiracy and discrimination”.<sup>10</sup> His aim was simply to draw attention to the fact that there was “evidence to suggest that the development of this behaviour was not independent of the reaction it provoked.”<sup>11</sup>

An important question mark must also be placed over Young’s attempt to limit the application of the concept of moral panic. Where is the line to be drawn and the “real problem of crime” said to begin? Are sociologists to “cherry-pick” the types of crime to which the theory may have a potential application? Young himself wrote about a moral panic over soft drugs. Does the same logic not therefore apply to social reactions and police behaviour towards “hard” drug users? The anomalies are manifest when one adopts this logic. Furthermore, although Young cites Cohen’s study in support of his argument, it is clear that although Cohen applied the concept to relatively minor acts

of deviance associated with the Mods and Rockers, he viewed it as having a wider application. In *Folk Devils*, he refers to the shooting of three policemen in London in 1966, together with subsequent discoveries of the activities of organised criminal gangs, as having “laid the foundation at the time for a moral panic about violent crime.”<sup>12</sup> Certainly there is no hint of an “upper-limit” within the definition itself: “a condition, episode, person or group of persons” is the form of words employed. Most importantly, if moral panic is to be viewed as a truly empirical concept and not simply an ideological expedient, it should be possible to apply it to a range of different phenomena. This has certainly been the experience of the thirty years succeeding its launch.

This leaves us with Young’s evisceration of the concept of irrationality. It will be recalled that he took issue with the discrepancy between risks of crime and fears of crime by drawing attention to the everyday risks which some of the more disadvantaged members of society face—for such people, crime is often a compounding factor. Certainly, it is hard to deny the validity of the emotional force behind Young’s argument. For many people, crime, either directly, through criminal acts suffered, or indirectly, through fear of crime, has brought about a real deterioration in their quality of life. Fear and concern about crime do grow out of the very real conditions of social life.

However, this does not mean that they will be commensurate with the concrete threat posed and does not detract from the need for a sense of proportion. The facts remain that people’s concerns may be fuelled by threats that are exaggerated or even nonexistent. A brief glance through history will provide sufficient confirmation of this. For example, in Renaissance Europe approximately 500,000 persons were executed as witches,<sup>13</sup> and in the great purge under Stalin, millions of loyal Soviet citizens were declared traitors or saboteurs and were executed or shipped to Siberia. Excessive fear has also been a feature of modernity. Jenkins notes how, in the late 1980s, in Britain a panic over satanic ritual child abuse had been manipulated “out of practically nothing”.<sup>14</sup>

#### **Moral panic—political value judgment or empirical verity?**

Young is not alone in his denigration of the concept. Another vocal critic has been Waddington,<sup>15</sup> who has argued that moral panic is an inherently ideological concept, a convenient tool employed by the left for its own political ends. In short, he suggests that it is “a polemical rather than an analytical concept”. This is at the centre of the controversy surrounding the theory. The term is felt to belong to left-wing polemic rather than detached historical analysis. While the concept has been over-used in the press, and more often than not lends itself to a left-wing, critical interpretation of events, it must be stressed that this is not one of its intrinsic features. The concept is essentially empirically based and should be conceptualised as such. As Ungar<sup>16</sup> has also noted, “taking a critical posture is not inherently unscientific. Rather, it depends on whether or not observers have sufficiently rigorous evidence to

support the contention that particular reactions are unwarranted.”<sup>17</sup> To insist on pinning a radical badge to the concept is indeed to trivialise it.

In support of his argument, Waddington attacks the criteria of proportionality at the heart of moral panic theory. His criticisms are formulated thus: “Without some clear criteria of proportionality, the description of publicly expressed concern, anxiety or alarm as a ‘moral panic’ is no more than a value judgment. It simply says that the person using the term does not believe that the particular problem is sufficiently serious to warrant these expressions of concern or actions designed to remedy the problem.”<sup>18</sup>

The difficulty with Waddington’s argument is that he treats moral panic as if it were a label to be casually attached to a society’s reaction to a given problem or behaviour. As discussed above, it is impossible to discern whether a moral panic is occurring without an assessment of the objective indicators of the problem. This then enables an assessment as to the proportionality of the response. It is not difficult to think of indicators of disproportionality. Goode and Ben-Yehuda<sup>19</sup>, in a direct response to Waddington’s criticisms, have suggested four criteria of proportionality, which are gratefully adopted here:

(i) *Figures exaggerated*

If the figures cited to measure the scope of the problem are grossly exaggerated, this provides an important clue as to the existence of a moral panic.

