

**Moral Panic and ‘One [Secular] Law for All’: Exploring the
‘Ontario Sharia Debate’**

by

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ABSTRACT

This thesis analyzes the Ontario Sharia Debate (OSD) as a potential example of a contemporary moral panic. After identifying the key concepts, events, and themes within the OSD, the results are compared to the criteria elicited from the four main approaches to moral panics. This involves an elucidation of the theories and background behind the moral panic approaches created by Stanley Cohen, Stuart Hall et al., Erich Goode & Nachman Ben-Yehuda, and Chas Critcher. From the findings generated, an analytical framework is created for each approach.

Comparing the OSD to these moral panic frameworks, it is determined that the OSD events do meet the criteria of at least two approaches: one provides valuable diagnostic measures (Goode & Ben-Yehuda), while the other traces the trajectory of events (Cohen). The comparisons of moral panic approaches also provides the opportunity to assess each framework's capacity to account for all the pertinent elements within the OSD - and importantly, without putting forth criteria that do not suit the case. This raises both challenges and opportunities in regards to the two remaining approaches (i.e. Hall et al. and Critcher).

DEDICATION

I dedicate this thesis to Mr. Steadfast himself: my partner, Chad Savile, for the years of mental, emotional, and nutritional support. Thank you for being my sounding-board when I brainstorm, my scribe when my hands quit, my laugh-track when I note the frequent distance between policy and common sense and my reassuring hug when I acknowledge the deep impacts that separation can have. This has been an important step in an ongoing journey; one for which I know I will continue to have your constant support and pride.

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List of Nomenclature and Abbreviations

ADR – Alternative Dispute Resolution

CCMW - Canadian Council of Muslim Women

CSM - Canadian Society of Muslims

Fiqh – Islamic jurisprudence/positive law, determined through practice of *ijtihad*

FSLAA - Family Statute Law Amendment Act

ICASCC - International Campaign Against Sharia’a Court in Canada

IICJ - Islamic Institute of Civil Justice

Ijtihad – Trained interpretations of Islamic sacred texts to determine guidance for events
not specifically referred to within them.

LEAF - Women’s Legal Education and Action Fund

NAWL - National Association of Women and the Law

NCWC - National Council of Women of Canada

OAA – 1991 Ontario Arbitration Act

OSD – the Ontario Sharia Debate

Sharia –moral and social guidance derived from the commands and actions portrayed
within Islamic sacred texts (Quran, Hadith, and Sunnah)

Introduction

Background

There will be no sharia law in Ontario.
There will be no religious arbitration in Ontario.
There will be one law for all Ontarians. (cited in Simmons, 2010)

This declaration was made on Sunday, September 11th, 2005 by Premier Dalton McGuinty, in an attempt to conclude a heated public and political exchange which had lasted two years and had become known as the Ontario Sharia Debate (OSD). The significance of the chosen date of McGuinty's statement, as well as the first sentence within it, arguably reflects an underlying Islamophobia that stirred the initial controversy. The latter two sentences reflect the secular values to which McGuinty was trying to appeal. Reaction to his decision was divided: "on the one hand ... this was a victory for women's rights and on the other ... McGuinty was leaving religious Muslim women who would now turn (or be turned) to informal sharia based-arbitration without any protection by the state" (Korteweg, 2006: 50).

Ultimately, many saw the Premier's final decision as a reflection of the misdirected focus, disproportionate claims, and stereotyping of Muslims that were frequently apparent within the debate. Having many of the typical elements of overreaction to a group assumed to present a threat to societal values, some analysts even came to label the OSD a 'moral panic'. While a cursory review of how events transpired seems to support such a statement, these authors applied it in a more speculative, rhetorical manner, with less focus on substantiating the claim. The first goal of this project is to determine if the OSD does in fact qualify as a case of moral panic; the second is to determine by whose criteria this can be determined.

More than a decade after 9/11, the prevalence of Islamophobia can still be recognised on an international scale (Kundnani, 2014). Moral panic studies involving such a systemic xenophobia have been explored within a variety of cases and countries.¹ In the process, various scholars have suggested ways to adjust these traditional moral panic models to better encapsulate hysteria involving Islam; however, there is little consensus as to which approach is best and what adaptations should be made. The OSD offers an opportunity to apply moral panic analyses to a unique case involving Muslims in Canada: a country which has received little attention in this area of study.²

As with many theories within the social sciences, moral panic analysis is frequently being assessed and altered. As a result there have been many adapted approaches throughout the decades, the most prominent of these coming from Cohen (1972), Hall et al. (1978), Goode & Ben-Yehuda (1994), and Critcher (2003). It has also had its share of controversy, with various scholars asserting different criteria to maintain the relevance and integrity of the moral panic concept and what constitutes this phenomenon in the contemporary world.

Chas Critcher (2003) put forward particular efforts to discern these boundaries. His efforts included the application and appraisal of traditional models, treating each as heuristic ‘ideal types’ (Weber, 1949) and applying them to various cases, as “a yardstick

¹ The most notable compendium of such explorations is Poynting & Morgan’s (2011) *Global Islamophobia: Muslims and moral panic in the West*.

² One dissertation focuses on Islamic/Arab terrorism as moral panic in Canada (McClure, 2011). There are major differences between this and moral panics surrounding fears of domestic Islamicization.

against which to measure actual examples, so we can measure how and why they deviate” (Critcher, 2003: 2). He then designated the original model, put forward by Stanley Cohen (1972), as superior and offered a number of recommendations for future moral panic analyses.

Following this assessment, Critcher’s (2009; 2011) later work came to question aspects of his own recommendations and put forward new ones. Some of his new suggestions seemed to fall more in line with the models he had previously dismissed. Also, While Critcher selected a diverse set of cases, it is important to note that the timing of his initial research also had him exploring cases prior to the post-9/11 world. Terrorism and Islamophobia were less pervasive themes in academia at the time. He does, however, note his regret in not having the time to include the unfortunately related theme of asylum seekers (Critcher, 2003: 3). This evidences the need to readdress Critcher’s assessments and arguments within new examples of social phenomena. The OSD creates an ideal event to which to apply the moral panic models and assess their lasting explanatory power.

With the concern over Critcher’s appraisals in mind, the objectives of this study are subsequently based on two premises: first, that moral panic analyses involving Islamophobia have thus far overlooked valuable Canadian cases, particularly the OSD; and, second, that moral panic approaches must be frequently re-evaluated to ensure their continued relevance and explanatory power when applied to contemporary social events. From these two ideas, the central research question takes its form: *can the traditional moral panic models sufficiently account for the development and results of the “Ontario Sharia Debate”?*

Approach

In order to answer the research question, this thesis will begin by synthesizing the perspectives of previous scholars exploring the OSD. As will be discussed in Chapter One, these contributors come from various fields of study and levels of involvement in the original debate. These data will be used to establish a descriptive timeline that will include the important events, legislations, groups, individual actors, and decisions involved. Furthermore, the perspectives collected from these secondary sources will be used to determine the prominent social themes recognized within the OSD case.³

Following the section elaborating upon the OSD, the backgrounds and ideas produced by the selected moral panic theorists (Cohen, Hall et al., Goode & Ben-Yehuda, and Critcher) will be reviewed in-depth. This will include mention of academic opinions on both the strengths and weakness in the approaches put forward by each. After these considerations, the exploration of each author, or group of authors, will conclude with a summary of their envisioned criteria, which will serve as a representation of their framework or model for moral panics. In other words, these analytical frameworks will each serve as the ‘ideal types’, to which the features of the OSD will be compared.

The next step within this thesis will be the comparison of the timeline and themes from the OSD against each of the moral panic frameworks. Each framework will be assessed for its capacity to capture and elaborate upon the important elements of the OSD and, if it does capture the elements, whether or not the OSD appears to qualify as a moral

³ It is important to note, however, that the primary focus of this thesis is to investigate the *applicability* of the primary moral panic frameworks to something like the OSD, *not* to establish irrefutably if the OSD ‘is’ a moral panic.

panic, according to that particular framework. The project will conclude with a comparison of these assessments and a determination of which framework(s) has/have the most explanatory power for understanding the different elements of the OSD as a “moral panic”; a moral panic which set parts of Canada excessively at odds with many of its Muslim citizens. The value in identifying events as moral panics, particularly in evidencing disproportionate reactions and results, is that it indicates subsequent policies may have benefitted from better clarification and dissemination of knowledge and, in fact, some policies should be reassessed with recognition of pertinent information that was previously overlooked or underacknowledged.

Chapter One: Situating the Ontario Sharia Debate

This chapter will begin with a brief explication of two terms that appeared to be frequently misunderstood within the OSD. This is followed by a timeline of what transpired, explaining the policies being discussed, who was involved, and the different positions held within the debate. Most notable is the duration of the debate. While the media covered it from 2003-2006, it is important to remember that permission for religious forms of arbitration had already existed for over a decade in the province, including for Muslim individuals. The next section in the chapter reviews the themes, discourses, arguments, and concerns predominantly identified (and/or expressed) by previous OSD analysts. These scholars come from differing fields of study, with varying degrees of personal involvement in the OSD as it played out.

As a point of clarity, for the purposes of this project, the term ‘OSD’ will refer to the political, media, and public debate regarding Sharia, specifically in the province of Ontario and extending from 2004-2006. While the discussion ended quite abruptly in these forums, it continued to be an oft-cited, explored, and still debated case within academia, culminating in a multidisciplinary publication debating numerous components of the events (Selby & Korteweg, 2012). Appearing a half-decade after the public debate had ended, these contributions had the benefit of hindsight but the drawback of being produced well after the fact, showing little chance of a political re-assessment of the decision made. While some of the scholars were actively involved in the political debate, their work will be discussed largely in their capacity to retroactively assess the ramifications of the 2004-2006 events.

1.1 – Two Important Terms

One of the greatest concerns raised by academics, during and after the OSD, was that several concepts were being misinterpreted and thus misrepresented, particularly by media sources. Some of these terms have a history of widely-shared negative connotations (such as *Islam* itself)⁴, but there were also those which were less previously discussed within Canadian contexts. In particular, there was the frequent and fallacious presentation of *Sharia* as a monolithic compilation of Islamic law. There was also an apparent need for further clarity on the nature of third party *arbitration* and its capacities, which will now be discussed.

1.1.1 – On Arbitration

Arbitration is one method among many within the processes of alternative dispute resolution (ADR). ADR refers to means of settling disagreements between parties without relying on *litigation* in the state's courts and generally involving a neutral third party to aid in or make the final decisions. Another popular form is known as *mediation*. The difference between these three (arbitration, litigation, and mediation) was something that many legal scholars felt was gravely overlooked within the OSD.⁵

With mediation, the disputing parties seek out a neutral third party to attend discussions of the concerns, in order to assist in creating a resolution that is both formed

⁴ This is thoroughly explored within the works of Edward Saïd (1979) and Gottschalk & Greenberg (2008).

⁵ N.B. While these terms are common within legal studies, the definitions here have been derived from multidisciplinary sources and as such should not be taken as formal legal definitions.

and agreed upon by the disputants. The mediator's level of involvement and influence on the final decision is quite flexible in this form of ADR, in that the degree to which the mediator is actively facilitating negotiation between disputants can vary. In effect, mediation is an attempt to reduce the adversarial nature of settling grievances and potentially avoiding the need for formal litigation.

Meanwhile, arbitration similarly selects a neutral third party to settle the dispute; however, the arbitrator is given much more power, in that the parties would sign a pre-arbitration process agreement, promising adherence to the arbitrated resolution: "In short, they agree on a process, not on a result" (Boyd, 2004: 9). The final agreement is only legally binding when and if legislation permits it and it does not contravene existing law.

Although formal litigation shares some similarities with arbitration, the former has more distinct confines in how verdicts must be determined: those within national or provincial legislation and legal guidelines. Arbitrators have the opportunity to more heavily consider cultural, religious, or individually relative factors in coming to the final decision. This does not – as was commonly misunderstood within the OSD case – mean that the final verdicts can overlook or supersede Canadian law. Instead, arbitrators have the challenge of making legally sound and individually inclusive decisions.

ADR's more individualized approach to conflict resolution has appealed to many people. It is praised for its flexibility, the more active role disputants can play in decision-making, as well as its cost- and time-effectiveness for parties (Boyd, 2004: 10). Overall, it is also considered by many to be of benefit to the court systems. "Private resolution reduces the workload of the court system and may tend to reserve the courts, with their highly trained judges, for the hardest cases, those that private dispute resolution fails to

resolve” (ibid: 10). In recognition of this economic advantage, many court systems require certain cases to go through private resolution procedures (though usually mediation) before being put to the courts. This is still required for many cases in Ontario, though merely encouraged for those involving family law (ibid: 10).

Another component within arbitration, as the above paragraph hints at, is the fact that disputants who feel they will not get a satisfactory result within ADR settings have the option to present their case within the formal courts. Disputants who have participated in an arbitration agreement can also apply to appeal the final decision in court. The nature of arbitration and its capacity to function in tandem with Canadian law is important to note, as so many within the OSD appeared to misunderstand its function, particularly in regards to how Muslim Canadians might apply it.

1.1.2 – On Sharia

Along with reducing misconceptions regarding arbitration, it is important to clarify the use of the term Sharia, particularly because it became the ominous ‘buzzword’ utilized and misapplied within the OSD. This tendency will be discussed as a major theme in the case, following the timeline.

The Quranic meaning of ‘sharia’ denotes a ‘pathway to water’; given the geographic setting for the birth of Islam, this easily serves as a metaphor for the path to salvation. As with any trail, there can be clear signs which guide or instruct on directions to head and actions to avoid, but there are also choices that must be made based on one’s own logic and judgement. It is this dual nature of decision-making that must be recognized within Sharia: the sacred guidance coming from the explicit commands or

examples set out in the sacred texts (Quran, Hadith, and Sunnah) and the interpretation of these when dealing with situations not directly addressed by them (a process known as *ijtihad*).

When the guiding principles of the Quran and the Prophet Muhammed (PBUH)⁶ are then interpreted to create more widely imposable laws, this extends the application of Sharia into what is referred to as *fiqh* – positive law (Cesari, 2012: 5). This term, denoting a ‘deeper understanding’, refers to Islamic jurisprudence, made possible through *ijtihad*. While *fiqh* can share similarities with the formation of laws such as those in Canada, its usage can be found to extend into topics considered to be beyond the purview of Western law enforcement; the goal is that through Sharia and *fiqh* (divine and positive law), all aspects of one’s life can be channeled.

Given that the process of creating Islamic law relies on learned understandings, it is very important to note that there has never been any universal consensus, or uniform codification of Sharia (Cesari, 2012: 6). This is because, like any national constitution, differences emerge according to social, cultural, political, and historical contexts. Islam has reached many different cultures and developed itself accordingly for many eras. Jurists’ analyses depend on how and when they were trained. In particular, historical divisions within Islam have created two major denominations, Sunnis and Shi’ites, and various schools of thought for religious jurisprudence within both. Some of these schools continue to support the application of *ijtihad*, enabling flexible and culturally specific

⁶ This acronym stands for “peace be upon him” or (phonetically) in Arabic “alayhi as-salām”. It is customary within Islam to invoke this blessing after stating or writing the name of prophets. Thus, out of respect for this practice, the same will be done herein.

decisions. Others assert that ‘the gate of ijtiḥād is closed’, concerned with constant relativist reinterpretations (Emon, 2012: Hallaq, 1986).

The extent to which a society becomes influenced by sharia is also relative. Some Muslim majority nations adopt Sharia and resulting fiqh as their sole, governing body of law, while others take a more multi-faith approach, allowing its principles to be optional and run in tandem with wider secular state laws. Finally, it is generally maintained that those outside of Muslim majority countries must adhere not only to Islamic principles, but also to the laws of the land they inhabit (Cesari, 2012).

1.2 – Timeline (1987-2006)

The following timeline draws out the main events and factors both leading up to and during the OSD. While some components within this sequence of events were frequently noted within media and political discussions, others were explored academically, after the fact, as largely overlooked. The bulk of these ‘missing elements’ were elaborated upon by Marion Boyd (in the midst of the OSD); retroactively, they were highlighted most thoroughly by Tabassum Fahim Ruby within her PhD dissertation, and by Anna Korteweg & Jennifer Selby, in their book which brought together many differing academic perspectives on the OSD.

1987: Precursors to the Arbitration Act

The first glimmer of opportunity that moved towards allowing legally binding religious arbitration came in 1987, when Justice Thomas George Zuber (1987: 4) was asked to prepare a report on the conditions of the courts in Ontario. Overall, the main

concerns highlighted within his report, released in 1989 and dubbed the *Ontario Courts Inquiry Report*, pertained to the “cost, delay and inefficiency” within the province’s system. One recommendation put forward was the establishment of legally binding forms of arbitration (ibid: 215).

As previously mentioned, this concept of arbitration allows individuals or groups to seek out a third-party, outside of the provincial court system, to assist in solving disputes (Boyd, 2004: 10). This could be applied to any number of issues ranging from business complainants to family issues. The parties involved would sign a binding agreement, before their case was laid out before the arbitrator, stating that they would adhere to the decision or verdict offered by the selected ‘judge’. Provincial support for arbitration would mean that the decisions would have the government’s backing to ensure the agreements were upheld.

Zuber did not distinctly recommend the implementation of arbitration to reduce backlog within family law cases, nor was religious arbitration a prominent solution in his report. Despite this, a Muslim group had put forward a proposal to introduce Muslim Personal Family Law (PFL) into Canada even before Zuber’s report was made public. Dr. Mirza Qadeer Baig of the *Legal Affairs Committee of the Canadian Society of Muslims* and the *Muslim Law Campaign*, alongside lawyer Syed Mumtaz Ali, were adamant that Muslims be given the opportunity to ensure their Islamic principles could be considered and applied during the settling of family disputes.

1991-2003: Emergence and Application of the Arbitration Act

Two years later, in 1991, Attorney General Howard Hampton proposed the Arbitration Act, making it possible for clients and their lawyers to select arbiters outside of the provincial court system (see Hampton, 1991). Primarily, this addressed the efficiency issues noted by Zuber. Though not the primary focus of the proposal, the act would also give disputing family members the opportunity to seek out who they saw to be a specialist for their unique circumstances, rather than whomever the court system had available. For some, such a specialist would be a leader within their family's chosen religion, selected to ensure their beliefs were fully understood and taken into account during the decision-making process.

The Arbitration Act passed unanimously in 1991 and came into effect in 1992. "Proponents of the 1991 Arbitration Act highlighted the efficiency, low cost, privacy, less adversarial, and less intimidating nature of private arbitration" (Selby & Korteweg, 2012: 17). It should be reiterated that while religious arbitration tribunals existed before this, the new bill would give them the opportunity to also solidify their rulings with the province's support. It is, therefore, this point in 1991 that family arbitration through 'Sharia' was permitted. Its privileges, restrictions and risks were the same as any others adhering to the Act: religious or secular, family or other issues. Therefore, "[f]rom 1992 to 2006, parties were permitted to bargain matters falling under the provincial statute according to their own values and priorities, so they could request mediation, or arbitration, based on a legal regime other than Ontario or Canadian family law – such as religious law" (ibid: 17). Religious individuals and groups made use of the permissions the Act granted, most often notably used for Christian, Jewish and Ismaeli arbitration. As

the latter is a branch of Islam, the uncontested presence of this group is one noteworthy factor which highlights a sudden resistance to an already permitted practice.

Early 2004: Sharia in the Headlines

A full decade later, in 2002, the Canadian Society of Muslims (CSM) announced plans to create independent tribunals for Islamic jurisprudence – known as ‘Darul-Qada’ (Ali, 2004: n.p.). By 2004, the CSM had created a council and fulfilled all provincial requirements. Elections for the Islamic Institute of Civil Justice (IICJ) were held, selecting Syed Mumtaz Ali as a primary member. In March 2004, two years after the CSM had first announced their intentions, Mumtaz Ali made a press release announcing the formation of sharia-based courts. The dissemination of this unrequired notification sparked a polarizing debate with claims-makers contributing their input from within the province, the nation and internationally (Boyd, 2004; Korteweg, 2008; Ruby, 2010).

One of the sparks that ignited mass concern came from the language which Mumtaz Ali used to convey the CSM’s mission. Some felt he was suggesting that Islamic justice would supersede provincial law; but his greatest folly was in stating that, with these tribunals put in place, all truly pious “good Muslims” (Ali, 2004: n.p.) would be morally obligated to make use of them to settle their disputes. In his view, to do otherwise would be considered sacrilege (Zine, 2012: 289). “This kind of coercive language, which left Muslims no real choice if they perceived themselves as religiously observant and in line with Ali’s notions of piety, was troublesome both within and outside Muslim communities” (Selby & Korteweg, 2012: 18). Mumtaz Ali’s ‘either/or’

construction made him a poster-child for the concept of a unified and controlling Sharia law - a message pounced upon by media and action groups.

Mid to Late 2004: Political and Public ‘Call-to-Arms’

In reaction to the unnecessary and contentious nature of Mumtaz Ali’s announcement, many groups and individuals responded by pushing to prevent such tribunals from existing in Ontario, backed by a rhetoric that some described as “Muslim barbarians are knocking on the gates of Ontario” (Siddiqui, 2005: A25). Reaction was not confined to media or political discussions in Ontario; “demonstrations inside and outside Canada against the proposal promised to raise the profile of the controversy and intensify its rancour” (Weinrib, 2008: 257). In Weinrib’s (2008) calculation, “a total of eighty-seven human rights groups stood against faith-based arbitration for family matters” (257).

This movement was responded to by those insisting that religious consideration within such personal matters was integral for many spiritual identities. While this included those from other religions wishing to continue to practice faith-based arbitration, it was predominantly Muslim organizations who came forward, both in an attempt to be involved in the political decision and to “counter the media’s frequent negative stereotyping of Muslims and Islam” (Selby & Korteweg, 2012: 20; Bullock, 2012; Kutty, 2012). Those who were most adamant that such arbitration should be considered mandatory for the pious were given the limelight. Though more neutral perspectives existed within these groups, these positions were infrequently focused on (Sharify-Funk, 2008). This was evident even when a moderate voice was explicitly requested by the government, as will be discussed next.

By June 2004, in response to continued public and media reaction, Premier Dalton McGuinty asked Attorney General Michael Bryant and the Minister Responsible for Women's Issues, Sandra Pupatello to assess the situation. In turn, they assigned former Attorney General Marion Boyd with the task of preparing a report gauging the importance of religious arbitration in the province. The list of groups Boyd consulted with was extensive; the Canadian Council of Muslim Women (CCMW), the National Association of Women and the Law (NAWL), the National Council of Women of Canada (NCWC), and the Women's Legal Education and Action Fund (LEAF) were some of the most prominent groups (Boyd, 2004: 145-153).

In December of 2004, Boyd released her 192 page report entitled *Dispute Resolution in Family Law: Protecting Choice, Promoting Inclusion*. Overall, her findings suggested that religious arbitration was a valuable alternative to secular provincial courts and should be maintained, but also included forty-six recommendations that would ensure these courts were in line with provincial and national legal regulations, as well as in accordance with the Charter of Rights and Freedoms (Boyd, 2004: 133-142). Organizations such as the CCMW and the International Campaign Against Sharia's Court in Canada (ICASCC) continued to disagree and again returned to the government to protest allowing sharia courts in Canada.

2005-2006: Fervour and Finale

Public, media and political debate on the issue continued until the fall of 2005, when McGuinty had decided the debate had dragged on long enough. On Sunday, September 11, he made the announcement that there would be “one law for all Ontarians” (Simmons, 2010), that Sharia would be banned, and that all previous religious courts would be subsequently barred from making legally binding decisions for their clients. Notably, this decision came as a surprise to those in support of religious arbitration, since prior to this announcement, “communications from the premier’s office during this summer led them to believe erroneously that McGuinty would adopt Boyd’s recommendations” (Selby & Korteweg, 2012: 22). The Family Statute Law Amendment Act (FSLAA) was thus created to amend the 1992 Arbitration Act. It received Royal assent and was ratified in February 2006.

The amendments state that family arbitration “is conducted exclusively in accordance with the law of Ontario or of another Canadian jurisdiction”, and that if an arbitration decision “is made by a third person in a process that is not conducted exclusively in accordance with the law of Ontario or of another Canadian jurisdiction, (a) the process is not a family arbitration; and (b) the decision is not a family arbitration award and has no legal effect” (*Arbitration Act*, S.O. 1991). In essence, the changes “restricted binding family arbitration for everyone in the province, in keeping with a number of Boyd’s recommendations but without following her general, positive conclusions about the advisability of faith-based arbitration” (Selby & Korteweg, 2012: 23). While some members of Christian, Jewish and Islamic groups continued attempts to have the decision reversed, the topic received little to no coverage, fluctuating according

to the occurrence of related topics in international news, particularly those which evoked the Sharia ‘buzzword’ (Bakht, 2005). Though some law professionals and other scholars continue to question the mere possibility of ‘one law for all’ (Kutty, 2012; Macklin, 2012; Selby, 2012), the final decision appeared to have lain to rest any chance of a public or political re-opening of the case.

