

# Social Representations in the 'Social Arena'

Edited by Annamaria Silvana de Rosa

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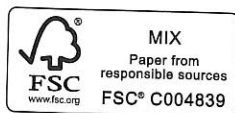
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**Normative social  
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## 4 Social representations of Italian criminal justice: ideals and reality

*Chiara Berti, Anna Mestitz, Augusto Palmonari and Michele Sapignoli*

### Introduction

At the beginning of the 1990s, a new code of criminal procedure was implemented in Italy, transforming its previous inquisitorial system into a quasi-adversarial one. The cultural change implicit in the transformation provided a unique opportunity for social psychologists to explore how judges, public prosecutors and defence lawyers dealt with the transition to new principles, rules and values. This chapter presents the main results of an investigation carried out with an approach based on the theory of social representations (Berti *et al.* 1998) and inspired by previous researches on the social representations of justice conducted in France and Portugal (Bonal and Ros 1992; Faugeron and Robert 1978; Rodrigues *et al.* 1985). Our research aimed to identify the opinions and the cognitive and normative frames shared by judges, public prosecutors and lawyers, as well as their ideas, values, beliefs, and attitudes concerning the criminal proceeding. We explored how the legal professionals define the fundamental ends of criminal justice, their expectations and those they attribute to ordinary people, and their evaluation of the actual working of the criminal system.

We have also found useful a frame of reference taken from the sociology of law, i.e. the concept of 'legal culture' introduced by Lawrence Friedman, who makes a distinction between the 'external' legal culture of the general population and the 'internal' one of 'those members of society who perform specialized legal tasks' (1975: 223). According to Friedman, the beliefs and values, the representations and the principles shared by lawyers, prosecutors, judges, and others who work within the legal system, represent an important kind of legal culture. Principles are a very significant component of the 'internal culture' of legal professionals. Drawing a distinction between principles and rules, Friedman notes that a principle is a sort of higher-order rule conceived in more abstract and general language. Because of their abstraction, principles are more discretionary than rules; in fact, 'between principle and decision, leeway and judgement intervene' (Friedman 1975: 41). On the other hand some rules are enforced, some rarely, others not at all, and many rules are abstract or even tautological; such rules cannot govern the conduct of judges, since they are free to interpret them with discretion. According to Friedman the rules, in short, do not rule by themselves:

sometimes the judges' and/or prosecutors' principles determine the decisions instead of the official rules. To what extent are the principles included in the 'internal culture' of legal professionals, and how might their beliefs influence their behaviour, conduct and action? This was one of the questions posed by our research.

In social psychology, the notion of internal (and/or external) legal culture may be conceptualized in terms of social representations (Farr and Moscovici 1984; Moscovici 1961/1976). The central question raised by our investigation was the following one: is there a specific 'internal legal culture' – a social representation – concerning the criminal justice system which is shared by judges, lawyers and public prosecutors, or are there distinct attitudes and values that may be related to the different professional roles played out in the courts? Other important questions were 'how do judges, lawyers and public prosecutors perceive the new code of criminal procedure?', 'how do they evaluate the actual working of the penal system?' and 'to what extent does resistance to change play a role in the transition to the adversarial model, to its new principles, rules, values and beliefs?'

Finally, by choosing a sample of legal experts we had the opportunity to explore an important theoretical issue: does common sense knowledge overlap the specialized knowledge of experts? To what extent do the common sense feelings, opinions and representations of the criminal system coexist with the specialized judicial principles shared by legal experts?

### **Sample and method**

The sample included forty-eight lawyers, thirty-four public prosecutors and fifty-one judges, practicing in two Italian cities (Bologna and Bari). All judges and public prosecutors were asked to participate in the study, while the lawyers (much more numerous) were randomly selected. Participants were interviewed individually by means of a questionnaire, developed in order to 'unravel' many aspects of the criminal justice system. We explored both the principles and values and the actual working of criminal justice during the transition from the inquisitorial to the adversarial model. Some items were adapted from a French questionnaire exploring the social representations of justice in the general population (Faugeron and Robert 1978), but the majority were created in consultation with a selected group of judges, lawyers and public prosecutors. The questionnaire probed matters concerning both specialized and common sense issues: interviewees' ideal goals and expectations as well as the aims actually reached by the inquisitorial criminal system, interviewees' beliefs about public opinion regarding the judicial system, relationships between the judiciary and political power, roles played by defence lawyers and public prosecutors, judicial independence and civil rights guarantees.