(ii) *Figures fabricated*

In a similar vein, figures may be fabricated to mobilise the public against a non-existent threat.

(iii) *Other harmful conditions*

This is a particularly useful indicator. It involves finding a comparator in order to assess the public reaction. If the attention paid to the behaviour in question is much greater than that paid to another equally harmful, or perhaps more damaging, condition, then the criterion can be said to have been met. The classic example of this is the public reaction to legal and illegal drug use respectively.

(iv) *Changes over time*

If the objective threat posed by the behaviour remains constant, yet the attention paid to it in the public arena is much greater than before, this also will satisfy the criteria of disproportionality.

While certain conditions do not admit of scientific assessment,<sup>20</sup> it remains true that in a substantial number of situations it is possible to locate a moral panic using empirical and objective means without resorting to a simple value judgment. This is certainly true with a continuous, behaviour-based activity such as crime. While the “real” crime rate is largely illusory, official statistics can provide a valuable “barometer of crime”, particularly as indicators of change over time. This is primarily because of the stability

in which indictable crime figures are collated and categorised by the police. Moreover, for certain offences it is possible to obtain reasonably accurate estimates of the crime situation from a combination of official crime statistics and victimisation studies, which, despite their many differences, can be complementary.<sup>21</sup> Overall, the information we have on crime does allow a comparison to be made between the seriousness of the deviance in question and the concomitant public reaction.

### Is moral panic an anachronism?

The last critique approaches the topic of moral panic from a somewhat different angle, endorsing the validity of moral panic as originally conceived by Cohen<sup>22</sup> and Hall *et al.*<sup>23</sup> but urging a reevaluation of the concept in terms of either (1) the exponential growth of the media and an increasingly pluralist society or (2) the phenomenon known as “risk society”.

(1) *Moral panic in a multi-mediated world*

The first argument, advanced by sociologists McRobbie and Thornton,<sup>24</sup> has two main planks, namely that “society” and “the media” cannot, in the modern world, be ascribed in moral panic theory to such convenient monolithic blocks. First of all, the plurality of voices within society today, so the argument runs, means that the folk devil himself, in the midst of moral panic, can fight back. Interest and pressure groups and various lobbying bodies representing the views of the deviant are sufficiently organised to provide the media with an all-important alternative view to the one put forward by official bodies. Moreover, the diversification of the media has meant that folk devils often have their own media, an example being the *Big Issue*, the mouthpiece of the homeless, or some of the more unconventional TV documentaries (such as those often run by Channel 4) challenging official views on issues such as drugs. The second, vital point made by the authors is that society itself has changed and the media audience has become increasingly sophisticated in its grasp of media discourses. They note that “[i]n the old models of moral panic, the audience remained relatively untheorized. With few exceptions, they were the space of consensus, the space of media manipulation, the space of an easily convinced public.”<sup>25</sup>

Can these criticisms be sustained? Is the classic model of moral panic in need of urgent revision? Let us consider these challenges to the concept from the point of view of the working class criminal, the classic folk devil. It cannot seriously be contended that in everyday reportage of crime stories, the view of the criminal receives equal representation to that of the State, or indeed the victim (or the victim’s relatives) in an increasingly victim-orientated criminal justice field.<sup>26</sup> While there are organizations which present opposing views such as civil liberties groups or prisoners’ bodies, these organizations are only likely to become involved in very serious cases. As Schlesinger and Tumber<sup>27</sup> have noted, in crime reporting, the recognition of the police

of definitional problems.