1.3 – Prominent Themes

As previously noted, the OSD has been the topic of both academic discussion and scrutiny over the past decade. Contributions have come from many academic perspectives, especially within law, political science, sociology, feminist theory, theology, and media and cultural studies. Many of the authors attributed their perspectives to more than one field or focus of study.⁷ This gives a rich assortment of multidisciplinary perspectives, which aids in producing a synthesis of standpoints for this thesis.

Feminist research has highlighted the paternalistic undertones of media and public outcry focused on protecting Islamic women from the stereotyped and assumed misogynistic risks of their own religion, overlooking the variability of individual agency (Korteweg, 2012; Razack, 2008; Sharify-Funk, 2009; Zine, 2012). Law experts focused on the limitations of the Canadian Charter of Rights, multiculturalism, and the simultaneous overestimation in the prevalence and undervaluation in the flexible and

⁷ A chart presenting the fields of study and intersecting interests held by several OSD analysts can be found within the Appendix on page 142.

accommodating qualities of religious alternative dispute resolution methods (Emon, 2012; Macfarlane, 2012; Weinrib, 2008). They also note the implausibility of ‘one law for all’ and the continuation of privatized arbitration which this verdict did not prevent (Kutty, 2012; Macklin, 2012). Religious and cultural scholars focused on defending the diverse nature of the Islamic faith and Sharia, providing evidence of false assumptions, dichotomies, and exaggerations present in the debate (Clarke, 2012; Cutting, 2012; Selby, 2012; Sharify-Funk, 2009). Based on these perspectives, the following section will elaborate upon the major themes identified within the OSD phenomenon, each of which underscore scholarly concerns regarding the case’s levels of misrepresentation, misunderstanding, and misdirection.

1.3.1 – Bipolarization of Debaters in the Media

The OSD involved significant actors, both from within the province and beyond. While some groups made their positions known via blog and websites, the bulk of these organizations received public attention through being selected by the media as representatives of the concerned citizenry. It is important to note, however, that the selection of speakers heavily favoured those from either extreme in the debate, offering them ample quotations and overlooking more neutral voices. Moderates were often pushed into one of these camps (Bullock, 2012). In other words, a focus on speakers either strongly in favour or strongly opposed to Sharia exaggerated the controversy as a binary, ‘black and white’ issue.

Evidence of this polarization was effectively highlighted by Anna Korteweg (2008; 2012). In order to gauge the diversity (or lack thereof) of opinions presented in popular media, she prepared an analysis of two national news groups – the National Post and the Globe and Mail, as well as the popular and wide-spread Toronto Star. From December 2003 to February 2006, these newspapers had released a combined total of 108 articles pertaining to Sharia (Korteweg, 2008: 440). Within these newspapers, the editorials made clear attempts to provide a balanced presentation of both outlooks, with twenty-three columns written in favour of religious arbitration and twenty-four against it.

Despite the balance between editorial articles, Korteweg's (2008: 441) analysis revealed a disproportionate representation in the choices of people quoted in other sections: while forty-one articles quoted individuals in favour of Islamic arbitration, those who were opposed were given a larger opportunity, with quotes in seventy-two articles. Of those in favour, Syed Mumtaz Ali of the CSM and IICJ predictably received the most attention following his contentious announcement. He was quoted sixteen times, while seven other prominent voices received less than half of that attention. Meanwhile, Homa Arjoman of the ICASCC was quoted twenty-two times, while eight other voices were presented between fourteen times and twice.

Most importantly, the two repeatedly referenced individuals were positioned at opposite extremes when it came to secularism and religious rights, so that the repetition of their positions, and the lack of middle-ground voices being presented, served to further crystalize the sense that this was an either/or situation. Korteweg (2008: 440) acknowledges the effect such selection processes can have on public reactions: “newspapers construct social problems as they selectively report on certain issues and not

others and as they highlight some aspects of these issues and not others”. While she accredits this idea to the work of Chas Critcher, she does not explore further indications that the OSD qualified as a moral panic.

This rigid division of opinions imposed by the media was also noted by scholarly activists involved in the original debate (Bullock, 2012). Katherine Bullock gives a valuable account of her experience wherein she was “silenced by journalists who only had one box to slot her into: that of a woman unaware of the fundamentalist patriarchal gender relations supported by Sharia arbitration” (Selby & Korteweg, 2012: 26). As she recalls, “journalists who came to interview me sought me out not to do stories to transcend Orientalism, but to provide the ‘pro side’ of the ‘debate,’ relying on Orientalist stereotypes of what I was supposed to represent” (Bullock, 2012: 263). Such a dismissal or restriction of counter-arguments as stemming from ignorance would have obvious negative effects on fruitful, considerate debate. At its worst, this may have fed into discourses of a morally hierarchical ‘them and us’.

1.3.2 – Dichotomization of Value Systems

Along with the media’s presentation of polarized debaters, heavy focus was also drawn to presenting the issue itself as one of intractably conflicting values. At times this was perpetuated by “controversy-driven journalism that has highlighted opposing ends of a liberal/progressive versus conservative/traditional axis in a search for ‘point/counter-point’ views” (Sharify-Funk, 2009: 75). While this sometimes brought about small political discussions in regards to ensuring multiculturalism versus maintaining a clear separation between Church and state, public debate was more frequently focused

specifically on a unified, rigid Islamic Sharia and comparing its capacities unfavorably with the province's collectively progressive and secular outlook.

To their credit, some media outlets and debaters resisted feeding into rhetoric that suggests all Muslims have inherently undemocratic traditions and values; however, they did so by frequently interviewing and referring to the perspectives of self-professed 'secular Muslims'. Given the polarization within the debate, this categorized Muslim-Canadian citizens within one of two camps: "[the] 'majority Muslim' culture seeking to secure space for itself within Canadian society and a 'dissident Muslim' culture that seeks to consolidate external support for internal change" (Sharify-Funk, 2009: 73).

Certainly, Syed Mumtaz Ali's (2004: n.p.) own depiction of "good" and "bad" Muslims did not help matters (Reda, 2012); however, some analysts contend that this kind of rhetoric was already inherent within Western media, forcing Muslims to choose between being labelled as progressive or fundamentalist, while "the majority of Muslims (who stand somewhere between the two categories) [were] left without a voice" (Sharify-Funk, 2009: 77). This paints the anti-Sharia Muslim as a sort of 'reformed sinner' in the eyes of Canadian citizens, owing their enlightenment to the influence of Western ideals. Once again, such narrow categorization belies the varying complexity and diversity of internal negotiations as Muslim individuals determine their desired level and means of integration and cultural maintenance.

With emphasis on portraying incompatibilities between Islamic practices and Canadian principles, those seeking faith-based arbitration within other religions received very little attention both before and during the debate, which may have spared them from the same moral divide imposed on Muslims. This is despite internal discussions on

preventing oppression in their own tribunals, such as within Jewish Rabbinical courts, the Beit Din (Boyd, 2004; Macklin, 2012; McGill, 2005; Selby, 2012). The overwhelming focus on the risks, which Islam alone seemed to present, indicated a strong and preconceived social bias.

1.3.3 – Characterizations: Monolithic Islam and its Oppressed Women

Despite the above-stated efforts of some debaters and members of the media to distinguish between the envisioned Islamic fundamentalist and their Western-integrated counterparts, many analysts still felt the OSD had slipped into Orientalist assumptions regarding Islam as a patriarchal and oppressive force attempting to impose and pit itself against Western secularity and/or historically Christian values (Brown, 2012; Bullock, 2012; Korteweg, 2012; Selby, 2012; Zine 2012).

One of the predominant concerns raised was the frequency in which ‘Sharia’ was used as a ‘buzzword’ and loaded with negative connotations about “introducing the cutting off of hands and the stoning of women” (Selby & Korteweg, 2012: 20). This created impasses for mutual understanding of the nuances within this Islamic concept (Bullock, 2012; Clarke, 2012; Kutty, 2012; Zine; 2012). As Korteweg (2008; 2012) notes, this portrayal was at times perpetuated within the popular press, particularly when quoting politicians such as Fatima Houda-Pepin, who stated:

We've seen the sharia at work in Iran... We've seen it at work in Afghanistan, with the odious Taliban regime, we've seen it in Sudan where the hands of hundreds of innocent people were cut off. We've seen it in Nigeria with attempts of stoning...The list is very long. Is that what we want to import to Canada? (De Souza, 2005: A8)

Houda-Pepin was not alone in her dread; Iranian-Canadian Homa Arjomand and Somali-American Ayaan Hirsi Ali have both personally experienced the nefarious potentials of Sharia applied as law and they received strong media attention during the OSD (Korteweg, 2012). The concerns raised by activists such as Houda-Pepin, Arjomand, and Hirsi Ali are valid within their original individual cultural and national contexts, but within the OSD, this language presented a slippery slope argument in regards to practicing Islamic family law in Canada: such horrendous punitive actions are far from the purview of settling family disputes and would otherwise still be banned and the perpetrators prosecuted for acting in direct contravention with Canada's human rights laws. While focusing on those making universal assertions about Sharia, there was little media coverage or political consideration of counterarguments attempting to explain and define Sharia (Emon, 2012) and its relationship with the historical and cultural relativity of *fiqh* (Clarke, 2012).

Even without delivering the statements of those who have seen Sharia at its worst, it is also suggested that media and political debate relied on a vast inventory of Orientalist and post-9/11 rhetoric with which the public had become familiarized and which position Islamic practices as wholly detrimental to Western values (Bakht, 2005; 2007; Emon, 2012; Korteweg, 2012; Sharify-Funk, 2008). This produces a resistance to statements which counter this discourse, as “[t]he mere fact of saying something positive about ‘shari’a’ leads to knee-jerk hostility amongst many people, just as the term ‘secularism’ regrettably is understood by some Muslims as a policy of atheism, colonialism or postcolonial despotism” (Kutty, 2012: 134).

For some critics, such persistent stereotypes moved beyond assumptions about a religion to those made against certain ethnicities via “racialized colonial binaries that further entrench Muslims in subordinate positions vis-à-vis the West” (Zine, 2012: 298; Razack, 2007; Ruby, 2010). In particular, and despite the true geographical, ethnic, and cultural distribution of Muslims, scholars have frequently criticized the frequent treatment of Islamic and Arabic identities as synonymous (Gottschalk & Greenberg, 2008; Shaheen, 2009).

Along with the discourses regarding race and Islam, a prominent concern for many feminist and religious scholars was the portrayal of Muslim women during the OSD (Korteweg, 2012; Razack, 2007; Ruby, 2010; Sharify-Funk, 2009; Zine, 2012). As Bullock’s (2012) account suggested, pious Muslim women were treated as either suspect or unaware of the oppression their religion inherently supported. As the narrative suggested, it was these women who needed to receive ‘protection from their own culture’ (Razack, 2007: 3). To be viewed as empowered and aware, “[d]ominant discourses saw Muslim (immigrant) women’s agency as contingent on their resistance to Islam” (Korteweg, 2012: 307).

A strong indication of favouring secular ideals of agency was the focus on Arjoman and Hirsi Ali as liberated – and decidedly secular – spokeswomen representing the power of female “agency through resistance” (ibid: 313). Their perspectives overwhelmed discussion during the OSD when compared to the underexplored diversity in opinions of practicing Muslim women, expressed through underappreciated “embedded agency” (Korteweg, 2012: 308). As yet another form of false dichotomization, “this homogenization enabled the gendered racialization of the very

diverse Canadian Muslim immigrant communities and discounted the idea that Muslim women's capacity to act could be informed by religion" (ibid: 308). Unfortunately, those who were dismissed as entrenched in an oppressive system were among those attempting to present evidence that would correct misinformation and exaggerations, and perhaps dispel unnecessary public fears.

1.3.4 – False Assumptions and Exaggerations

One fact that received frequent reiteration by those exploring the OSD was the dramatic "disjuncture between the fears expressed in the Ontario Sharia debate and the realities of on-the-ground practices" (Selby & Korteweg, 2012: 13). Much of this had to do with the degree of misinformation or missed information regarding the nature of what the IICJ proposed:

Ostensibly this discussion centred on the province's use, legislation, and determination of the limits of alternative dispute resolution...At its starkest, however, the debate portrayed the issue as one in which Canadian Muslims, guided by international Islamic fundamentalists, sought to create a parallel legal system, which, opponents feared, would weaken the rights of Muslim women and the functioning of the liberal democratic state. (Selby & Korteweg, 2012: 12)

It was felt that the media and political debaters greatly neglected the need to specify that no special permission or new law was being granted to the IICJ; the formation of their tribunals was already supported by a provincial act over a decade old. Failure to correct the assumed radical change in Ontario law was paired with:

[an] accompanying 'moral panic' that Muslim women in Canada would be stoned to death, that Muslim men would merely pronounce the words 'talaq' three times for a divorce to be finalized and that the custody and access of children would favour men since the righteous place of Muslim men is at the head of the household. (Bakht, 2005: 1)

While the implausibility of the first concern has been mentioned within this chapter, the exaggeration of the latter two was also addressed by scholars (Boyd, 2004; Cutting, 2012).

The nature and prevalence of Islamic divorce proceedings was one important factor which was grossly under-acknowledged or under-explored during the OSD. Research that occurred following the conclusion of the OSD challenges the assumption that Muslim citizens would select religious divorce *in lieu* of a provincially sanctioned one. Based on interviews with imams (Muslim leaders most likely to perform arbitration or mediation services), as well as with other Muslim-Canadian citizens living in Ontario, Cutting's (2012) findings indicated that "the majority of Muslims approaching Muslim leaders for assistance with civil disputes were looking for a religious divorce *in addition* to a legal divorce" (66, emphasis added). In even greater contrast with opponents' concerns was his discovery that it was, in fact, Muslim women who "constituted the vast majority of those approaching Muslim leaders and other Muslim organizations for assistance in securing a religious divorce" (ibid: 66). Finally, he determined that, compared to arbitration, mediation was the far more common means of coordinating Muslim divorce in Ontario (Cutting, 2012: 67). These factors counter the assumptions that Islamic dispute resolution would inevitably force Muslim women into inequitable situations where they had little influence or say in the final decision.

The notion that permitting Islamic jurisprudence would also enable unfair verdicts in regards to child custody, more so than within secular courts, was also misplaced. As Boyd (2004) attempted to make clear, it was always requisite for all decisions which involve the well-being of children to be passed into the hands of the provincial courts

under “*parens patriae*”: the responsibility of the state “to oversee the treatment of children and to ensure that their best interests are protected” (Boyd, 2004: 16). This policy remains in place for provincially permitted, non-religious, arbitrated agreements.

As Macklin (2012) illustrated, there is little difference between secular and religious arbitration/domestic contracts, particularly in regards to their limitations and risks.⁸ Neither can lawfully contravene the Charter of Rights and Canadian law, while both can raise concern in regards to ensuring government oversight of verdicts (Zine, 2012: 283). Decisions produced from either can also be appealed in the same manner, by approaching the provincial courts or the Supreme Court of Canada. The concern with each is ensuring that all parties are made aware of this right, as well as their right to seek legal counsel before consenting to any agreement.

The province’s amendment ultimately failed to reduce these concerns, but may have instead perpetuated them: the final decision does not prevent faith-based pronouncements, but there is now no provincial oversight of “back alley mediations and arbitrations” (Kutty, 2012: 146). As a consequence, McGuinty’s decided course of action had largely symbolic and arguably counter-productive results. It can also be argued that this was as much caused by ignoring underlying issues as it was by inflating others.

⁸ Macklin draws on the case of *Hartshorne v. Hartshorne*. Kathleen Hartshorne’s marriage was contingent upon her signing an unfavorable (non-religious) prenuptial contract presented by her fiancé shortly before the set wedding date. When they divorced, the Supreme Court ruled in favour of Mr. Hartshorne, stating the contract was not deemed unfair.

1.3.5 – Skewed Focus

The above sections review the ways in which much of the debate was based on the presentation of binary, stereotyped, and exaggerated information. While much can be observed in regards to how this orientation affected what transpired, reviewing the issues that were largely overlooked can be equally informative. For Macklin (2012) the debate failed to discuss the risk of inequitable processes inherent in even secular forms of legal contracts made outside provincial courts. This potential topic was reiterated by other scholars, even before the conclusion of the debate (McGill, 2005).

Scholars also maintain that many of Marion Boyd's observed concerns and recommended solutions regarding religious ADR were not given sufficient consideration in the final decision, since privatized religious rulings continue, but now outside of government guidelines, oversight, and monitoring (Cutting, 2012; McFarlane, 2012). Kutty (2012: 124) felt the final decision meant a missed opportunity for "indigenizing Islamic legal rulings" by integrating them with Canadian regulations. On a macro level, the debate could have been an opportunity to more deeply explore "fundamental tensions surrounding multiculturalism and national identity, the separation of church and state, the limits of accommodation, and legal pluralism within a liberal democracy" (Kutty, 2012: 123).

Overall, there appears to be "widespread scholarly and activist agreement that the public debate regarding Sharia-based arbitration largely failed to generate a productive discussion of these issues" (Selby & Korteweg, 2012: 13). The conclusion of the OSD was seen as a disappointing "political exercise in 'smoke and mirrors' [which] does not effectively prevent people from resolving disputes using religious principles" (Kutty,

2012: 123). The real issues were not addressed, and so the ultimate solution was largely symbolic and had little subsequent effect on practice – only perceptions.

1.4 – Conclusion

After providing clarifications about the nature of Sharia and of arbitration, this chapter presented a timeline of key events and participants within the Ontario Sharia Debate. This chronology assists in understanding the complexity and intensity of the background and debate leading up to the final decision. An understanding of the series of events is vital for Chapter Six, which compares this sequence with those which would be predicted by the moral panic analysts explored in this project (Cohen, 1972; Critcher, 2003; Goode & Ben-Yehuda, 1994; Hall et al., 1978).

The timeline was followed with an explanation of key themes within the OSD, as repeatedly identified by analysts from various academic perspectives. Some of these scholars were in favour of religious arbitration in Ontario, while others were not; however, they do share discontent in regards to the debate's final 'solution'. These components reflect a debate wherein underlying tensions between multiculturalism and secularism, as well as the risks and benefits of alternative dispute resolution in general, were overshadowed by discussion of a Muslim's proper role in Canadian society.

Whether a media and political sleight of hand, or just a tendency towards pre-emptively constructed concerns, many of these elements will be revealed as paramount within a cogent moral panic. The next four chapters will explore the perspectives of prominent moral panic theorists, noting their important ideas and eliciting their frameworks with which to compare the events of the OSD.

Chapter Two – Stanley Cohen’s ‘Processual Approach’

Moral panic analysis originated over forty years ago in Britain, with studies being undertaken on drug-takers (Young, 1971), hooliganism (Cohen, 1972; Pearson, 1983), race-profiled ‘muggings’ (Hall et al., 1978), and child abuse/paedophilia (Parton, 1985). Over twenty years later, in the 1990s, the approach was adapted by American academics to explore contexts and cases within different settings and eras: from recreational drugs and pornography to the witch-hunts of Medieval Europe (Goode and Ben-Yehuda, 1994). From these different countries and generations came unique approaches to moral panic analysis.

The following four chapters will elaborate upon the work of eight major contributors to the moral panic concept. These include Cohen, Hall et al., Goode & Ben-Yehuda, and Critcher. Each chapter will explain the individual or group’s academic backgrounds and the cases they explored as a result of these. This is followed by an elucidation of their observations, theories, and efforts at classifying moral panic events. Next, each chapter takes an account of the strengths and potential faults within each of the four approaches. Each body of work has had those who praise its intellectual strength and those who vehemently oppose its suggestions; some who wish to adopt it in its entirety and some who foresee major revisions being needed. Finally, with the cautions of critics in mind, each chapter ends with an attempt to summarize how the authors would perform a moral panic analysis. This is most easily presented through a series of questions which reflect the major factors each approach would explore. The following chapter begins with a review of the author seen to be the forefather of ‘moral panic’, Stanley Cohen.

2.1 – Background

While it was Jock Young (1971) who initially presented the concept of moral panics to the study of deviance, a fellow founder of the National Deviancy Conference, Stanley Cohen (1972), was the first to provide an elaborately organized set of criteria regarding what a moral panic entailed, who was involved, and what the ramifications may be. Paired with the moral panic concept was his depiction of the formation of the “folk devil” (Cohen, 2011: xxvi); that is, a group of pre-emptively marginalized citizens (DeYoung, 2013), who serve as “visible reminders of what we should not be” (Cohen 1972: 10). Cohen’s understanding of labelling theory and the effects that labelling can have on marginalized groups and discussions of morality allowed his model to move beyond his contemporaries’ constructions of crime and better account for how those who are not even breaking a defined law can become subject to social sanctions and legal restrictions. Cohen also highlights the strong effect media has in fuelling and promulgating moral panic events.

2.1.1 – Cohen’s (1972) *Folk Devils and Moral Panics*

As many scholars have done before, this project looks to the beginning paragraph of Stanley Cohen’s (1972) *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*, for a preliminary description of a moral panic:

Societies appear to be subject, every now and then, to periods of moral panic. A condition, episode, person or groups of persons emerges to become defined as a threat to societal values and interests; its nature is presented in a stylized and stereotypical fashion by the mass media; the moral barricades are manned by editors, bishops, politicians and other right-thinking people; socially accredited experts pronounce their diagnoses and solutions; ways of coping are evolved or

(more often) resorted to; the condition then disappears, submerges or deteriorates and becomes more visible. Sometimes the object of the panic is quite novel and at other times it is something which has been in existence long enough, but suddenly appears in the limelight. Sometimes the panic passes over and is forgotten, except in folk-lore and collective memory; at other times it has more serious and long-lasting repercussions and might produce such changes as those in legal and social policy or even in the way the society conceives itself. (9)

Although this explication appears simultaneously simplified and in-depth, Chas Critcher suggests that its subtle ambiguities are what create pitfalls for those who rely solely on it for orienting their research and analyses (Critcher, 2003): it can sometimes inadvertently disguise the complexly intricate interactions that Cohen identifies within his project.

Cohen's inspiration came from his PhD explorations of divergent and escalated social reactions to incidences that transpired within a few English coastal towns during the mid-1960s. Two youth subcultures, identified as the Mods and the Rockers, engaged in scuffles. These events, considered to be 'newsworthy' (Cohen, 2011: 451) were successively picked up by local, national, and international media. The amount of damage done, the numbers present, and the youths' intentions were exaggerated by the press, sometimes even "creating stories out of non-events" (ibid: 84). Mass arrests, followed by future pre-emptive police patrols and crowd-herding measures then took place. The media impressed the idea that the public were looking to political leaders to respond to their "agitation for the establishment of an exclusive control policy" (ibid: 130). This stance was backed by the members of interest groups – "moral entrepreneurs" – chosen for interviews and public addresses (ibid: 137). Media-selected 'experts', and the "societal control culture" – such as judges, police officers, and members of parliament (ibid: 89), scrambled to present restrictive policies as solutions. Demand for

such legal reaction “increased under the impact of sensitization and the crystallization of opinions” (ibid: 129). Eventually, concern waned and media focus shifted away as the Mods and the Rockers faded from public consciousness, to take their place in “the gallery of contemporary folk devils” (ibid: 41).

Cohen’s ideas regarding moral panics were based on a “transactional approach to deviancy” (ibid: 4), which suggests that deviance is formed not so much by acts of rule-breaking, but during the societal process of creating, defining and enforcing rules (Becker, 1963; Critcher 2003). Cohen uses this perspective to identify evidence of labelling and deviance amplification (Wilkins, 1964; Young, 1971) in the events he explored. From this, he came to identify a central character in his moral panic model: the aforementioned ‘folk devil’.

Whether viewed as a scapegoat or the direct cause of social anxiety, folk devils become the target of stereotypes, blame, and concern during the events of a moral panic. They are perceived as the “deviant individuals or groups seen as embodying a new or extraordinary social threat” (Krinsky, 2013a: 5). The media plays a huge role in promulgating the images of a threatening folk devil, sometimes making use of a vast historical inventory of predisposed perceptions in order to present “processed or coded images” for audiences to learn and recognize (Cohen, 1972: 30). With most moral panics, there is some greater, underlying social malaise which the folk devil either distracts from or comes to represent. In Cohen’s chosen case, portrayals of the Mods and the Rockers poked at “a widespread sense of unease about the direction of the ‘affluent society’ and its hedonistic young people” (Critcher, 2014: 155). As a consequence of their being tied

to this concern, “the response was as much to what they stood for as what they did” (Cohen, 2011: 224).