Among other questions addressed by the questionnaire, this chapter will focus on the following points:



- a Two open questions exploring the interviewees' general opinions about the citizens' confidence in the judicial system and the new code of criminal procedure;
- b Three batteries of proverbs and popular sayings aimed to explore first the interviewees' beliefs about people's opinions on the judicial system, then the interviewees' personal ideal of criminal justice, and finally the interviewees' judgement about the real working of criminal justice. The batteries were quite comparable since in each of them sixteen proverbs of equivalent meaning were distributed. These meanings may be condensed in sixteen concepts: revenge, protection of civil rights, fairness, unfairness, confidence in justice, lack of confidence in justice, ease in dodging laws, legalism, rapidity–slowness of justice, bargaining, softness of laws, emergency anti-crime laws, sense of balance, judges' prejudice, corrupted justice, and stereotyped categorization. Proverbs and popular sayings allowed us to investigate the degree of agreement of legal experts with popular opinions (common sense knowledge). In the first battery the sample had to score each item (proverb) according to its proximity to popular opinion (0 no proximity, 10 very high proximity), in the second they were asked to give scores according to the proximity to their view of an ideal criminal justice, and in the third to the real working of criminal justice. The use of proverbs permitted researchers to operationalize concepts with theoretical importance by means of terms used in common sense knowledge, which belongs to the 'external legal culture'; these stimuli are themselves a product of that legal culture, which was the main object of the study. This methodological choice allowed researchers firstly to refer the respondents' answers to the external legal culture in a more precise way. In this case, in fact, the meaning of the interviewees' answers does not need to be translated from the legal experts' language to that of the citizens, because the interviewees belong to both the internal and the external legal culture. Moreover, the use of words not coming from the legal jargon was aimed to encourage answers that are more spontaneous. It was thought that the use of specialized terminology would have increased the fear of engaging in improper use of legal terms, and this attitude would have encouraged predetermined answers. Finally, legal terms and concepts incorporate values belonging to the legal experts' culture; one of the objects of this research was the investigation of the presence of these values in the external legal culture;
- c Two identical lists of sixteen items formulated as statements that the interviewees were asked to consider from two different points of view. First, subjects were asked to indicate whether each item was an 'aim' of criminal justice (hereafter 'aim inventory'); secondly they were asked to provide an 'evaluation' of each item, indicating whether it was a goal attained by the previous inquisitorial system (hereafter 'evaluation inventory'). Answers to each item were given on a 0–10 scale, ranging from strong disagreement (0) to strong agreement (10).

## Results

### *Citizens' confidence in the judicial system and the new code of criminal procedure*

Content analysis of the first two open questions provides a general overview of opinions shared by the interviewees. The majority answered negatively to the first question: 'On the basis of your experience may people have a reasonable degree of confidence in the judicial system of our country?' There were fifty-nine negative answers, thirteen positive, forty-two positive with reserve, sixteen ambiguous and three no answer. It is significant that twenty-four lawyers (out of forty-eight), twenty-one judges (out of fifty-one) and fourteen public prosecutors (out of thirty-four) think that citizens cannot be confident in the Italian judicial system. Moreover, a majority of interviewees (55 per cent) stress criticisms by pointing out the reasons preventing people's confidence (i.e. excessive delays in the criminal process and lack of means, structures and organization in the judicial offices).

These elements suggest a low degree of confidence in the justice system shared by the majority of interviewees and attributed by them to the citizens. Their negative feelings may be traced back to a common sense factor: the traditional lack of confidence of the Italian people in the justice system, judges, prosecutors, lawyers and police as happens in other European countries as well. This finding can also be interpreted as a first indicator of the common sense knowledge, which overlaps the legal knowledge of the experts.

