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Abstract

This one course release during winter 2010 will allow the write up of two journal articles that expand my research into the area of Italian (and European) interwar legal culture. The first considers the 1935 Berlin Penal and Penitentiary Congress and the ideological differences between the "fascist conception of law" of Fascist Italy and Nazi Germany and the (then) rehabilitative model of the United States in the 1930s, relates that to current, American redefinitions of the rule of law, and cautions against using the law, especially criminal law, as a means to protect the state. The second examines the extent of a fascist penal culture in Italy in the "years of consensus" in the 1930s. It questions how deeply fascism penetrated the everyday workings of criminal law and how much it influenced those who worked in the criminal justice system, from police, to lawyers, to judges, to consider larger questions of law's ability to shape culture and change individual lives.