In the formation of both moral panics and folk devil representations, Cohen found that “[i]n the same way as first-hand experience, word of mouth or folklore teach a community to recognize the sign of a tornado, so did the media create an awareness of what signs would signify this particular threat and what actions were called for” (ibid: 85). This comparison with disaster preparedness became an important starting point for Cohen’s theories on the processes which form a moral panic. Like in this disaster metaphor, the initial process of forming a moral panic and typifying the folk devil occurs in what Cohen appropriately refers to as the “inventory phase” of the moral panic (ibid: 23). Specifically, “media presentation or inventory of...events is crucial in determining the later stages of the reaction” (ibid: 24). During this stage, he identifies evidence of *exaggeration* and *distortion*, *prediction*, and *symbolization* (ibid: 25). In particular, he sought out “the stereotypes, prophecies of doom, and negative symbolization” (Critcher, 2003: 13), which stimulate concern and “allow for full-scale demonology and hagiology [of the folk devil] to develop” (Cohen, 2011: 41).

Exaggeration and distortion pertains to the media’s depiction of actions, attitudes, and repercussions. Prediction refers to “the dire consequences of failure to act” (Critcher, 2014: 155). Symbolization is how terms or images associated with the selected individuals or groups come to signify an imminent threat (Cohen, 2011: 36). It is important to note that one is not necessarily suggesting that the media are intentionally causing moral panics. As Critcher (2014: 155) explains, “[n]ews media routinely focus on deviant behaviour and employ an established set of understandings – ‘inferential

structures' – of what constitutes and causes deviance. The media are thus predisposed to endorsing moral panics”.

Following the media's initial involvement, Cohen highlights three other key actors involved in the successful pushing forward of a moral panic. As mentioned in the case description above, these are members of the public, the *control culture*, and *moral entrepreneurs*. The latter group capitalizes upon anxieties promulgated by the media in order to gain support for their causes (Cohen, 2011: 10). They are often those the media first turns to for recommended solutions. Sometimes these participants overestimate the level of consensus and support they are receiving from the public. Despite this, and along with media, they call upon the control culture to create and enforce policies that restrict the perceived deviance.

Members of the ‘control culture’ are those who oversee “the laws, procedures, programs and organizations which in the name of a collectivity help, rehabilitate, punish, or otherwise manipulate deviants” (Lemert, 1951: 447). While this generally refers to those in political and legal power, Cohen (2011: 121-122) suggests that “[s]ocial control is much broader in scope, including as it does informal mechanisms such as public opinion on the one hand, and highly formalized institutions of the state on the other”. Whether or not they agree with the portrayed level of threat, members of the control culture are pushed to respond, as well as embrace or create reactive policies to protect the public and society's values. Other times, they quickly recognize potential gains or benefits for becoming involved and respond accordingly.

The degree of involvement in regards to the public seems to be the hardest factor to gauge (Cohen, 2011: 136). Even within Cohen's case study, those he interviewed were wary of the media's portrayal of the severity of the situation and the suggested need for reactive and restrictive policies, yet on the whole accepted the information the media provided. In general, Cohen found that public audiences "took up an indeterminate position somewhere between apathy and the punitive extreme" (ibid: 136). This would suggest that public sentiments of concern and consensus need not be legitimately widespread; rather, they need only be assumed and portrayed as such.

While describing the processes which society undergoes in the creation of a moral panic, Cohen points out that the presence of some of these features will not necessarily guarantee a successful moral panic. "There are no overwhelming technical reasons why [deviance amplification] should not be broken or at least re-routed at various points, for example, by creating alternative modes of presenting the news. Even direct intervention by control agents could be different and not produce all the effects I have suggested" (ibid: 196). Despite noting these potentials for escaping the cycle, Cohen appears to lack optimism towards the prospect of actively preventing moral panics. Critcher (2014: 155) suggests that Cohen "sees moral panics as endemic as long as social forces and relations produce deviant groups and behaviour, which society then condemns". Regardless, moral panic analysis remains an important means of highlighting events that curtail cohesive social ideals: "Only with a prior commitment to 'external' goals such as social justice, human rights or equality can we evaluate any one moral panic or judge it as more specious than another" (Cohen, 2011: xxxv).

2.2 – Perspectives

Cohen's descriptions of moral panic and folk devils have been discussed, explored, and utilised by a great many researchers within the past four decades. Some have found the utility of these concepts to be quite valuable in explaining certain events, while perhaps expanding upon or reinterpreting Cohen's ideas (Hall et al., 1978). Others acknowledge his great contributions, but take on new methodological approaches (Goode & Ben-Yehuda, 1994). Some maintain that exploring his core elements remains the superior method for moral panic analysis (Critcher, 2003; 2008). Meanwhile, still others find the entire moral panic concept to be contestable or at least out-dated (Best, 2013; Cornwell & Linders, 2002; Jewkes, 2011).

With avid supporters, strong critics, and wary skeptics, Cohen's concept continues to receive a lot of ink. Beyond sociology and criminology, academics have explored moral panics within various disciplines. Case studies, textbooks, conferences, and compendiums have been dedicated to the concept. For better or worse, the term has become familiarized in the media. Overall, Cohen's moral panic continues to be a contentious and thought-provoking theory.

2.2.1 – Strengths

The inception of Cohen's moral panic and folk devil concepts marked an interesting shift within sociology and criminology. These ideas were "ultimately based on the view that social science has as one of its core functions and ability to assess the claims made about the status social problem or deviant group", an endeavor which "is never easy and always challenging but should not be abandoned" (Critcher, 2008: 1141).

With varying success, Cohen pushed to avoid the conservative functionalist approaches of past deviance studies, aiming instead for social interactionist explanations of phenomena (Jones, 1997: 6).

Generally, moral panic analyses can be used to point out elements of a case which the researcher feels led to policies, or treatments of the folk devil, that were unnecessary or even unfair. This outlook marked a trend towards an relativism-based exploration of the marginalized and stigmatized, and how their position comes to be established:

Early theorists of [moral panics]... contributed to the foundations of what is now known as the process of othering by cultural studies scholars and was a precursor to the social constructionist perspective, which does not take reality as a given, but as something that is produced by the actions of individuals and groups and their interpretations of how the world works” (Klocke & Muschert, 2010: 298).

That said, a thorough analysis must go beyond an apologist defence of the Other, describing not only their misperception and treatment, but also how those perceptions and reactions came to be. “The achievement of the best moral panic analyses is to render these involvements and anxieties conscious and intelligible and to show how they contributed to the outcry in question” (Garland, 2008: 15). In this task, Cohen’s work was exemplary.

2.2.2 – Criticisms

Along with many enthusiastic applications of Cohen’s concepts, there have been a great many detractors. They are so common that some authors devote a partitioned

section of their articles to categorizing critics and their concerns.⁹ Jewkes (2011: 85-94) was particularly elaborate in his systematic contentions with the “moral panic model”, honing in on much of its necessary terminology, such as deviance, morality, youth and style, risk, sources, and audience. Others raise concern about the term ‘moral panic’ itself (Cornwell & Linders, 2002; Miller & Kitzinger, 1998). For example both terms could be thought to denote an assumption or subjective stance held by the researcher, leading to confirmation bias. “*Moral* prevents links to other kinds of issues...*Panic* imputes irrationality, that those involved react emotionally to largely mythical fears” (Critcher, 2008: 1137, original emphasis).

Along with discomfort over what ‘moral panic’ might denote, there is also anxiety that the definition and justification of the term has become obscured or lost. “In many instances, moral panics appear to contain little or no moral element at all and the term has become a shorthand description for *any* widespread concern” (Jewkes, 2011: 88, original emphasis). A connected worry was that the moral panic concept might be used to excessively excuse deviance and berate efforts towards social cohesion (Waddington, 1986). In particular, there was wariness that Cohen and his counterparts all shared “the outlook of the hip, deviance-appreciating, participant observer who was often culturally closer to deviants than to their controllers, and who saw criminal law as a misplaced form of repression, at least as it applied to the soft deviance of drug taking and sub-cultural style” (Garland, 2008: 19).

⁹ For example, see Critcher (2008: 1137-1138)

Also related to concerns of assumptions is the apparent lack of agency for many of the actors involved (Cornwell & Linders, 2002; Miller & Kitzinger, 1998; Parton, 1985; Watney, 1988), particularly in regards to members of the public and the folk devils themselves. Despite making use of focus groups, interviews, and reviewing opinion polls in his original project, some are concerned that applications of Cohen's basic approach often overlook the dynamics of public opinion and how the public reacts in response to media messages (Cornwell & Linders, 2002). Others suggest that "[t]he assumption of moral panic theorists such as Cohen and Hall is that the public endorses reactionary social change as a result of the manipulation of the media by the state" (Miller & Kitzinger, 1998: 219). As will be seen in the next chapter, this concern is far more applicable for the work of Hall et al. (1978).

The agency of folk devils, both within and beyond moral panic events, has proven to be an interesting topic of discussion (DeYoung, 2013; Hayle, 2013; McRobbie & Thornton, 1995). If there were risks in treating the Mods and the Rockers as stigmatized entities completely unable to defend against ideological attacks, such an assumption is all the more weak in the age of digitally-enabled dialogue. Even before the new millennium, McRobbie & Thornton (1995) raised concerns that noncritical moral panic analysis can overlook the opportunities or venues that allow some folk devils to defend against misrepresentations. With 24-hour news stations and online social media, folk devils and the general public have greater means to present or access counter-mainstream ideas and content through various sources of news and entertainment (Bailey, Cammaert & Carpentier, 2008). Furthermore, with the divergence of voices and what is considered to be a newsworthy angle, "[c]ontemporary folk devils often find their interests defended in

the same mass media sources responsible for amplifying claims against them” (Meades, 2011: 136). Conversely, there are those who endeavor to study the emergence and experiences of folk devils separate from the moral panic paradigm and more embedded in day-to-day social constructs (Hayle, 2013).

Others suggest that Cohen’s greatest shortcoming is the limited look he takes at the historical constructs that may have shifted and clashed to create the emergence of the folk devils and the social ills being blamed on them (Parton, 1985). While the introduction chapter within one edition of Cohen’s (1980) book attempts to trace the discursive path of the Mods and the Rockers leading up to the moral panic, this may not be necessary for all folk devils. As can be seen with DeYoung’s (2004) exploration of the moral panic associating daycare workers with satanic rituals, some folk devils do not endure a prolonged period or cycle of pre-emptive stereotyping before the ‘pristine moment’ (Cohen, 2011: 121) which suddenly propels the panic.

Concerns about moral panic analyses overlooking important nuances also expand beyond considerations of varied media, public, and folk devil involvement during contemporary events. “Wherein moral panics were local, often steered from above and had apparently viable remedies, the new issues are global, often driven from below and lack definitive solutions. More sophisticated models are required to analyze these new, pervasive and diffuse anxieties” (Critcher, 2008: 1138). This concern that Cohen’s model has become outdated is shared by others (McRobbie & Thornton, 1995; Ungar, 2001; Cornwell & Linders, 2002).

One solution that has been offered by various scholars is to go beyond Cohen’s portrayal of “moral panics as more or less discrete social processes” (Krinsky, 2013a: 4).

Discussions have included incorporating it with concepts of capitalist crises (Hall et al., 1978), risk and the risk society (Critcher, 2003; Hier, 2003; Klocke & Muschert, 2010; Thompson, 1998), genealogical shifts in public discourses (Thompson, 1998; Critcher, 2003), and moral regulation processes (Cahir & Noble, 2007; Critcher, 2003; Critcher, 2008; Hier, 2011a; Hunt, 2011; Lundström, 2011; Thompson, 1998; Thompson & Sharma, 1998). Each of these adaptations is endorsed by some of the authors reviewed within the next few chapters.

Conversely, others are concerned that it is the act of marrying Cohen's moral panic with these related themes which is blurring its purpose and purview. "That is, the overlap with adjacent concepts (e.g., moral crusades, social problems, social movements, fads) is now so great that the moral panic concept has lost most of its own conceptual ground" (Cornwell & Linders, 2002: 314; Johnson 1987). As evidenced by the debates between Chas Critcher and Sean Hier, there is a degree of uncertainty when coupling moral panic with concepts such as moral regulation; it is difficult to distinguish where normal regulation processes end and cogent panic begins (Critcher, 2009). Some argue that the only means to distinguish moral panics from normal processes is through an "emphasis on exaggerated and disproportionate social responses"; however, some suggest that attempts at measuring this feature is "so laden with ontological and methodological difficulties as to render it virtually useless as an analytical guiding light" (Cornwell & Linders, 2002: 314; Bogard and Linders 2000). Despite these oft-discussed concerns, researchers continue to employ it, finding nothing yet that better explains the phenomena it details. As Critcher (2003: 178) explains, "the judgement has to be that it remains a necessary but not sufficient explanation. We cannot yet do without it".

2.3 – Developing a Comparative Framework

Despite the reservations of some, Cohen’s approach to moral panics – as well as the approaches of those explored in the next three chapters – has continued to be valued and applied for the explanatory power in what seem to be exceptional moments of concern and consequence. As Critcher (2008: 1138) observes, “[c]ritics are often objecting to careless use of the models which cannot be held against the originals”. With that rebuttal and implicit cautioning in mind, it is necessary to elicit criteria for each moral panic approach to see how closely the OSD fits within each. This has necessitated more than a cursory review not just of the original authors but also their critics and those who choose to apply their methods.

Cohen’s approach has been attempted by many, but Critcher (2003) was particularly succinct in spelling out Cohen’s compulsory criteria. In his view, the approaches of Cohen and others “remained at the level of a heuristic device, a means of assessing the relative merits or demerit of social problems presented for examination in public arenas” (Critcher, 2014: 168). With this in mind, what follows is the set of questions Critcher found necessary to apply what he referred to as Cohen’s “processual model”.

1. Emergence of the new or recently realised problem.
“In what form does the ‘problem’ emerge? What is perceived as novel about it? Why and in what ways is it perceived as a threat to the moral or social order?”
2. Inventory of the problem and the deviants/folk devils involved, particularly as portrayed by the mass media.
“Who or what is stereotyped? What kind of stereotype is involved? Is there an identifiable folk devil? What evidence is there of exaggeration, distortion, prediction and symbolization? Do the media become sensitized to the issue?”

3. The emergence of moral entrepreneurs and their interactions with the media.
“Who are the significant moral entrepreneurs, whether groups or individuals? Do they lead, follow, or operate alongside the media? What orientations, images and causal explanations are evident?”

4. ‘Experts’ - mostly selected by news agencies and differing according to that agency’s political leanings – give their analyses of the situation and dole out solutions.
“Who claims expertise about the problem? On what grounds do they claim expertise? Is such expertise accredited by the media?”

5. Resolution, or at least coping, is achieved; usually this is through the imposition or expansion of legal measures.
“What solutions are advocated and by whom? Which measures are instigated and by whom? Are these innovations procedural or legal? In what ways are they effective and/or symbolic?”

6. The problem appears to give way, at least for the present time.
“When and why does the concern end? Does it or might it recur? What status does the problem subsequently have?”

7. The events that transpired may have lasting effects.
“What are the long-term effects of the issue? How is it related to previous and subsequent issues?”
(Critcher, 2003: 17-18).

While these seven points of exploration do appear to form a sequential set of stages for a moral panic, it is important to reiterate what both Cohen and Critcher cautioned: no single stage in this series is guaranteed simply because the previous stage transpired. To treat it otherwise “would deny the symbiotic relationship between actors” (Critcher, 2003: 18). In other words, a moral panic can become delayed or diverted by those involved. Regardless, his depictions of the typical processes serve as important points of reference when qualifying a moral panic. The questions for this approach allow for a comparison of the stages evident in the OSD, and those within Cohen’s envisioned moral panic.

2.4 – Conclusion

Cohen's 'moral panic' has been shown to be both a widely applied and frequently discussed sociological and criminological approach to understanding the sudden 'irruption' of what is perceived to be high-profile public concerns. Use of the approach was also shown to have occurred within other academic fields and beyond academia itself, although its application can range from mere rhetorical labels to serious critical analyses of particular events. The chapter concluded with the particular 'stages' of Cohen's model being elicited, along with a number of associated questions. It is through this elicitation that Cohen's model can be 'applied' to the OSD.

By drawing out the framework of the approach in this way, it also provides a valuable opportunity to compare one moral panic approach with another. As will be discussed in the next chapter, Cohen's model has important similarities to the work of Stuart Hall et al (1978); however, Hall takes the idea in a radically different direction.

Chapter Three – Adaptations by Stuart Hall

3.1 – Background

Still within the 1970s, a second book was released in Britain that embraced and explored the notion of moral panic phenomena. While Stuart Hall praised Stanley Cohen's work and his introduction of the concept, Hall's own adoption of the concept led to a large adaptation of its framework, rather than a mere interpretation (Jones, 1997). Based out of the University of Birmingham's Centre for Contemporary Cultural Studies, Hall approached moral panic analysis with a greater focus on constructions of race and culture. While keeping in personal contact with Cohen, Hall's independent work and collaborations situated moral panics within a new realm of understanding.

Hall's differing objectives also meant replacing Cohen's paradigm of amplification, social pathology and moral boundary setting – which Hier (2011a: 7) saw to reflect a Durkheimian approach – with Marxian perspectives on hegemony, ideology, and the elite-to-media control of defining social problems. The result was a project that sought to locate moral panic phenomena within a greater pattern of social unrest, and elite reactions within a capitalist state.

3.1.1 – Hall et al.'s *Policing the Crisis: Mugging, the State and Law and Order*

Six years after Cohen's publication, Stuart Hall, along with four other scholars, released *Policing the Crisis* (PTC) in response to what they perceived to be excessive sentences for a trio of British, mixed-race youths charged with an act of violence that had come to be called "mugging". The term was of particular interest since, while it had

become a pervasively racialized concept in America, it was previously uncommon in England.

One major objective of the *PTC* project was to explore how terms such as mugging can become a “referential symbol” for a particular social ill perceived to be caused by members of certain races (Hall et al., 1978: 21). When adopted from America, the mugging label came with a predetermined set of connotations and process of “naturalisation” (ibid: 24), so that when it arrived in British media, it was already sensational enough an issue to see the formation of a moral panic. This also meant that the term pre-emptively prepared men of particular racial and ethnic backgrounds to be typified as the folk devil: the “problem” to be focused on and solved, in lieu of attention being drawn towards greater class crises within society.

Hall further elaborated upon this system of folk devil creation by expanding Cohen’s amplification theory with what he referred to as a “signification spiral” (ibid: 223), which generally entailed:

- (1) the identification of a specific issue of concern;
- (2) the identification of a subversive minority;
- (3) 'convergence', or the linking, by labelling, of this specific issue to other problems;
- (4) the notion of 'thresholds' which, once crossed, can lead to an escalating threat;
- (5) the prophesy of more troubling times to come if no action is taken...
- (6) the call for 'firm steps'. (ibid: 223).

For Hall, such convergence and the levels of thresholds involved are paramount for the escalation of the spiral. Convergence, which does not necessarily need to be a direct and founded linkage between the issue at hand and other social ails, serves to amplify the perceived degree of potential threat. The thresholds serve to “mark out symbolically the

limits of social tolerance. The higher an event can be placed in the hierarchy of thresholds, the greater is its threat to social order, and the tougher and more automatic is the coercive response” (Hall et al., 1978: 225).¹⁰

Along with how a signification spiral enables the instatement of heavy-handed penalties, Hall et al. (1978) was particularly interested and concerned with what they saw to be gross exaggerations in the prevalence of ‘mugging’ incidences (15).¹¹ This disproportionality was seen to earmark such cases as prime candidates for Cohen’s theory:

When the official reaction to a person, group of persons or series of events is *out of all proportion* to the actual threat offered, when ‘experts’, in the form of police chiefs, the judiciary, politicians and editors *perceive* the threat in all but identical terms, and appear to talk ‘with one voice’ of rates, diagnoses, prognoses and solutions, when the media representations universally stress ‘sudden and dramatic’ increases (in numbers involved or events) and ‘novelty’ above and beyond that which a sober, realistic appraisal could sustain, then we believe it is appropriate to speak of the beginnings of a *moral panic*. (ibid: 16, original emphasis)

Following this statement, and as many authors have done since, Hall began their explication of a moral panic by quoting Cohen’s (1972) first paragraph.¹² From here, Hall then creates a number of redefinitions for some of the concepts Cohen had introduced.

¹⁰ A diagram of these thresholds is listed within the framework section of this chapter on page 60.

¹¹ While recognizing that *Policing the Crisis* was contributed to by five authors, Hall and his previous works are widely recognized as the primary forces behind the book. For efficiency’s-sake, further mentioning Hall will imply the inclusion of his fellow contributors.

¹² This can be reviewed in Chapter Two, pages 32-33 of this thesis.

The first major shift was in whom Hall identified as the original source of the moral panic. For Cohen's original case, it was groups of those "manning the moral barricades", comprised of "right-thinking people" who first stimulated anxiety and reaction (Cohen, 2011: 1). It was these people who went to both the media and those in authority to impress their sentiments of concern and fear of a slippery moral slope. Responsibility for disproportionate depictions of the threat level and the labeling of the deviant act or actors fell squarely on the heads of the moral entrepreneurs involved, and their media shadows, reacting to what they perceive as a tipping point. Their reactions allow for subsequent actions from the control culture.

In contrast to this, Hall does not perceive "[a] 'pristine moment' of misperception and labelling" (Jones, 1997: 10). Instead, Hall suggests that 'mugging panics' were the result of top-down actions, progressively adopting and redefining rhetoric to stimulate public anxiety and raise support for shifts away from the welfare state and towards "the law-and-order society" (Hall et al., 1978: 218). In this context, Hall redefined and repositioned Cohen's "control culture" as the powerful and elite "primary definers" of moral panics, and placed them in the centre of such phenomena, suggesting that they stood to gain the most from acting as "spokesmen" and controlling portrayals (ibid: 58-59). Essentially, "[i]n producing their definition of social reality, and the place of 'ordinary people' within it, they construct a particular image of society which represents particular class interests as the interests of all members of society" (Hall et al., 1978: 59).

Along with this new interpretation of elite-involvement, Hall also reconsiders their relationship with relationship with the media. Cohen (2011) focused on the mass media's practice of "Durkheimian boundary setting ceremonies" (xxx), and how

politicians, law enforcement, and the public respond. Hall's view on the matter situates mass media within a more beholden role, where despite their 'relative autonomy' they "come in fact, in the 'last instance', to reproduce the definitions of the powerful, without being, in a simple sense, in their pay" (Hall et al., 1978: 57). As such, Hall categorizes the media as "secondary definers of social events" (ibid: 57), relaying and translating the primary definers' "maps of meaning" (ibid: 54).

In Hall's view, while the mass media are not necessarily consciously promoting the ideals of the powerful, their mandates of balance and objectivity necessitate speaking to those who are seen to be authorities on the given matter. Coincidentally, those 'authorities' quite often belonged to a distinctly upper-class and politically motivated cohort. These members are then given the opportunity to describe and contextualize events, and determining the frameworks by which events will be discussed, debated, and dealt with (ibid: 54). It is then the media's responsibility to serve as the "passage from the closed institutional world of control culture to the forum of society as a whole" (ibid: 30).

Beyond elaborating upon the roles of primary and secondary definers, Hall's approach also seeks to further explain the socio-historical contexts that led to what he sees as sequential moral panics rather than one discrete episode. Using Gramsci's theories regarding the inherent "instability of any hegemonic order" (Jones, 1997: 12), Hall gives major focus to the challenges being faced within capitalist Britain leading up to the emergence of the mugging panics. His greatest concern, and what the project sought to underscore, was the ramifications for society as a whole, when elite ideologies are translated and accepted as "consensual, common-sense wisdoms" (Hall et al., 1978:

114), and used to justify otherwise contentious policies. They do this by evoking the concerns, anxieties, and threats which they had pre-emptively, to define:

Here, the anxieties of the lay public and the perceived threats to the state coincide and converge. The state comes to provide just that 'sense of direction' which the lay public feels society has lost. The anxieties of the many are orchestrated with the need for control of the few. The interest of 'all' finds its fitting armature only by submitting itself to the guardianship of those who lead. (ibid: 321)

This focus on the histories and discourses leading up to moral panic events was an approach that came to be appreciated and applied by many, both within critical deviancy studies, cultural studies, and beyond.

3.2 – Perspectives

Policing the Crisis has been seen as an important contribution for criminology, Marxist studies, political studies, studies of race and culture, and various other fields of study (Cricher, 2003). In being an “oddly inter- or trans-disciplinary approach” (Clarke, 2008: 126), the project has simultaneously inspired some researchers to further incorporate these methods into their field of study, while others were concerned that Hall’s methods lack the academic rigor needed to qualify within their given field. There is also a balance between an appreciation for the complexity of the theories Hall articulates, and wariness in regards to their transference into different studies (Doran, 2008: 196). Whether critiqued or applauded – or sometimes both simultaneously – Hall’s innovations were enough to spark continued conversation and consideration over three decade after the original project’s publication.