The majority of the sample answered negatively also to the second question: 'Does the new code of criminal procedure represent an improvement in comparison with the old one?' In this case the positive responses were higher: thirty-nine negative, twenty-five positive, forty-one positive with reserve, seventeen positive in abstract, seven ambiguous, four no answer. Lawyers reacted more favourably than magistrati, that is, public prosecutors and judges together (27 per cent lawyers and 14 per cent magistrati answer positively). Once again, the majority of responses about the new adversarial system (60 per cent) focused on criticisms: the necessary means and structures were not supplied, too many rights are guaranteed to the defendants, some rules must change, and the mentality/culture of magistrati must change. It can be argued that the interviewees established a close connection between the two questions concerned with very different issues (people's confidence in justice and the new code of criminal procedure). These issues are probably perceived as belonging to the same field of representation, on the basis of a direct connection established between the individuals' degree of confidence (in our questionnaire we used the word hope instead of confidence) and the event of change: the implementation of the new code. Many decades ago Lewin (1948: 103) stressed the close connection of the 'psychological factor which commonly is called "hope"' with change and action, since in the individual's time perspective hope, by its nature, is concerned with the future. According to Lewin, 'hope means that sometime in the future, the real situation will be changed'. Since the majority

of our interviewees share a low degree of confidence, negative and hopeless feelings, we may argue that they had little motivation to implement the new criminal proceeding.

On the other hand, our results also suggest the phenomenon of resistance to change and confirm the lack of significant differences between magistrati and lawyers. A wide emerging ideal area of shared principles and values attributed to citizens rests on the common 'internal legal culture' and overlaps the external one. The opinions of lawyers and magistrati tend to differ slightly when they move toward reality by considering the new code of criminal procedure and the different professional roles.

### ***Internal and external legal culture: legal knowledge vs. common sense knowledge***

The analysis of the answers to the three batteries of proverbs and popular sayings allows us to focus on the idea of justice that legal experts ascribe to citizens and, at the same time, to assess the difference between citizens' perception of criminal justice and the legal experts' personal ideas and beliefs. First, respondents ascribe to the people an idea of slow, inefficient justice. The negative judgements attributed to the people are mainly concerned with the uncertainty of punishment, the ease of dodging laws and the unfairness of the judicial system.

In this context, the concept of bargaining seems linked to the concept of justice. This association may be interpreted in two ways. On the one hand, the link may depend on a semantic overlap between the two concepts; in other words, subjects may think that 'justice' also means 'bargaining'. On the other hand, the link between justice and bargaining may depend only on some properties of the Italian criminal justice system, above all inefficiency (i.e. bargaining could seem the only way to punish offenders within an acceptable period). These two types of explanation are not mutually exclusive. In social life, citizens may feel that justice can be obtained, among other ways, through bargaining. However, the costs of trials and sentencing delays are factors that may encourage parties to favour a non-judicial resolution of their dispute (Blankenburg 1994).

In the second battery, respondents were asked about their view of an ideal criminal justice. Two main values emerged: the fairness of judges and the need to improve the equality of citizens before the law. Other proverbs very close to ideal criminal justice focus on balanced justice and protection of defendants' rights.

In the last set of stimuli regarding the real working of the criminal justice system, the responses appear ambiguous: respondents acknowledge the inefficiency of the Italian system, but also believe that the rights of the parties are generally protected. It is important to stress again that all interviewees share these opinions. The data analysis shows a high degree of coherence of the sample, which expresses the internal legal culture.

The scores assigned by the interviewees were submitted to a factor analysis in order to identify the principal dimensions structuring the semantic space of the

responses. In each of the three batteries, the first factor is concerned with the notion of 'legalism' (Friedman 1975), where the following proverbs show higher factor loading: fairness, confidence in justice, legalism, and protection of civil rights.

The other dimensions that emerge from the factor analysis of the scores assigned by the respondents to 'people' are not the same ones that emerge from the factor analysis of responses on ideal criminal justice and the real working of criminal justice. In particular, the second factor (in terms of explained variance) which structures the scores regarding popular opinion is characterized by two proverbs expressing prejudice and stereotyped categorization and a firm mistrust in justice (more than 17 per cent of the variance is explained by this factor). The second factor obtained by factor analysis of responses regarding ideal criminal justice and the actual working of criminal justice highlights only the category of mistrust.

The factor of legalism is the only one, which seems to be shared by the internal legal culture and the external one. This dimension is the only one overlapping the internal and external legal culture, so it appears the only bridge linking the two cultures.