<sup>21</sup> See for example the work carried out by O'Connell in Ireland, comparing official and unofficial crime rates—M. O'Connell, "The Volume of Crime in Ireland—Crime Surveys and Official Figures" (2000) 10(2) I.C.L.J. 7.

<sup>22</sup> S. Cohen, *op. cit.*, n.1.

<sup>23</sup> S. Hall *et al.*, *Policing the Crisis: Mugging, the State and Law and Order* (MacMillan, London, 1978).

<sup>24</sup> A. McRobbie and S. Thornton, "Rethinking 'Moral Panic' for multi-mediated social worlds", (1995) 46(4) *British Journal of Sociology* 559.

<sup>25</sup> *ibid.* at 572.

<sup>26</sup> See further, Zedner, "Victims" in *The Oxford Handbook of Criminology* (Oxford University Press, Oxford, 1997), p.577 and G. Carey, "Victims, Victimology and Victim Impact Statements" (2000) 10(3) I.C.L.J. 8.

<sup>27</sup> P. Schlesinger and H. Tumber, *Reporting Crime: The Media Politics of Criminal Justice* (Clarendon Press, Oxford, 1994), p.26.

<sup>28</sup> *ibid.*, p.30.

<sup>29</sup> See Young, *op. cit.*, who retorts that people cannot so easily be dismissed as "cultural dupes whose attitudes and opinions were the product of too much TV," p.473.

<sup>30</sup> C. Hay, "Mobilization through Interpellation: James Bulger, Juvenile Crime and the Construction of a Moral Panic" (1995) 4 *Social and Legal Studies* 197.

<sup>31</sup> *ibid.* at 206.

<sup>32</sup> *ibid.* at 203.

<sup>33</sup> S. Cohen, *op. cit.*, n.1.

<sup>34</sup> *ibid.*, p.66.

<sup>35</sup> U. Beck, *Risk Society: Towards a New Modernity* (Sage, London, 1992).

<sup>36</sup> *ibid.*, p.19.

<sup>37</sup> S. Ungar, *op.cit.*, p.273.

<sup>38</sup> *ibid.*

<sup>39</sup> See Goode and Ben-Yehuda, *op. cit.*, p.43—"While we agree with Ungar that, with some conditions, 'it is impossible to determine the nature of the objective threat'—and therefore, for that condition, to measure the dimension of disproportionality—this is decidedly not true for many, possibly most, conditions."

<sup>40</sup> *ibid.*

<sup>41</sup> Ungar, *op. cit.*, p.275.

<sup>42</sup> D. Filler, "Terrorism, Panic and Paedophilia" (2003) 10(3) *Virginia Journal of Social Policy and the Law* 345, at 349.

<sup>43</sup> D Van Biema, "As American As ... ; Although Scapegoated, Muslims, Sikhs and Arabs are Patriotic, Integrated -and Growing", *Time*, October 1, 2001 (quoting Council on American-Islamic Relations).

<sup>44</sup> See *Time/CNN: Dems Lead Generic Ballot by 4, Hotline*, October 1, 2001.

<sup>45</sup> Brune, "Taking Liberties: Collateral Damage: Government Efforts to Prevent Future Terrorist Acts are Putting Civil Liberties at Risk, Critics Say, *Newsday*, September 15, 2002 at A3.

<sup>46</sup> See (USA) PATRIOT Act 2001, Pub. L. No.107-,56,115 Stat. 272 (2001); (UK) Anti-Terrorism, Crime and Security Act 2001 (ATCSA).

<sup>47</sup> Filler lists, *inter alia*, intelligence agencies, airport security, architects, abortionists and homosexuals, the Clinton administration. Filler, *op. cit.*, p.371.

<sup>48</sup> Filler, *op. cit.*, p. 370.

<sup>49</sup> Ungar, *op.cit.*, p. 285.

<sup>50</sup> Meade, "Organised crime, Moral Panic and Law Reform: the Irish Adoption of Civil Forfeiture" (2000) 10(1)I.C.L.J. 11.