3.2.1 – Strengths

It could be argued that *Policing the Crisis* was one of the strongest efforts of the 1970s to marry the theories of various disciplines with a budding approach. In particular, it has been praised as an attempt at “bridging the gap between sociology and cultural studies” (McRobbie & Thornton, 1995: 562). Hall was seen as employing a “pioneering and imaginative approach to cultural studies as symbolic politics, particularly their analyses of subcultures and the ‘signification spiral’” (Thompson, 1998: 16). One of the book’s authors recognised that they had “tried (perhaps too successfully?) to escape the feudal structuring of disciplines and fields that organized most of the space of the British academy in the 1970s” (Clarke, 2008: 123). Such a reactive interdisciplinary approach gave striking inspiration for future cultural analysts. Some viewed the project “as a ‘workbook’ inviting further research” (Jones, 1997: 13; Sumner, 1981: 278).

One particular trait the book is appreciated for was Hall’s insistence upon looking deeply into what had led to the moral panic event. It was not one of those studies which are “present-centred” and “do not take account of the historically structured processes that feed into the panic” (Rohloff & Wright, 2010: 4). It was felt that Hall provided an appropriate “linkage between panics within a broad historical framework” which provided “an impressive contrast to some case studies that treat the origins of a particular scare or problem in isolation...it provides a strong confirmation for viewing panics as interdependent” (Jenkins, 1992: 12).

Finally, Hall’s focus on the exploration of the trajectory of discourses, rhetoric and ideology involved was invaluable. In regards to the latter construct, some feel that “[i]t is only with theories of ideology that the idea of the media's moral panics as defining

and distorting social issues gives way to a more integrated and connective understanding of the construction of meaning across the whole range of media forms and institutions” (McRobbie & Thornton, 1995: 562). Tracing the emergence of the mugging term and its surrounding discourses reflected that the project was not “a singular narrative recounting a transition from a past to present, even though it is sometimes read and represented as such” (Clarke, 2008: 124), instead it was an attempt at what some considered to be sufficient “authentic historical analysis” (Williams, 1977: 121; cited in Clarke, 2008: 123).

Despite the changing state of capitalism in Britain and beyond, Clarke (2008) suggests there are ‘new’ – or perhaps re-emerging – examples that would benefit from a similar route of analysis:

The processes of criminalization run in tandem with the continuing turbulence of ideas of the nation – the discovery and abandonment of a grudging ‘multi-culturalism’; the shift from community relations to community cohesion; the segues between race, ethnicity, culture and faith; the shifting figure of the enemy within (from disaffected black youth to radicalized Muslim youth); and the continuing problematization of ‘immigration’ as an index of national crisis. (Clarke, 2008: 123)

Though many topics have been recommended for analysis following Hall’s perspective since 1978, determination of what embracing this approach must entail varies between analysts.

3.2.2 – Criticisms

While some scholars insist upon the continued value and sophistication of *Policing the Crisis*, others argue that the authors misappropriated the moral panic concept in a way that waters down its distinguishability: “[i]n so appropriating and translating ‘moral panic’ into ‘crisis of hegemony’, Hall effectively erased its specificity for those who took his work as their point of departure” (Jones, 1997: 13). Put bluntly, “[i]t has been taken as a model of how to do social research and as an exemplar, or even cause, of misguided deviations” (Clarke, 2008: 123). In other words, many are concerned about the folly of researchers attempting to adopt and superimpose Hall’s approach and constructs onto different singular phenomena, whilst overlooking the criticisms and pitfalls, some even noted by the authors themselves. This has led mirroring Hall’s approach being denounced as an exercise of “Hallism” (Hartley, 2012: 87).

One of the greatest pitfalls is the challenge the authors of *PTC* faced in attempting to objectively analyse ideological practices without speaking ideologically themselves. For some, this raised the concern that, in labelling a ‘mugging moral panic’, the academic then becomes another primary definer (Doran, 2008: 208). While the authors reject accusations that their approach is conspiratorial in nature, “at times their language did seem to be arguing that the ruling elite orchestrates hegemony, and as a result manages to convince the rest of society...that the real enemy is not the crisis in British capitalism but the criminal and the lax way he has been dealt with” (Thompson, 1998: 18). Therefore, “[a]s a consequence of what in hindsight appears to be a lack of self-reflection, Hall et al. may have become caught in a ‘recursive loop’” (Doran, 2008: 194). Beyond this, there

are a number of aspects to the study that can be perceived as overstatements of facts and the predictability of phenomena.

First, and unlike Cohen, Hall pushes to better explore the backgrounds of the social and rhetorical constructs involved; however, this raises the concern that this is done in a way that relies too heavily on an unchecked sense of determinism (Parton, 1985). In sprawling out the evidence in favour of his own analytical theories, many feel Hall is blind to contingent, less convenient factors such as “oppositional narratives and audience fragmentation” (Hier, 2001: 17). Some felt the authors “over-state hegemony and overlook the counter-discourses from which they draw, and to which they contribute” (McRobbie & Thornton, 1995: 564). This means that “[n]ot only is societal reaction taken as invariable in such accounts, but it is implied that moral panic serves to reaffirm the moral boundaries of an otherwise monolithic social order” (Hier, 2001: 17), as a result, “daily endorsements of what are ideologically normative patterns of representation... as well as their material and exclusionary consequences across a wide range of moralized phenomena, are ignored” (Hier, 2001: 8; Watney, 1987).

Second, some view aspects of Hall’s statements to be academically reprehensible in their exaggeration. In particular, Waddington (1986) suggested Hall’s claims of disproportionality, with regards to statements about crime rates were unfounded (248). Furthermore, “the lack of any criteria of proportionality allows no distinction to be drawn in general between a ‘sober, realistic appraisal’ of a problem and a ‘moral panic’” (Waddington, 1986: 245). In this case, the fact that the book contained the perspectives of five analysts appears to have not been sufficient in ensuring their empirical evidence was defensible.

These concerns about fulfilling one's own theorised prophecy through selected figures and narratives is the final component that makes many feel uneasy about using Hall's work to explore other social phenomena, particularly outside of his chosen decade. In attempting to replicate Hall's approach within new social context, Jenkins (1992) found "no support for the political processes suggested in the earlier Marxist account" (12). Even despite seeking to extensively explore the antecedents to a panic, there is concern that Hall underappreciates "various social and moral movements by depicting them as concealed or unwitting elements" (ibid: 12), as well as the public and media's capacity for "*challenging* the so-called primary definers and forcing them to respond" (Schlesinger, 1990: 67, original emphasis).

Despite the above short-comings detected in *Policing the Crisis*, there remains an irony for those critiquing Hall for his limited views on the circumstances: *PTC* – and the concept of moral panic itself – is a mere component in Hall's overarching project for locating the roles of the public, the media and agents of social control in guiding and channeling 'representation' and the effects these relationships have on the power-status of each. As Doran (2008) recounts, "it was only when I seriously scrutinized the entire model and its development in the years 1972-77 - paying attention to both its structuralist-semiotic 'encoding' and its Gramscian 'decoding' aspects - that the full sophistication of this work became apparent to me" (196). There is sympathy to be had for those who do not wish to trace such an expansive meta-analysis for the ad hoc studies aimed at identifying and diagnosing singular cases of moral panic.

3.3 – Developing a Framework

Besides the work of Chas Critcher, the topic of moral panic is seldom revisited by the *PTC* authors. Even then, Critcher (2003) is reluctant to apply the Hall approach to new circumstances (16). It would appear that the term may have been a rhetorical means to an ideological end. Without critically following the full development of Hall's genius, researchers risk committing the same faults critics found in *PTC*. This is where the delicate balance between feasible application and fruitful retrospection takes form. There is a great value in being able to determine and apply a more refined and definite approach, as can arguably be done with Cohen or Goode & Ben-Yehuda (who will be discussed in the next chapter). On the other hand, their approaches might not enable analysts to fully grasp or explain the wider picture.

At the very least, Hall recognized that social phenomena such as moral panics do not exist in a contextual vacuum. That said, this thesis serves as a mere pre-screening to determine if the OSD can be suitably explored as a moral panic based on each approach. As such, the 'Hallist' criteria to test against the case must focus on the concepts he raises for the distinct purpose of qualifying the 'mugging panic'. If the OSD's circumstances do not appear compatible with Hall's core assumptions, further investigation along his moral panic trajectory would seem unwarranted. Either way, thoroughly exploring how a moral panic or series of panics form, their lasting effects, and their relation to greater social contexts and discourses, following Hall's expansive theories, would warrant a separate and exhaustive academic project.

Proceeding with caution, the first set of questions can be used to measure how closely the OSD falls in line with the contexts of Hall's example of an elite-engineered moral panic:

1. How and why did "themes of race, crime and youth...come to serve as the articulator of the crisis, as its ideological conductor"?
2. "To what social contradictions does this trend towards the 'disciplined society'...really refer?"
3. "How has the 'law-and-order' ideology been constructed?"
4. "What social forces are constrained and contained by its construction?"
5. "What forces stand to benefit from it?"
6. "What role has the state played in its construction?"
7. "What real fears and anxieties is it mobilising?" (Hall et al., 1978: viii)¹³

Beyond these contextual pulse-checkers, questions can be asked based on Hall's depiction of the birth of a moral panic.¹⁴

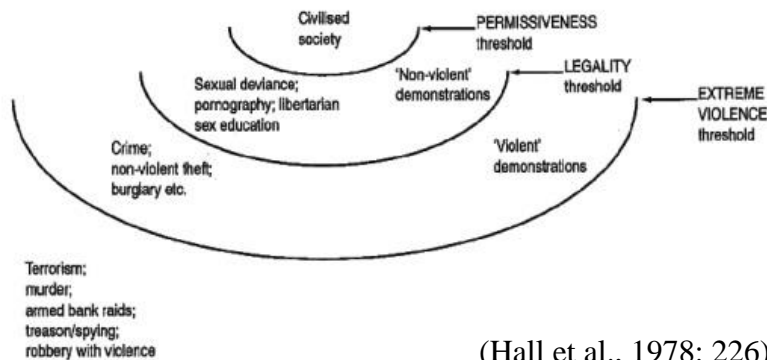
8. Was official reaction to persons or events disproportionate to the actual threat?
9. Were 'experts' unanimous in their perceptions of the threat and suggested solutions?
10. Did the media portray 'sudden, dramatic, and novel' incidences to a degree that critical retrospection now seems to negate?

¹³ N.B. It is clear that some of these seven questions may not relate well with the OSD. They are mentioned to avoid the risk of picking and choosing the criteria that best suits the chosen case. They are components that should be compared, but would not necessarily disqualify the OSD as a moral panic according to Hall.

¹⁴ These are based on Hall et al.'s (1978: 16) elucidation found on page 49 of this chapter.

Finally, and as with Cohen, it is important to note the suggested processes from which a moral panic is derived. For Cohen, the focus was on the cycle of amplification; for Hall it was his signification spiral.¹⁵

11. How was the issue identified? [Relating back to the suggested novelty and threat level attached to it]
12. Who was the target of this panic? [folk devil or “subversive minority” (Hall et al., 1978: 223)]
13. What social problems was the issue portrayed to be linked or related too?
14. What thresholds did the suggested issue threaten to cross? [see diagram]



(Hall et al., 1978: 226)

15. Are there warnings of a slippery slope if the issue is not directly addressed and stifled?
16. Do authorities present “firm steps” (ibid: 223) and restrictive policies as the sole, clear solution?

Hall states that all moral panics and related crusades seem to contain “at least some of” these six elements (Hall et al., 1978: 223). Once again, this leniency could permit fairly vague diagnoses of moral panics and it is up to the interpreter – that is, the

¹⁵ This is based on criteria listed on page 48 of this chapter and cited from Hall et al. (1978: 223).

researcher attempting to apply his criteria – to determine how succinctly their case should fit within this open-ended model. While some of these queries likely have no relation to the OSD case, others draw out fairly apparent similarities, particularly in regards to the construction of ‘race’ as an indicator of deviance.

3.4 – Conclusion

While Hall et al. acknowledged the profound influence Cohen’s ideas had on their work, it is clear that they also made significant adaptations to approaching moral panics. It was highlighted that their changes facilitate assessments of inherent, interactive cultural and ideological hierarchies by applying a Marxist approach. It was also noted that this approach enables theorization on the formation of a succession of moral panics, in contrast with Cohen’s focus on more isolated events. In creating a framework for Hall’s work, it was important to be wary of the temptation to speak of the actors involved in a monolithic, bordering on conspiratorial manner. Regardless, determining Hall’s advanced consideration of social problems, and the application of a racialized ‘buzzword’, leading up to moral panics are greatly informative when related back to Western interactions with Islam and the codification of the ‘Sharia’ term.

The next chapter explores moral panics from an altogether new angle. Presented around two decades later and from new nations’ perspectives, Goode & Ben-Yehuda focused less on defining stages leading up to and marking a moral panic; instead, their interest lay in determining from which set of actors the panic promulgation originated, and in diagnosing the prevalence of elements they saw to be inherent in moral panic events.

Chapter Four – Goode & Ben-Yehuda’s ‘Attributional Model’

4.1 – Introduction

Both Hall et al.’s and, especially, Cohen’s depictions of moral panics and folk devils have inspired a great many studies, exploring other phenomena as potential moral panic events. Over twenty years after the concept’s inception, North America received its formal introduction to the concept, through the work of Erich Goode and Nachman Ben-Yehuda. While the immediate dedication of their book was to Stan Cohen (they also dedicate a chapter to reviewing his Mods and Rockers case), in coming from a very different era and school of thought, these two scholars did not explore moral panics exactly as Cohen had, seeking to offer more instructive and reproducible guidelines for moral panic analysis.

Both the approaches from Britain focused on identifying the processes of social control and ideological pressures, providing “both an elaborate account of the central processes in a moral panic and a model of its overall trajectory” (Citcher, 2003: 13). The focus was predominantly media and/or the elite as producers or orchestrators of moral panic events. In contrast, Goode and Ben-Yehuda orient their focus on processes of social construction as they exist within the public arena and quite often at a horizontal level: taking into consideration the psychological and emotional drivers of collective behaviour. They do this by identifying key elements that emerge from the plurality of claims-makers involved. With this focus in mind, their methodological approach was that of “contextual constructionists”, which Best (1993) defines as observing claims-making “within its context of culture and social structure” (139).

Goode and Ben-Yehuda follow Spector and Kitsuse's (1977) logic that, just as deviance is socially constructed, so too are the social problems that shape it. "To the constructionist, social problems do not exist 'objectively' in the same sense that a rock, a frog, or a tree exists instead, they are constructed by the human mind, *called into being or constituted by the definitional process*" (Goode & Ben-Yehuda, 1994: 88, original emphasis). Therefore, these social problems can be brought to the surface because of various claims-making activities involved (Spector & Kitsuse, 1977: 73).

4.2 – *Moral Panics: The Social Construction of Deviance* (1994; 2009)

While being a team from both the United States and Israel, Goode and Ben-Yehuda's research expands even beyond these nations, exploring cases not only within different countries but within different eras, which would have enabled them to compare and generalise with greater confidence during their theory-building process. The oldest example they explore concerns the European witch-hunts beginning in the fifteenth century; the most contemporary are examples of drug scares: from marijuana in the 1930s to club drugs at the turn of the twenty-first century. They also provide a number of cases that either did not fully qualify as moral panics, or were better explained by other theories. These examples helped indicate how the authors distinguished between related concepts: where they overlap and when they should be identified separately.

One such concept for Goode & Ben-Yehuda (1994: 19) was that of the "moral crusade". They use the term to describe cases where activists or "moral entrepreneurs" (ibid: 20) have consciously isolated a person, group or act for which to campaign, and warn others of, often under the guise of rationalism or protectionism (ibid: 20). "In

contrast, the moral panic concept...implies a certain disassociation between protectionism and concern, that is, that concern and fear are not strictly a product of the magnitude of the threat, and therefore that the steps taken to protect society from that threat may be somewhat misplaced” (Goode & Ben-Yehuda, 1994: 20). In line with this differentiation, a moral crusade needs its crusaders for initiating concern, while a moral panic can emerge from varying sources, with moral entrepreneurs who may have “gotten on a bandwagon that was already in motion” (ibid: 20).

4.2.1 – Three Origins of Moral Panic: Elite, Interest-group, and Grassroots

The idea that moral panics can be initially engaged by a variety of claims-makers also serves to push Goode & Ben-Yehuda’s theories away from the work of Cohen and Hall. While the British approaches identify agents of social control as the primary originators of moral panic, the American model distinguishes three potential sources for panic propagation: from elite-engineering, grassroots, and interest group actors (ibid: 124-5).

Directly referring to Hall et al.’s case, Goode & Ben-Yehuda acknowledge that some moral panics, which serve to benefit those in authority far more than the general public, qualify as solely elite-engineered. They see the case as an example of when the ruling class “manages to convince the rest of the society – the press, the general public, the courts, law enforcement – that the real enemy is not the crisis in British capitalism but the criminal and the lax way he has been dealt with in the past” (ibid: 137). They note that this is a facilitated “sleight of hand” (ibid: 137) wherein the media play a huge role in

reproducing the perspectives of the elite involved. On the other hand, they strongly suggest that this is not the most common or cogent form of moral panic.

As Goode & Ben-Yehuda observe, moral panics as caused by interest-groups is the most popularly explored approach (Goode & Ben-Yehuda, 1994: 138). Unlike in the elite-engineered cases, ‘middle-rung’ claims-makers determine the stake they have in regards to a social concern and approach the authorities and media to make their fears and demands known. Clearly, this category is the ideal location for an overlapping moral crusade and moral panic. Within such cases, it is not always possible – or necessarily crucial – to discern whether claims-makers stand to make gains from promulgating the panic or if their involvement is based solely on moralistic altruism.

The final theory for moral panic emergence involves a far more organic stirring of public concern “more or less spontaneously, although it sometimes requires being assisted, guided, triggered, or catalyzed” (ibid: 127). Unlike the other two theories, this grassroots model requires public sentiment of fear or concern to be more affectively sincere. Though generally triggered by media, these panics often commence from rumour or conspiracy and are fueled by sentiments such as populism (ibid: 130).

After weighing the merit of each theory, Goode & Ben-Yehuda come to doubt the wider applicability of an elite-engineered model and conclude that moral panics typically involve a combination of the latter two originators, wherein “interest groups co-opt and make use of grassroots morality and ideology” (ibid: 143). This does not exclude elite-actions from their recommended analysis: “No moral panic is complete without an examination of all societal levels, from elites to the grassroots, and the full spectrum from

ideology and morality at one pole to class status and material interests at the other” (Goode & Ben-Yehuda, 1994: 143).

4.2.2 – Elements/Attributes of a Moral Panic

Beyond exploring the interplay between claims-makers and/or actors involved, Goode & Ben-Yehuda put forward five components they suggest are crucial to a cogent panic. These include *concern*, *hostility*, *consensus*, *volatility*, and *disproportionalities* (Goode & Ben-Yehuda, 2009: 37-43).¹⁶ Identification of these components is what led Critcher (2003) to classify this approach as the “attributional model” for moral panics (20). While some academic apprehensions have been held in regards to how each of these should be measured, these authors endeavour to lay out their qualifying criteria.

Concern is expected to be “manifested or measurable in concrete ways, through public opinion polls, public commentary in the form of media attention, proposed legislation, number of arrests and imprisonments, and social movement activity” (Goode & Ben-Yehuda, 2009: 37). Such measuring generally requires comparing social reactions of one case to related issues. For example, “[w]hy did crime against the elderly attract major media attention and social concern in the 1970s, at a time when this age category was - and today, still is - the least criminally victimized sector of the population?...Why is the issue of illicit drug use couched in legal and moral terms while the use of alcohol and cigarettes is regarded as a social and health matter?” (Goode & Ben-Yehuda, 2009:

¹⁶ It is important to note that while these are first introduced in the first edition of *Moral Panics*, they receive better elucidation within the second edition. This is likely in response to concerns and questions raised by fellow scholars. This is particularly true for the elements of disproportion.

157). Essentially, the greatest indicator of concern is the level of social anxiety being attributed to the chosen issue.

Measures of *hostility* drive the focus directly towards how the folk devil within a given case is treated. As with the perspectives of Cohen and Hall et al., the folk devil characters, and the negative sentiments surrounding them, are the pinnacle for Goode & Ben-Yehuda's interpretation of a moral panic. Evidence of 'Othering', stereotyping and ostracization are strong indicators of hostility. There must be evidence of strong dichotomization: "a division is made between 'us' - good, decent, respectable folk - and 'them' or the 'Other' - the deviants, bad guys, undesirables, outsiders, criminals, the underworld, disreputable folk" (ibid: 38). Also, like the other authors, this involves a process of codifying or typifying the particular group, so as to identify those likely to perform the deviant behaviours:

We can see a parallel between the stereotyping process in moral panics and the routine processing of criminal suspects: the suspicion of the police that a crime has been committed or is in progress is aroused in part on the basis of stereotypical characteristics possessed by a suspect, such as age, race, presumed socioeconomic characteristics, physical appearance, and so on - in other words, profiling. (ibid: 38)

For Goode & Ben-Yehuda, this process is not necessarily facilitated by the media. They use the example of the Renaissance witch-hunts as evidence that marginalized groups or individuals could be treated as if they fit within a widely recognized typology, specifically demonology, spread by word-of-mouth, pamphlets, and the pulpit, and leading not only to their mistreatment, but also their deaths (Goode & Ben-Yehuda, 2009: 169). These events marked the greatest and most terrible level of social damage that hostility can cause within the fervour of a moral panic.

In regards to *consensus*, there should be a “certain minimal measure...either in the society as a whole or in designated segments of the society - that the threat is real, serious, and caused by the wrongdoing group members and their behavior” (ibid: 38). The authors muse that, though there needs to be an *apparent* agreement on the severity of the threat, such a sentiment “must be fairly widespread, although the proportion of the population who feels this way need not be universal or, indeed, even make up a literal majority” (ibid: 38). What is generally needed is a belief or portrayal that most are in agreement; Goode & Ben-Yehuda make perfect use of Hall et al.’s (1978) case and its hegemonic and “authoritarian consensus” (217), in promulgating the moral panic (Goode & Ben-Yehuda, 2009: 64).

At first glance, *volatility* appears to be an element which can only be gauged in hindsight; however, the sudden, spoken recognition of what may have been an ongoing ‘issue’ can also be quite indicative of a moral panic event. Essentially, sudden widespread recognition of a concern “does not mean that, when the panic erupts, structural and historical antecedents do not already exist around the same issue” (ibid: 42). Overall, Goode & Ben-Yehuda suggest the measure of volatility can be discerned by noting how swiftly reaction and anxiety is raised and then dissipates; they see this transition as being similar to ‘flash in the pan’ fads, and other such forms of “collective behavior” (ibid: 41). The conclusion of the process may or may not have lasting effects. Some disappear completely from collective consciousness, while others become “routinized or institutionalized”, wherein “moral concern about the target behavior results in, or remains in place in the form of, social movement organizations, legislation, enforcement practices, informal interpersonal norms or practices for punishing

transgressors” (Goode & Ben-Yehuda, 2009: 41). Though not mentioned by these authors, in referring back to the witch-hunts it can be seen that similar social phenomena arose in Salem, Massachusetts at least forty years after their end in Europe. This example illustrates the possibility of moral panics re-emerging or transporting to different societies.

While volatility is seen to be a strong indicator of moral panics and is fairly clear to identify, *disproportion* seems to be the major catalyst in all such events, but can be much harder to objectively determine. For Goode & Ben-Yehuda, indications of this element include the exaggerations of figures, fabrication of figures, invented or believed rumours of harm, distraction from equivalent harms, and sudden stimulation against a previously ongoing (yet under-acknowledged) phenomenon (ibid: 40-41). In their words:

Disproportion exists where numbers indicating harm are invented or exaggerated, claims of harm are invented, where "tall tales" or legends are more readily believed than usual, on the basis of flimsy or contradictory evidence - often, though not necessarily, by social movement activists and members - where harm is greater with other threats that attract relatively little concern, and where harm is greater during other times when relatively little fuss is made over the supposed threat. (ibid: 49)

As will be discussed in section 4.2.2, despite these suggested sources of measurement, the capacity for researchers to objectively measure exaggeration and distraction is a major concern raised by critics of each of the moral panic approaches. Defending this element, the authors state “though we must be cautious, modest, and tentative about making statements concerning what is real and true about events in the social world, we nonetheless can be fairly confident that some statements are more likely to be true than others” (Goode & Ben-Yehuda, 2009: 41).

Through Goode & Ben-Yehuda's approach, the evidence of each element is to be thoroughly explored within the five spheres of claims-making involved in the moral panic construction: "(1) the general public; (2) the media; (3) social movement activity; and/or (4) political activity, such as speeches and laws proposed by legislators; and (5) law enforcement, mainly the police and the courts" (ibid: 49). Greater inclusion of the media as a claims-maker was in improvement made within Goode & Ben-Yehuda's second edition in response to concerns raised in critiques.

Like Cohen's explorations, the attributional model concludes by seeking to determine the legacy left behind by the flurry of elements involved in a moral panic: "What is the impact of moral panics on a society's informal normative structure, views of right and wrong? on its visions of reality? its storehouse of myths, legends, tales, and stories? Again, do moral panics come and go without leaving long-lasting traces?" (Goode & Ben-Yehuda, 1994: 247). Answers to these questions can serve to validate the exploration of moral panic events.