We may argue that proverbs with high factor loading on legalism are linked to a formal idea of justice, closer to specialized and professional knowledge rather than to common sense knowledge. The presence of a unique common factor is consistent with a projection made by respondents, who attribute to the people answers reflecting their own opinions. However, legalism appears the core of the cognitive frame shared by judges, lawyers and public prosecutors.

### ***Shared and conflicting aims in the representations of criminal justice***

Table 4.1 shows the means of all the participants in the aim inventory. No differences result at the ideal level in the responses of public prosecutors, judges and lawyers.

The priorities for everyone are the guarantees for citizens' rights and equality, as well as the effectiveness of justice (Table 4.1). Goals come then, such as to prevent crimes, to help society to develop, to secure public order, to exercise social control. A factor analysis was then carried out on the responses to the aim inventory (Table 4.2). The first factor seems to reflect attitudes concerning crime control, while items concerning principles of equality and impartiality, justice, fairness and truth define the following three factors.

The representations of the aims of the criminal justice system emerging from the responses of the interviewees seem to reflect some of the dilemmas that pervade the law and the legal system. What functions should criminal justice serve in our society? Each choice creates a dilemma. Should the laws uphold individual rights or protect society in general? Responses of our interviewees reflect a tension between what rights each individual possesses and what constraint society may place on the individual for its collective welfare.

Table 4.1 Ideal goals of criminal justice according to lawyers, judges and public prosecutors

Goals	Mean	S.D.
to guarantee the equality of the citizen before the law	9.50	1.38
to protect individual rights and liberties	9.08	1.46
to guarantee civil rights and liberties	9.05	1.60
to make justice work	8.59	2.73
to enforce the law	8.40	2.55
substantive truth seeking	8.14	2.89
to redress crime victims	8.13	2.47
procedural truth seeking	7.84	3.05
to protect the public interest	7.53	2.90
to guarantee public security	7.29	3.33
to fight criminality	7.22	3.41
to protect the environment	6.65	3.45
to prevent crimes	6.27	3.57
to help society develop	5.91	3.48
to secure public order	5.45	3.70
to exercise social control	4.05	3.37

Table 4.2 Ideal goals of criminal justice (Factor Analysis)

Factors	Goals	Factor loadings
1st factor <i>Crime control</i> (36% of variance)	to exercise social control	0.782
	to prevent crime	0.776
	to secure public order	0.765
	to fight criminality	0.699
	to guarantee public security	0.663
	to protect the environment	0.624
2nd factor <i>Equality</i> (10.4% of variance)	to help society develop	0.597
	to guarantee the equality of the citizens before the law	0.803
	to make justice work	0.680
3rd factor <i>Individual rights</i> (8.1% of variance)	to redress crime victims	0.643
	to protect individual rights and liberties	0.887
4th factor <i>Truth</i> (7.2% of variance)	to guarantee civil rights and liberties	0.794
	to seek the substantive truth	-0.743
	to seek the procedural truth	0.571

The conflict between the rights of individuals and the rights of society is related to a distinction between two models of the criminal justice system: the crime-control model and the due process model (Packer 1964, 1968). The analysis, carried out in a political science perspective, provides a useful frame of reference in investigating social representations of the criminal justice system. Packer stresses the importance of evaluating the extent to which the criminal justice system corresponds to two perspectives (or models) considered as poles of a continuum. The crime-control model seeks the punishment of lawbreakers. It emphasizes the efficient detection of offenders and effective prosecution of the defendant, so that society can assume that criminal activity is contained or reduced. In the crime-control model, the rights of individual defendants are subordinated to the demands of repressing and controlling criminality. On the contrary, due-process model focuses on the individual guarantees and rights to a fair trial, and is mainly concerned with the expectation of a fair trial in any legal dispute. It places primary value on the protection of innocent citizens even if they are suspected of criminal acts.

Packer's models are useful for analyzing the responses to the 'aim inventory': two different representations of the ideal aims of criminal justice clearly emerge from the factor analysis: crime-control model (factor 1) vs. due process model (factors 2, 3 and 4). The mean scores of the items concerning crime control are lower than the mean scores of those referred to due process. This means that lawyers and magistrati share an ideal representation of criminal justice, as aimed mainly at the due-process perspective.

