

Un diritto penale “funzionalmente simbolico”?

MARCO SCOLETTA

A Rational Function for the Symbolic Criminal Law?

Abstract: The Author questions the possibility and the limits of recognising a rational normative function to the so-called “symbolic criminal law”, which traditionally has a very negative connotation. In particular, he wonders whether the symbolic norm can positively influence citizens’ behaviors through the mere threat of punishment (even if it is not intended to be applied).

Keywords: Criminal law, Symbolic function, Effectiveness, Deterrence effect, Prevention of crime, Violence against woman.

notizie di POLITEIA, XLI, 157, 2025. ISSN 1128-2401 pp. 153-158