4.2 – Perspectives

Goode & Ben-Yehuda's approach to moral panics comes from a different country, era, and approach to deviancy, when compared to the work of Cohen and Hall. They also have the benefit of presenting compared and contrasted cases within their work, allowing readers to see repeated applications of their criteria. For some, this presents opportunities to explore cases of potential moral panics that may have been overlooked based on Cohen or Hall's measures. For others, this represents a major divergence from the original concept which can leave the diagnosis of a moral panic too open to interpretation.

4.2.1 – Strengths

First and foremost, Goode & Ben-Yehuda's approach is appreciated for its consideration of the claims-makers involved (Critcher, 2003; Thompson, 1998). This focus helps to explain the necessary elements of persuasion in moral panics "more so than Cohen's allusions to moral entrepreneurs and experts indicate" (Critcher, 2003: 22). Some also feel that their listed attributes help to get a better sense of the sentiments involved in a panic; this is particularly useful for those looking to connect moral panics with the sociology of emotion and related theories regarding the formation of fear and social anxiety (Walby & Spencer, 2011).

The attributes within Goode & Ben-Yehuda's conception of a moral panic have been applied within many cases, either conventionally, skeptically, or with an eye to potential revisions (Hier, 2011b). This has produced a healthy flow of debate and negotiation over the past two decades. It has also given the two authors the opportunity to clarify, defend, and elaborate upon their ideas.

4.2.2 – Criticisms

While some praise Goode & Ben-Yehuda for their attempts to narrow the qualifications of moral panics (Hier, 2011b), others conversely feel that the vagaries found within the five elements could actually open the floodgates in this regard (Hunt, 1997). Despite their second edition's efforts to further elucidate how to determine and gauge their five elements, the overarching concern from others pertains to the measurability of each.

The question of providing objective measures of disproportion, and how this is distinguishable from non-panic events, is a particularly common concern raised in moral panic debates (Best 2011; Critcher, 2003; Garland, 2008; Waddington, 1986). “Panic scholars, consequently, have overwhelmingly concerned themselves with counter-posing representations to actual conditions in an effort to identify real sources of anxiety” (Hunt, 2011: 53). The concern, as described by Ungar (2001), is that disproportionality as a measure is “too value-laden and polemical to be scientifically useful” (285).

Some also argue against the authors’ insistence that the folk devil is a necessary for a moral panic (Critcher, 2003) or at least that their criteria for what comprises a folk devil is either too rigid or subjective (Ungar, 2001; 2011). For Sheldon Ungar (2001), this is particularly problematic in regards to the hostility attribute, feeling that this creates a “definitional slippage” when they refer to disproportionality qualifying such events such as the swine flu scare (281; see Goode & Ben-Yehuda, 1994: 40).

Ungar (2001) provides a further critique of the attributional model by skeptically observing its elements in relation to “risk society issues” (272). He suggests that, while risk society issues do not inherently apply moralistic arguments, would-be moral panics *in some nations* are beginning to shift into more general articulations of risk and reaction.¹⁷ One basis for this theory is the idea, supported by McRobbie & Thornton (1995), that many potential folk devils now have a better capacity defend themselves or be defended, disseminating counter-claims via mass media means (Ungar, 2001: 274) .

¹⁷ For example, in Ungar’s (2001) opinion, North America is split between failed and successful moral panics. “While successful US moral panics have been directed against single mothers and illegal immigrants, efforts to construct panics around these issues engendered strong resistance in Canada” (274).

Beyond concerns regarding measurement of the five attributes, others expressed reservations in regards to identifying any of the three ‘origins’ of moral panics (Hunt, 1997).¹⁸ Further to this, Hunt (1997) suggested the authors had erred in “treating [moral panic] as a homogenous concept and attempting to construct a grand unified theory of moral panic” (630).

4.2.3 – Responses

According to Hier (2011b), one of the greatest issues with Goode & Ben-Yehuda’s (1994) *Moral Panics* has to do with the quality of its content. He suggests that, in particular, Ben-Yehuda’s previous work leading up to this attempt at a broader categorization of moral panics was better articulated, empirically supported, and thus, more appropriately and fruitfully analyzed and critiqued. The intention of the book was to draw a wider audience towards approaching moral panic, while spelling out the criteria to determine one. To their detriment, “subsequent writers have focused on the chapters examining indicators (especially disproportionality) and theories of moral panic, to the relative neglect of discussions about problems, movements, collective behavior, and deviance” (Hier, 2011a: 7).

The two authors continue to make efforts to defend their stance, attempting to put to rest the opinions of “the chorus of naysayers who contend they have the argumentative wherewithal to delete the concept of moral panic from the current sociological and

¹⁸ Again, Goode & Ben-Yehuda stated these: elited-engineered, grass-roots, interest-group based, or ultimately a combination of two or more.

theoretical lexicon” (Goode & Ben-Yehuda, 2009: 74). This was one of their justifications for producing a second edition of *Moral Panics* in 2009. The book begins with various explanations for creating a new edition, and amongst these was a *meā culpa* of sorts: they admit to exploring media involvement too lightly, that the format needed to be “more streamlined and readable” and that changing discussions and social contexts warranted a reconsideration in some of their moral panic typology (ibid: x).

To resolve their main accused blind-spot, Goode & Ben-Yehuda devote a chapter to better explicating media’s role in moral panics. They concede that in *some* cases, the media are more than just a passive conduit for panic initiation and engagement. Particularly in contemporary cases, moral panics are not only promulgated by the mass media, but in fact are often the entities that stand to gain the most from such events (ibid: 90). They do still maintain that some panics are not contingent on the attitudes of the press. Beyond agenda-setting, the media is responsible for “singling out threats, generating alarm, and directing attention to folk devils” (ibid: 90); however, despite pervasive efforts in the media, some would-be panics put forward by the media are dismissed by the claims-makers necessary for authentic concern, fear, and (re)action.

Beyond this, the authors further elaborate upon and defend their criteria for the five attributes, providing contemporary case examples, and sometimes responding directly to those who questioned their methods. This has meant a reflexive and ongoing succession of debates regarding the social constructionist approach, the specific characteristics of a moral panic, and the continued validity of the concept itself.

4.3 – Developing a Framework

Goode & Ben-Yehuda's work has the benefit of having defined and prescriptive measures for their envisioning of a moral panic. Regardless of a researcher's position on their applicability, the near-check-listed criteria are easy to locate and employ. Despite his revisionist intent, Critcher is one of those who elicit a simple, but useful, model. It contains posited questions for each of Goode & Ben-Yehuda's elements, as well as for identifying the claims-makers involved:

1. Concern: Who becomes concerned about this issue? How widespread is this concern? How is it expressed?
2. Hostility: Who is defined as the enemy? What kind of threat do they pose? Is there a clear folk devil?
3. Consensus: Does a clear consensus emerge about the seriousness, nature and sources of the threat? Who subscribes to this consensus? Is there any organized opposition to it?
4. Disproportionality: What are claimed to be the dimensions and implications of the issue? Do these claims stand up to scrutiny?
5. Volatility: How long does the episode last? How quickly does it develop and disappear?
6. Claims makers: Who are the principal claimsmakers and counter-claimsmakers? What are their motives and strategies? To what extent and why are they successful? (Critcher, 2003: 29-30).

Klocke & Muschert (2010: 298) also determined similar descriptions of the elements they would seek to recognise:

- G1. Concern: there is heightened level of concern over the behavior and social consequences of a certain group
- G2. Consensus: there is a general consensus that the threat is real, serious and caused by the wrongdoing of group members and their behavior

- G3. Hostility: an increased level of hostility develops toward the deviants whose behavior is seen as threatening to society
- G4. Disproportionality: the public concern is in excess of what is appropriate if concern were directly proportional to objective harm
- G5. Volatility: panics are by their nature fleeting, often subsiding as quickly as they erupt

Beyond these attributes, it is valuable to keep in mind (1) the ‘origins’ of the moral panic in question. While exploring the level and type of concern, and the five spheres of claims-makers involved, (2) evidence of whether it was an elite-engineered, grassroots or interest-group sparked moral panic (or a combination of some or all of these) would be valuable. Finally, it would be valuable to note any factors that would relate the OSD to (3) both the moral crusade and moral panic narratives, but also to determine what distinguishes it from only being a case of the former.

While the five elements are Goode & Ben-Yehuda’s essential criteria for diagnosing a moral panic, their chosen examples reflect that the degree of each can vary according to the timing and those involved. Their additional means of categorizing moral panics will aid in comparing the OSD to their concept of a typical panic.

4.4 – Conclusion

Goode & Ben-Yehuda’s focus on the elements of a moral panic presents a unique means for identifying and comparing events. It has been shown that these authors made use of both Cohen and Hall et al.’s cases to support their ideas and found new ways to compare and contrast these and several other examples. The chapter notes contentions about the measurability of some of the elements and the authors’ further elaborations to

satisfy these concerns. From these elucidations, two similar interpretations of their model were presented, with additional components for consideration. The next chapter will explore one of Goode & Ben-Yehuda's more prominent critics, Chas Critcher, and his resulting amendments to moral panic analyses.

Chapter Five – Chas Critcher’s Assessments and Adaptations

5.1 – Background

All of the above approaches to moral panic analysis share several commonalities. In particular, they each have a strong focus on disproportionality. This can be in regards to disproportionate statistics being presented – later recognized as twisted figures. It can be disproportionate generalizations made about the prevalence of certain actions and attitudes or rationalizations behind them. Finally, it can refer to disproportionate claims about the degree of certain sentiments – such as Goode and Ben-Yehuda’s (1994) other four attributes (see Chapter Four, page 66) – which can, in some instances, fulfill their own prophecy. In most cases, there is also a strongly intended focus on the role of the folk devil character. Beyond these points, Chas Critcher (2003: 28) identifies four key premises that can be found within each:

1. Social problems are socially constructed and generally bear little relationship to the actual occurrence of the problem.
2. Moral panics are the most extreme yet periodically recurrent form of social problem definition.
3. Moral panics affect the legal framework of moral regulation and social control.
4. Moral panics serve to confirm the moral/ideological boundaries of society.

After these base similarities, the methods and criteria between the approaches diverge, as do the types of cases they were applied to. As can be seen in the past three chapters, each approach has its strengths and shortcomings; some scholars have criticised specific approaches to moral panics, while others question the continued validity of the term itself. It is in realization of both such attitudes towards moral panics that Critcher (2003: 2) sought to determine if the concept “had stood the test of time, required revision or ought to be abandoned”.

5.1.1 – Critcher’s (2003) *Moral Panics and the Media*

Critcher (2003) endeavours determine which approach or approaches to moral panic maintain their explanatory power within contemporary cases. He does so by selecting currently discussed issues occurring in Britain which had been previously explored as moral panic events. They were also selected due to the existence of similar situations, with comparative reactions and results, elsewhere in the world. Using these cases, he tested the moral panic approaches against each case’s findings, narratives, and themes. This method of comparing true events to theorized and predicted processes is directly linked to Max Weber’s concept of the “ideal type” (Critcher, 2003: 2; Weber, 1949: 90).

According to Weber (2002: 300) an “ideal type” refers to “a construction of ideas to which the factual average content of the historical only approaches to varying degrees”. As Critcher (2003: 2) puts it, this hypothetical standard serves as “a yardstick, against which to measure actual examples, so we can measure how and why they deviate”. Given the differences between the three approaches to moral panics, Critcher determined that each set out their own heuristic ideal type for what constituted a moral panic. It was his ambition to determine which of these approaches is the most universally fitting, by comparing them to different phenomena and asking “[h]ow useful is it to apply [each] moral panic analysis to this case?” (ibid: 3).

In order to assess the traditional moral panic methods, Critcher (2003) elicited summative guidelines for the approaches of Cohen and Goode & Ben-Yehuda. He created what he referred to as the “models” of moral panic (ibid: 8), which comprised of sets of questions and criteria that he considered integral to applying either approach. It is

interesting to note that, while Critcher was one of the original authors within Hall et al.'s *Policing the Crisis*, he did not create or apply such a guideline for this approach. He argued that, when compared with Cohen's approach, the latter "is more generally applicable" (ibid: 16).

After determining these heuristic models, Critcher then applied them to his selected phenomena. The cases included events surrounding "AIDS... rave/ecstasy... video nasties... child abuse in families and paedophilia" (ibid: 3). The AIDS case was a particularly interesting choice, as Critcher was aiming to dismiss concerns that moral panic theorists only apply their approach to prima facie moral panics and thus confirming their own opinions, while avoiding those cases which might turn out to be failed panics (Ungar, 2001). The irony with this selection is that Critcher may have the same bias in not qualifying the AIDS case as a bona fide moral panic – a verdict which others dispute (Hunt, 2011: 59).

After seeing which questions from the elicited models were successfully answered, Critcher then identified any outlying features or dynamics of the cases which the models did not capture. These were the important features he noted that go "beyond moral panics" (Critcher, 2003: 7). In other words, through this process, Critcher determined not only those elements of a moral panic that seem to be a common thread amongst the cases, but also identifies important contributing factors that were held outside of the purview of moral panic analysis. After assessing each case as moral panics, Critcher briefly summarizes his findings and then devotes several chapters to recommending adaptations or supplemental methods for exploring moral panic events.

Based on his chosen cases, Critcher determines that Cohen's original model continues to be the most relevant and that recognizing the processes inherently occurring within moral panic events is paramount. He also claimed two common assumptions within moral panic approaches should be done away with: first, the folk devil is a central and necessary component for a moral panic, and second, that the support of public opinion is a necessary component (Critcher, 2003: 177. Critcher states that "[i]n moral panics support from the public is a bonus not a necessity. In any case, it can be constructed, largely by the media" (ibid: 137).

Based on this view, he recommends caution in synthesizing Goode & Ben-Yehuda's attributes into Cohen's approach, maintaining that "[e]lite opinion, interacting with claims makers, constructs concern and consensus" (ibid: 151). He also questions both the necessity of folk devil characters and an emphasis on volatility (ibid: 151). Finally, Critcher highlights that "[m]odern moral panics are unthinkable without the media" (ibid: 131), and advises against Goode & Ben-Yehuda's placing the media as a passive conduit for moral panic rhetoric. After noting these concerns, Critcher seems satisfied with the results of his process:

Where an issue, in whatever form, emerges as a symbolic threat; where the media as a whole accept a single definition of a problem; where there are organized groups supporting the panic and none disputing it; where expert opinion does – or can be presented to – support the diagnosis of the problem; where the state, however laggardly, does institute repressive measures, then we have the basic requirements of the ideal type fulfilled. (Critcher, 2003: 154)

Though not valuable for the OSD and similar cases, he also notes the recurring theme of childhood innocence in many moral panic events (ibid: 155). Finally, he reiterates the

importance of viewing the emergence of moral panics as a process. This negates much of the utility of relying solely on the American model. Beyond these perspectives, Critcher's strongest recommendations are three-fold.

The first of Critcher's recommendations for updating the moral panic models was to pair moral panic analysis with the analysis of risk (Critcher, 2003, 2008; Hier, 2001; Hier, 2011a; Miller, 2006; Thompson, 1998). In Critcher's mind, the 'risk society' thesis suggests that "modern society has become more conscious of the insecurity involved in all spheres of social life, highly sensitive to any indications that the level and nature of risk has been misrepresented, especially by those in authority" (Critcher, 2003: 182). For Beck (1992: 50), this societal preoccupation with safety and posterity is in reaction to modernization and its resulting reorganization of lifestyles, power, politics and the nature of knowledge itself. As Critcher (2010) later elaborates:

Though past societies were more at risk from life threats such as disease, war and famine, modern societies are much more conscious of the sources and dimensions of risk on a global scale. A heightened sense of risk is reinforced by structural and cultural changes in late modern society which undermine uncertainty. Abstractly, the constant change and flux in politics, economy and culture, the compression of time and space in a globalized world, the collapse of traditional authority and sources of identity, all serve to remove any sense of stability. (155)

The concept of risk society is of particular significance for cases involving health scares, levels of violence, and vulnerable (rather than susceptible) children and youth. It has also had an influence on the studies of risk and Islamist terrorism (Denny, 2005), including how the fear culture around such a risk can increase senses of dread regarding domestic and external threats; this obviously links to contemporary perceptions of Muslim citizens and foreigners.

Second, and related to risk analysis, is the suggested examination of the discourses involved within an instance of moral panic (Critcher 2003/2008, Klocke & Muschert, 2010; Thompson, 1998). For Critcher this entailed a consideration of the discursive interactions and competitions involved and how they affect the situation. “At their most successful, [moral panics] achieve hegemony by constructing a single, incontestable discourse” (Critcher, 2003: 177). In part, this recommendation follows the approach generated by Hall et al. and involves analysing the overarching discourses of fear-mongering, compared to those which existed within public, media and political spheres before and after the moral panic event.

Within Critcher’s suggestion of discourse analysis, he makes brief references to Michel Foucault’s contributions to the approach (ibid: 167; Critcher, 2008: 1139). He finds Foucault’s concept of ‘governmentality’ to be particularly relevant, in that it “demonstrates how the exercise of control over...others becomes simultaneously a means for the normal population to exercise control over themselves” (Critcher, 2008: 1139). Critcher also recognised a general short-sightedness in many moral panic analyses, where the focus was fixed on events during the panic and what happened thereafter, “while neglecting the antecedents to the panic” (Rohloff, 2011: 72). Solutions for this are apparent both within Hall et al. methods and Foucault’s genealogical approach; however, Critcher’s suggestions do not explore these different (or returned to) avenues.

The final of Critcher’s recommendations to be considered was evidence of “moral regulation” occurring within moral panic cases (Cahir & Noble, 2007; Hier, 2011a; Lundström, 2011; Thompson & Sharma, 1998). This form of regulation refers to “deployment of distinctly moral discourses that construct a moralized subject and an

object or target that is acted on by means of moralizing practices” (Hunt, 2011: 53). Critcher emphasizes the capacity for moral panics to reinforce the moral boundaries of a society; it can even form the catalyst in a shift of consensus regarding what is normal and deviant. At its most extreme, a moral panic can, for a time, make rigidly static the fluid and illusory definitions of good and evil (Goode & Ben-Yehuda, 1994; Noble, 2011); this can have particularly life-altering consequences when those with differing faith-based values are perceived to blur such binary ideals.

Hier (2011b: 524) maintains that all moral panics can be viewed as “temporary crises in routine processes of moral regulation that operate to (re)affirm a sense of existential security in moments of perceived insecurity”; as such, they are “the volatile short-term manifestation of long-term moral regulation processes” (Hunt, 2011: 53). As will be discussed in the next section, Critcher came to be concerned that this aspect of his recommended approach may have come to embrace too much inclusivity in its definition of moral panics, weakening its analytical boundaries (Critcher, 2009).

5.1.2 – Later Contributions

Half a decade after *Moral Panics and the Media*, Critcher (2008) appeared to remain confident in his recommendations: “future development of moral panic analysis requires connection to three important sociological themes: discourse, risk and moral regulation” (1127). However, a year later, he begins to express concern that some may be becoming too cavalier in marrying some of these concepts with moral panic analysis. In particular, he seeks to rein in those whom he feels are blurring the line between ordinary processes of moral regulation and episodes of moral panic (Critcher, 2009: 17). To

protect against this, Critcher (2009) recommends regarding the construction of “moral order” for gauging a moral panic. In his example, smoking or obesity does not pose as ominous a threat to moral order as asylum seekers or paedophiles might (ibid: 26).

Critcher also begins to alter his suggestions regarding applications of the risk society thesis. He notes that “the moral panic literature has yet to establish points of convergence with risk theory, not helped by those who utilize risk theory in order to invalidate the moral panic framework” (Critcher, 2011: 269). It appeared that, as with moral regulation, he was concerned that a full-fledged application of the risk society thesis would yield too nebulous an identification of moral panics. His solution was to transition his support for the ‘risk analysis’ approach towards the broader and related conceptualization of “the culture of fear” (ibid: 269). In particular, Critcher draws out three distinctive characteristics within this thesis: “First is the increased moralization of harm; there has to be somebody to blame for the misfortunes we experience. Second is the overwhelming emphasis on safety, discouraging even minor risks... Third is a new narrative about adverse events” (Critcher, 2011: 265).

Along with the fear culture perspective, Critcher (2011) made a push towards viewing moral panics through their relation and reaction to the political economy. The first component of this proposition seemed easier to accept. “The political dimensions of all moral panics are indisputable. They become matters of public debate. They enter into the general political process and have identifiable political outcomes in the form of legislation or administrative enforcement” (Critcher, 2011: 260). Economic aspects then, more discretely, come into play through authority’s restructuring and framing of social problems:

This new order [is seen] as the latest manifestation of the inherently unstable system of capitalism which breeds insecurity. The state historically managed fear by creating a web of welfare and legal rights which protected against adversity, while the nature of capitalism led workers to forge their own independent forms of solidarity. But trades unions and labour movements weaken as the welfare system is dismantled. The state abandons its role in providing security and instead offers safety (Critcher, 2011: 268).

Once again this theory seems to pay major homage to Hall et al.'s original views on hegemony and the law and order state; however, Critcher (2011) seems to only note this correlation in passing (272). It is also important to note that the political economy suggestion only seems to fit for a particular breed of moral panic.

Finally, and once again expanding the processes of a moral panic analysis, Critcher joins a social psychologist, Julia Pearce, to “recommend that researchers call on largely untapped scholarly sources to consolidate and expand the moral panics model” (Krinsky, 2013b: 369). For Critcher, this project appears to have no definitive end.

In his most recent depiction of his envisioned moral panic model, he returned focus on the process of moral panics predominantly drawn from Cohen's work, but made an additional consideration occurring in sync with the emergence of 'experts'. This involves the emergence of consensus amongst the elite: “We expect to find public opinion or debate to be marginalized in favour of a consensus amongst elites, with little opposition to their proclaimed position” (Critcher, 2014: 158). The result was a model involving stages of emergence, media inventory, moral entrepreneurs, experts, elite consensus, coping and resolution, fading away, and its lasting legacy (Critcher 2014: 156). While he maintained focus on moral regulation and the discourses involved, risk society, culture of fear, and the political economy of moral panics went unmentioned.

5.2 – Perspectives

Particularly within the last few years, the recommendations and evaluations made by Critcher have continued to be considered (Goode & Ben-Yehuda, 2011; Hier, 2003; Lashmar, 2013; Moore, 2013), critiqued (Hier, 2011b; Hunt, 2011; Rohloff, 2011; Walby & Spencer, 2011), and applied (Collins, 2013; Tartari, 2013; Yeomans, 2013). While his involvement in debates surrounding the moral panic concept is frequently acknowledged, the lasting (and consistent) legacy of his many suggestions remains to be seen.

5.2.1 – Strengths

Critcher was certainly one of the first scholars to attempt a comprehensive comparison of the traditional approaches to moral panic analysis (see also Thompson, 1998). His recommendations for the exploration of discourses surrounding risk and moral regulation are mirrored, from or by, the work of others (Collins, 2013; Hier, 2003; Hunt, 1997; Tartari, 2013; Thompson, 1998). This also means that his developments take on the same criticisms as those who previously championed these concepts, while also benefitting from the pre-emptive support of others.

For those who feel his elicited models for Cohen and Goode & Ben-Yehuda are sufficiently exhaustive and informative, Critcher has created a set of reproducible tests for any potential moral panic event. His recommendations open creative doors for future investigations and his suggestions, if viewed as suggestive rather than prescriptive, give scholars another strong perspective to incorporate, when asking ‘is this a moral panic?’.

5.2.2 – Criticisms: Moral Panics and the Media (2003)

It is interesting to note that, while there are certainly those who have concerns regarding Critcher's moral panic typologies and subsequent recommendations, the authors of the traditional approaches have been shy in addressing these. As noted in Chapter Three, scholars continue to fruitfully apply Hall et al.'s approach to moral panics, despite Critcher's dismissal of such a model. Others have come to the defence of Goode & Ben-Yehuda's attributive criteria (Walby & Spencer, 2011: 108). Critcher's other unfortunate decision in regards to creating and appraising the models was the decision to not apply the neo-Marxist approach to the cases, as Hall would have. Despite this, many of Critcher's findings and recommendations still make lesser-spoken reference to Hall et al.'s methods.

There are also those scholars left uneasy with Critcher's verdicts for his chosen cases. In particular, Hunt (2011) contests that the AIDS controversy as it emerged in Britain did in fact qualify as a form of moral panic (59). In Hunt's views, panics involving health concerns can also have strong moralizing aspects. He also saw homosexuals to be a clear folk devil within the AIDS narrative. Further, it seems confusing that Critcher rejects the necessity of a folk devil character for a moral panic in one hand, and appears to reject the AIDS panic, in part, for just such an absence.