The possible presence of different orientations concerning the aims of criminal justice was investigated by a cluster analysis. We obtained two new sub-groups homogeneous with respect to all the variables considered: gender, age, geographical site, role played in the trial. This reveals the co-existence of both perspectives cutting across all these sub-groups. One-way analyses of variance were not significant for the due process model items. Therefore, due process appears as an ideal priority shared by all the interviewees, while the crime control priority is shared only within one of the new sub-groups that emerged. According to this sub-group, the individual right to a fair trial seems not to be in contrast with the right of all citizens to be protected by the law. Instead, a clear dichotomy between the aims of crime control and due process comes out in the second sub-group, where crime control appears as a secondary end.

The shared and underlying principle expressed by the whole sample is equality, meaning the same treatment of all individuals. Even though our interviewees do not share the same representation of criminal justice focused on crime control, there is an evident consensus among them with the overriding principle of equality, combined with the respect of individual rights. Equality and individual rights can be considered as a sort of superordinate goal, shared by all subjects, that minimizes the conflicts, which appear at a different level, as we shall see hereafter, between lawyers, on the one side, and judges and public prosecutors, on the other.

In evaluating the goals attained by the criminal justice system (namely, the previous inquisitorial one), the respondents significantly differ according to their

natural sub-groups (lawyers and magistrati). Neither group gives good evaluations, but lawyers clearly appear much more critical. The different evaluation concerns the goals that refer to the crime control model, as well as to those of the due process model. There is a non-significant correlation between the perceived ends and the goals actually attained. In other words, the evaluation of reality tends to be separated from the expectations, principles and ideal priorities of criminal justice.

Differences between lawyers and magistrati appear also when the interviewees are asked about some aspects of the actual working of criminal justice, during the transition from the inquisitorial to the adversarial model, i.e. organizational and procedural tendencies in the criminal justice system, relationships between the judiciary and political power, the role played by lawyers and public prosecutors, the rights of victims and the rights of the accused, judicial independence and civil rights guarantees.

All the subjects agree that the judiciary must be independent and civil rights have to be guaranteed, but they (lawyers vs. judges and public prosecutors) diverge when focusing on their actual roles in the trial. In fact only lawyers underline the need for a limitation of prosecutorial powers, whereas only judges and public prosecutors emphasize their role in guaranteeing citizens' civil rights. Conflicts between lawyers and magistrati disappear when they focus on ideal goals, theoretical issues and principles. These findings provide evidence of two distinct levels of reasoning: one referred to the ideal goals of criminal justice, the other concerning the actual working of the criminal system. When asked to evaluate criminal justice 'in action', legal professionals do not share the same 'internal legal culture' and seem to belong to two different worlds or two separate 'communities of practice' (Friedman 1975): lawyers on the one side, judges and public prosecutors on the other. Instead, when asked about ideal aims, they do share the same 'internal legal culture' and seem to belong to the same community that points to 'due process' as the main aim of the criminal justice system.

### **Concluding remarks**

We have illustrated a research, carried out in Italy, which explored how lawyers, public prosecutors and judges represent criminal justice and process. Even if the notion is not frequently mentioned, this chapter is about social representations. Criminal justice is in fact a very important as well as intriguing object in contemporary society. Ongoing discussion of the matter, approached from different ideal – and often ideological – positions, has not produced a convergence. In fact, if at the abstract level (in the best cases, theoretical), all agree on the need to be faithful to certain principles in order to respect the rules of community life, at the level of 'what to do' strong disagreement emerges between magistrati and lawyers. It is interesting to note that each group manages to justify a sort of continuity between the ideals shared by all (i.e. what justice and the criminal process should be) and the criteria, often politically

connoted, used for evaluating the actual events – criteria that are obviously different from one political and social group to another.

It is not the case here to repeat examples of this way of reasoning, even by the legal experts interviewed. The content of the chapter illustrates precisely these cognitive processes. It is important to note, however, that the criteria mentioned above correspond to the organizing principles of the positioning which Doise (1985) considered central for his definition of social representations. Such principles have the function of reducing ambiguity and the contradictions inherent in the ideas and beliefs of the different groups in order to render them pertinent to the social reality in which they operate.

