

# 刑事风险、媒体再现和刑法文化的作用

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## 摘要

首先, 本文谈到了关于媒体对风险的过度强调和精英似是而非的集体忧虑, 特别是对于犯罪现象的忧虑, 展示了验证媒体对刑事风险进行人为再现的犯罪学实证研究成果。文章第二部分着力于展示在对关于刑事政策的立法选择进行表述时, 媒体再现的影响力, 尤其是在新媒体之间的所谓“流动式民主”(即委任民主)背景下, 媒体再现的影响力。文章重点关注了破坏现代民主制度一些基本原则的风险。本文的结论可用于在刑事 - 政治教化过程中, 为了适应大众媒体后现代需要的刑法文化。文章尝试着追踪公民本身拥有最低水平的知识, 比如构成当代公民社会精神的基本价值的内在化。

## 关键词

刑事风险, 媒体再现, 政治犯罪, 合法性, 流动式民主, 刑法文化作用

## Abstract

First of all, the essay is about the media's redundant emphasis on risks and the elitist specious creation of collective worries, in particular with relation to the criminal phenomenon, presenting the results of criminological researches that validate the empirical demonstration of the media representation's artificiality of criminal risk. The second part of the essay is dedicated to the influence of the media representation on the legislative choices of criminal politics, in particular in the actual contexts of the so-called "liquid democracy" developed around the new media, focusing the attention on the risks that it might involve with reference to the violation of some fundamental principles in the democratic modern systems. The conclusion is dedicated to the criminal law culture in a possible process of criminal-political *paideia* adapted to democratic and mass media postmodern needs, trying to track the ontological content of the minimum levels of knowledge of the citizens, such as the internalization of those fundamental values that constitute the ethos of the contemporary civil society.

## Keywords

Criminal Risk, Media Representation, Criminal Politics, Principle of Legality, Liquid Democracy, Role Criminal Law Culture

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