In regards to the risk society and moral regulation theses, concerns have been raised both directly or in relation to Critcher's suggestions. Hunt (2011) was concerned that embracing the risk society concept implies there would also be an increase of moral panics within such a society. He cautions that "[s]ome hesitation is needed before endorsing the claim that there has been a quantitative expansion of moral panics" (Hunt,

2011: 62). Such a proliferation would be a claim that has yet to be substantiated. There are also those who insist on a differentiation between moral panics and risk panics (Ungar, 2001). It appears that the overarching concern that even Critcher recognized for both moral regulation and risk society pertains to the difficulty in defining ‘normal’ processes within each, and where the line is drawn to distinguish a moral panic event (Critcher, 2009; 2011). As with aspects of the traditional three approaches, this leaves Critcher with a problem of defining and determining levels of disproportion when compared to an objective measure of the threat at hand.

In regards to the application of discourse analysis, most scholars appear to accept it as one potential option for moral panic research. The lack of others’ scrutiny may, in part, be due to the vagueness of Critcher’s suggestion. While he does cite Foucault’s critical discourse analysis method and the related topic of governmentality, Critcher does not further expand upon Foucault’s genealogical approach, and how this could further improve moral panic analysis. Mainly, it could be used to reach back into the discursive histories involved to further understand the social conditions leading up to a moral panic event. This may be the greatest methodological opportunity Critcher had missed.

5.2.3 – Criticisms: Later Recommendations

Whether his later additions were a result of criticisms or revelations on his own part, they have run the risk of further muddying the waters. Critcher scarcely detracts old conclusions and suggestions, but rather seems to focus on finding exceptions to the rules he’s set out, while devising new ones. He recommends applying certain theses, and then cautions against overusing them. Many of his suggestions appear to go through this cycle.

The most notable signs of unease in regards to the trajectory of Critcher's recommendations come from reading the back-and-forth rebuttals between Canadian sociologist, Sean Hier (2008; 2010; 2011a), and Critcher (2009; 2011). Their debate reflects "a tension between those who want the concept to retain its political project and those who want to develop a more detached approach to moral panic research" (Rohloff, 2011: 79). Critcher's sense that Hier's advice might overzealously apply moral regulation, at the expense of other attributes and processes, hints at the vagary from Critcher's original intentions. Critcher's solution of honing in on 'moral order' as a distinguishing concept brought further skepticism, as it "seems to import an ad hoc ranking of moral problems" (Hunt, 2011: 66).

Where Critcher's newly restricted criteria for moral regulation and risk society concepts may have balanced out obscurities and oversights within his and others' models, his new recommendations of applying theories surrounding the culture of fear and its related political-economic influences ran the risk of creating new pitfalls and debate for the moral panic concept. This is a concern he appears to be aware of: "political economy may also contribute less to individual moral panics than to the whole context which reproduces moral panics on a regular basis. And, of course, that is the same context for the continuous process of moral regulation, of which moral panics are an extreme form" (Critcher, 2011: 261). Despite this, he seems to present the 'political economy of moral panics' as a skeletal, potential model for some (but not all) future moral panic research projects and appears to exempt it in later works (Critcher, 2014).

5.3 – Developing a Comparative Framework

Due to the ebbing of Critcher's recommendations, it is difficult to pinpoint a static model one should use to consistently explore moral panics and their failed counter-parts. For the most part, he remains in sync with Cohen's original formulations. Critcher's later recommendations involving the culture of fear may resonate within the OSD case; however, it will likely become apparent that Critcher's ideas on this need further elaboration, development and application within his own work before being appropriately applied in others', lest he feel that his ideas have been hijacked. Therefore, based on Critcher's (2003: 154) statement (cited on page 81 of this chapter), and his later reiterations (2014: 156), the criteria for Critcher's conceptualization of moral panics can be formed:

1. Does an issue emerge to become a symbolic threat? (Critcher, 2003: 154)
2. Is the media uniform in defining this issue: "stereotyping via folk devils/sensationalism"? (Critcher, 2014: 156; Critcher, 2003: 154)
3. Do claims-makers/moral entrepreneurs predominantly promulgate the panic, rather than abate it? (Critcher, 2003: 154)
4. Are 'experts' brought in to provide their opinions and diagnoses? (Critcher, 2003: 154)
5. Are there resulting restrictive policies put in place? (Critcher, 2003: 154)

Further to this are Critcher's supplemental points of analysis:

6. How is 'public opinion' constructed? Were the events "triggered among elite groups: politicians, pressure groups and the media, especially the popular press"? (Critcher, 2003: 177). Were members of the elite united in their condemnation of the issue, while true public opinion on the matter was harder to verify? (Critcher, 2014: 158).
7. Did the issue "rise and fall very fast, though it or something very like it may have occurred before and may well recur" (Critcher, 2014: 158)?

8. What are the hierarchical discourses being engaged? Is there a “single, incontestable discourse” (ibid: 177)? Do the discourses relate to notions of risk in society?

9. Do these events serve to solidify moral boundaries? Does society select “people or activities as beyond the pale”? (ibid: 177).

Critcher’s suggestions for moral panic analysis have been diverse, sometimes vague, and may sometimes entail a more intensive analysis than his suggestions might indicate. As with Cohen’s framework, these stages do not necessarily form a linear trajectory; the appearance of one stage does not guarantee the emergence of the next few and the cycle may revert. That said, the more frequently tested elements of his model will be most valuable to compare with the OSD.

5.4 – Conclusion

It can be seen that Critcher’s critiques and recommendations vary in their level of lasting applicability and generalizability. It was also shown that his explorations promote the frequent and critical (re)considerations of what constitutes a moral panic in the contemporary world. His approach in treating each moral panic model as an ‘ideal type’ was highlighted to be particularly informative for the approach taken within this thesis.

As Critcher performed deftly within his own case studies, the next chapter will take the queries contained within each of the models and use them to explore the timeline, information, and major themes presented in regards to the OSD case.

Chapter Six: Exploring the OSD through the Moral Panic Frameworks

This chapter will use the OSD timeline and themes, as identified within Chapter One, to determine explanatory responses to each of the queries presented within the moral panic models. While the topic of each set of criteria is briefly restated below, the questions each entail can be reviewed in the third section found in Chapters Two to Five.

While some elements of the OSD fit quite appropriately within some of the moral panic criteria listed below, some criteria prove to be either too broad or too specific to assist in explaining elements of the OSD. Meanwhile, other criteria are similar enough between models that the explanations are the same. Each section will end with an assessment of how effectively the explored model captures the OSD events. With these successes and limitations in mind, the chapter will conclude by comparing the results of each summary to determine which approach appears to present the best explanatory account for indicating that the OSD might well qualify as an example of moral panic.

6.1 – Cohen’s Processual Model

While Cohen’s initial conceptualization of moral panic formation was based on a case involving hooligans committing acts of minor violence and vandalism, many researchers have been satisfied with the results of applying his approach within various other contexts. Instead of wayward youths portrayed to be consciously acting out in direct spite of expected social values, the OSD presents reactions to a group seen to be importing values that are deemed acceptable elsewhere. The criteria below will serve to assess how successfully his ideas can explain such a case.

C1. “Emergence: form, novelty, threat” (Critcher, 2003: 38)

Although sentiments of Islamophobia existed previously, the ‘problem’ which the OSD case focused on was powerfully triggered in late fall of 2003, as the media brought public attention to the IICJ’s announcements regarding the formation of Islamic arbitration tribunals (Boyd, 2004; Selby & Kortweg, 2012). “Subsequent media interviews which discussed the issue of arbitration in the context of family and inheritance law, raised acute alarm throughout Ontario and Canada” (Boyd, 2004: 3). The possibility of such courts was erroneously presented as a ‘*new problem*’ for the province and the Western world, suggesting that Islamic organizations were seeking new legislation that would allow for a parallel legal system for Muslim citizens (Selby & Kortweg, 2012: 12). General assumptions regarding the concept of Sharia law fed into fears that its existence within Ontario constituted *threats* to Western moral values and the Canadian system of law (Cesari, 2012: 5).

C2. “Media inventory: stylization and stereotyping; exaggeration, distortion, prediction and symbolization; sensitization; folk devil” (Critcher, 2003: 38)

Overwhelming *stereotypes* within the OSD pertained to those citizens deemed to be at the heart of the conflict: pious Muslim Ontarians, their practices and beliefs, and their association with fellow believers, particularly those with extremist, misogynist, or anti-democratic ideals. Many of these stereotypes were in line with the racialized and gendered discourses of Orientalism and post-9/11 Western attitudes towards Muslim-majority cultures (Brown, 2012; Bullock, 2012; Kortweg, 2012; Selby, 2012; Zine 2012).

In regards to *exaggeration*, analysts suggest that “[m]ore accurate, less alarmist reporting was largely marginal to the Canadian mainstream” (Boyd, 2004: 4). This pertained not only to the portrayal of a new law being formulated and the powers this would give groups such as the IICJ, but also to the subsequent threat the application of Sharia could pose, and the degree of polarization between the opinions of practicing Muslims and general society.

It is important to note that some media sources made efforts to reduce implicit stereotypes by quoting and referring to those who identified as culturally Muslim but who were adamantly opposed to Sharia in Canada (Korteweg, 2012). On the other hand, given the focus on non-practicing Muslims to represent this position, this inclusion of ‘exceptions to the rule’ served to *exaggerate* a distinct polarization between those in favour and those opposed (Sharify-Funk, 2009). As such, those who identified as Muslim would be categorized as either *folk devils* or ‘reformed sinners’ who had successfully integrated into Canadian society.

The second, related element was the exaggerated and sometimes wholly misinformed portrayal of Sharia in general, which was treated as a uniform and codified set of extensive laws, which inherently supported violent and extreme forms of corporal punishment, as well as unchallenged gender discrimination. By focusing on the oppressive implementation of Sharia within areas outside of Western contexts, there were slippery-slope *predictions* as to the damages Canadian society would incur if Islamic arbitration was permitted (Boyd, 2004).

Finally, both the bulk of media coverage and the Premier’s final announcement reflected what Islamic Sharia had come to *symbolize* within the debate: a threat to the

province's hard-earned values of fairness and equality in the implementation of justice (Boyd, 2004: 3). Muslims who did not denounce the application of Sharia were presented as harbingers of this threat, or as misguidedly indoctrinated.

C3. "Moral entrepreneurs: significant actors; relationship to media; orientations, images and causal explanations" (Critchler, 2003: 39)

The OSD presented an interesting case in that moral entrepreneurs were not only found within the province; *significant international actors* also hastened to define and prevent the perceived threat to Ontario's moral makeup. There were prominent individuals such as Homa Arjomand and Aayan Hirsi Ali, but most of these also joined with powerful coalitions to have their concerns heard. According to Boyd (2004:4), two of the most prominent groups included the Canadian Council of Muslim Women and the International Campaign Against Shariah Law; also involved were the National Association of Women and the Law, the Canadian Council of Muslim Women, and the National Organization of Immigrant and Visible Minority Women of Canada (Ruby, 2010: 19).

For the most part, these organizations operated *alongside the media*. They presented their stated oppositions directly to Parliament and also within their own web-pages, but they also openly participated within media discussions to solidify their stance. In order to invoke their *cautionary images* of Sharia, they commonly referred to oppressive regimes within Iran, Afghanistan, Sudan, Nigeria, or Somalia, and the violent penal actions practiced (Boyd, 2004: 4). In each case, Sharia, and not the cultural contexts through which it was applied, was implicitly the *causation* of these acts.

C4. “Experts: who; grounds for claims; media accreditation” (Critchler, 2003: 39)

Determining the media’s selection process for experts within this case was problematic. While those selected to speak in opposition of Sharia predominantly spoke from experiential knowledge, far fewer of those selected had an intimate knowledge of Ontario's legal system and the Arbitration Act itself. Some analysts felt that those selected by the media to speak in favour of religious arbitration had the same shortcoming (Boyd, 2004; Cutting, 2012).

Meanwhile, individuals and organizations with more thorough understandings, such as Katherine Bullock of the Islamic Society of North America – Canada (ISNA–Canada) did not receive as much positive or unbiased media coverage (Bullock, 2012: 257). This also included the findings and recommendations of Marion Boyd; both the media’s and the Premier's lack of consideration in regards to her work signified a focus on the moral rather than practical implications which the ‘problem’ presented.

C5. “Coping and resolution: proposed solutions, measures adopted; procedural/legal; effective/symbolic” (Critchler, 2003: 39)

The fervently reiterated solution recommended by those opposed to the creation of tribunals such as the one proposed by the IICJ was the banning of all legal practices associated with Sharia. In contrast, the provincially appointed investigator on the matter recommended the continued allowance of this form of family ADR but with major checks and balance to ensure provincial oversight. The ultimate decision was to ban not only Sharia (or more appropriately, *fiqh*), but all other forms of religious family arbitration in the province. The efficacy of this final decision is questionable, individuals

can still privately agree to faith-based judgements (though only socially, rather than legally, binding), though now fully outside the provincial courts' oversight. As such, the solution and the chosen date of its presentation appear to have been largely symbolic in nature.

C6. "Fade away: timing, recurrence; subsequent status" (Critcher, 2003: 39)

Following the Premier's announcement and the ratification of his amendments to the Arbitration Act, public and media discussion on the topic dissipated. Meanwhile, the overlooked and unresolved issues, as well as the counterproductive ways in which the debates transpired, continue to be critiqued by scholars within the various fields.

The general topic of Sharia remains a contentious trigger within many Western nations. As Morgan & Poynting's (2011) *Global Islamophobia: Muslims and moral panic in the West* reveals, the negative connotations of Sharia are frequently referred to in response to Muslim citizens' requests for various forms of religious accommodation. Despite such 'knee-jerk reactions' (Kutty, 2012: 134), some nations may have, or will in the future, respond in favour of those requesting Islamic religious arbitration. This stage of the moral panic is more valuable to observe if it can be compared to other, similar events occurring before and after.

It is difficult to predict whether Muslims (as well as other religious groups) within Ontario will eventually seek to reopen the case and renew provincial recognition and support of religiously arbitrated contracts. In the meantime, most have resolved to either find means of translating their religiously determined agreements into secular "language

of Canadian law” (Selby & Korteweg, 2012: 14), while others adhere to such verdicts without the potential for support from the province.

C7. “Legacy: long-term effects; relationship to other issues” (Critchler, 2003: 39)

Practically, the results of the OSD had negligible positive effects, despite potentially satisfying many of those opposed to Sharia. Those analyzing the OSD have suggested that the final decision, which focused on separating religious and secular conceptions of dispute resolution, delivered injustice to those concerned with both: the solution did not address concerns regarding arbitration and domestic contracts in general (Macklin, 2012).

Symbolically, the OSD was seen as yet another exercise in defining the limits of acceptance for Muslim citizens within Western nations. In isolation, this case may have had lasting effects on Muslim Ontarians and those who interact with them. It also serves as a tale of victory for those seeking to reduce the public presence of Islam. In compilation with reactions to similar events throughout the Western world, it serves as one case amongst a succession of many where Islamophobia discourses won out.

6.1.1 – Assessment

Cohen’s depictions of the process moral panics undergo serve to explain much of what occurred during the OSD. The flexibility of his criteria provided some opportunity to expand upon important themes within the case; however, it was not always clear if this additional information further qualified the case as a moral panic, or if it actually fell outside Cohen’s purview. For example, Cohen’s concept of emergence does not fully account for the history of a social problem’s definition. Sharia and Islam had come to be

recognized as potential ‘problems’ long before the OSD erupted. The formation of these folk devils can also occur outside of news media inventory. The media can also more inadvertently reproduce stereotypes, exaggerations, and misinformation delivered by their selected experts, if statements and assumptions are not constantly verified. Other times, the media may consciously overlook information that might stifle panic: within the OSD, media more commonly favoured cautionary tales from the ‘everyman’ over legal analyses or expertise.

With these concerns in mind, the greatest weakness in Cohen’s approach is its inability to probe the historical and contemporary intentions or motivations in various groups defining social problems. This also extends to determining the nature of the moral panic’s results, which raises the question: does a moral panic require a concluding restrictive policy? If the OSD had ended with the government arguing against those opposed to Sharia and installing a bill which gave better government oversight for ADR contracts, would the case still have qualified as a moral panic? Would lingering racial tension then be the focus of negative outcome? In connection with this, it is difficult to extensively determine results for Cohen’s questions of recurrence and legacy without expanding analysis into previous and subsequent events: a step which more explicitly required in the work of Hall et al.

6.2 – Hall et al.’s Marxist Adaptations

Hall’s original case explores Britain’s racialized portrayal of ‘muggers’ and the resulting panic in relation to “the *succession* of ‘moral panics’ focused on the deviance and anti-social behaviour of youth” (Hall et al., 1978: 182, original emphasis). While the OSD shares a focus on the development of racialized stereotypes, the Ontario case was not widely explored in relation to similar events occurring elsewhere or at other times. The following criteria reveals the restrictions and opportunities presented with exploring the OSD through a Hallian perspective.

H1. “Themes of race, crime and youth” as the “ideological conductor” (Hall et al., 1978: viii)

For Hall, these themes were “condensed into the image of ‘mugging’” (ibid: viii); within the OSD, closely related themes were infused within notions of Islam in general, and specifically the concept of Sharia. While *race* and racial stereotyping are evident within the OSD, it is predominantly due to the common treatment of Arabs and Muslims as synonymous identities. This is part of the nature of Orientalism. Thus, each must be considered in relation to the impact of negative assumptions affixed to the other. In this way, Islam and immigrants assumed to be importing it were positioned as precedent-setting examples of the need for control of racialized minority groups within Western society.

While *youth* was not a direct theme within the OSD, it serves as a useful proxy for new and emerging social actors in the West; considering the fairly recent arrival of Muslims into Canada, they appear to qualify for this role. In lieu of a focus on

impressionable and corruptible youth, the OSD narrative had a focus on vulnerable Muslim women and indoctrinated Muslim men both succumbing to their culture's inequitable demands and expectations, and each suspected of importing these values into Canada. Just as the image of the mugger was paternalistically portrayed as being in need of integration by way of authoritative force and regulation, Muslims came to represent a group whose practices needed to be kept in check.

The theme of *crime* is complicated within the OSD. In Hall's case, he was observing disproportionate response to crimes that had been committed; within the OSD, the focus was instead on acts that could occur, which would be viewed as criminal in Canada yet assumed to be common practice in Muslim-majority countries. Despite the fact that the true issue pertained to the risks of private legal contracts, the imagery of extreme applications of Sharia in response to crimes (from socially relative crimes such as adultery to universally defined crimes such as theft) was used to signify a response to crimes which was in direct conflict with Canadian authorities' capacity to maintain law and order. As such, in contrast to Hall's case, the focus was on removing the authority of some citizens to make binding verdicts (superficially in response to crimes and realistically in response to disputes) by removing the support of ultimate state authority.

H2. "Social contradictions...towards the 'disciplined society'" (Hall et al., 1978: viii)

Hall's first stated goal within his case was to "go behind the [mugging] label to the contradictory social content which is mystifyingly reflected in it" (ibid: vii). Ultimately, he located the "accumulation of contradictions" within Gramsci's notion of the "crisis of hegemony" (ibid: 217) and using Marxist theories on the "organization of

class power through the state” (Hall et al., 1978: 219). In regards to these approaches, the OSD would not be explained; however, the OSD does have other aspects which relate to the “mobilisation of legal instruments against...alternative life-styles...to bring about by *fiat* what could no longer be won by consent - the disciplined society” (ibid: 284, original emphasis). Within the OSD, this meant control over the practices of a racialized religious group, by way of claiming the need to enforce legal secularism, all despite the nation’s history of Christianity and overt Christo-secular cultural hegemony held in the country (Ruby, 2010: iv & 21).

H3. Construction of 'law-and-order' ideology (L&O) (Hall et al., 1978: viii)

Within the OSD, the existence of Sharia became a public issue, just as with Hall’s case, where the issue of mugging “came to stand, in the public consciousness, as a metaphor for social change; but even more, for all the things wrong with social change” (ibid: 48). As mentioned in H1, the OSD had a complex relation with the concept of crime. This could be seen to represent the formation of two law and order ideals: that which Canada’s control culture constructs and maintains, and another which was theologically constructed within other societies. It is interesting to note that, although the issue was not originally promulgated by government authorities, they are called upon to present solutions via restrictive policies which counter this competing system of law.

- H4. “Social forces...constrained and contained” in L&O (Hall et al., 1978: viii)
- H5. Forces benefitting from L&O (Hall et al., 1978: viii)
- H6. State’s role in construction of L&O (Hall et al., 1978: viii)

While each of these three topics had great explanatory power within Hall’s explorations, there are issues with attempting to apply them to the OSD; at least as an isolated case. What Hall identified with these was a pattern, and one which can only be determined by tracing the succession of similar or related events. While many OSD analysts referenced how histories of colonialism and Orientalism came to shape Western understandings of Sharia, the focus was on how this affected events within the case itself. As such, these three topics prompt future Hallian analyses which push beyond an insular look at a single moral panic event.

- H7. “Real fears and anxieties” (Hall et al., 1978: viii)

Marion Boyd’s report served to highlight some of the primary *fears* being expressed by groups she and the media had interviewed:

In particular, there was intense fear that the kind of abuses, particularly against women, which have been exposed in other countries where ‘Sharia Law’ prevails, such as Afghanistan, Pakistan, Iran, and Nigeria, could happen in Canada. A related fear, expressed by many groups...was that the many years of hard work, which have entrenched equality rights in Canada, could be undone through the use of private arbitration, to the detriment of women, children and other vulnerable people. (Boyd, 2004: 3)

Some analysts connected these fears with a larger, underlying and pathological one: fear of the racialized Muslim 'Other' (Thornback, 2005: 2), as negatively defined over a century and particularly in North America within the last decade (Ruby, 2010: 36 & 43).

Much of the undercurrent of tensions in the debate could be reflections of anxieties which are inherent within many multicultural societies: concern with the emergence of subcultural practices which are perceived to threaten national identity and cohesion by taking advantage of the ideal of accommodation (Cesari, 2012: 10). In Canada, and the OSD specifically, this would relate in large part to unexamined assumptions regarding the role of religious values in public and judicial spheres (Selby, 2012: 351).

H8. Disproportionate official reaction (Hall et al., 1978: 16)

Until the final decision was made, government response was largely neutral, outside of typical parliamentary contrariness. Some officials, including the Premier, the Attorney General, and the Minister Responsible for Women's Issues, had tried to widen the focus by investigating religious arbitration in general, but this still overlooked the sources of the inherent problem: secular private decisions can be equally unfair (Macklin, 2012). This political approach to the issue is likely why supporters of religious arbitration were taken by surprise by McGuinty's choice. As many scholars highlight, the Premier's oft-cited statement is clearly indicative of a disproportionate response to the threat Muslims and Sharia could uniquely pose through family disputes. McGuinty's statement reflect his succumbing to the erroneous idea that Islam, and potentially other religions,

would seek to enforce sets of laws which were separate and potentially in contradiction with Canadian law.

H9. Unanimity of expert perceptions/solutions (Hall et al., 1978: 16)

For Hall, ‘experts’ included “police chiefs, the judiciary, politicians and editors” (ibid: 16). This deviation from Cohen’s more open-ended depiction of who can claim expertise is indicative of Hall’s tendency to assume moral panics stemmed from the “closed institutional world of the control culture” (ibid: 30). Even if Hall were to expand his definition of experts, the OSD presents a case where there is coverage of not one set of voices presented as unanimous in their “diagnoses and solutions” (ibid: 16); rather, there are two sets which are presented as polar opposites of each other.

H10. Media portrayal: ‘sudden, dramatic, and novel’ beyond reality (Hall et al., 1978: 16)

As discussed in C1 and C2, the media tended towards an alarmist presentation of the debate and the issues at hand. In retrospect, Muslim organizations were not receiving new permissions; they had proper permissions since 1992. Also, despite the focus on Islamic principles as the issue, Cutting (2012) found no evidence that any Muslims had come forward to appeal Islamic arbitration decisions, whereas some from other faiths had come forward to appeal their religiously-determined arbitration decisions (48).

H11. Identification of issue (Hall et al., 1978: 223)

Referring once again to C1, the issue emerged through media reactions to the IICJ's announcement, followed by responses from actions groups and then the general public. The media's presentation of the issue as novel and threatening served to heighten the spiral of concern.

H12. Target: folk devil or "subversive minority" (ibid: 223)

As discussed within C1, the folk devil came to be recognized as the imposing Muslim citizen particularly the male population and imams, incapable or unwilling to integrate into Canadian society and adhere to the nation's values. At worst, they were portrayed as consciously attempting to install a conflicting system of law to be made mandatory for Muslim Canadians.

H13. Portrayal of linked/related social problems (ibid: 223)

There were three prominent social problems with which the OSD was portrayed to be linked. The first was the challenge of racial/cultural integration within a multicultural society. Islam was seen as a newly emerging subculture within Canada that was exhibiting resistance to processes of assimilation. The second and related problem was how this emerging group's actions seemed to call for a greater separation and distinction between Church and State practices (church implying any institutionalized religion). The final social problem pertained to the flaws in multiculturalism: how accommodation of the few could serve to weaken the values and identity of the whole.