But the entire reformulation that Doise *et al.* (1992) have proposed of the theory of social representations, and not only the above-mentioned definition, seems to be consistent with our findings. Emerging from our data, in fact, is the existence of a common and shared knowledge concerning the beliefs about 'what people think about criminal justice', about what should be some of the objectives of the criminal process, and about the difference between civil and criminal justice (Berti *et al.* 1998). This common and shared knowledge is very critical about the new code of criminal procedure. In the same map of shared meanings, there is a conception of what criminal justice should be: characterized by the defence of human rights, of individual liberty and equality among all citizens, and aimed at ascertaining the truth.

Along with common and shared knowledge, however, there appear points of view about criminal justice differentiated according to the professional roles. We shall mention only one of our findings in this regard. Faced with questions concerning the current working of criminal justice, our interviewees give answers that are prevalently negative, but those given by lawyers are much more negative than those given by magistrati.

It might seem strange that regarding the same matter the experts interviewed express different judgements (first homogeneous, then differentiated by their professional group). The theory of social representations permits us however to discard the idea that this is due to inconsistency on the part of our subjects. Faced with questions which are similar for content but different for level of concreteness (they regarded proverbs in one case, a judgement of reality in another), each interviewee answered keeping in mind his/her own professional perspective, anchoring his/her answer in the context of social relationships. This process of anchoring seems activated in every block of data presented above. The contrast between roles of lawyers and magistrati however does not seem to be the only organizing principle of the individual positioning. In fact, the cluster analysis reveals two sub-groups composed of both lawyers and magistrati who express different opinions on the functions of the criminal process. The anchoring of the two positionings seems to regard superordinate value systems with respect to those expressed through professional roles. On the other hand, the two models of criminal process (Packer 1964), on the basis of which our data have been interpreted, explicitly imply reference to values and meanings more general than those specific to each professional group.



Our research does not provide elements by which to indicate the values that differentiate the two sub-groups (composed of lawyers and magistrati). It is plausible that these values may be political, in the highest sense of the word, but another research would be necessary to ascertain that.

## Bibliography

- Berti, C., Mestitz A., Palmonari A. and Sapignoli M. (1998) *Avvocati, Magistrati e Processo Penale. Analisi Socio-psicologica di una Fase di Transizione*, Roma: Carocci.
- Blankenburg, E. (1994) 'La mobilisation du droit. Les conditions du recours et du non-recours à la justice', *Droit et Société*, 28: 691-703.
- Bonal, R. and Ros, A. (1992) 'La representació social de la justícia', unpublished report, Centre d'Estudis Jurídics i Formació Especialitzada, Barcelona: Generalitat de Catalunya.
- Doise, W. (1985) 'Les représentations sociales: définition d'un concept', *Connexions*, 45: 245-53.
- Doise, W., Clémence, A. and Lorenzi-Cioldi, F. (1992) *Représentations Sociales et Analyse des Données*, Grenoble: Presses Universitaires de Grenoble.
- Farr, R.M. and Moscovici S. (eds) (1984) *Social Representations*, Cambridge: Cambridge University Press & Paris: Éditions de la Maison des Sciences de l'Homme.
- Faugeron, C. and Robert, P. (1978) *La Justice et son Public. Les Représentations Sociales du Système Pénal*, Genève: Masson.
- Friedman, L.M. (1975) *The Legal System. A Social Science Perspective*, New York: Russel Sage.
- Lewin, K. (1948) *Resolving Social Conflicts*, New York: Harper & Row.
- Moscovici, S. (1961; 2nd edn 1976) *La Psychanalyse, son Image et son Public. Étude sur la Représentation Sociale de la Psychanalyse*, Paris: Presse Universitaires de France; trans. D. Macey (2008) *Psychoanalysis, its Image and its Public*, Cambridge: Polity Press.
- Packer, H.L. (1964) 'Two model of criminal process', *University of Pennsylvania Law Review*, 113: 1-68.
- Packer, H.L. (1968) *The Limits of the Criminal Sanction*, Stanford: Stanford University Press.
- Rodrigues, A., Sousa E., and Marques J. (1985) *A Representação Social de 'Justiça' em Portugal. Uma Análise Psico-social da Percepção do Aparelho Jurídico*, coll. Estudos Sociais 3, Lisboa: Instituto de Pesquisa Social Damiao de Gois.