H14. Threatened thresholds (Hall et al., 1978: 223)

Referring back to the diagram from Chapter Three on page 60, it is important to note that Hall's examples within some thresholds represent anxieties of the political right (such as sex education and non-violent demonstrations); however, as the thresholds expand in severity, they embrace more universally opposed acts in the West. It is these outer thresholds which the OSD was portrayed to threaten, with two distinct narratives encroaching on separate levels: the first was Sharia as a source of punishment and the second was Sharia as a vehicle for the mistreatment of women and others considered to be vulnerable.

Sharia as punishment referred to the severe penal implementation of Sharia within some countries, such as stoning the accused, cutting of their hands, or even decapitation. These practices well surpass Western societies' threshold for extreme violence. It is valuable to note that OSD occurred in the midst of media coverage of murder and terrorism performed in the name of Sharia and Islam, which served to proliferate negative assumptions.

Sharia as oppression could be categorized as non-violent theft. Those who receive Islamic justice instead of secular court decisions are thought to be cheated of fair legal award. In this way, the practice of civil Sharia can be portrayed as overstepping the legality threshold. At the least, performing Islamic arbitration was seen as an act going against social norms, disturbing the permissiveness threshold.

H15. Slippery slope warnings (Hall et al., 1978: 223)

As discussed in C2, the OSD picked up a lot of attention based on slippery slope predictions of terrible effects if Sharia were allowed to take root in a Canadian province.

H16. Response of authorities: “firm steps” (ibid: 223)

Looking back to C5, government officials were initially less reactive in their response to the concerns raised. Those assigned to advise the government recommended more oversight instead of restrictions – advice which some had assumed the Premier intended to follow. In the end, the final decision was presented as the sole solution for a clear problem, both of which are questionable positions, when placed under scrutiny.

6.2.1 – Assessment

While it is immediately apparent that some of the elements within Hall’s Marxian conception of elite-engineered moral panics were not compatible with elements of the OSD, many of his observations have the benefit of pushing analysts to take a closer look at the historical contexts and the transferable effects of previous and related events for the present panic. It is important to note that H1-7 relate more heavily to his chosen case, H8-16 focus on what Hall assumes would be apparent within moral panics in general.

The greatest issue with the latter criteria is their rigidity in the assumed roles and implications of the different actors involved: the elite are assumed to have the most to gain and so overblow the issue to ensure favourable results, and experts – a stricter category for Hall than other moral panic analysts – speak unanimously; and disproportionate portrayals in the media are only called out in retrospect. As a result,

some of the criteria are quite tentatively matched with the OSD, while others present too much conflict.

Finally, Hall's depictions of a moral panic imply an investigation of a case as well as similar events which may have influenced and interacted with it. The difficulty lies in creating criteria for determining true correlations between events. In other words, what elements signify a relationship between related panics? Furthermore, this raises questions in regards to qualifying a singular moral panic without such related evidence. Ultimately, despite sharing important themes of racialization, Othering, and various disproportionalities, the OSD, in isolation, does not appear to thoroughly qualify as a moral panic, according to Hall's conception.

6.3 – Goode & Ben-Yehuda's Attributional Model

One of the greatest benefits within Goode and Ben-Yehuda's framework is how they used multiple and largely unrelated cases to guide its formation. This suggests a degree of versatility in how their criteria are applied. Of their chosen examples, the OSD shares the most similarities with the witch-hunts, in that not just the folk devils actions, but their core beliefs are treated as threatening. The major difference between these two is the degree, and in fact existence, of mass media influences. The elements below explore how closely the OSD fits with other moral panics, as Goode & Ben-Yehuda perceive them.

G1. “Concern: among whom; how widespread; forms of expression” (Cricher, 2003: 39)

As Boyd (2004) notes, concern was initially expressed through media interviews in the fall of 2003. Powerful subsequent reaction was raised by organizations, including women’s rights and human rights groups. By late winter 2005, many had spoken directly with members of the government; however, the initial official response was that the IICJ were acting with the proper support of the Arbitration Act, and so “there was no clear role for government to intervene” (Boyd, 2004: 4). Concern appeared simultaneously evident within the general public, as citizens, “hearing and being concerned about news reports, started contacting their local MPPs, the Attorney General and the Minister Responsible for Women’s Issues” (Boyd, 2004: 5). Government action seemed to be largely in response to, but not necessarily in agreement with, the concerns raised within the media, the public, and interest groups.

G2. “Hostility; enemy, threat, folk devil” (Cricher, 2003: 40)

Within the OSD, there was evident, non-violent *hostility* towards pious Muslim Canadians (particularly males and imams) and their international counterparts (Kutty, 2012). Having been portrayed as *enemies* of Western states within various and frequent contexts, they were an easy target for representing the *threat* religious arbitration could present against Canadian human rights values. They served as a scapegoat, distracting away from the risks of all forms of private arbitration, religious or not (Bullock, 2012; Macklin, 2012). In this manner, and in the frequent slippage into portrayals of the Muslim ‘Other’ (Thornback, 2005: 2) versus the rest of Canada (and the converted/integrated Muslim), these citizens became a text-book example of a *folk devil*.

G3. “Consensus: clarity, among whom, organized opposition” (Critcher, 2003: 40)

In regards to the media’s portrayal of consensus, both C2 and H9 reflect how the media focused developing two polarized positions, instead of one. The first level of consensus was that these two extremes were the most notable within the debate; however, because one position was stereotyped and often filled the role of folk devil, there was an apparent consensus that these people were minimizing and even perpetuating the threat. This consensus is subscribed to by the media, many interest groups, and members of the general public: both within Ontario and international. It is apparent that the Premier succumbed to the gravity of this consensus.

While there were efforts made by organized opposition – or more to the point, those trying to make the middle-ground options more apparent – the media pushed these voices into the camp of the more extreme claims-makers, muting their voices amongst those demanding unchecked acceptance of their legal practices. Once again, Marion Boyd’s report is a strong example of a concerted effort to reduce the false and negative assumptions and replace them with hard facts and practical knowledge which ultimately failed to have an impact.

G4. “Disproportionality: dimensions and implications; claims versus reality” (Critcher, 2003: 40)

In regards to official reaction, this criterion matches with H8. Pertaining to disproportionality reflected by other claims-makers, particularly the media and interest groups, analysts note many examples of disproportionality. In fact, each of the five prominent themes identified within OSD analyses relate back to disproportion, whether

through representation, assumptions, stereotypes, exaggeration, and reaction. Centrally, the implications as portrayed in many media and interest group discussions were disproportionately ominous: violent aspects of certain interpretations of religious law were not going to slip into practice in Canada. It was this and other assumptions the analysts have pushed to identify, scrutinize, and clarify.

G5. “Volatility: length; speed of emergence and decline” (Critcher, 2003: 41)

This element offers a slightly more distinguishing criterion when compared to Cohen’s depiction of fade away and legacy (see C6 and C7). Despite existing as a permitted practice since 1992, the IICJ’s announcement in 2003 caused a heated debate which lasted around 2 years. After McGuinty’s announcement and the passing of the subsequent amendment bill, public and media discussion dissipated; however, only in the context of Ontario law. Discussion of Sharia remains a hot topic within media, and its implementation within other situations and nations may evoke similar sets of narratives, though with varying results in final policy decisions. This is the element within Goode & Ben-Yehuda’s framework which would benefit from the exploration of similar cases.

G6. “Claims makers: principal claims and counter claims makers; motives and strategies; degree of success” (Critcher, 2003: 41)

To reiterate, according to Goode & Ben-Yehuda these realms of claims-making may include “(1) the general public; (2) the media; (3) social movement activity; and/or (4) political activity, such as speeches and laws proposed by legislators; and (5) law enforcement, mainly the police and the courts” (Goode & Ben-Yehuda, 2009: 49). Within

this case, the principle claims-makers which promulgated panic were 2) the media, and 3) members of interest/pressure groups. Action groups ranged from those directly opposed to Sharia (and sometimes Islam in general), feminist organizations concerned due to their understanding of Sharia and Islam, Muslim groups in favour of a more secularized Islam, and to a lesser extent, those concerned with religious arbitration or private arbitration in general. As mentioned within Cohen's criteria for experts involved (see C4), some of the most prominent members within these groups were those with first-hand experience with violent Sharia enforcement.

In regards to strategies, these interest groups took on a multifaceted approach by appealing to the government through meetings and petitions and alerting the general public through speaking to popular media, organizing protests, and submitting their concerns on various websites and subsequently receiving international support. Meanwhile, the media maintained its approach of displaying two extreme sides to the dispute, more often citing opposition to Sharia.

Within the OSD case, the issue with the concept of a 'counter-claims-maker' is that it seems to imply attempts to negate or overpower the claims of others. As portrayed by the media, these would be the religiously extreme, pushing their ideals onto fellow believers. In reality, many experts who received insufficient attention were not seeking to utterly refute either stance; instead, they impressed both the value of religious arbitration and the need to govern its results. In the end, these claims-makers were unsuccessful in affecting the final policy.

G7. Originating claims-maker group (Goode & Ben-Yehuda, 2009: 49)

Of the five spheres of claims making, it is interesting that the OSD appears to have been sparked by the group Goode & Ben-Yehuda's least recognized as active participants in a moral panic: the media. Also worth noting is how the media's involvement was stimulated by the actions of members within a stereotyped group, but instead by the statements made by one member of such a group: Mumtaz Ali spoke in a falsely universal tone in regards to application and duty of Sharia, which served as a polarizing catalyst for the panic. As a result, media and interest groups focused on the coercive aspects of his presentation to serve as confirmation of Sharia's nefarious and anti-democratic nature. Within the OSD, government authorities were certainly not the originating source of moral panic.

G8. Created by interest groups, grass-roots, elite-engineered, or mix (Goode & Ben-Yehuda, 1994: 124)

This is one criterion which is difficult to discern within the OSD, as it depends where one would theoretically place the role of the media, which had the clearest role in initialising wider responses of concern. Based on Goode & Ben-Yehuda's understanding, this media influence would categorise the OSD as initially a grass-roots panic, wherein the media promoted panics "percolate up from the fears and concerns of the community at large" (Goode & Ben-Yehuda, 2009: 89). Unfortunately, when probed further, this theory becomes a complex case of the 'chicken and egg' conundrum. Fears and assumptions about Islamic practices have existed for many lifetimes, and public sensitization has ebbed and flowed according to global events.

After its initiation by the media, the OSD became a more decidedly interest group-fueled panic. While the media and public had an extensive inventory of imagery and assumptions regarding Islam, it was predominantly certain interest groups that most assertively made use of these stereotypes, expressing them not only to the media, but online and through public protest.

Goode & Ben-Yehuda's conceptualization of the elite is not thoroughly defined, though for the most part they appear to relate it back to Hall et al.'s categories (see H). With that in mind, the OSD scarcely qualifies as an elite-engineered panic. One could put forward media moguls as members of the elite, thus potentially qualifying the OSD; however, there are two concerns with this. First would be the need to identify the level of involvement these individuals had on the mass of articles written; second is the fact that, given Goode & Ben-Yehuda's tendency to overlook media roles as actively directing some panics, media members would likely not be placed within the elite according to their model.

G9. Beyond moral crusading (Goode & Ben-Yehuda, 1994: 20)

The tragedy of this criterion and term 'moral crusade' is that the key characters portrayed within the OSD (the Arab Muslim and the Enlightened Westerner) are the same roles set at odds during the age of the Crusades. For Goode & Ben-Yehuda (1994), the crusader within a moral crusade can also be labelled as a moral entrepreneur (20). This role is clearly identifiable in the members of interest groups seeking moral protectionism against the practices of a different societal system. On the other hand, according to these authors, a moral crusade is necessarily powered by the efforts of these entrepreneurs to

form it, while a moral panic can form from the activities of various other claims-maker cohorts. The OSD mirrors such a differentiation between a typical crusade and a moral panic: the media promulgated the panic, while moral entrepreneurs 'jumped on the bandwagon' (Goode & Ben-Yehuda, 1994: 20).

6.3.1 – Assessment

Overall, there was evidence of each of Goode & Ben-Yehuda's five attributes of moral panics within the OSD. The element which required the most caution was the measure of consensus; however, as with concern and hostility, Goode & Ben-Yehuda's model proved flexible enough to allow for some variability without appearing overtly lax in their requirements. The consideration of dynamics within claims-maker cohorts, their motivations and approaches, is also a point of strength in Goode & Ben-Yehuda's approach.

As noted by critics, one of the greatest short-comings in these authors' approach is their downplaying of the media's role as potential creators, promulgators, or reducers of moral panic events. Particularly for the OSD, this complicates identifying the origins of the moral panic as being top-down, bottom-up, or mid-society. This is further complicated by the model's more inward-looking analysis. What led to, or resulted from, the moral panic is of lesser concern and is explored based on the prerogative of the individual analyst. In essence, the attributional model serves as an excellent means of diagnosing moral panics; however, some additional criteria would be needed to better explain the influences of history and the discourses or roles it produces.

6.4 – Critcher

Like Goode & Ben-Yehuda, Critcher's model has the benefit of having been applied to various unique cases in his work. An additional benefit is his attempt to incorporate the most valuable indicators from the other models into his own. As a result, some of his elements have been successfully identified within the other models; however, some of his questions push to further elaborate such themes. The advantages and challenges this presents is identified through applying this framework.

R1. Emergence: symbolic threat (Critcher, 2003: 154)

While the nature of the OSD panic's emergence is explored within both Cohen and Hall (see C1 and H11), Critcher's rendition of this criterion is more direct than either author, in that it pushes analysts to immediately identify what the threat symbolized from the beginning of the panic. Unfortunately, this approach can belie the fact the certain symbolic threats can be pre-determined long before a panic emerges, when it is seen as a more distant threat. For the OSD, the symbolic and physical threat seen to exude from Muslims existed well before Mumtaz Ali's announcement and media reaction to it. Regardless, the OSD did bring this recognized threat, and what its integration meant for the Ontarian values and identity, to the fore.

R2. Media consensus (Critcher, 2003: 154; Critcher, 2014: 156)

The difficulty with this element is that the media did not necessarily "as a whole accept a single definition of the problem" (Critcher, 2003: 154). Sometimes, even within the same edition of a newspaper, there could be one diagnosis of the problem and

identification of the folk devil in one segment and a rebutting redirection in another. Regardless, as reflected in C2 and G3, the overarching media voice was focused on the impending threat of Islamic practices coming into Canada.

R3. Actions of claims-makers/moral entrepreneurs (Critcher, 2003: 154)

This is another element which, taken strictly, could disqualify the OSD as a moral panic. According to Critcher (2003: 254), there should be “organized groups supporting the panic and none disputing it”. For the OSD, this goes against the facts: as mentioned in G3, there were indeed organizations and notable individuals pushing to have certain rights of Muslims and other religious citizens maintained. Despite this, the OSD could fit within Critcher’s ideal type if he allowed for the consideration of the ultimate futility of these counter-efforts.

R4. Experts (Critcher, 2003: 154)

This element mirrors that within Cohen’s model (see C4); however, it bears repeating that the selection of ‘experts’ frequently appeared to be based on their experiential knowledge, rather than their knowledge of Ontario law.

R5. Restrictive policies (Critcher, 2003: 154)

This serves as a more specific criterion adapted from Cohen’s focus on the possible means of coping or resolution (see C5). The restrictive policy was to remove the province’s legal support of any domestic agreements forged through religious arbitration.

R6. Constructing public opinion; triggering group (Critcher, 2003: 177); elite consensus (Critcher, 2014: 158)

One of the major values in this element is its inclusion of the media and pressure groups within the categories of elite groups. This separates Critcher's definition from the less-defined or overly exclusive depictions in the other frameworks; however, his assumption that events must be "triggered among elite groups" (Critcher 2003: 177) excludes the possibility of a grass-roots panic.

Reiterating what was mentioned for Cohen and Hall (again, see C1 and H11), the media appear to have triggered the OSD panic; however, as mentioned for Goode & Ben-Yehuda's element of consensus and in Critcher's previous focus on consensus specific to the media (see G3 and R2), there were two predominant sets of voices being portrayed. One of these sets appeared "united in their condemnation of the issue" (ibid: 177), while the other denied the existence of a problem being caused by the folk devils and instead put forward a set of problems these folk devils were enduring from the greater public.

Finally, since – as Critcher concedes – it is difficult to gauge the true measure of public opinion and consensus and to what degree the elite groups have fabricated these. Cohen had the benefit of interviewing citizens for his research. In exploring the OSD long after the events, trying to determine how public opinion was constructed would be tentative, and would require extensive comparisons between the messages of the elite and public responses. For that particular point in time, this would entail reviewing blogs, online newspaper comment forums, and other then-budding social peer media resources.

R7. Volatility and recurrence (Critcher, 2014: 158)

This criterion takes Goode & Ben-Yehuda's element and merges it with Cohen's question of how a moral panic fades away. Elucidations can be reviewed within C6 and G5.

R8. Hierarchical discourses; "single, incontestable discourse" (Critcher, 2014: 177); risk discourses

Those analysts referring to the discourses occurring within the OSD had primarily focused on the discourses of Orientalism and in particular, the concept of the Muslim 'Other' entering into Western society. Widening the scope, they focused on "discourses of race, gender, and religious difference" (Zine, 2012: 279). This shares a similar critical perspective with the one reflected in Hall's work. On the other hand, based on the existing OSD literature, it would be a weak argument to suggest that this constituted a uniformly unrefuted discourse. To do so would likely require an extensive discourse analysis of as many primary sources of the narrative as possible.

In regards to the discourses of risk, Critcher focuses on evidence of risk being experienced as "manageable, associated with individual choice and responsibility and central to human subjectivity" (Critcher, 2003: 165). Within cases such as the OSD, this means a risk is presented as being a threat to the society's moral values, and citizens individually respond accordingly. "Since conduct defined as deviant transgresses the basic rules of the community, responses are intense" (ibid: 165). This depiction seems to sync well with the OSD narrative.

R9. Moral boundary-setting (Cricher, 2014: 177)

This final element serves as a more focused analysis of Cohen's concept of the moral panic's legacy (see C7). It also invites an exploration not just of the effects of the end result, but of the process that led to it. For the OSD, the focus during the debate was to protect Canadian moral and legal values from being tainted by the practices of the Muslim Other. In this way, Muslims in support of Sharia were certainly viewed as "beyond the pale" (ibid: 177). By the end, the government's decision against all forms of religious family arbitration implicitly dragged followers of other faiths into the role of the morally suspect.

6.4.1 – Assessment

In most instances, Critcher's framework for a moral panic appears to be the most stringent. This may, in part, be due to his motivation to tidy up loose ends within the other models. In fact, some of his elements are the result of successfully merging concepts from each model and creating stricter criteria for them. The issue with this approach is that some of his restrictive assumptions may not allow for sufficient consideration of the dynamics within a case which has an array of varying involved and accepted voices.

Some of Critcher's additional elements, such as the construction of public opinion and the discourses of risk or moral boundary-setting, appear to be more concomitant than predicting elements within most moral panics. While the OSD analysis presents some evidence for the latter two, greater analysis of the various interacting 'hierarchical discourses' (ibid: 177) would be required to provide a confident explanation of all three,

and this may not be necessary to qualify an event as a moral panic. As such, while some of Critcher's appear unnecessary for classifying a moral panic, those which are more clearly required are treated too rigidly. As a result, it is debatable whether or not Critcher's framework would explain the dynamics of the OSD as a contemporary moral panic.

6.5 – Final Comparisons

These four moral panic frameworks present interesting sets of strengths and weaknesses. While Cohen and Goode & Ben-Yehuda are quite broad in their qualifying criteria, Hall and Critcher are rigid in theirs. Meanwhile, Cohen and Goode & Ben-Yehuda are more apt to explore components of a moral panic in isolation, and Hall and Critcher invite a very broad consideration of factors which are more extraneous to the event. Finally, Cohen and Goode & Ben-Yehuda's models do not thoroughly explore the motivations and benefits derived by the different claims-makers involved, while Hall and Critcher border on conspiratorial assumptions in that regard. Ultimately, the work of the latter authors provided the least confidence in qualifying the OSD as a moral panic, which leaves the models of Cohen and Goode & Ben-Yehuda.

Looking back to the two most popularised models, it is difficult to determine which had the most explanatory power for the OSD case. Goode & Ben-Yehuda's approach allowed for a successful elaboration of each of the five themes identified within the OSD, with the least explored being the reasoning behind skewing the focus away from underlying issues. Meanwhile, Cohen's model helped to explain how elements contributing to the moral panic had to interact in just such a pattern that the panic was not

derailed, prolonged, or made recognizable before its full fruition. In summation, both models have an important value for exploring moral panics. The attributional model appears to be most useful for diagnosing a moral panic and would be most important during the evidence-gathering phase of analysis. The processual model then assists in determining if the interaction of these elements follows the typical trajectory. The major drawback in selecting these two models is the reality that further exploration of the underlying factors (discourses, historical influences, hegemony, psychological motivations and justifications) remains largely up to the prerogative of the individual researcher.

6.6 – Conclusion

This chapter has used each of the moral panic frameworks to draw out explanations for and within the Ontario Sharia Debate. Based on the results of the implemented criteria, each framework is assessed for its capacity to diagnose and depict the OSD as a moral panic. Each model had shortcomings, but the ultimate conclusion was that both the models of Cohen and Goode & Ben-Yehuda provide the most explanatory power, yet it was also noted that neither model exhausted all of the potential elements that might be argued to be present in a moral panic. The final chapter will reiterate this conclusion, and explore its implications for future moral panic studies, particularly those involving Islam and its place within a secular, multicultural, Western democracy.

Conclusion

Review

The moral panic concept has been popularized and applied to numerous phenomena and using varying approaches for nearly half a century. With its spread and adaptations, it has also had its share of concerns and critics. Overall, despite its contested aspects, the concept continues to be an active and valuable means of explaining certain events. Much of both the criticism and praise has been directed at four prominent models: Cohen (1972), Hall et al. (1978), Goode & Ben-Yehuda (1994), and Critcher (2003). This thesis has explored the work of each of these authors to see which analytical framework could best aid in identifying and explaining if the Ontario Sharia Debate may be understood as a moral panic.

Through the analysis conducted in this thesis, the OSD was revealed to be an instance where much of what was presented, assumed, and asserted in the debate served to re-enforce a “disjuncture between the fears expressed ...and the realities of on-the-ground practices” (Selby & Korteweg, 2012: 13). This disproportion in claims being made, along with the resulting disproportionate reactions are hallmark elements within most theorists’ conception of a typical moral panic. Beyond this staple criterion, the moral panic frameworks diverge in their capacity to account for what occurred in Ontario. This has led to an interesting set of findings, and a unique appreciation for each moral panic approach.

Findings

The value of each moral panic framework can be located within a spectrum ranging from the immediate applicability of core elements, to inviting complexly intricate analysis of interrelated themes. On one end of this spectrum stands Goode & Ben-Yehuda's model. Despite a slight degree of ambiguity in some of their terms, their five elements were readily identifiable within the OSD and presented the opportunity to note key themes within the case; however, their model also provided the least explanatory power for how such elements or attributes must necessarily interact to ensure a full-fledged panic.

On the other end of this spectrum, Hall's example encouraged an approach which focused more heavily on determining evidence of causations, and what can be viewed as a *thick description*¹⁹ of what transpired and why; however, comparing the OSD with the depth of his moral panic depictions would require a much wider scope of investigation than explorations of the OSD alone can provide. Essentially, there is difficulty in implementing Hall's approach to explore a single case, rather than a series of both moral panics and related social phenomena.

A similar concern can be raised in regards to the implementation of Critcher's (2003; 2014) alterations and extensions of previous models' criteria for qualifying a moral panic. In determining and redefining which previous criteria still fit within his chosen cases (which had generally involved either a sequence of moral panics and/or

¹⁹ Geertz (1973) presented 'thick description' as an ethnographic goal "not to generalize across cases but to generalize within them" (26), through the elaboration of "narratives and accounts that attempt to capture the meanings and experiences of interacting individuals in problematic situations" (Denzin, 2001: 41).

were individually comparable to similar events in other countries), his expectations for moral panic identification may have been too narrowed by cases with similarly evident and comparable counterparts. If the strict themes, roles, and processes Critcher derived from his cases are not present in the same degree and kind for a new case, there would be challenges in using his framework to explain what transpired.

Between the more lax criteria of Goode & Ben-Yehuda and the more stringent expectations of Critcher, Cohen's (1972) predictions of how a moral panic transpires provides an appropriate filter for those cases which have all the right ingredients to form a moral panic, but which do not interact in the right measure, thus derailing a cogent moral panic. As a result, Cohen's model is capable of disqualifying cases; however, his criteria does not run as great a risk of negating an event which others would heatedly debate as an authentic panic.

In keeping with the idea of filtration, moral panic analysis appears to be very much an exercise in sifting important information within a case; much like an archaeologist uses a series of sieving trays to carefully discover artifacts. As such, exploration should begin with 'broader mesh', such as Goode & Ben-Yehuda's criteria, which provides an appropriate preliminary screening stage. Following this, Cohen's processual model provides tighter restrictions for failed combinations of these elements. At this point, with the support of two models, a case should be generally accepted as a legitimate moral panic. Subsequent application of Critcher or Hall would then have analysts search for specific types of moral panic.

Overall, application of the attributional model and then the processual model presents an ideal means to identify a moral panic; however, they are most valuable if

treated as an initial, heuristic step in exploring an event. They do not account for some of the more embedded, underlying, and recurrent aspects of social phenomena. Frameworks such as those envisioned by Hall and Critcher can assist in this, in particular the consideration of Hall's 'crisis of hegemony' or Critcher's recommended discourse analyses and mapping of moral regulation. It is important, though, to note that these are a few approaches among many possible avenues of study. For example, if acutely explored through Hall's Marxian approach, the OSD might be reflected as one case among many that result from the negotiations of power and authority in society; however, disproving such a relation does not refute the case's moral panic status.

Based on these assessments, the OSD contained all the typical elements and all the predicted processes: it qualifies as a moral panic, based on the theories of both Cohen and Goode & Ben-Yehuda. Their models also account for the series of events and important themes within the case. This confirmation now presents opportunities for further explorations. The OSD can be compared to other moral panics and failed moral panics both within and beyond Canadian borders. It can be traced alongside other social phenomena. It can capture the interest of social theorists and policymakers alike. At the very least, it can serve as a cautionary tale.

Closing Remarks

An interesting irony has come to the fore through the process of this project. Amongst those claims-makers opposed to Sharia, one of the greatest concerns and implicit assumptions was the contrasting levels of effort to adhere to Canadian guidelines (legislations on human rights, in particular) when comparing different faiths and their use of dispute resolution. This case was then explored through the lens of a theory which has raised similar concerns about its varying approaches and criteria. This was ultimately a project exploring a public and political debate, by delving into a theoretical one.

As Marion Boyd was charged with the task of determining the lasting role of religious arbitration in Ontario, this project has endeavoured to discern the continued value of moral panic theory within such a situation. Ultimately, the verdict for moral panic analysis is the same as Boyd's (2004) recommendations for religious arbitration: it can be complex, it can be applied inappropriately or overzealously, and it needs consistent but adaptive guidelines to maintain its integrity. Both are also extremely valuable and can account for circumstances no other approaches can. Religious arbitration can fully consider the spiritual needs and responsibilities of its clients in ways secular courts likely cannot. Meanwhile, the ruling for the moral panic concept is similar: "We cannot yet do without it" (Cricher, 2003: 178). It provides a valuable opportunity to explore the changes and consistencies in how society deals with issues of social anxiety and how it reacts to various socially defined problems.

Stemming from this final revelation, this project concludes with two recommendations:

- that the moral panic concept continue to be tested and scrutinized through its application to both unique and related phenomena within various social settings; and,
- in the same spirit of incorporation and improvement, that the case for religious arbitration be politically readdressed within the province of Ontario, with greater efforts to disseminate the important factors that many suggest were gravely overlooked the first time around

This latter recommendation speaks to an underlying hope likely held by the unjaded moral panic analysts of the world: that the thorough diagnosis of a moral panic event could lead to a reconsideration of the resulting policies and an effort to alleviate other lasting negative effects the panicked reactions had on the folk devils, their supporters, and the society as a whole.

Bibliography

- Arbitration Act, 1991, SO 1991, c 17. In force 1992 to 2006, retrieved from: <http://canlii.ca/t/1jk5>; In force 2007 to 2009, retrieved from: <http://canlii.ca/t/1jk8>
- Bader, V. (2009). Legal pluralism and differentiated morality: Shari'a in Ontario? In R. D. Grillo, R. Ballard, A. Ferrari, A. Hoekema, M. Maussen, & P. Shah (Eds.), *Legal practice and cultural diversity* (49-72). Farnham, Surrey, England: Ashgate Pub.
- Bailey, O. G., Cammaert, B., & Carpentier, N. (2008). *Understanding alternative media*. New York: McGraw Hill/Open University Press.
- Bakht, N. (2005). Were Muslim barbarians really knocking on the gates of Ontario? The religious arbitration controversy – another perspective.' *Ottawa Law Review, 40th Anniversary Edition* (35), 67– 82.
- . (2007). Religious arbitration in Canada: Protecting women by protecting them from religion. *Canadian Journal of Women and the Law*, 19(1), 119-144.
- Beck, U. (1992). *Risk society: Towards a new modernity*. London: Sage Publications.
- Becker, H.S. (1963). *Outsiders: Studies in the sociology of deviance*. New York: The Free Press.
- Best, J. (1993). But seriously folks: The limitations of the strict constructionist interpretation of social problems. In J.A. Holstein & G. Miller (Eds.), *Reconsidering social constructionism* (129-147). New York: Aldine de Gruyter.
- . (2011). Locating moral panics within the sociology of social problems. In: S. Hier (Ed.), *Moral panic and the politics of anxiety* (37-52). New York: Routledge.
- . (2013). The problems with moral panic: The concept's limitations. In C. Krinsky (Ed.), *The Ashgate research companion to moral panics* (67-78). Farnham, Surrey, England: Ashgate.

- Bogard, C. & Linders, A. (2000). *The social construction of social problems: Comparative solutions to problems of context*. Paper presented at the annual meeting of the North Central Sociological Association. Pittsburgh, Penn.
- Boyd, M. (2004). *Dispute resolution in family law: Protecting choice, promoting inclusion*. Toronto: Ontario Ministry of the Attorney General.
- Brown, A. (2012). Managing the mosaic: The work of form in 'Dispute resolution in family law: Protecting choice, promoting inclusion'. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (329-350). Toronto: University of Toronto Press.
- Bullock, K. (2012). 'The Muslims have ruined our party': A case study of Ontario media portrayals of supporters of faith-based arbitration. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (257-276). Toronto: University of Toronto Press.
- Cahir, J. & Noble, G. (2007). It's a security thing: Mobile phones and moral regulation. In S. Poynting & G. Morgan (Eds.), *Outrageous: Moral panics in Australia* (137-147). Hobart: ACYS Publishing.
- Cesari, J. (2012). Foreword: Sharia and the future of Western secularism. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (5-11). Toronto: University of Toronto Press.
- Clarke, J. (2008). Still policing the crisis? *Crime Media Culture*, 4, 123-129.
- Clarke, L. (2012). Asking questions about sharia: Lessons from Ontario. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration*. Toronto: University of Toronto Press.
- Cohen, S. (1971). *Images of deviance*. Harmondsworth: Penguin.
- . (1972). *Folk devils and moral panics: The creation of the Mods and Rockers*. London: MacGibbon and Kee.
- . (1980). *Folk devils and moral panics: The creation of the Mods and Rockers* (2nd ed.). Oxford: Blackwell.

- . (2011). *Folk devils and moral panics: The creation of the Mods and Rockers* (3rd ed.). London: Routledge.
- Collins, J. (2013). Moral panics, governmentality and the media: A comparative approach to the analysis of illegal drug use in the news. In C. Critcher, J. Hughes, J. Petley, & A. Rohloff, A. (Eds.). *Moral panics in the contemporary world* (125-143). New York: Bloomsbury.
- Cornwell, B. & Linders, A. (2002). The myth of "moral panic": An alternative account of LSD prohibition. *Deviant Behavior*, 23(4), 307-330.
- Critcher, C. (2000). 'Still raving': social reaction to Ecstasy. *Leisure Studies*, 19(3), 145-162.
- . (2003). *Moral panics and the media*. Buckingham, UK: Open University Press.
- . (2008). Moral panics analysis: Past, present and future." *Sociology Compass*, 2(4), 1127-1144.
- . (2009). Widening the focus: Moral panics as moral regulation. *British Journal of Criminology*, 49(1): 17-34.
- . (2010). *For a political economy of moral panics and moral regulation*. Presentation at the Moral panics in the contemporary world conference. Brunel University, London, UK. Video retrieved from:
https://www.youtube.com/watch?v=4OAKdGddm_I
- . (2011). For a political economy of moral panics. *Crime, Media, Culture*, 7(3): 259-275.
- . (2014). New perspectives on anti-doping policy: from moral panic to moral regulation. *International Journal of Sport Policy and Politics*, 6(2), 153-169.
- Cutting, C. (2012). Faith-based arbitration or religious divorce: What was the issue? In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (66-88). Toronto: University of Toronto Press.
- Denney, D. (2005). *Risk and society*. London: Sage.

- Denzin, N. K. (2001). *Interpretive interactionism* (2nd ed.). Thousand Oaks, Calif: Sage Publications.
- De Souza, M. (2005, March 11). Quebec leaders warn Ontario: Reject Sharia: Minister wants immigrants who support it barred. *National Post*.
- DeYoung, M. (1998). Another look at moral panics: The case of satanic day care centers. *Deviant Behavior* 19, 257-78.
- . (2004). *The day care ritual abuse moral panic*. Jefferson, NC: McFarland & Company.
- . (2011). Folk devils reconsidered. In S. Hier (ed.), *Moral panic and the politics of anxiety* (118-133). New York: Routledge.
- . (2013). Considering the agency of folk devils. In C. Krinsky (ed.), *The Ashgate research companion to moral panics* (141-154). Farnham, Surrey, England: Ashgate.
- Doran, N. (2008). Decoding encoding: Moral panics, media practices and Marxist presuppositions. *Theoretical Criminology*, 12(2): 191-221.
- Emon, A. M. (2012). Islamic Law and the Canadian mosaic: Politics, jurisprudence, and multicultural accommodation. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (192-228). Toronto: University of Toronto Press.
- Garland, D. (2008). On the concept of moral panic. *Crime, Media, Culture* 4(1), 9-30.
- Geertz, C. (1973). *The interpretation of cultures: Selected essays*. New York: Basic Books.
- Goode, E., & Ben-Yehuda, N. (1994). *Moral panics: The social construction of deviance*. Oxford, UK: Blackwell.
- . (2009). *Moral panics: The social construction of deviance* (2nd ed.). Chichester, UK: Wiley- Blackwell.

- Gottschalk, P., & Greenberg, G. (2008). *Islamophobia: Making Muslims the enemy*. Lanham: Rowman & Littlefield Publishers.
- Hall, S., Critcher, C., Jefferson, T., Clarke, J., & Roberts, B. (1978). *Policing the crisis: Mugging, the state, and law and order*. London: Macmillan.
- Hallaq, W. B. (1986). On the origins of the controversy about the existence of mujtahids and the gate of ijihad. *Studia Islamica*, 63, 129-141.
- Hampton, H. (1991, March 27). "Statement by the Ministry: Alternative dispute resolution". Ontario Legislative Assembly, *Official Report of Debates (Hansard)*. Retrieved from <http://hansardindex.ontla.on.ca/hansardeissue/35-1/1007.htm>
- Hartley, J. (2012). *Digital futures for cultural and media studies*. Chichester, West Sussex: Wiley-Blackwell.
- Hayle, S.J. (2013). Folk devils without moral panics: Discovering concepts in the sociology of evil. *International Journal of Criminology and Sociological Theory*, 6(2), 1125-1137.
- Hier, S. P. (2001). *Risk, panics and moral politics in Canada* (Doctoral thesis). Retrieved from ProQuest Dissertations and Theses. (Accession Order No. NQ80721).
- . (2002). Raves, risks and the Ecstasy panic: A case study in the subversive nature of moral regulation. *Canadian Journal of Sociology*, 27(1), 33-57.
- . (2003). Risk and panic in late modernity: implications of the converging sites of social anxiety. *British Journal of Sociology*, 54(1), 3-20.
- . (2010). A productive alliance: Linking the sociologies of moral panic and moral regulation. Presentation at the Moral panics in the contemporary world conference. Brunel University, London, UK. Video retrieved from: <https://www.youtube.com/watch?v=j7sYnlSICFg>
- . (2011a). *Moral panic and the politics of anxiety*. New York: Routledge.
- . (2011b). Tightening the focus: Moral panic, moral regulation and liberal government. *British Journal of Sociology*, 62(3), 523-541.

- Hunt, A. (1997). Moral panic and moral language in the media. *British Journal of Sociology* 48 (4), 629-48.
- . (2011). Fractious rivals? Moral panics and moral regulation. In: S. Hier (Ed.) *Moral panics and the politics of anxiety* (53-70). New York: Routledge.
- Jenkins, P. (1992). *Intimate enemies: Moral panics in contemporary Great Britain*. New York: Aldine de Gruyter.
- . (1998). *Moral panic: Changing concepts of the child molester in modern America*. New Haven: Yale University Press.
- Jewkes, Y. (2011). *Media & crime: A critical introduction*. London: Sage.
- Johnson, N. (1987). Panic and the breakdown of social order: Popular myth, social theory, empirical evidence. *Sociological Focus*, 20(3), 171-83.
- Jones, P. (1997). Moral panic: The legacy of Stan Cohen and Stuart Hall. *Media International Australia*, 85: 6-16.
- Khan, S. (2005). Racism, feminism, and the Sharia debate. *Briar Patch*, 34(7), 32.
- . (2007). The Ontario Sharia Debate: Transformational accommodation, multiculturalism and Muslim identity. In K. Banting, T.J. Courchene, & F.L. Seidle (Eds.), *Belonging?: Diversity, recognition and shared citizenship in Canada* (475-485). Montreal: Institute for Research on Public.
- Klocke, B. V., & Muschert, G. W. (May 01, 2010). A hybrid model of moral panics: Synthesizing the theory and practice of moral panic research. *Sociology Compass*, 4(5), 295-309.
- . (2013). Practicing moral panic research: A hybrid model with guidelines for its application. In C. Krinsky (Ed.), *The Ashgate research companion to moral panics* (415-428). Farnham, Surrey, England: Ashgate.
- Korteweg, A. C. (2006, Jan. 01). The Sharia Debate in Ontario. *ISIM Review*, 18, 50-51.
- . (2008). The Sharia Debate in Ontario. *Gender & Society*, 22(4), 434-454.

- . (2012). Agency and representations: Voices and silences in the Ontario Sharia Debate. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (307-326). Toronto: University of Toronto Press.
- Krinsky, C. (2013a). Introduction: The moral panic concept. In C. Krinsky (Ed.), *The Ashgate research companion to moral panics* (1-14). Farnham, Surrey, England: Ashgate.
- Krinsky, C. (2013b). Overview of Part VI. . In C. Krinsky (Ed.), *The Ashgate research companion to moral panics* (227-231). Farnham, Surrey, England: Ashgate.
- Kundnani, A. (2014). *The Muslims are coming! Islamophobia, extremism and the domestic war on terror*. London: Verso.
- Kutty, F. (2012). ‘Sharia’ courts in Canada: A delayed opportunity for the indigenization of Islamic legal rulings. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (123-150). Toronto: University of Toronto Press.
- Lashmar, P. (2013). The journalist, folk devil. In C. Critcher, J. Hughes, J. Petley, & A. Rohloff, A. (Eds.). *Moral panics in the contemporary world* (51-71). New York: Bloomsbury.
- Lemert, E. M. (1951). *Social pathology: A systematic approach to the theory of sociopathic behavior*. New York: McGraw-Hill.
- Lundström, R. (2011). Between the exceptional and the ordinary: A model for the comparative analysis of moral panics and moral regulation. *Crime, Media, Culture*, 7, 313-332.
- MacFarlane, J. (2012). Practising an ‘Islamic imagination’: Islamic divorce in North America. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (35-65). Toronto: University of Toronto Press.
- Macklin, A. (2012). Multiculturalism meets privatization: The case of faith-based arbitration. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (91-122). Toronto: University of Toronto Press.

- Meades, J. (2011). The duality of the Devil: Realism, rationalism and representation. In S. Hier (ed.), *Moral panic and the politics of anxiety* (134-152). New York: Routledge.
- McGill, S. (2005) Religious tribunals and the Ontario Arbitration Act, 1991: The catalyst for change. *Journal of Law and Social Policy*, 20, 53-66.
- McClure, H. R. (2011). *The crystallization of a moral panic: A content analysis of Anglophone Canadian print media discourse on Arabs and Muslims pre- and post-9/11* (Doctoral dissertation). Retrieved from ProQuest Dissertations and Theses. (Accession Order No. 3487058).
- McRobbie, A., & Thornton, S. L. (1995). Rethinking 'moral panic' for multi-mediated social worlds. *British Journal of Sociology*, 46(4), 559-574.
- Miller, T. (2006). A risk society of moral panic. *Cultural Politics* 2(3), 299–318.
- Miller, D. & Kitzinger, J. (1998) AIDS, the policy process and moral panics. In D. Miller, J. Kitzinger, K. Williams & P. Beharrell (Eds.). *The circuit of mass communication: Media strategies, representation and audience reception in the AIDS crisis* (213-222). London: Sage.
- Moore, S.E.H. (2013). The cautionary tale: A new paradigm for studying media coverage of crime. In C. Critcher, J. Hughes, J. Petley, & A. Rohloff, A. (Eds.). *Moral panics in the contemporary world* (33-49). New York: Bloomsbury.
- Morgan, G., & Poynting, S. (2011). *Global Islamophobia: Muslims and moral panic in the West*. Farnham, Surrey: Ashgate Pub.
- Noble, G. (2011). Where's the moral in moral panic?: Islam, evil and moral turbulence. In G. Morgan & S. Poynting (Eds.), *Global Islamophobia: Muslims and moral panic in the West* (215-231). Farnham, Surrey: Ashgate Pub.
- Parton, N. (1985). *The politics of child abuse*. London, UK: Macmillan.
- Pearson, G. (1983). *Hooligan: A history of respectable fears*. London: Macmillan.
- Razack, S. (2007). The 'Sharia Law Debate' in Ontario: The modernity/premodernity distinction in legal efforts to protect women from culture. *Feminist Legal Studies*, 15(1), 3-32.

- . (2008). The Muslims are coming: The 'Sharia Debate' in Canada. In *Casting out: The eviction of Muslims from Western law and politics* (83–106). Toronto: University of Toronto Press.
- Reda, N. (2012). The 'good' Muslim, 'bad' Muslim puzzle?: The assertion of Muslim women's Islamic identity in the Sharia Debates in Canada. In A. Korteweg & J. Selby (Eds.). *Debating Sharia: Islam, gender politics, and family law arbitration* (231-256). Toronto: University of Toronto Press.
- Rohloff, A. (2011). Shifting the focus? Moral panics as civilizing and decivilizing processes. In S. Hier (Ed.) *Moral panic and the politics of anxiety* (71-86). New York: Routledge.
- Rohloff, A., & Wright, S. (2010). Moral panic and social theory: Beyond the heuristic. *Current Sociology*, 58(3), 403-419.
- Ruby, T. F. (2010). *Muslim women and shari'ah tribunals: Examining liberal-secular hegemonies* (Doctoral dissertation). Retrieved from ProQuest Dissertations and Theses. (Accession Order No. NR64949).
- . (2013). Muslim women and the Ontario Shari'ah tribunals: Discourses of race and imperial hegemony in the name of gender equality. *Women's Studies International Forum*, 38, 32-42.
- Said, E. W. (1979). *Orientalism*. New York: Vintage Books.
- Selby, J. (2012). Construing the secular: Implications of the Ontario Sharia Debate. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (351-374). Toronto: University of Toronto Press.
- Selby, J. & Korteweg, A. (2012). Introduction: Situating the Sharia Debate in Ontario. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (12-32). Toronto: University of Toronto Press.
- Schlesinger, P. (1990). Rethinking the sociology of journalism: Source strategies and the limits of media-centrism. In M. Ferguson (Ed.) *Public communication: The new imperatives* (61-83). London: Sage.

- Shaheen, J. G. (2009). *Reel bad Arabs: How Hollywood vilifies a people* (2nd ed.). Northampton, Mass: Olive Branch Press.
- Sharify-Funk, M. (2009). Representing Canadian Muslims: Media, Muslim advocacy organizations, and gender in the Ontario Shari'ah Debate. *Global Media Journal* 2(2), 73-89.
- Siddiqui, H. (2005, Sept. 15). Sharia is gone but fear and hostility remain. *Toronto Star*.
- Simmons, H. (2010). 'One law for all Ontarians'. *Toronto Star*.
- Spector, M. & Kitsuse, J.L. (1977). *Constructing social problems*. Menlo Park, CA: Cummings.
- Sumner, C. (1981). Race, crime and hegemony: A review essay. *Contemporary Crises*, 5(3), 277-291.
- Tartari, M. (2013). Moral panic and ritual abuse: Where's the risk? Findings of an ethnographic research study. In C. Critcher, J. Hughes, J. Petley, & A. Rohloff, A. (Eds.). *Moral panics in the contemporary world* (193-213). New York: Bloomsbury.
- Thompson, K. (1998). *Moral panics*. London: Routledge.
- Thompson, K., & Sharma, A. (1998). Secularization, moral regulation and the mass media. *British Journal of Sociology*, 49(3), 434-455.
- Thornback, J. (2005). The portrayal of sharia in Ontario. *Appeal, Review of Current Law and Law Reform*, 10, 1-12.
- Ungar, S. (2001). Moral panic versus the risk society: The implications of the changing sites of social anxiety. *British Journal of Sociology* 52(2), 271-91.
- . (2011). The artful creation of global moral panic: Climatic folk devils, environmental evangelicals, and the coming catastrophe. In: S. Hier (Ed.), *Moral panic and the politics of anxiety* (190-207). New York: Routledge,

- Waddington, P. (1986). Mugging as a moral panic: A question of proportion. *British Journal of Sociology*, 37(2), 245-259.
- Walby, K. & Spencer, D. (2011). How emotions matter to moral panics. In: S. Hier (Ed.), *Moral panic and the politics of anxiety* (104-117). New York: Routledge.
- Watney, S. (1987). *Policing desire: Pornography, AIDS, and the media*. London: Methuen.
- Weber, M. (1949). 'Objectivity' in social science and social policy. In E.A. Shils & H.A. Finch (Trans. & Eds.), *The methodology of social sciences*. New York: Free Press.
- . (2002). The Protestant ethic. In P. Baehr & G. C. Wells (Trans. & Eds.), *The Protestant ethic and the 'spirit' of capitalism and other writings*. New York: Penguin.
- Weinrib, L.E. (2008). Ontario's Sharia Law Debate: Law and politics under the Charter. In R. Moon (Ed.), *Law and religious pluralism in Canada* (239-263). Vancouver: UBC Press.
- Wilkins, L. (1964). *Social deviance: Social policy, action and research*. London: Tavistock.
- Williams, R. (1977). *Marxism and literature*. Oxford: Oxford University Press.
- Yeomans, H. (2013). Theorizing alcohol in public discourse: Moral panics or moral regulation? In C. Critcher, J. Hughes, J. Petley, & A. Rohloff, A. (Eds.). *Moral panics in the contemporary world* (101-124). New York: Bloomsbury.
- Young, J. (1971) *The drugtakers: The social meaning of drug use*. London: Judson, McGibbon and Kee.
- Zine, J. (2012). Sharia in Canada?: Mapping discourses of race, gender, and religious difference. In A. Korteweg & J. Selby (Eds.), *Debating Sharia: Islam, gender politics, and family law arbitration* (279-306). Toronto: University of Toronto Press.
- Zuber, T. (1987). *Report of the Ontario courts inquiry*. Toronto: Ontario Ministry of the Attorney General.

Appendix I – OSD Analysts

1 – Communication/Media Studies
 2 – Cultural Studies
 3 – Gender/Women’s Studies
 4 – Law

5 – Muslim/Religious Studies
 6 – Political Science/Philosophy
 7 - Sociology

	1	2	3	4	5	6	7
Bader (2009)							
Bakht (2005/2007)							
Boyd (2004)							
Brown (2012)							
Bullock (2012)							
Cesari (2012)							
Clarke (2012)							
Cutting (2012)							
Emon (2012)							
Khan (2005/2007)							
Korteweg (2006, '08, '12)							
Kutty (2012)							
MacFarlane (2012)							
Macklin (2012)							
McGill (2005)							
Razack (2007/2008)							
Reda (2012)							
Ruby (2010/13)							
Selby (2012)							
Sharify-Funk (2009)							
Thornback (2005)							
Weinrib (2008)							
Zine (2012)							

Curriculum Vitae

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University of New Brunswick, MPhil - Policy Studies, 2015

Conference Presentations:

“Islam in Canada: A worldviews approach to locating (real or perceived) multicultural tensions” presented at the Canadian Sociological Association’s Conference at Congress of Humanities and Social Sciences, Ottawa, ON, June 2015.

“Je me souviens: Reflecting upon influences within Quebec's education system” paper presented at the Canadian Sociological Association’s Conference at Congress of Humanities and Social Sciences. Brock University, St, Catherines, ON, June 2014.

“Solutions without a problem? The contemporary effects of moral panic on government decisions” poster presented at the UNB Graduate Student Association’s annual Graduate Research Conference. University of New Brunswick, Fredericton, New Brunswick, May 2014.